

# Aberdeen Zoning Code Update

November 26, 2024

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## DIVISION 17.1 – GENERAL PROVISIONS

Chapter 17.10 – General Provisions.

Chapter 17.11 – Definitions.

### Chapter 17.10 – GENERAL PROVISIONS

#### 17.10.010 - Title.

Chapters 17.04 through 17.68 shall be known as the "Aberdeen Zoning Code."

#### 17.10.020 - Effect.

Chapters 17.04 through 17.96, and the zoning map thereby adopted, shall regulate the use and development of land and water within the city of Aberdeen.

#### 17.10.030 - Purpose.

The purpose of this title is to implement the comprehensive plan and state laws related to land use and development in a manner that is clear, concise, and understandable.

#### 17.10.040 - Applicability.

This title is applicable to all land and land uses within the corporate limits of the City of Aberdeen, except as pre-empted by law or interlocal agreement. All city departments, and the city itself, are subject to this title.

#### 17.10.050 - Administration.

The director has the duty to administer this title.

#### 17.10.060 – Fees and costs.

- A. The city council shall establish by resolution fees or charges for applications, notices, plan reviews, permits, administrative actions, or appeals authorized under this Title. Applicants shall pay the appropriate fees or charges in effect at the time a completed application is submitted to the reviewing department. No application shall be reviewed or approved unless the appropriate fees and charges have been paid.
- B. The cost of postings, mailings, and publications shall be paid for by the applicant.

#### 17.10.070 – No special duty created.

- A. It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.
- B. Nothing contained in this title is intended to be nor may be construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of

this title or be a reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason of any action of the city related in any manner to enforcement of this title by its officers, agents or employees.

#### **17.10.080 – Savings.**

Nothing contained in this title may be construed as abating any action now pending under or by virtue of any ordinance of the city herein repealed, or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this title.

#### **17.10.090 – Inspections.**

Whenever the department has reasonable cause to believe that there exists in any building or premises any condition nonconforming with this title, the department may enter such building or premises. If the building or premises is occupied, the department shall first present proper credentials and demand entry; and if the building or premises is unoccupied, the department shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused the department shall have recourse to secure entry.

#### **17.10.100 – Violation of this title.**

It is unlawful for any person(s), firm, or corporation to take any action with any building or structure, utilize any property or subdivide any parcel in a manner not in conformance with any provision of this title. Failure to comply with decisions of the department or hearing examiner or permits issued under this title constitute violations of this title.

#### **17.10.110 – Penalties and remedies for violations.**

- A. The city of Aberdeen, through its authorized agents, may initiate injunction, abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provision of this title.
- B. Any person who violates or fails to comply with any provision of this title, or the owner of property upon which a violation of this title is located, shall be subject to a maximum penalty of five hundred dollars for each day or portion of a day that the violation continues; provided, however, that an owner of property who has not perpetrated the violation shall be subject to penalty only if demand for abatement or alteration of the violation has been mailed to said owner at his/her last known address by registered mail, return receipt requested, and the demand has remained unmet for more than thirty days.
- C. In addition to incurring civil liability under Section 17.96.090(B), the violation of or failure to comply with any of the provisions of this title is a misdemeanor and, upon conviction, a violator shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and/or by imprisonment in the city or county jail for not more than ninety (90) days for each separate offense. Each day or portion thereof upon which a violation appears constitutes a separate offense.

#### **17.10.120 – Order to stop work.**

Whenever any building or premises is being constructed contrary to the provisions of this title, the department may order the work stopped by notice in writing served on the legal or equitable property owner or any person causing such work to be done. Work shall remain stopped until such time that the

structure or use is made in compliance with this title and the department authorizes that work may proceed.

#### **17.10.130 – Actions brought prior to enactment of this title.**

Whenever any building or premises is being constructed contrary to the provisions of this title, the department may order the work stopped by notice in writing served on the legal or equitable property owner or any person causing such work to be done. Work shall remain stopped until such time that the structure or use is made in compliance with this title and the department authorizes that work may proceed.

#### **17.10.140 – Effect of concomitant agreements.**

All concomitant agreements or contract rezones entered into between the city of Aberdeen and owners of property within the city prior to the effective date of this title shall remain in effect following the effective date of this title.

#### **17.10.150 – Employees not personally liable for enforcement acts.**

Any employee charged with the enforcement of this title, acting in good faith and without malice for the city in the discharge of duties, shall not render himself/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the employee, because of such act or omission performed by them in the enforcement of any provisions of this title, shall be defended by the city until final termination of the proceedings.

#### **17.10.160 – Performance bonding required.**

- A. Where authorized by this title, the permit issuing authority may require a bond to ensure compliance with any requirements. The bond may be a nonrevocable letter of credit, set-aside letter, assignment of funds, certificate of deposit, deposit account, or other accessible source of funds in a form acceptable to the city. Interest from any interest-bearing form of bond will accrue to the benefit of the depositor. The bond shall specify the date and time by which the work which it guarantees shall be completed and state the date and time by which the city can negotiate the bond to obtain the funds to do the work it guarantees. In all cases the date and time for bond negotiation shall be at least 60 days after the deadline.
- B. The amount of the bond shall be calculated on the following basis as follows:
  - 1. The amount will be 150 percent of the cost of the work or improvements and shall be based on estimated costs immediately following the expiration of the bond together with the city's cost of obtaining funds from the bond and administering the project.
  - 2. A maintenance bond will not be less than 20 percent of the cost of replacing the improvement covered by the bond based on estimated costs on the last day covered by the bond together with the city's cost of obtaining funds from the bond and administering the project.
- C. In each case where the city requires or allows an applicant to establish a bond, the owner of subject property shall give the city a signed, notarized, irrevocable license to run with the property to allow the employees, agents or contractors of the city to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the bond. The applicant shall file this license with the department.
- D. After the work or improvements covered by a performance bond have been completed to the satisfaction of the city or at the end of the time covered by a maintenance bond, the applicant may request the city to release the bond. The city shall release such bond as expeditiously as possible after receipt of a request for release.



- E. If during the period of time covered by a bond the department determines that the work or improvements have not been complied with, the applicant will be notified. The notice shall include the following information:
  - 1. The work that shall be done or the improvement that shall be made to comply with the requirements and the bond;
  - 2. The amount of time that the applicant has to commence and complete the required work or improvements;
  - 3. That, if the work or improvements are not commenced and completed within the time specified, the city will use the proceeds of the bond to have the required work or improvements completed.
- F. If the work or improvements covered by the bond are not completed within the time specified in the notice provided under subsection (E) of this section, the city shall obtain the proceeds of the bond to perform the necessary work or improvements. The property owner is responsible for all costs incurred by the city. Upon completion, the city shall release or refund any proceeds of a performance bond after subtracting all costs involved. The owner of subject property shall reimburse the city for any amount expended by the city that exceeds the proceeds of the bond. The city shall retain a lien against the subject property for the amount of any excess.
- G. In each case where the city uses any of the proceeds of the bond, it shall give the owner of the subject property an itemized statement of all proceeds and funds used.

#### **17.10.170 – Severability.**

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

## **Chapter 17.11 – DEFINITIONS**

### **17.11.010 – Definitions.**

The following definitions apply to this title, and other definitions may be found in individual chapters when applicable to that chapter:

#### **A. A Definitions.**

“Access corridor” means a vehicle circulation area in private ownership which provides access to a single flag lot.

“Accessory structure” means a minor building that is located on the same lot as a principal building and is used incidentally to a building that houses a principal use, including accessory dwelling units, gazebos, garages, carports, sheds, greenhouses, patio covers, solariums, and similar roofed structures.

“Accessory dwelling unit” refers to a type of accessory structure defined in Section 17.44.020(A).

“Accessory use” means a use incidental and subordinate to a permitted use and located on the same lot or contiguous lots of single ownership, or in the same building as permitted use.

“Adult entertainment” shall include any adult cabaret or adult entertainment facility as defined under Chapter 5.34.

“Adult family home” means a type of group living use as defined in Section 17.43.020(B).

“Alley” means a public right-of-way at least ten feet wide but not more than 20 feet wide which has been dedicated or deeded to the public for public use affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Alley access lots – means subdivision configurations where lots are provided with vehicular access by an alley as set forth in Section 17.54.040(F).

“Appellant” means a person who files a complete and timely appeal of a city decision.

“Appellate body” means that officer or body prescribed by this Title as having the authority to hear the appeal of a development permit.

“Applicant” means a person seeking development or permit approval from the City.

“Articulation” means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.

“Articulation interval” means the measure of articulation, the distance before architectural elements repeat.

“Artisan manufacturing” means a light manufacturing use defined in Section 17.45.040(B).

“Assisted living facility” means a type of group living use defined in Section 17.43.020(C).

## **B. B Definitions.**

“Bed and breakfast inn” refers to a type of commercial use defined in Section 17.44.060(B)(1) .

“Bioretention” is an integrated stormwater management practice that uses the chemical, biological, and physical properties of plants, microbes and soils to remove or retain pollutants from stormwater. Bioretention areas may or may not have an underdrain.

“Bond” means a surety bond, cash deposit, escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to, or required by, the city to guarantee work is in compliance with all applicable city requirements.

“Building” means a structure used or intended for supporting or sheltering any use or occupancy.

“Building height” See Section 17.42.070 for building height calculations, exceptions, and modifications.

## **C. C Definitions.**

“Caretaker’s residence” see definition in Section 17.43.030

“Change of use” means any use which substantially differs from the previous use of a building or land as defined in Section 12.28.020.

“Civic use” refers to a type of public, institutional, and open space use defined in Section 17.46.020(A).

“Clear vision triangle” see Section 17.68.010.

“Club” means a nonprofit, social organization whose premises are generally restricted to members and their guests.

“Cluster” means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and the preservation of sensitive features.

“Cluster subdivision” means a form of development for residential subdivisions that permits a reduction in requirements and allows common wall construction techniques; provided, there is no increase in the number of lots or the number of dwellings permitted under a conventional subdivision and the resultant land is devoted to open space.

“Co-living” means a type of shared housing defined in Section 17.43.010(D).

“Commercial day care” means a child care facility for the care of 13 or more children.

“Community garden” refers to a type of agriculture use defined in Section 17.46.010(F).

“Conditional use” means a category of uses listed within a zoning district that requires review before the hearing examiner to determine their compatibility with the surrounding area and comprehensive plan.

“Condominium” means a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums, cooperatives and like property and buildings shall be treated in this title in a like manner regardless of whether the properties and buildings are condominiums, cooperatives, or are in a single ownership. This provision applies to residential, commercial and industrial condominiums and cooperatives.

“Cottage housing” refers to a type of clustered housing defined in Section 17.43.010(C).

“Cul-de-sac” refers to a street with a single common ingress and egress and with a turnaround at the end.

#### **D. D Definitions.**

“Day care” refers to a type of commercial use defined in Section 17.44.010(B). Day care types include “mini day care” and “commercial day care.”

“Density” means the total number of square feet in a lot divided by the number of dwelling units located on the lot.

“Department” means the Aberdeen Community Development Department. “Detached building” means a building surrounded on all sides by open space and not physically connected to any other building.

“Development permit” means a permit or approval for a development and includes project permits.

“Development site” means that portion of any lot or lots that encompass all phases of a development proposal.

“Director” means the Director of the Community Development Department or the director’s designee.

“Division of land” means any transaction or action which alters or affects the shape, size or legal description of any part of an owner’s land as defined in Section 17.32.020

“Driveway” means any area that provide access for vehicles from the roadway of a street to private property as defined in Section 12.28.020.

“Duplex” refers to a type of residential use defined in Section 17.43.010(D). “Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel or hotel, which is separately defined.

#### **E. E Definitions.**

“Eating and drinking establishment” refers to a type of commercial use defined in Section 17.44.020.

“Essential public facility” (EPF) means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides a public service as its primary mission, and is difficult to site.

“Excavation, surface” means removal or recovery of soil, rock, minerals or organic substances other than vegetation, from land or land on or beneath the surface of water; provided, however, that dredging for navigational purposes or excavation for utilities shall not be included within this definition.

#### **F. F Definitions.**

“Family” means an individual or a group of persons living together in a dwelling unit.

“Fence” means a structure which is built, constructed, or composed of parts joined together of material in some definite manner, in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.

“Final plat” means a precise scale drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of approval, and meets the requirements listed in Section 17.32.060.

“Floor area, net (NFA)” means the actual occupied area not including unoccupied accessory areas such as utility stairways/corridors, mechanical rooms, and closets. Shared residential storage areas and commercial and industrial storage/stock areas are considered occupied areas for the purpose of this definition.

“Floor area, gross (GFA)” means the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area does not include shafts with no openings or interior courts.

“Fourplex” refers to a type of household living use defined in Section 17.43.010(E).

## **G. G Definitions.**

“General-services” refers to a type of commercial use defined in Section 17.44.030.

“Groundcover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground.

“Ground floor” means the first floor of any building nearest, on, or above the same plane as the fronting right-of-way.

“Group living” refers to a type of residential use defined in Section 17.43.020(A).

“Group care living facilities, homes” refers to a type of group living defined in Section 17.43.020(E).

## **H. H Definitions.**

“Habitable area” refers to the area defined in Section 17.47.020(C)(4).

“Hammerhead design” means a T-shaped driveway layout providing sufficient space for a fire truck to reverse direction by making a three-point turn.

“Hard surface area” means an impervious surface, a permeable pavement, or a vegetated roof.

“Heavy industrial” refers to a type of industrial use defined in Section 17.45.010.

“Home occupation” means a type of accessory use defined in Section 17.74.030.

“Hospital” means a type of medical use defined in Section 17.44.040.

“Hotel” is a type of overnight lodging use defined in Section 17.44.060.

“Household living use category” means a category of residential uses defined in Section 17.43.010(A).

## **I. I Definitions.**

“Impervious surface” or “Surface, impervious” or means ground or covered ground through which water cannot percolate.

“Improved public street” means a platted public street, paved to city standards and specifications.

## **J. J Definitions.**

## **K. K Definitions.**

“Kennel” means a premises where four or more dogs, cats or combination thereof, of at least six months of age, are kept by the owners of the animals or by persons providing facilities and care, whether or not compensation is involved. May include indoor and outdoor runs.

## **L. L Definitions.**

“Laboratories and research facilities” means a type of light manufacturing use defined in Section 17.45.040(A).

“Landscape” and “landscaped area” means an inclusive combination of trees, shrubs, flowers, ferns, groundcover, and other vegetation as defined in Section 17.52.020.

“Landscaped block frontage” refers to a type of block frontage designation that emphasizes landscaped setbacks. See Section 17.61.050 for details.

“Light industry” and “light industrial” refer to a type of industrial use defined in Section 17.45.020(A).

“Light manufacturing” refers to a type of industrial use defined in in Section 17.45.030(A)

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels.

“Lot area” or “lot size” means the total horizontal area included within the legally defined boundaries of the lot, excluding public rights-of-way.

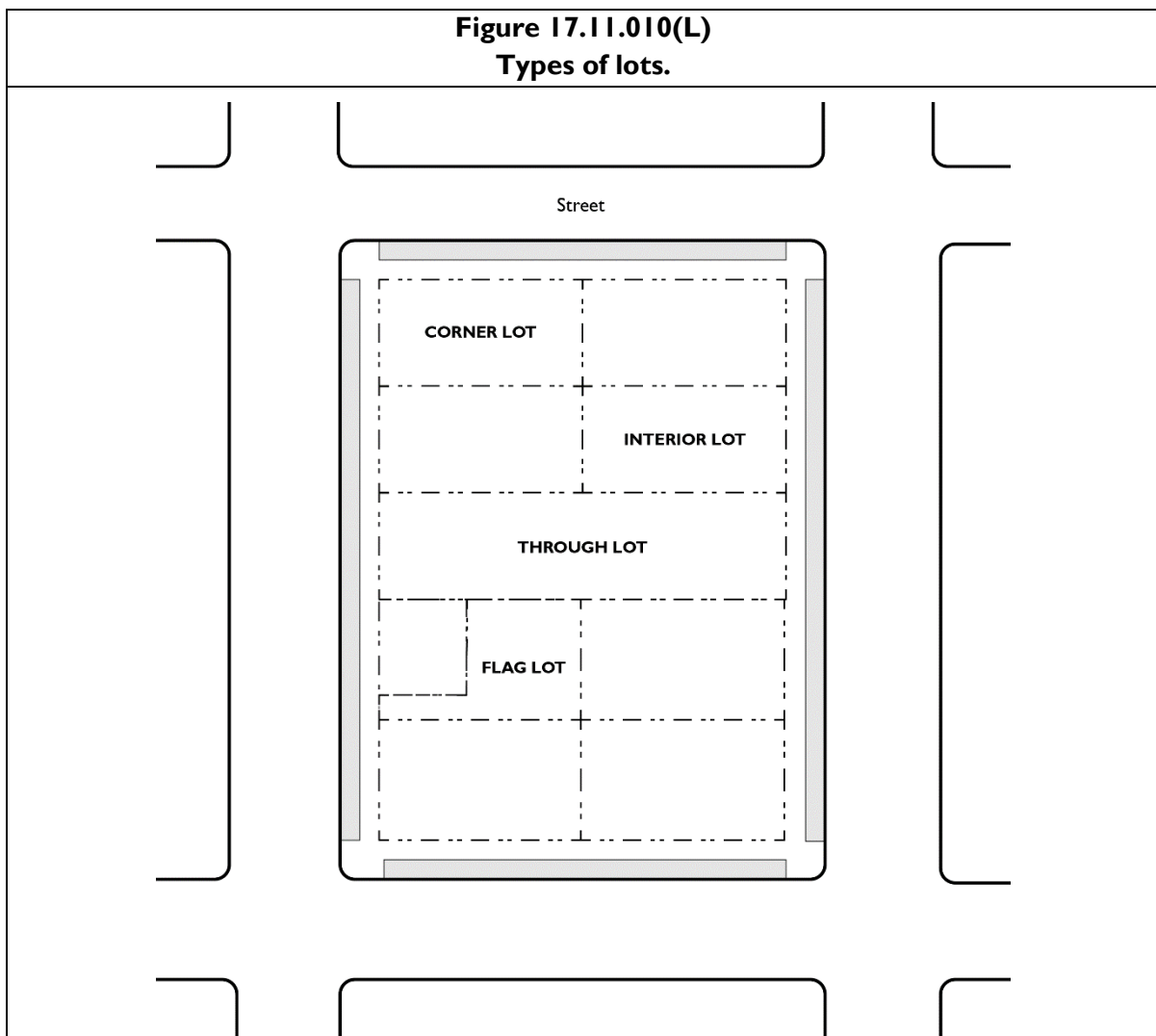
“Lot coverage” means the area of a lot which is covered by buildings and structures. See Section 17.42.070 for a clarification of how lot coverage standards established by Chapter 17.42 Form & Intensity Standards are applied.

“Lot frontage” means the portion of the property line which abuts a street right-of-way.

“Lot of record” means a lot which is described by a final plat, short plat, or metes and bounds, and is established consistent with applicable local and state regulations at the date a legal instrument creating the lot is recorded at the Grays Harbor County auditor’s office.

“Lot types”. The diagram in figure 17.11.010(L) illustrates terminology used in this title with reference to corner lots, interior lots, and through lots.

1. “Corner lot” means a lot located at the intersection of two or more streets. A lot abutting a curved street or streets must be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
2. “Interior lot” means a lot with frontage on only one street.
3. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. “Flag lot” means a parcel of land, the body of which is separated from a public street by one or more lots, connected to a public street by a narrow portion (flag pole) of the parcel. See Section 17.42.090(E) for flag lot setback standards.



“Low impact development (LID)” means a stormwater and land management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning and distributed stormwater management practices that are integrated into a project design. Common LID BMPs include, but are not limited to: bio-retention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, water re-use, and rainwater harvesting.

“Low impact development best management practices (BMPs)” means low impact development best management practices or stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water reuse.

“Low impact development principles” means low impact development principles and land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

#### **M. M Definitions.**

“Manufactured home” refers to a type of household living use defined in Section 17.43.010(B)(4).

“Marijuana produces” refers to a type of agriculture use defined in Section 17.46.010(D).

“Medical” refers to a type of commercial use defined in Section 17.44.040.

“Manufactured home park” or “mobile home park” means a tract of land under single ownership or control upon which two or more manufactured homes occupied as dwellings may be located.

“Metes and bounds” means a means of legally describing land where a high degree of accuracy is required. “Metes” refers to distances, where “bounds” refers to boundaries revealed by monuments and landmarks. The description starts at an easily identifiable point of beginning, following boundaries for precise distances and ultimately returning to the point of beginning.

“Mini day care” refers to a type of day care use defined in Section 17.44.010(B)(2)(a).

“Mixed-use building” means a multi-story building that includes non-residential floor area covering more than 50 percent of the building’s street frontage with a minimum depth of 40 feet and residential and/or office uses occupying the majority of floor area on upper floors.

“Mobile home” refers to a type of household living use defined in Section 17.43.010(B)(4).

“Motel”. See “Hotel”.

“Multifamily” means a type of household living use defined in Section 17.43.010(G).

## **N. N Definitions.**

“Natural grade” means the natural contours of a land area generally unaltered by human intervention.

“Net lot area” means the gross lot area less the area occupied by any public right-of-way or private easement for driveway purposes.

“Nonconforming” shall have the definition set forth in Chapter 17.49.

“Nursey” refers to a type of agriculture use defined in Section 17.46.010(E).

“Nursing home” refers to a type of group living use defined in Section 17.43.020(F).

## **O. O Definitions.**

“Office” refers to a type of commercial use defined in Section 17.44.050.

“Open space” means an area not encumbered with any substantial structure, devoted to use as a roadway, parking area or sidewalk and is left in its natural or undisturbed state as of the date development began. Minor improvements may be made to open space areas to accommodate the cutting of trails, or, if unwooded, to landscape for ball fields, picnic areas and similar facilities or to create a wooded or natural area.

“Ownership” means possession of real estate or a legal contract to purchase or lease real estate, assigning sole or preemptive right to use or occupy real estate for a specified period of time.

“Overnight lodging” refers to a category of commercial use defined in Section 17.44.060.

## **P. P Definitions.**

“Parking as a primary use” refers to a type of commercial use category defined in Section 17.44.070.

“Parking strip” means the space between the street roadway or curb line and the property line, with the exception of the sidewalk area. (12.28.020)

“Party of record” means a person who has testified at a public hearing, or submitted a written statement related to an application within the allowed time frame, and who provides the city with a complete mailing address.

“Pedestrian-oriented space” means publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing and provide visual amenities that can contribute to the character of the neighborhood.

“Permeable pavement” means pervious concrete, porous asphalt, permeable pavers, or other forms pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

“Permanent Supportive Housing” refers to a type of household living use defined in Section 17.43.010(J).

“Permitted use” means a use by right which is specifically authorized in a particular zoning district.

“Personal service” refers to use category defined in Section 17.44.080. “Planning commission” means the city of Aberdeen planning commission.

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets, or tracts, or other division or dedications of land to be subdivided. “Preliminary plat” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

“Preliminary short plat” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, encumbrances, encroachments, and other information needed to properly review the proposal.

“Principal use” means the use for which the majority of a lot, structure, or building, is designed or actually employed.

“Professional service” refers to a type of commercial use defined in Section 17.44.050(A)(2).

“Project permit or project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, sub area plan, or development regulations except as otherwise specifically included in this subsection.

## **Q. Q Definitions.**

“Qualified professional” means a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and two years of related work experience.

## **R. R Definitions.**

“Rain garden” means a non-engineered shallow, landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil.

“Recreation, indoor” refers to a type of commercial use defined in Section 17.44.090.

“Recreational open space” means a portion of a lot or a building available for the recreational use of the residents of the lot.

“Recreation, outdoor” refers to a type of commercial use defined in Section 17.44.100. “Recreational vehicle” means a vehicular type unit designed as temporary living quarters for recreational camping or travel uses, with or without motive power. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not a mobile home.

“Recreational vehicle park” means a type of outdoor recreation use defined in Section 17.44.100(E)(I).

“Residential amenity space” refers to on-site shared recreational and social uses for residents. See Section 17.62.030 for residential amenity space provisions.



“Research and development use standards” refers to a type of laboratories and research facilities use defined in Section 17.45.040(B).

“Retail sales” refers to a category of commercial use defined in Section 17.44.110(A).

“Rezone” means an amendment which changes the use classifications and/or boundaries upon the official zoning map.

“Right-of-way” means a strip of land in public ownership used for transportation, utility, open space, or other public purposes.

“Roadway” means the paved, improved or proper driving portion of a street, designed or ordinarily used for vehicular travel. (12.28.020)

## **S. S Definitions.**

“Sales, incidental wholesale/retail” or “incidental wholesale/retail sales” means occasional wholesale and/or retail sales where less than fifty percent of the total sales volume conducted on or from a business premises.

“Sales, secondhand” or “secondhand sales” means sales of items previously used by other persons, excluding garage sales and yard sales.

“Sales, wholesale” or “wholesale sales” means sales for resale, not for direct consumption.

“Self-service storage” refers to a type of industrial use defined in Section 17.45.050.

“Senior housing” means a type of household living use defined in Section 17.43.020(H).

“Setback” means the minimum required distance between a property line and a line parallel to that property line. See Section 17.42.080 for clarification on how all setback types are measured.

“Shell building” means a non-residential building that is capable of being divided into multiple leasable units or spaces with different uses but has had no use or uses identified as part of a land use permit application.

“Shoreline permit” means a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance issued pursuant to the City’s Shoreline Master Program.

“Short plat” means the plat of a short subdivision.

“Sidewalk area” means that portion of the space lying between the street roadway or curb line and the property line which is reserved for sidewalks, either existing or proposed. (12.28.020)

“Single-family house” refers to a type of household living use defined in Section 17.43.010(B).

“Sign”. See Section 17.66.030 for sign and sign-related definitions including billboard sign, freestanding sign, off-premises sign, portable sign, temporary sign, and similar.

“Significant tree” means a deciduous and evergreen tree greater than six-inches in diameter at five-feet above grade.

“Site plan” means a map or representation of a site showing thereon the location of various features of a particular proposal, such as setbacks, buildings, parking areas, and other items.

“Storefront” means a ground floor space that meets the standards set in Section 17.61.040.

“Storefront block frontage” refers to a type of block frontage designation that emphasizes storefronts. See Section 17.61.040 for applicable standards.

“Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, oil/water separators, and biofiltration swales.

“Stormwater Management Manual for Western Washington” (SWMMWW) means the stormwater manual published by the Washington State Department of Ecology and adopted by the city.

“Street” as hereinafter used is intended to include any street, alley or other public place within the city of Aberdeen. See Section 17.28.020 for clarifications.

“Streetscape” means the space between the buildings on either side of a street that defines its character. See Section 17.52.040(B) for street design standards.

“Special civic uses” refers to a type of civic use defined in Section 17.46.020(C).

“Special retail sales uses” refers to a type of commercial use defined in Section 17.45.110(B).

“Subdivision” means the division or redivision of land as regulated by Chapter 17.31 Land Divisions.

## **T. T Definitions.**

“Townhouse” refers to a type of household living use defined in Section 17.43.010(F).

“Tract” means land reserved for special uses such as open space, surface water retention, utilities, or access. Tracts are not counted as lots nor considered as building sites.

“Transitional Housing” refers to a type of household living use defined in Section 17.43.010(I).

“Triplex” refers to a type of household living use defined in Section 17.43.010(E).

## **U. U Definitions.**

“Unit lot subdivision” means a subdivision of land within a parent parcel that creates individual sellable lots. See Section 17.32.050(D) for unit lot subdivision procedures.

“Urban services area” means that area, both within the city and outside it, which is either presently served or is slated to be served by the water and sewer systems of the city of Aberdeen.

“Use” means the activity or function that actually takes place or is intended to take place on a lot.

## **V. V Definitions.**

“Variance” means an adjustment from a dimensional or numeric standard of Title 17 issued per Chapter 17.43 Variances.

“Vehicle Sales/Rental” refers to a type of commercial use defined in Section 17.45.120.

“Vertical building modulation” means a stepping back or projecting forward vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet façade the articulation standards in Section 17.63.020.

“Vesting” means the legal establishment of a right which cannot be revoked by subsequent conditions or changes in law without due process of law. Refer to Section 17.20.070 for vesting standards.

## **W. W Definitions.**

“Warehouse and distribution” refer to a type of industrial use defined in Section 17.45.060.

“Waste-related service” refers to a type of industrial use defined in Section 17.45.070.

“Water-oriented industrial use” refers to a type of industrial use defined in subsection 17.45.080(A).

“Weather protection” means a permanent horizontal structure above pedestrian areas such as sidewalks and building entries that protects pedestrians from inclement weather.

“Wholesale trade” refers to a type of industrial use defined in Section 17.45.090

## **X. X Definitions.**

## **Y. Y Definitions.**

“Yard” means an open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the depth required by this title.

“Yard, front” or “front yard” means a yard extending the full width of the lot abutting the front lot line to the depth required by this title.

“Yard, rear” or “rear yard” means a yard extending the full width of the lot abutting the rear lot line to the depth required by this title.

“Yard, side” or “side yard” means a yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists and abutting a side yard lot to the depth required by this title.

## **Z. Z Definitions.**

### **17.11.020 – Rules of interpretation.**

- A. Within this title, all words used have their normal and customary meanings, unless specifically defined otherwise in this title.
  - 1. Words used in the present tense include the future.
  - 2. The plural includes the singular and vice versa.
- B. Distances are measured horizontally unless otherwise specified.
- C. Interpretations of this code shall be consistent with the comprehensive plan.
- D. Interpretations related to uses in each zone should be based on the “purpose” section of each zone.
- E. Where two applicable rules conflict within this title, the most restrictive rule controls unless otherwise specified.

### **17.11.030 – Conflict of provisions.**

Should a conflict occur between the provisions of this title or between this title and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the city, the most restrictive requirement shall apply, except when constrained by federal or state law.

### **17.11.040 – Supremacy.**

In the event of a conflict between provisions of this title and other titles, the provisions of this title control. In the event of a conflict between provisions of this title and AMC Chapter 14.50, Shoreline Master Program, the provisions of AMC Chapter 14.50, Shoreline Master Program, control.

### **17.11.050 – Administrative interpretations.**

- A. Consistent with RCW 36.70B.110(11), any person may submit a written request for an interpretation of this title. Any such request shall:
  - 1. Specify each code section for which an interpretation is requested.
  - 2. Describe why an interpretation of each section is necessary.
  - 3. Include any reasons or material in support of a proposed interpretation.
  - 4. Include any fee established by the City Council for such requests.

- B. If the interpretation request is associated with a pending application for a development permit, the Director may consolidate the request with the process for review of the application. If the Director does not consolidate the request with an application, the Director shall issue an interpretation within 60 days of receipt of the request and publish it to the city website.
- C. In making an interpretation, the Director shall consider all of the following:
  - 1. The applicable provisions of the code, including their purpose and context.
  - 2. The applicable provisions of the comprehensive plan and other relevant codes and policies.
  - 3. The impact of the interpretation on other provisions of the AMC.
  - 4. The implications of the interpretation for development within the city as a whole.
- D. The Director may respond to inquiries regarding the applicability and interpretation of various code provisions prior to or outside the context of a formal request for an administrative interpretation.
- E. An administrative interpretation is not binding on the Director or city, or appealable, but the decision-maker on a relevant development permit application may treat an interpretation as persuasive authority.

## **DIVISION 17.2 – PROCEDURES**

Chapter 17.20 – Application Procedures.

Chapter 17.21 – Permit Revisions and Expirations.

### **Chapter 17.20 - APPLICATION PROCEDURES**

#### **17.20.010 – Purpose.**

- A. To establish standard procedures for review of development permit applications and appeals.
- B. To promote timely and informed public participation, eliminate redundancy in the process, minimize delay and expense, and result in approvals that further the goals and policies of the Aberdeen comprehensive plan.

These procedures are intended to be consistent with the provisions of Chapter 36.70B RCW and integrate the land use permit process with the environmental review process.

#### **17.20.020 – Applicability.**

- A. This chapter applies to all applications and all development permits issued per AMC Titles 14, 15, 16, and this title.
- B. Exemptions. Consistent with RCW 36.70B.140, the following permits are exempt from the procedural requirements of this chapter:
  - 1. Sidewalk use permits.
  - 2. Development agreements.
  - 3. Final approval of short subdivisions and subdivisions.
  - 4. Landmark designations and street vacations.

#### **17.20.030 – Types of Review.**

- A. Decisions on applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decision-maker.
- B. The Director shall determine the proper review type for all permit applications. If there is a question as to the required type of process, the Director shall resolve it in favor of the higher type number.
- C. Table 17.20.030 identifies the types of review for all applications, and describes the process for each type of review.
  - 1. The types of applications that are subject to each type of review are listed in the column immediately beneath the heading for each type.
  - 2. The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
  - 3. The remainder of this chapter describes the required processes for each type of review.

**Table 17.20.030**  
**Review classification and process matrix.**

<b>Types of Review</b>	<b>Type 1 Administrative Ministerial Actions</b>	<b>Type 2 Administrative Decisions</b>	<b>Type 3 Hearing Examiner Decisions</b>	<b>Type 4 City Council Decisions</b>
<b>Types of applications</b>	<ul style="list-style-type: none"> <li>• Accessory dwelling units</li> <li>• Boundary line adjustments</li> <li>• Building, mechanical &amp; plumbing permits (including sign permits)</li> <li>• Site Plan review</li> <li>• Site Development permits (Clearing &amp; grading permits, stormwater)</li> <li>• Extension of time for approval</li> <li>• Fence permits (building and/or ROW permits)</li> <li>• Shoreline exemptions</li> <li>• Critical area review (buffer averaging etc.)</li> <li>• Verification of abandonment</li> <li>• Home occupation permits</li> </ul>	<ul style="list-style-type: none"> <li>• Variances</li> <li>• Binding site plans, less than 10 lots</li> <li>• Preliminary short subdivisions</li> <li>• SEPA threshold determinations</li> <li>• Stormwater Management Manual exceptions</li> <li>• Zone boundary determination</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Challenges to Variances</li> <li>• Conditional uses</li> <li>• Challenges to zoning interpretation</li> <li>• Critical area headings (mitigation plans, disturbing wetland disturbance, etc.)</li> <li>• Shoreline Conditional Use &amp; Variance Permits</li> <li>• Shoreline Substantial Development Permits (SSDP) for projects</li> <li>• (public hearings generally)</li> <li>• Site-specific rezones authorized by the Comprehensive Plan</li> <li>• Preliminary long subdivisions</li> <li>• Essential Public Facilities, type 1 &amp; 2</li> <li>• Rezones</li> <li>• Subdivisions</li> <li>• Special/ conditional use &amp; reasonable use permits per Chapter 17.70</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive Plan</li> <li>• Zoning code ordinances</li> </ul>
<b>Pre-application conference</b>	At discretion of director	At discretion of director	Yes	Yes
<b>Notice of application</b>	No	Yes, except for home occupations, SEPA Thresholds and Stormwater	Yes	No
<b>Comment period</b>	None	14 days	21 days	N/A
<b>Recommendation by</b>	None	None	Director	Planning Commission and HE
<b>Pre-decision open-record</b>	No	No	Yes, before Hearing Examiner	Yes for Ordinances only.

<b>Table 17.20.030</b> <b>Review classification and process matrix.</b>				
<b>Types of Review</b>	<b>Type 1 Administrative Ministerial Actions</b>	<b>Type 2 Administrative Decisions</b>	<b>Type 3 Hearing Examiner Decisions</b>	<b>Type 4 City Council Decisions</b>
public hearing				
Closed-record decision hearing	No	No	No	No
Decision by	Director	Director	Hearing Examiner	City Council
Notice of decision	No	Yes	Yes	Yes
Local appeal available to	Hearing Examiner	Hearing Examiner	City Council and Superior Court	None
Appeal hearing type	Open-record	Open-record	Closed-record	N/A

#### **17.20.040 - Consolidated review.**

- A. Optional consolidated application processing. All projects that involve two or more application processes may, at the applicant's written request, be processed collectively under the highest numbered type procedure required for any part of the application or may be processed individually under each of the review procedures. If the application is processed under the individual procedures option, the highest numbered type procedure shall be processed prior to the subsequent lower numbered procedure.
- B. Integration of environmental review. An application for a development permit that is subject to the State Environmental Policy Act (SEPA) shall be reviewed per AMC Chapter 14.24 SEPA and Agency Decisions concurrently with review of the development permit application except where exempted by that chapter.
- C. Per RCW 36.70B.050, review of an application is allowed only one open record hearing and one closed record appeal hearing.
- D. The appeal of a SEPA procedural determination is not subject to this section.

#### **17.20.050 - Eligibility for permits.**

- A. All development permits require a lot of record as described in Section 17.20.060.
- B. The department may not issue any development permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivision laws or RCW Chapter 58.17.

### **17.20.060 - Lots of record.**

- A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory structures may be erected on any single substandard lot of record at the effective date of adoption of this ordinance. Such lot shall have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since adoption of this ordinance. This provision applies even when such lot does not meet the minimum lot size requirements for the applicable zone, provided that setback dimensions and other form and intensity requirements of the lot conform to the current regulations for the zone in which such lot is located.
- B. Any residential lot or lots, which were used as residential prior to adoption of this ordinance, and have been in continual residential use since adoption of this ordinance, in the Flex-Industrial zone shall be considered a conforming, permitted residential use within the nonresidential designation. Other form and intensity requirements of the Flex-Industrial zone apply to such residential lots.

### **17.20.070 - Vesting.**

- A. An application for a building permit or land division vests at the time a complete application is filed with the department and all application fees are paid, consistent with RCW 19.27.095(1) and RCW 58.17.033(1). Applications for site plans do not vest at the time a complete application is filed.
  - 1. An application is complete on the date a complete application is filed, as subsequently determined in the letter of completeness.
  - 2. An application vested under this section is not subject to laws or regulations that become effective after the date of vesting, except as provided below.
- B. This section may not be construed to restrict the City from imposing conditions on development permits pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, WAC Chapter 197-11, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.
- C. This section may not be construed to prevent the City from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

### **17.20.080 - Requirement for public notices.**

- A. Applicability. This section applies whenever one of the following is required by this chapter:
  - 1. Notice of Application.
  - 2. Notice of Public Hearing.
  - 3. Notice of Decision, including any revised Notice of Decision.
- B. Distribution. The department shall timely distribute the notice by:
  - 1. Publishing within a newspaper of general circulation within the city or county.
  - 2. Electronic mail or first-class mail to:
    - a. The applicant.
    - b. Any appellant.
    - c. Any parties of record.
    - d. Any person requesting such notice.



- e. Any agencies with jurisdiction over the application or any agencies that commented on the application.
  - f. Grays Harbor County if the project is located adjacent to a city boundary.
  - 3. For a Notice of Application, via first class mail to owners of property within 300-feet of the subject property, except for variance applications, which go to owners of property within 100-feet of the subject property.
  - 4. For a Notice of Decision, to the County Assessor.
  - 5. Posting on the city's website.
  - 6. Posting a notice board on or near the property. The director may establish standards for size, color, layout, design, wording, and placement of the signs and notice boards.
  - C. Errors. Errors in precise compliance with the rules contained in this section do not require repeating the public notice if the notice was reasonable and adequate.
- Re public hearings: "Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken."

#### **17.20.090 - Pre-application conference.**

- A. Purpose. The pre-application conference is intended to:
  - 1. Provide the City and other agency staff with information about the proposed development.
  - 2. Enable staff to advise the applicant of applicable approvals and requirements.
  - 3. Acquaint the applicant with the applicable requirements of the AMC and other laws.
  - 4. Identify issues and concerns in advance of a formal application.
- B. When required.
  - 1. Generally. A pre-application conference is required when shown in Section 17.20.030.
  - 2. Exception. The director may waive the pre-application conference if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.
- C. To schedule a pre-application conference, the applicant shall submit a request on forms provided by the department and pay any applicable fees.
- D. The advice the City provides at pre-application meetings is not binding upon the City and does not prevent the City from enforcing all applicable regulations.

#### **17.20.100 - Application-contents and completeness-revisions.**

- A. Contents of applications.
  - I. Application requirements:
    - a. Applications shall be submitted on forms provided by the department.
    - b. Applications shall be signed by the owners of the property subject to the application, or include the owner's notarized authorization for the applicant to submit the application.
    - c. Applications shall include fees, as calculated by the director following the adopted fee schedule.
    - d. Applications shall include all the information specified in any applicable code section as well as the application checklist provided by the department, if applicable.

2. The applicant shall apply for all permits identified in the pre-application meeting and required by law.

**B. Complete applications.**

1. A permit application is complete for the purposes of this section when it meets the requirements of subsection (A).
2. When the director makes a determination on completeness of an application, the director shall provide to the applicant either:
  - a. A written determination that the application is complete; or
  - b. A written determination that the application is incomplete, a request for information necessary to make the application complete, and a notice that the requested information shall be submitted within 90 days.
3. A determination of completeness is not required if the director issues the permit prior to the deadlines in subsection (C).
4. A determination of completeness does not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if the information is required to complete review of the application or substantial changes in the permit application are proposed.

**C. Timing.**

1. Initial receipt of application. Upon initial receipt of an application, the director shall provide the applicant a determination of completeness within 28 days. If the director does not provide a written determination within 28 days, the application is deemed complete at the end of the 28th day.
2. Receipt of additional information. When the applicant submits the requested information, the director shall evaluate the application for completeness within 14 days. If the director does not provide a written determination within 14 days, the application is deemed complete at the end of the 14th day.
3. Incomplete applications.
  - a. The applicant may submit a written request for extension of the deadline to submit the requested information for an additional 90 days. The director may grant up to two such extensions.
  - b. If the applicant has not provided the requested information by the deadline, the director shall reject and return the application along with any unspent application fees.

**D. Revisions to applications.**

1. The applicant may make minor revisions to the application after the determination of completeness and before the closure of an open public hearing.
2. A “minor revision” to an application is one that does not:
  - a. Involve more than ten-percent increase in area or intensity of the use.
  - b. Increase the number of lots, dwelling units, or density.
  - c. Decrease the quality or amount of open space.
  - d. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents.
  - e. Expand onto property not included in the original proposal.

3. Any revision other than a minor revision requires a new application.

### **17.20.110 - Application-notice.**

- A. When required. A Notice of Application is required when shown in Section 17.20.030 Types of review.
- B. Contents. The Notice of Application shall include all of the following:
  1. The application number.
  2. The name of the applicant.
  3. The date of application, the date of the notice of completion for the application, and the date of the notice of application.
  4. The street address of the subject property or a description of the property in nonlegal terms sufficient to identify the location.
  5. A description of the proposed application, a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070.
  6. The identification of other permits not included in the application, to the extent known by the City.
  7. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.
  8. A statement of the public comment period, which lasts the number of days specified for the application type in Section 17.20.030 Types of review; except all shoreline permits subject to the comment period as outlined in WAC 173-27-110(2)(e), which allows for a 30-day comment period.
  9. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
  10. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application.
  11. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and consistency.
  12. If the City is using the optional DNS process (WAC 197-11-355), additional information will be added to the notice as required by WAC 197-11-355(2).
  13. Any other information determined necessary by the City, such as the City's likely threshold determination, if complete at the time of issuance of the notice of application.
- C. Timing.
  1. The department shall distribute a Notice of Application within 14 days of determination that an application is complete and at least 15 days prior to any open record hearing.
  2. Within seven days after the end of the public comment period, the department shall transmit the applicant a copy of public comments timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to these comments within seven days from the date the comments are transmitted.

### **17.20.120 - Application-department review.**

- A. The department has a duty to review each application for compliance with applicable city codes and to deny, or recommend denial of, or approve, or recommend approval of, an application based on its compliance with applicable city codes.
- B. If the department is required to provide a recommendation to the decision maker or body making a recommendation on an application, the department's recommendation shall include all of the following:
  - 1. The date of determination of completeness.
  - 2. Identification of city codes relevant to evaluation of the application.
  - 3. A statement of facts necessary for the decision maker to evaluate the application's compliance with applicable city codes.
  - 4. The department's evaluation of whether the application complies with applicable city codes.
  - 5. A description of the public process the application is subject to.
  - 6. A description of any environmental review related to the application.
  - 7. Draft findings of fact for the decision-maker.
  - 8. Any other information that is necessary to make a decision regarding the application.
- C. Requirement to consider comments.
  - 1. In making its recommendation or decision, the department shall consider written comments, and applicant's responses, that are timely received.
  - 2. Except for a determination of significance, the department may not issue its SEPA threshold determination or issue a decision or recommendation on the application until the expiration of the public comment period on the notice of application.

### **17.20.130 - Public hearings and meetings.**

- A. All hearings and meetings conducted as part of processing a permit application shall be conducted consistent with this section.

<b>Table 17.20.130</b> <b>Types of hearings and meetings.</b>				
	<b>Open-record Pre-decision</b>	<b>Closed-record Decision</b>	<b>Open-record Appeal</b>	<b>Closed-record Appeal</b>
<b>Participation</b>	Any interested party	Applicant and any party of record	The applicant, any appellant, and any party of record	The applicant, any appellant
<b>Facts allowed outside the record</b>	Yes	No	Yes	No
<b>Standard of review</b>	Compliance with AMC Titles 16, 17, 18, 19	De novo	Clearly erroneous	Clearly erroneous
<b>Burden of proof</b>	Applicant	Applicant	Appellant	Appellant

- B. Swearing-in required. Before testifying, any witness, including city staff, shall be required to declare that they will testify truthfully, by oath or affirmation.

- C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a specified date and no further notice under this section is required.

#### **17.20.140 - Public hearing-notice.**

- A. When required. A notice of public hearing is required for any public hearing held on a permit application pursuant to this chapter.
- B. Contents. The public notice shall include all of the following:
1. The application number.
  2. Project summary/description of each project permit application.
  3. The designation of the hearing body.
  4. The date, time, and place of the hearing and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the hearing body.
  5. General project location, vicinity, address, and parcel number(s), if applicable.
  6. The name of the applicant or applicant's authorized representative and the name, address and telephone number of a contact person for the applicant, if any.
  7. The SEPA threshold determination (if required), or description thereof, will be contained in the notice, along with any appropriate statement regarding any shared or divided lead agency status and phased review and stating the end of any final comment period.
  8. A statement regarding the appeal process.
  9. The date when the staff report will be available and the place and times where it can be reviewed.
- C. Timing. The department shall distribute, including by publishing in the City's official newspaper, a notice of public hearing at least 10 days prior to the date of public hearing.

#### **17.20.150 - Decision-timing.**

- A. Time limits.
1. The decision-maker may not issue its decision on an application until the expiration of the public comment period on the notice of application.
  2. The final decision on an application for a development permit shall be made within the time limits from determination of completeness listed in Table 17.20.150.

<b>Table 17.20.150 Decision timing.</b>	
<b>Type of Application</b>	<b>Time Limit</b>
Preliminary subdivisions and binding site plans (RCW 58.17.140)	90 days
Final subdivisions (RCW 58.17.140)	30 days
All other development permits (RCW 36.70B.080)	120 days

3. The following time periods are excluded from the calculation of the time limits:
  - a. Any time required to correct plans, perform studies, or provide additional information.

- b. Any time during which substantial project revisions are made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
  - c. Any time required for the preparation and review of an environmental impact statement.
  - d. Any time required to complete the process for the siting of an essential public facility.
  - e. Any time required to obtain any necessary variance.
  - f. Any time required for any administrative appeals.
  - g. Any time required for any administrative appeal of SEPA threshold determination, if applicable.
  - h. Any time required for any remand to the hearing body.
  - i. Any extension of time mutually agreed upon by the City and the applicant.
  - j. Any specific amount of additional time that the City determines is necessary for the processing of a specific complete project permit application.
4. Extension of time. If the City is unable to issue its final decision on an application within the time limits provided for in this section, it shall provide written notice to the applicant. The notice shall include a statement of the reasons why the time limits cannot be met and an estimated date for issuance of the Notice of Decision.
- B. Effective date. The decision is effective on the date stated in the decision, resolution, or ordinance. The date from which appeal periods may be calculated is the date of issuance of the decision.

#### **17.20.160 - Decision-notice.**

- A. When required. When a final decision is made that requires a Notice of Decision per Section 17.20.030 or a decision is made on appeal, the department shall issue a Notice of Decision.
- B. Contents. The Notice of Decision shall include all of the following:
- 1. The application number.
  - 2. The name of the applicant.
  - 3. The name of the project.
  - 4. The street address of the subject property or a description of the property in nonlegal terms sufficient to identify the location.
  - 5. A description of the application.
  - 6. The date of final decision on the application.
  - 7. The date the Notice of Decision was issued.
  - 8. The decision on the application.
  - 9. Any threshold determination made pursuant to RCW Chapter 43.21C.
  - 10. The procedure for appeal and the deadline for filing an appeal.

#### **17.20.170 - Appeals.**

- A. Standing. The following parties have standing to appeal final decisions:
- 1. The director.
  - 2. The applicant.

3. Any owner of the property subject to the application.
  4. Any party of record.
- B. Necessary parties. The following are parties to any appeal:
1. The director.
  2. The applicant.
  3. Any owner of the property subject to the application.
- C. Permissive joinder. The hearing body may add a party with standing to the appeal, after the appeal deadline has passed, upon the request of the party.
- D. Time to file. An appeal is timely only if it is:
1. Filed with the City Clerk within 14 calendar days after written notice of the decision is mailed; and
  2. Accompanied by the required appeal fee.
- E. Method of service. Appeals shall be delivered to the City Clerk by mail or personal delivery before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, regardless when such appeals were mailed or postmarked.
- F. Contents. Appeals shall be submitted on forms provided by the department and contain the following:
1. Appellant's name, address, and phone number.
  2. A description of the appellant's standing to appeal.
  3. Identification of the application or decision that is the subject of the appeal.
  4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record.
  5. The specific relief sought.
  6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature or the signature of the appellant's agent, provided such agent's authorization is in writing and accompanies the appeal.
- G. Automatic stay. Except for administrative appeals of SEPA threshold determinations, the timely filing of an appeal will stay the decision until such time as the appeal is concluded or withdrawn.
- H. Procedures. The appellate body may provide in its procedures for a decision on the appeal after a hearing where the parties present argument, or new evidence when allowed by this chapter; or after the parties submit written arguments.
- I. Decision on appeal. The appellate body shall issue a written decision on the appeal supported by written findings and conclusions, and the department shall distribute a revised Notice of Decision incorporating the decision on appeal.

#### **17.20.180 - Remand.**

- A. In the event that the appellate body determines that the public hearing record is insufficient or otherwise flawed, the appellate body may remand the matter back to the original decision-maker to correct the deficiencies.
1. The appellate body shall specify the items or issues to be considered and the time frame for the additional work.

2. The original public hearing may be re-opened if necessary for the limited purpose of addressing specific questions articulated by the appellate body.
  3. Only the parties of record to the open-record hearing, or in the case of an appeal, the parties to the appeal, may participate in the remand.
- B. The original decision-maker shall affirm, modify, or reverse its original action based on the revised public record.

#### **17.20.190 - Reconsideration.**

- A. A party to the underlying decision may seek reconsideration only of a final decision by filing a written request alleging specific errors on a form provided by the department within 10 days of the date of decision.
- B. The decision-maker shall consider the request without public comment or argument by the party filing the request. Reconsideration may be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision.
1. If the request is denied, the previous action will become final.
  2. If the request is granted, the decision-maker may revise and reissue its decision or may call for argument in accordance with the procedures for closed-record appeals. If the decision is revised and the decision requires a Notice of Decision, the department shall distribute the revised notice.

#### **17.20.200 - Exhaustion of administrative remedies.**

- A. No further administrative appeals are available when the final appeal shown in Section 17.20.030 has been heard.
- B. A request for reconsideration is not required to exhaust administrative remedies.

#### **17.20.210 - Departures.**

- A. Overview and purpose. This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the “purpose” of the particular standard and any additional departure criteria established for the particular departure opportunity.
- B. Departures are voluntary. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.
- C. Applicability. Departure opportunities are available only where noted for specific standards.
- D. Procedures. Permit applications that include departure requests go through the standard review procedures in this division depending on the application type.
- E. Approval criteria. Project applicants shall successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
- F. Documentation. The decision-maker shall document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city. The department shall provide a report on departures, which include departure applications and decisions, at a minimum interval of every two years.



## Chapter 17.21 - PERMIT REVISIONS AND EXPIRATIONS

### 17.21.010 - Permit revision.

- A. Type of review. A major revision to an approved permit requires a new application. A minor revision to an approved permit may be approved by the director. The director may condition approval to ensure compliance with this section.
- B. Types of revisions.
1. A major revision is any revision other than a minor revision, or a revision that does not qualify as a minor revision when considered cumulatively with other minor revisions since initial issuance of the permit.
  2. A minor revision is a revision that does not:
    - a. Increase the area of the use by more than ten-percent.
    - b. Increase the intensity of the use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts.
    - c. Increase the number of lots, dwelling units, or density.
    - d. Decrease the quality or amount of open space.
    - e. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents.
    - f. Expand onto property not included in the original proposal.
- C. A permit revision shall extend the time for expiration by six months.

### 17.21.020 - Permit expiration.

- A. Expiration schedule. Permits and approvals have the following initial terms until expiration, and may be extended the number of times indicated for the length of extension indicated:

<b>Table 17.21.020</b> <b>Permit terms and extensions.</b>			
<b>Type of Permit or Approval</b>	<b>Initial Term</b>	<b>Number of Allowed Extensions</b>	<b>Length of Each Extension</b>
Boundary line adjustment	6 months	0	n/a
Building permits	6 months	N/A	6 months
Conditional use permit	3 years to establish use	1	1 year
Fence permit	6 months	N/A	6 months
Preliminary plat, short plat, binding site plan	Time to submit final plat is as established in RCW 58.17.140.	0	n/a
Sign permit	6 months	N/A	6 months
Site plan review	6 months to apply for building permit	N/A	6 months
Special use permit	See applicable code section		
Variance	3 years to establish use	1	1 year

- B. Shortening permit term. The City may, when issuing a decision, require a shorter expiration period than that indicated in subsection (A) when the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general

welfare of people working or residing in the area of the proposal. The decision-maker may adopt time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.

- C. Commencement of permit term. The term for a permit will commence on the date of the final decision; except that in the event the decision is appealed, the effective date will be the date of decision on appeal. The term for a shoreline permit will commence on the effective date of the permit as defined in WAC 173-27-090.
- D. When permit expires.
  - 1. A permit issued under this title will expire if, on the date the permit expires, the project sponsor has not performed the work indicated in Table 17.21.020 or fulfilled the requirements of the applicable permit.
  - 2. Exception. The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.
- E. Extension of Land Use Applications. An extension may be granted by the director for one year if the applicant has attempted in good faith to complete the proposed development activity necessary to meet the conditions of approval.

## **DIVISION 17.3 – PERMITS**

Chapter 17.30 – Administrative site plan review.

Chapter 17.31 – Land divisions.

Chapter 17.32 – Boundary line adjustments.

Chapter 17.33 – Conditional uses.

Chapter 17.34 – Variances.

### **Chapter 17.30 - ADMINISTRATIVE SITE PLAN REVIEW**

#### **17.30.010 – Purpose.**

The purpose of this chapter is to establish how and when proposals are reviewed to ensure that uses and developments are in compliance with land use policies and regulations. This review process is typically initiated when a use is established or development occurs which requires a permit or review process. (Prior code § 11.025.010)

#### **17.30.020 - Applicability.**

A site plan shall be submitted to the department for review when any development or use established falls under any one of the following categories:

- A. The construction of any new structure or additions to an existing structure;
- B. The construction or expansion of parking lots for more than four spaces;
- C. Changes in use that will increase parking requirements, lie within shoreline master program jurisdiction or qualify as an action under the state Environmental Policy Act. (Prior code § 11.025.020)

#### **17.30.030 - Application requirements.**

- A. An application shall be submitted to the department on forms provided by the department and include applicable fees and all required information in the application submittal checklist.
- B. Site plan review applications are reviewed per Chapter 17.20 Application Procedures.

#### **17.30.040 - Review criteria.**

- A. Conformance with all other applicable laws, ordinances and regulations.
- B. Conformance with the applicable zoning provisions of Division 17.4, including:
  - 1. Chapter 17.41 Allowed Uses.
  - 2. Chapter 17.42 Form & Intensity Standards.
  - 3. The applicable use standards of Chapters 17.43-48.
- C. Conformance with the applicable community design provisions of Division 17.5, including:
  - 1. Chapter 17.51 Public Street Improvements Required.
  - 2. Chapter 17.52 Public Street Design.
  - 3. Chapter 17.53 Private Driveways & Access.
  - 4. Chapter 17.54 Subdivision Design & Block Structure.
- D. Conformance with the applicable project design provisions of Division 17.6, including:

1. Chapter 17.61 Block Frontage Standards.
  2. Chapter 17.62 Site Planning.
  3. Chapter 17.63 Building Design.
  4. Chapter 17.64 Landscaping.
  5. Chapter 17.65 Parking.
  6. Chapter 17.66 Signage.
  7. Chapter 17.67 Fences, Walls & Hedges.
- E. Conformance with other applicable environmental provisions in Title 14.

**17.30.060 - Development compliance with approved site plan.**

All development, construction, occupancy or use of any property shall be in compliance with the approved site plan prior to the beginning of a use or occupancy of a structure, except as provided by Section 17.30.80. (

**17.30.070 - Vesting**

Approval of a site plan does not vest the site plan. See Section 17.20.070.

**17.30.080 - Authorizing use or occupancy prior to completion.**

- A. In the event that weather conditions or other factors beyond the control of the applicant, exclusive of financial hardship, renders it unreasonable to require the applicant to fully comply with the site plan prior to the beginning of a use or occupancy of any building, the department may authorize relaxation of this requirement on the condition that the applicant completes all requirements within a specified time, not to exceed one year. If the requirements are not completed within the required period, the use or occupancy of the property and/or buildings shall cease until all requirements are satisfied.
- B. If such a relaxation is granted, the department may require a performance bond in conformance with Section 17.10.160 to assure compliance with the requirements of the approved site plan.

## **Chapter 17.31 - LAND DIVISIONS**

### **17.31.010 - Purpose.**

- A. To provide criteria, regulations, processes, and standards to govern the division of land within the city.
- B. To ensure that public facilities and services necessary to support development are adequate to serve development at the time development occurs.
- C. To promote the public health, safety, and general welfare of the city in accordance with standards established by the state subdivision law, as established by RCW 58.17.010.
- D. To guide the future growth and development of the city in accordance with the goals and policies of Aberdeen Comprehensive Plan.

### **17.31.020 - Applicability.**

- A. This chapter applies to all divisions or redivisions of land applied for after the effective date of the ordinance codified in this chapter, except as listed in subsection (B) below. Subdivisions, short subdivisions, binding site plans, unit lot subdivisions, plat alterations, and plat vacations are all considered divisions or redivisions of land for purposes of this chapter.
- B. This chapter does not apply to:
  - 1. Divisions of land into lots or tracts each of which is five acres or larger if the land is not capable of description as a fraction of a section of land, including the area bordering on a street or road which would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to such center line.
  - 2. Divisions made by testamentary provisions, or the laws of descent.
  - 3. Divisions made in connection with acquisition of land by the city, including divisions made by deed for road widening purposes, provided that such land may be accepted on behalf of the city by action of City Council.
  - 4. Adjustments of boundary lines in accordance with Chapter 17.32 Boundary Line Adjustments.
  - 5. Divisions of land into lots or tracts less than three acres that is recorded in accordance with 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities per RCW 58.17.040(9).
  - 6. Divisions of land for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.
  - 7. Divisions of land for the purpose of dedicating to the public such tracts of lands for open spaces, drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, water supplies, sanitary wastes and other general purposes that may be required to protect the public health, safety and welfare.
  - 8. Condominiums, pursuant to RCW 58.17.040(7).

### **17.31.030 - Preliminary land division approval - Application requirements.**

- A. Preliminary approval. All land division applications shall be submitted in conformance with Section 17.31 and contain the following:
  - 1. Application. A completed application form and application fees.

2. Title report. A title report issued within 30 days of application, showing all persons having ownership interest, a legal description describing exterior boundary of the land to be subdivided and listing all encumbrances affecting the land.
3. SEPA. A completed and signed environmental (SEPA) checklist if the division of land is not exempt under WAC 197-11-800 and AMC Chapter 18.04, State Environmental Policy Act.
4. Grading. A grading plan in accordance with AMC Chapter 14.50 and showing proposed cuts and fills for public improvements and private development, including transitions between the subject and adjacent properties.
5. Stormwater.
  - a. A preliminary stormwater management plan including runoff calculations, documentation that the minimum technical requirements of the Stormwater Management Manual for Western Washington, as adopted by the city, have been met, upstream and downstream analysis, a maintenance plan for any new stormwater facilities and existing and proposed drainage facilities for the site and adjacent areas as specified by the engineer, and feasibility analysis of using LID facilities, all consistent with AMC Chapter 14.14 Stormwater Quality.
  - b. The results of a (wet and dry season) soil analysis of the project site to determine the feasibility of on-site stormwater infiltration.
6. Supplemental studies and reports. Any related information and/or studies identified in the preapplication conference meeting, or deemed necessary by the director, including but not limited to a traffic study, geotechnical report, critical areas report and mitigation plan, and landscape plans.
7. Preliminary plans. A set of full size plans containing the following information (multiple sheets may be used in order to provide clarity):
  - a. The name of the proposed project, if any.
  - b. The name, address, seal and signature of the land surveyor who prepared the preliminary plat map.
  - c. The date the preliminary plat map was prepared or revised, the scale, north arrow, and quarter section, section, township and range.
  - d. Full and correct legal description of lands being subdivided.
  - e. A vicinity sketch clearly showing the location of the property.
  - f. Accurate lines to scale showing the parcel to be subdivided, the block lines, and the lot lines.
  - g. Dimensions and numbers or description for each lot and tract.
  - h. Total acreage and square-feet of land to be divided and the land area by acreage and square-feet of each of the proposed lots.
  - i. Density calculations indicating maximum and minimum density requirements, if applicable, for the proposal.
  - j. Existing zoning and zoning boundaries on the site and immediately adjacent property.
  - k. Municipal boundaries, township lines, and section lines.
  - l. Setback lines for all proposed lots having unusual shape, steep topography, critical areas, wetlands or other environmental or unusual limitations on its building site.
  - m. Location, width, and names of all existing and proposed streets or other public ways within or adjacent to the proposed subdivision. Road profiles may be required.

- n. Location of existing and proposed improvements such as stormwater facilities, sidewalks, utilities, power poles, etc., within the boundaries of the lands being subdivided and adjacent lots and right-of-way.
  - o. Location of existing and proposed easements or tracts to be dedicated for any public purpose or for the common use of the property owners of the lands being divided.
  - p. Location of existing structures, septic tanks, drain fields, wells and other improvements located on the site and within 50-feet of the development; and whether such structures are proposed to remain on the property.
  - q. Shorelines and critical areas as defined in AMC Chapter 14.100 Critical Area Protection and AMC Chapter 14.50 Shoreline Master Program.
  - r. A current topographic survey. Contour lines in areas to be developed shall be at two-foot intervals, or as specified by the City Engineer. Five-foot intervals may be used in areas not to be developed. All contour lines shall be extended into adjacent properties at least 300-feet to show the topographical relationship of adjacent property to the proposed development.
  - s. A legend identifying all existing and proposed boundary lines, buffers, drainage facilities and utilities, roadway sections, erosion control facilities, grading and critical areas, landscape features, and other required items specified above.
  - t. A stormwater site plan prepared pursuant to SWMMWW Vol. I Technical Requirements December 2014 Chapter 3 – Preparation of Stormwater Site Plans, or comparable requirements in a later SWMMWW as amended by the Washington Department of Ecology.
9. Reduced-size plans. A reduced size vicinity map and site plan showing proposed lot layout (suitable for public notice purposes).
10. Detailed requirements. The director is authorized to provide more detailed requirements for each of the items required for submittal of a complete preliminary plat or final plat application, including size, scale, number of copies, and content.

#### **17.31.040 - Preliminary land division approval - Criteria for decision.**

Each proposed preliminary land division shall be reviewed to ensure that:

- A. The proposal conforms to the requirements of this chapter and RCW 58.17.
- B. The proposal conforms to the form and intensity standards in Chapter 17.42 Form & Intensity Standards for the zone in which the property is located. Proposals using the unit lot subdivision process shall conform to the applicable use standards for the proposed use type in Chapters 17.43-48.
- C. The proposal conforms to the community design standards in Division 5, including:
  - 1. Chapter 17.51 Public Street Improvements Required.
  - 2. Chapter 17.52 Public Street Design.
  - 3. Chapter 17.53 Private Driveways & Access.
  - 4. Chapter 17.54 Subdivision Design & Block Structure.
- D. The proposal conforms to the standards of:
  - 1. AMC Chapter 14.100 Critical Area Protection.
  - 2. AMC Chapter 14.14 Stormwater Quality, including stormwater infiltration when feasible.
- E. The proposed land division:
  - 1. Makes adequate provision for parks, recreation, and playgrounds.

2. Makes adequate provision for schools and school grounds.
  3. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this title and that provide safe walking conditions for students who walk to and from school.
  4. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- F. Lack of compliance with the criteria in subsections (A) through (E) above will be grounds for denial of a proposed land division or for the issuance of conditions necessary to more fully satisfy the criteria.
- G. Phasing. Where a land division is to be developed in phases with a final plat approved and recorded separately for each phase, the following applies:
1. The applicant shall request approval of phasing in the preliminary land division application.
  2. Each separate phase is required to meet the requirements of the criteria above and all other applicable city codes when considered independently from any other phase.
  3. Where an applicant requests phasing after preliminary land division approval has been granted, phasing may be approved only through modification of the preliminary subdivision approval using the preliminary land division approval procedures in Section 17.20.030.

### **17.31.050 - Procedures for review - Specific land division types.**

- A. Preliminary short subdivision procedures.
1. Approval process. Short subdivisions follow the procedures established in Section 17.20.030.
  2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Engineering and Planning Divisions. All such facilities and improvements shall be completed or have a performance assurance guarantee posted to ensure completion as provided in Section 17.51.070, prior to recording of the short subdivision. All development of a short subdivision shall be subject to any conditions imposed by the city on the short subdivision approval.
  3. Revision and expiration. Short subdivisions follow the revision and expiration procedures established in Chapter 17.21 Permit Revision & Expiration.
  4. Recording. All short subdivisions shall be recorded in compliance with the following:
    - a. Prior to recording, the applicant shall submit the final short plat map to the city for signatures per Sections 17.32.050(C) and 17.32.060.
    - b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision shall be filed for record with the Grays Harbor County Auditor, and one reproducible copy shall be furnished to the city.
  5. Restriction on further division. Land within an approved and recorded short subdivision may not be further subdivided within a period of five years from the date of final approval if such further division would result in more than nine lots within the original short subdivision boundaries. Any division that would result in more than nine lots within the original short subdivision within the five-year period may be accomplished only by following the process for preliminary and final long subdivision approval in this section.
- B. Preliminary long subdivision procedures.
1. Approval process. Preliminary long subdivisions follow the procedures established in Section 17.20.030.



2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Engineering and Planning Divisions. All such facilities and improvements shall be completed or have a performance assurance posted to ensure completion as provided in Section 17.51.070, prior to recording of the long subdivision. All development shall be subject to any conditions imposed by the city on the preliminary long subdivision approval.
  3. Revisions and expiration. Long subdivisions follow the revision and expiration procedures established in Chapter 17.21 Permit Revision & Expiration.
- C. Final subdivision procedures.
1. Final plats shall be submitted in accordance with Sections 17.31.060-.070.
  2. Review. The final plat shall be reviewed to ensure that the following have been completed:
    - a. The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements.
    - b. The proposed final plat bears the certificates and statements of approval required by this section.
    - c. A current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.
    - d. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.
    - e. The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a surety in an amount commensurate with improvements remaining to be completed per Section 17.51.070.
    - f. The surveyor has certified that all survey monument lot corners are in place and visible.
    - g. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the city shall be evidenced by the approval of the final plat.
  3. Review of final long subdivisions. The city council shall review the final plat at a public meeting, according to the review criteria for final plats in Section 17.31.070. No public hearing is required. If the City Council approves the final plat, the Mayor is authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.
  4. Review of final short subdivisions. The Director shall review the final short plat according to the criteria for final plats set forth in Section 17.31.070.
  5. Recording. All final plats shall be recorded in compliance with the following:
    - a. Fees and performance assurance. Prior to recording, the applicant shall submit the original final plat drawings together with all applicable fees. Unless all required improvements have been constructed prior to final plat approval, the applicant shall also submit all required performance assurances to guarantee completion of the improvements as required by Section 17.51.070.

- b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat shall be filed for record with the Grays Harbor County Auditor.
- c. Time limit. All final plats shall be recorded within 60 days after final approval is granted by the city. Approval shall expire if the final plat is not recorded within this period.

D. Unit lot subdivisions.

- 1. Approval process. Unit lot subdivisions follow the procedures established in Section 17.20.030 for short subdivision or long subdivision, according to the number of unit lots proposed. Final unit lot subdivisions of ten or more lots follow the procedures for final long subdivision in subsection (C).
- 2. Compliance with prior approvals. Sites developed or proposed to be developed with duplexes, triplexes, cottages and townhouses per the standards in Section 17.43.010 may be subdivided into individual unit lots as provided herein. The development as a whole shall conform to the regulations applicable to the site and zone and to applicable plans that were granted approval through provisions of this code.
- 3. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.
- 4. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
- 5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access areas; underground utilities; common open space; exterior building façades and roofs; and other similar features, shall be recorded with the Grays Harbor County Auditor.
- 6. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the Grays Harbor County Auditor.
- 7. Notes shall be placed on the face of the plat or short plat as recorded with the Grays Harbor County Auditor to acknowledge the following:
  - a. Approval of the design of the unit on each of the lots was granted by the review of the development, as a whole, on the parent lot per the standards of Chapter 17.43 Residential Uses.
  - b. Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the city through subject file number as stated in subsection (D)(7)(a) above.
- 8. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Engineering and Planning Divisions. All development shall be subject to any conditions imposed by the city on the preliminary approval.
- 9. Revision and expiration. Unit lot subdivisions follow the revision and expiration procedures established in Chapter 17.21 Permit Revision & Expiration.

E. Binding site plans.

- 1. Division of land using the binding site plan process is limited to:

- a. Divisions for sale or lease of property in mixed-use or industrial zones.
- b. Divisions for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed on the land.
- c. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Ch. 64.32) or the Condominium Act (RCW CH. 64.34).
2. Approval process. Binding site plans follow the procedures established in Section 17.20.030.
3. Post-approval requirements. The following requirements apply to proposals submitted under this section:
  - a. All provisions, conditions, and requirements of the binding site plan are legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract, or parcel that does not conform to the requirements of the binding site plan approval, will be considered a violation of this chapter.
  - b. All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
  - c. Revision and expiration. Binding site plans shall follow the revision and expiration procedures established in Chapter 17.21 Permit Revision & Expiration.
  - d. Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city.
4. Recording. All final plats shall be recorded in compliance with the following:
  - a. Fees and performance assurance. Prior to recording, the applicant shall submit the original final plat drawings together with all applicable fees. Unless all required improvements have been constructed prior to final plat approval, the applicant shall also submit all required performance assurances to guarantee completion of the improvements as required by Section 17.51.070.
  - b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat shall be filed for record with the Grays Harbor County Auditor.
  - c. Time limit. All final plats shall be recorded within 60 days after final approval is granted by the city. Approval shall expire if the final plat is not recorded within this period.

### **17.31.060 - Final plat application requirements.**

- A. Applications for final plat approval will be accepted only when all of the following conditions have been satisfied:
  1. All plans, specifications, as-built drawings, and documents relating to required public improvements have been approved and accepted by the City Engineer and Community Development Director.
  2. All deeds, conveyances, covenants, dedications, indemnities, restrictions, and agreements have been approved by the City Attorney.
  3. All fees are paid and accepted, all voluntary contributions are accepted and approved, and all security devices are approved and effective.
  4. All improvements and other conditions required by the preliminary plat approval have been installed and approved, or have been bonded in accordance with this Title.

5. All sewage disposal, water supply, stormwater and other utility systems are functioning properly and are determined to be adequate.
  6. All required certifications by the owner, financial institutions, and surveyor are signed.
  7. A title report, completed within 30 days preceding submittal of a complete final plat, is provided showing ownership and all other interests in the land described and shown on the final plat is in the name of the person signing the owner's certificate.
  8. A completed storm and surface water drainage plan as required per AMC Chapter 13.70 for all stormwater elements of the plat.
- B. Final plat maps shall be prepared in accordance with the following:
1. A land surveyor registered in the state of Washington shall prepare or supervise the preparation of the final plat, pursuant to RCW 58.04.003, and shall certify and sign the map.
  2. A land surveyor registered in the State of Washington shall survey the land to be divided, and as much of the sections in which the land is located as is needed to properly orient the land within the sections. The survey shall comply with applicable state and city standards.
- C. The following information shall be included on all final plat maps:
1. The full and complete legal description of all land included in the plat.
  2. The name of the plat.
  3. Locations and names, without abbreviation, of all streets, public areas, and easements within and adjoining the plat.
  4. True north point on each sheet which depicts property included in the plat
  5. The scale, uniform and of sufficient size for good legibility, on each sheet which depicts property included in the plat
  6. The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.
  7. Centerline data on streets and easements, including bearings and distances.
  8. All dimensions along the lines of each lot and tract, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any boundary line in the field.
  9. Centerline data, width and sidelines of all easements, restrictions, and rights-of-way to which lots and tracts are subject.
  10. Easements for storm drains, sewers, utilities and all other purposes shall be denoted by broken lines.
  11. The maximum impervious surface allowed for each lot as determined by the calculations in the stormwater report for the subdivision.
  12. Provisions approved by the city attorney, ensuring access to storm drainage facilities and public access to trails or sidewalks if required as a condition of preliminary plat approval.
  13. Contiguous plats, by name or if unplatted, so noted.
  14. City and county boundaries crossing or adjoining the subdivision.
  15. All lots shall be numbered in sequence and provided with an address as provided by the City's Building Official.
  16. Each lot shall be shown entirely on one sheet.
  17. All points which were used as ties to establish the boundaries of the tract.

18. The location, size and shape of all permanent control monuments found and established at the controlling corners on the perimeter and within the plat and all monuments or other evidence used as ties to establish the plat boundaries.
  19. Accurate boundaries of all areas to be dedicated or reserved for public use or to be committed for the common use of property owners within the subdivision. All dedications and reservations shall be stated on the plat together with appropriate recording references as required by the director.
  20. All required dedications, endorsements, covenants, affidavits, and certificates shall be stated and shown on the face of the plat.
  21. The section, township and range.
  22. Conditions of approval of the preliminary plat including but not limited to dedications, reservations, open space tracts, critical areas and buffers, LID features, stormwater requirements and homeowners' association obligations.
  23. Homeowners' association documents, condominium declarations, and other similar documents required or permitted by the preliminary plat.
  24. Names and addresses of subdivider(s) and surveyor(s) on each sheet.
  25. The number of the sheet and total number of sheets on each sheet.
  26. Other information the director deems necessary.
- D. Certificates. The following certificates shall be shown on the final plat map. Certifications by the owner, financial institutions and surveyor shall be signed before the final plat is submitted for city signatures.
1. Surveyor. The surveyor's seal and signature on the plat along with a statement certifying that:
    - a. The plat was prepared by the surveyor or under their supervision.
    - b. The plat is a true and correct representation of the land and has been thoroughly surveyed as required by this chapter.
    - c. The legal description is a full and correct description of the land to be divided.
    - d. Monumentation and lot corner stakes as required by the City Engineer and this chapter have been or will be set.
  2. Owner. The owner of any interest in and the holder of any lien or encumbrance upon the land proposed for subdivision shall certify that the proposed final plat is submitted with their consent and there is no objection thereto.
  3. Dedications. A statement and certificate of dedication by the owner, acknowledged by a notary, and acceptable to the city attorney, for all areas to be dedicated to or for the benefit of the public.
  4. Owner's covenant. The owner shall grant to the city a covenant acceptable to the city and releasing, indemnifying and holding the city harmless from any and all claims for damages, liabilities, or injunctive relief of whatever nature arising from the design, construction, operation and maintenance of the plat and all associated improvements.
  5. Waiver of access. If required by the conditions of preliminary plat approval, a waiver by the owner of direct access to any street from any property.
  6. Roads not dedicated. A statement by the owner and clear visual indication on the plat of every street, way, road, sidewalk or the similar facility that is not dedicated to the public, and specifying the maintenance and inspection responsibility therefor.

7. City Engineer. A statement to be signed by the City Engineer accepting the survey data, dedications and reservations, the layout of streets and other rights-of-way, design of bridges, sewage and water system, all other utilities, and all other public improvements.
  8. Director. A statement to be signed by the director that the final plat conforms to the approved preliminary plat and all conditions of the preliminary approval.
  9. County treasurer. A statement to be signed by the county treasurer that all taxes and assessments for which the land to be divided may be liable as of the date of the signing of the statement have been paid in full.
  10. City treasurer. A statement to be signed by the city treasurer that all assessments, fees and contributions have been paid in full or secured in accordance with this title.
  11. Council approval. For long subdivision final plats only, a statement that the City Council has approved the final plat, to be signed by the mayor and city clerk following final action of the City Council.
- E. The surveyor shall set monuments at street intersections, lot and block corners, boundary angle points, points in curves in streets, points of tangents in streets, points of intersection in streets, controlling corners on the boundaries of land and at other points as required by the City Engineer. The type of monument and method of setting will be specified by the City Engineer.

#### **17.31.070 - Review criteria for approval of final subdivisions.**

No final subdivision may be approved unless the final subdivision:

- A. Substantially conforms to all terms, conditions, and provisions of preliminary approval.
- B. Contains a dedication to the public of all common improvements including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate is evidenced by the owner's presentment of final plat showing the dedication, and the acceptance by the City is evidenced by the approval of the final plat.
- C. Meets the requirements of this chapter, applicable state laws, and all other local ordinances adopted by the City which were in effect at the time a complete application for the preliminary plat approval was filed.

#### **17.31.080 - Subdivision alteration and vacation.**

Requests for subdivision alterations or subdivision vacations are reviewed and processed according to the procedures and criteria outlined in RCW 58.17.212 thru .218.

#### **17.31.090 - Violations - Penalty.**

- A. Any violation of any provision of this chapter constitutes a civil violation under AMC Title I for which a monetary penalty may be assessed and abatement may be required as provided therein.
- B. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor may the City or any agent thereof be held as assuming such liability by reason of preliminary or final approval or by issuance of any permits or certificates authorized herein.

### **17.31.100 – Cluster subdivisions.**

- A. Cluster subdivisions. The division of land into five or more lots, tracts, parcels or sites for the purpose of sale, lease or transfer, which includes the process of crediting areas in common or public ownership to the individual lot in determining compliance with the minimum lot area requirements of the zone in which the subdivision is to be located.
- B. Purpose. In any single-family residential zone, a developer may create lots that are smaller than those required under the minimum lot size of individual zoning districts if such developer complies with the provisions of this chapter. The intent is to authorize the developer to decrease lot sizes with the land "saved" being utilized as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size lots required under each zoning district.
- C. Authorization. Cluster subdivisions are special uses as authorized within individual zoning districts and are supplemental to the formal subdivision requirements of RCW 58.17 and city ordinances.
- D. Open space requirements. To compensate for the decrease in lot size, the development shall set aside common open space. The amount of usable open space that must be provided shall be determined by:
  - 1. Subtracting the required square footage requirement set forth in the underlying zoning district from the amount of each lot that is smaller than required; and then, adding together the results obtained for each lot.
  - 2. Maintenance of common open space shall be assured by covenants or other permanent legal mechanisms acceptable to the city attorney. Such covenants shall determine maintenance responsibilities and a financial plan for their payment.
- E. Allowed uses.
  - 1. Permitted Uses. Those uses listed as permitted uses in the underlying district.
  - 2. Conditional Uses. Those uses listed as conditional uses in the underlying district provided a conditional use permit is obtained per Chapter 17.33.
- F. Authority to modify zoning district development standards.
  - 1. The following development standards of the underlying zoning district(s) may be modified or eliminated in a cluster subdivision: minimum lot width; the front, rear and side yard setbacks; and building height.
  - 2. The minimum lot size in a cluster subdivision may be reduced to no less than 50 percent of minimum lot size required in the underlying zoning district.
- G. Information provided on plats for cluster subdivisions.

Subdivisions utilizing the cluster approach shall include the following data on the face of the subdivision plat:

  - 1. Outlines of all building envelopes.
  - 2. Number of buildings on each lot.
  - 3. Size and dimensions of all proposed lots.
  - 4. Building setback lines.
  - 5. Open space areas.
- H. Compliance with approved final plat. Any development or land division which fails to conform to the final plat as approved constitutes a violation of this chapter.

I. Review process for cluster subdivisions. Cluster subdivisions follow the same review process as regular subdivisions as set forth in Chapter 17.20.

J. Review criteria for cluster subdivisions.

Proposals for cluster subdivisions shall be reviewed on the following criteria:

1. That the requirements under Chapter 58.17 RCW and other city ordinances have been satisfied.
2. That the development is consistent with the policies of the comprehensive development plan.
3. The compatibility of the development and its uses with the surrounding vicinity.

The hearing examiner may require amendments, deletions or modifications to the proposed cluster subdivision as necessary to ensure the review criteria are met.

## **Chapter 17.32 - BOUNDARY LINE ADJUSTMENTS**

### **17.32.010- Purpose.**

The purpose of this Chapter is to establish criteria for the review and approval of boundary line adjustments.

### **17.32.020- Application requirements.**

- A. An application shall be submitted to the department on forms provided by the department and include applicable fees, Record of Survey, and all required information in the application submittal checklist.
- B. Boundary line adjustments are reviewed per Chapter 17.20 Application Procedures.

### **17.32.030 - Review criteria.**

- A. A boundary line adjustment may be used to:
  1. Resolve boundary line issues, such as encroachments, between two lots.
  2. To consolidate two or more lots.
  3. Other minor adjustments to boundary lines that meet the requirements and purpose of this chapter.
- B. In order to approve a boundary line adjustment, the decision-maker shall find that the boundary line adjustment will not:
  1. Create any additional lot.
  2. Result in the entire relocation of lots from one area to another.
  3. Result in avoiding public improvement requirements that would be associated with a replat or other new land division approval, or an obligation to pay latecomer fees.
  4. Require the creation of new streets or private roads, or require dedication of public right-of-way, or creation of access easements.
  5. Diminish or impair existing or future drainage, water supply, or sanitary sewage disposal.
  6. Result in a lot that contains insufficient area and dimensions to meet the minimum lot size for the applicable zone.
  7. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision.



8. Result in a lot without adequate vehicular access, including access for emergency response vehicles.
  9. Result in a lot having more than one zoning or land use designation.
  10. Result in a lot that extends beyond the city limits.
- C. A proposed boundary line adjustment that does not meet all the criteria of this section is processed under the appropriate land division requirements (Chapter 17.31 Land Divisions).

#### **17.32.040 - Final approval and recording.**

- A. The decision-maker is authorized and granted the discretion to require, as a condition of approval, that the boundary line adjustment record of survey include other relevant parcel boundaries and site features.
- B. Approval of the boundary line adjustment is not final until all of the following requirements are met:
1. There is compliance with the requirements of this chapter.
  2. Each adjusted lot shall have a unique identifier on the record of survey that has not been previously used or associated, in any way, with the adjusted parcels.
  3. The County treasurer has certified that all taxes on the land have been fully paid and discharged consistent with applicable requirements.
  4. The record of survey is prepared by a Washington State licensed land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW.
  5. A final record of survey has been approved by the City Engineer and the Director and filed for record by the applicant with the Grays Harbor County Auditor.

## **Chapter 17.33 - CONDITIONAL USES**

#### **17.36.010 - Purpose.**

Some uses in some zones are permitted subject to a conditional use permit because of their unusual characteristics, or special characteristics of the area in which they are to be located, so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

#### **17.36.020 - Applicability.**

The provisions of this chapter apply to all conditional uses.

#### **17.36.030 - Application requirements.**

A conditional use requires a permit. An application shall be submitted with forms provided by the department and shall demonstrate compliance with the conditional use criteria described in this chapter.

#### **17.36.040 - Criteria.**

- A. In order to grant a conditional use permit, the decision maker shall find that the use would be consistent with the following criteria:
1. The use complies with requirements specified elsewhere in this code.
  2. The proposed use is in accordance with the comprehensive plan.
  3. Access to the site is appropriate considering the anticipated volume of traffic resulting from the use.

4. Off-street parking and loading facilities are adequate in terms of location, amount, and design to service the use.
5. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
6. The location and intensity of outdoor lighting does not cast light on adjacent, adjoining, or neighboring properties.
7. Hours and manner of operation of the proposed use, including anticipated noise generation, do not conflict with adjacent or nearby uses.
8. Public facilities and utilities are capable of adequately serving the proposed use.
9. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development.
10. Any other factors deemed relevant by the decision-maker.

#### **17.36.050 - Conditions authorized.**

- A. In addition to regulations and standards expressly stated in this code, the decision-maker may impose other conditions necessary to ensure compatibility with the conditional use criteria.
- B. These conditions may include, but are not limited to:
  1. Requirements increasing the required lot size or yard dimensions.
  2. Increasing street widths, controlling the location and number of vehicular access points to the property.
  3. Increasing the number of off-street parking or loading spaces required.
  4. Limiting the coverage or height of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character keeping with the surrounding area.
  5. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

## **Chapter 17.34 - VARIANCES**

#### **17.38.010 - Applicability.**

- A. Generally, variances are allowed to grant relief from dimensional or numeric standards, including:
  1. Building size or height.
  2. Landscaping.
  3. Lot coverage.
  4. Minimum density or maximum lot size.
  5. Parking.
  6. Setbacks.
- B. Variances are not allowed for any of the following:
  1. Allowable, conditionally permitted, or prohibited uses in each zone.
  2. Maximum density or minimum lot size.
  3. Procedural or administrative provision of this Title.

4. Any provision of this code which, by the express terms of that provision, is not subject to a variance.
5. Any conditions of approval established during permit review.
6. The provisions of AMC Chapter 14.100, Critical Areas Protection.

#### **17.38.020 - Criteria.**

- A. The city may approve or approve with modifications an application for a variance if the applicant demonstrates that all of the following criteria are met:
  1. The variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone of the site.
  2. The variance is necessary because of the unique size, shape, topography, or location of the site.
  3. The site is deprived, by the provisions of this code, of rights and privileges enjoyed by other properties in the vicinity and same zone as the site.
  4. The variance is the minimum necessary to provide the site with those rights and privileges.
  5. The need for the variance is not the result of deliberate actions of the applicant or property owner.
  6. Granting of the variance will not be materially injurious to the property or improvements in the vicinity and zone in which the site is located.
  7. The variance is consistent with the intent and purpose of the provision being varied.
- B. Conditions for Granting. In authorizing the variance, the decision maker may attach any conditions that it deems to be necessary or desirable in order to carry out the intent and purposes of this chapter and in the public interest.
- C. Transfer of Ownership. A variance runs with the land. Compliance with the conditions of a variance is the responsibility of the current owner of the property, whether the applicant or a successor.

## DIVISION 17.4 - ZONING AND LAND USES

Chapter 17.40 – Zones.

Chapter 17.41 – Allowed uses.

Chapter 17.42 – Form & intensity standards.

Chapter 17.43 – Residential uses.

Chapter 17.44 – Commercial uses.

Chapter 17.45 – Industrial uses.

Chapter 17.46 – Public, institutional, and open space uses.

Chapter 17.47 – Accessory uses and structures.

Chapter 17.48 – Temporary uses.

Chapter 17.49 – Nonconforming uses and structures.

### Chapter 17.40 - ZONES

#### 17.40.010 - Generally.

**A. Purpose.** The city is divided into zones to assist in orderly community development, conserve the value of property, and safeguard the public welfare by:

1. Implementing the Aberdeen Comprehensive Plan policies through land-use regulations.
2. Providing for adequate public facilities and services in conjunction with development.
3. Providing an efficient and compatible relationship of land uses and zones.
4. Providing for a transportation system that offers greater options, mobility, safety, and access in support of the City's growth strategy.
5. Conserving the City's natural resources and attractions.

**B. Establishment of the Official Zoning Map.**

1. The location and boundaries of zones established by this title are shown and maintained as part of the City's Geographic Information System (GIS) under the direction of the director. The Zoning GIS layer constitutes the City of Aberdeen's Official Zoning Map and is part of this title. All notations, references, and other information shown shall have the same force and effect as if fully described in this title.
2. At the direction of City Council, the director is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map. The revision may be made only after following the applicable process for a site-specific rezone or zone boundary determination (see Table 17.20.030).
3. The department shall maintain digital or printed copies of the Official Zoning Map and maintain records of superseded official maps.

**C. Zoning map interpretation.** When uncertainty exists as to boundaries of any land use zone shown on the Official Zoning Map, the following rules apply:

1. Where a boundary is indicated as approximately following the center line of streets, alleys, railroads, or highways, the actual center line shall be construed to be the boundary.
2. Where a zone boundary is indicated as approximately following the lot or tract lines and the map is scaled at not more than 20-feet from the lot or tract lines, the actual lot or tract lines shall be construed to be the boundaries of such zone.

3. Where a zone boundary divides a lot or tract, the boundary shall be determined by map scaling unless the actual dimensions are shown on the map.
4. Where boundaries are indicated as following lines of ordinary high water, government or meander line, the lines shall be considered to be the actual boundaries, and, if they should change, the boundaries shall be considered to move with them.
5. Where a public right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property that it merges with.
6. Zone boundary determination. In case uncertainty exists which cannot be determined by application of the foregoing rules, a zoning boundary determination shall be made as established in Table 17.20.030. The decision shall be guided by the standards in subsections (1) through (5) of this subsection, the purpose and language of the Aberdeen Comprehensive Plan, and the purpose statement of the zones where boundaries are in question.

#### **17.40.020 - Establishment of zones.**

1. Establishment of zones. In order to regulate uses of land, buildings and structures in conformance with the policies of the comprehensive land use plan, the city is divided into the residential zones in Section 17.40.030, mixed-use, commercial, and industrial zones in Section 17.40.040, and open space zones in Section 17.40.050.
2. The purpose statements for each zone and map designation in the following sections shall be used to guide the application of the zones and designations to all lands in the city. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

<b>Table 17.40.020 List of zones.</b>		
<b>Zone Name</b>	<b>Abbreviation</b>	<b>Comprehensive Plan Designation</b>
<b>RESIDENTIAL ZONES (17.40.030)</b>		
Residential Low	RL	Residential Low
Residential High	RH	Residential High
Flex Residential	F-R	Flex-Residential
<b>MIXED-USE, COMMERCIAL, AND INDUSTRIAL ZONES (17.40.040)</b>		
Neighborhood Center Mixed Use	NC-MU	Neighborhood Center Mixed Use
Downtown Mixed Use	DT-MU	Downtown Mixed Use
Commercial	C	Commercial
Waterfront	WF	Waterfront
Flex Industrial	F-I	Flex Industrial
Civic	CV	Civic
<b>OPEN SPACE ZONES (17.40.050)</b>		
Open Space – Residential	OS-R	Open Space - Residential
Open Space – Parks	OS-P	Open Space – Parks
Open Space – Conservancy	OS-C	Open Space – Conservancy

## **17.40.030 - Residential zones established.**

### **A. Residential Low (RL)**

1. Purpose. This designation supports lower density residential development further from Aberdeen's centers. It is intended to continue Aberdeen's neighborhood pattern and allow for infill development, especially to accommodate residents moving uphill out of higher risk areas and provide the housing stock needed for Aberdeen's expected population. At the same time, it allows for areas constrained by topography, wetlands, and other critical areas to create a lower intensity transitional area between the city and the surrounding natural areas.
2. Typical housing types should include houses, townhouses, cottage housing, small lot houses, tiny houses, duplexes, small multiplexes, and accessory dwelling units. Small neighborhood-serving commercial spaces (e.g., daycares, café, corner store grocery) should be allowed, especially where relatively dense residential areas are separated from neighborhood centers by steep topography.
3. Use of this zone is appropriate for areas designated Residential Low in the Comprehensive Plan.

### **B. Residential High (RH)**

1. Purpose. This designation provides for moderate to high density homes on land suitable for urban development. These areas are conveniently located near downtown or neighborhood centers, transportation opportunities, parks, and civic/institutional facilities, while avoiding areas impacted by air quality, noise, critical areas, flooding, or other risks.
2. Typical housing types should include a mixture of multifamily and single family homes. Small neighborhood-serving commercial spaces (e.g., café, corner store grocery, daycares) should be allowed.
3. Use of this zone is appropriate for areas designated Residential High in the Comprehensive Plan.

### **C. Flex Residential (F-R)**

1. Purpose. This designation allows for a wide range of uses, including residential, commercial, and light industrial. The district emphasizes smaller scale industrial uses such as food processing, workshops, or fabrication; wholesale retail and professional services; home occupations; and low-to-moderate density residential to increase the availability of jobs and allow workers to live close to where they work.
2. Expected development types include small to medium footprint flexible buildings that can be used for a variety of business applications, as well as detached houses and middle housing types such as townhouses and duplexes. Home occupations and live/work units should be allowed.
3. Use of this zone is appropriate for areas designated Flex-Residential in the Comprehensive Plan.

## **17.40.040 – Mixed-use, commercial, and industrial zones established.**

### **A. Neighborhood Center Mixed Use (NC-MU)**

1. Purpose. This designation encourages a focus and reinvigoration of Aberdeen's traditional districts, as envisioned in the Centers and Corridors strategy. These higher intensity areas are limited to places that are located well to be 15-minute walking centers throughout Aberdeen and make use of existing anchors, such as schools, parks, and groceries or other businesses.
2. New development should include a mix of residential and neighborhood serving commercial. Multistory buildings, especially with some ground floor commercial, are encouraged.
3. Use of this zone is appropriate for areas designated Neighborhood Center Mixed Use in the Comprehensive Plan.

## **B. Downtown Mixed Use (DT-MU)**

1. Purpose. This designation is intended for Aberdeen's historic central core. It reinforces downtown as Aberdeen's center of commercial, civic, cultural, and tourism activities. Downtown is expected to accommodate new development while reinforcing and enhancing its historic pedestrian-friendly character and scale.
2. Expected development includes mixed residential and ground floor commercial, mixed office and ground floor commercial, and single purpose residential, commercial, office, and artisan manufacturing uses.
3. Use of this zone is appropriate for areas designated Downtown Mixed Use in the Comprehensive Plan.

## **C. Commercial (C)**

1. Purpose. This designation provides for a wide variety of general service, retail, commercial, and storage that serves local and regional customers. It is generally located along major transportation corridors. It may support accessory or upper story residential uses, but the focus should be on maintaining affordable commercial space in Aberdeen to serve the region's needs. These are relatively centrally located and along transit lines so that all areas of the city have access to commerce. This designation provides for a wide variety of general-service and retail commercial uses, and mixed-uses serving local and regional residents and the traveling public.
2. Development should include a wide variety of general service, retail, commercial, and professional office buildings. Development may include residential.
3. Use of this zone is appropriate for areas designated Commercial in the Comprehensive Plan.

## **D. Waterfront (WF)**

1. Purpose. This designation provides for a mix of commercial, cultural, recreational, and water-related light industrial uses in waterfront areas to support tourism and continued water-oriented uses. Development should emphasize and make use of the unique waterfront setting with a pedestrian-friendly environment and public access and views to the water where feasible. Because these areas are generally not protected by the existing or planned levee, high intensity uses are not expected and flood-resilient design is required for certain uses.
2. Typical development should include a mixture of commercial buildings, light industrial activities, and recreational or commercial water access. These areas should be less intense than Downtown or Neighborhood Center designations, except where they also align with a regional center (i.e., the regional shopping center at the mouth of the Wishkah River).
3. Use of this zone is appropriate for areas designated Waterfront in the Comprehensive Plan.

## **E. Flex-Industrial (F-I)**

1. Purpose. This designation provides for a mix of industrial, service commercial, and heavy retail uses that minimize unmitigated external visual, auditory, physical impacts on adjacent properties and generally do not compete with uses in the Downtown and Neighborhood Center Mixed Use areas. Many sites are located along the Chehalis River where orientation to navigable waterways and rail access is of primary importance.
2. Expected development includes structures and surfaces that support industrial, light industrial, manufacturing, shipping, research and development, marine-oriented commercial, and commercial uses.
3. Use of this zone is appropriate for areas designated Flex-Industrial in the Comprehensive Plan.

## **F. Civic (CV)**

1. Purpose. This designation ensures land remains available for schools, colleges, hospitals, and other community serving civic or institutional uses.
2. Expected development includes schools, colleges, hospitals, and other institutional and public buildings.
3. Use of this zone is appropriate for areas designated Civic in the Comprehensive Plan.

#### **17.40.050 - Open Space zones established.**

##### **A. Open Space – Conservancy (OS-C)**

1. Purpose. This designation allows for preservation of natural areas with minimal disruption. These areas may be located to mitigate/adapt to flooding, landslide, and tsunami risks. In some cases, existing uses are commercial or industrial, and these may remain in place until vacated.
2. Existing uses may remain. In the future, trails, interpretive displays, and other development that increases public enjoyment and connection to nature may be considered if designed for a positive impact on natural systems.
3. Use of this zone is appropriate for areas designated Open Space – Conservancy in the Comprehensive Plan.

##### **B. Open Space – Parks (OS-P)**

1. Purpose. This designation allows for existing and future parks and public open space, public community facilities, and essential public facilities. They are located to support downtown and neighborhood centers with public amenities, as well as to enhance the waterfront as a recreational draw.
2. Expected development typically includes public parks and recreation facilities, trail corridors, and open space. These areas may include small commercial spaces (e.g., park concession stand).
3. Use of this zone is appropriate for areas designated Open Space – Parks in the Comprehensive Plan.

##### **C. Open Space – Residential (OS-R)**

1. Purpose. This designation allows for potential residential development in existing natural areas. It is intended to preserve and enhance natural areas where critical areas (e.g., steep slopes, streams) limit feasibility while providing long-term flexibility for residential expansion if needed.
2. Expected development would include cabins and small residences, and if needed in the future, larger residential development types. Agriculture and timber uses may be allowed.
3. Use of this zone is appropriate for areas designated Open Space – Residential in the Comprehensive Plan.



## Chapter 17.41 - ALLOWED USES

### 17.41.010 - Purpose.

The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

### 17.41.020 - Classification of uses.

#### A. Use categories.

1. In order to regulate uses, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics. These categories include:
  - a. Residential uses (see Chapter 17.43).
  - b. Commercial uses (see Chapter 17.44).
  - c. Industrial uses (see Chapter 17.45).
  - d. Public, institutional, and open space uses (see Chapter 17.46)
2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
3. Use category definitions are included in Chapters 17.43-46.
4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The director has the responsibility for categorizing all uses.

B. Principal uses. Allowed principal uses by zone are listed in Tables 17.41.040-050. Principal uses are grouped into categories of uses.

C. Accessory uses. Accessory uses are allowed in conjunction with a permitted principal use as established in Chapter 17.47 Accessory Uses & Structures.

D. Temporary uses. Temporary uses are allowed as established in Chapter 17.48 Temporary Uses.

E. Nonconforming uses and structures. See Chapter 17.49 for provisions.

### 17.41.030 - Key to the use table.

The use tables in this chapter determine whether a use is allowed in a zone.

#### A. Permitted use (P).

Where the letter “P” appears in the use tables, the subject use is permitted. “Permitted” uses are those that do not require discretionary land use approval permits, but may require building permits or shoreline permits.

#### B. Conditional use (C).

Where the letter “C” appears in the use tables, the subject use is allowed subject to the conditional use review procedures specified in Section 17.20.030 Types of review and Chapter 17.36 Conditional Uses.

#### C. Use not permitted ( ).

Where no symbol appears in the use tables, the subject use is prohibited in that zone.

#### D. Special use limitations (\*) (†)

For uses containing symbols \* and †, refer to the code reference in the right column next to the applicable symbol.

**E. Unclassified uses.**

Where a proposed use is not classified in the use tables and sections below, the director shall apply the use provisions of a use most similar in scale and associated level of impacts. Where the director finds that there is no such similar use, the director shall make a determination in writing on whether the use should be permitted, conditionally permitted, or prohibited, based on the purpose of the applicable zone, the mixture of permitted, conditional, and prohibited uses, and the scale and projected impacts of the proposed use. Special criteria in helping to determine whether a use is appropriate for the zone:

1. Consider the scale and type of buildings compared to other permitted uses in the zone.
2. Consider the amount, type, and pattern of vehicular traffic anticipated for the use.
3. Consider the expected outdoor uses and activities associated with the use.
4. Consider the expected noises, odors, emissions, and unique visual impacts associated with the use.

**17.41.040 - Principal uses permitted in residential zones.**

Table 17.41.040 below provides the list of permitted principal uses in residential zones. See Section 17.41.030 for keys to the letters and symbols in the table.

NOTE: Accessory uses are not shown in these Principal Use charts. See Chapter 17.47 Accessory Uses and Structures for applicable accessory use provisions.

Table 17.41.040 Principal uses permitted in residential zones.				
Principal Use	RL	RH	F-R	Section Reference/ Condition
<b>RESIDENTIAL</b>				
<b>Household Living,</b> as listed below				17.43.010(A)
Single-family house	P	P	P	17.43.010(B)
Cottage housing	P	P	P	17.43.010(C)
Duplex	P	P	P	17.43.010(D)
Triplex or fourplex	P	P	P	17.43.010(E)
Townhouse	P*	P	P*	17.43.010(F) * Up to four attached
Multifamily, 5 or more units		P		17.43.010(G)
<b>Group Living,</b> as listed below				17.43.020(A)
Adult family home	P	P	P	17.43.020(B)
Assisted living facility		P		17.43.020(C)
Co-living		P	C	17.43.020(D)
Group care living facilities	C	C	C	17.43.020(E)
Nursing homes		C		17.43.020(F)
<b>COMMERCIAL</b>				

Table 17.41.040 Principal uses permitted in residential zones.				
Principal Use	RL	RH	F-R	Section Reference/ Condition
<b>Day Care,</b> as listed below				17.44.010(A)
Mini day care	P	P	P	17.44.010(B)
Commercial day care		P	P	17.44.010(B)
<b>Eating/drinking establishments,</b> except as listed below	P*	P†	P	17.44.020(A) * Up to 2,000 sf, corner lots only Shall be closed to the public after 10 pm. † Up to 4,000 sf, corner lots only
Bar, nightclub, tavern, lounge, tap room, wine bar				17.44.020(A)
<b>Medical,</b> except as listed below				17.44.040(A)
Medical office for dentist, chiropractor, osteopath, physician, or other medical practitioner	P*	P*	P	17.44.040(A) * Corner lots only and up to 2,000sf gross floor area (up to 4,000sf in the RH zone)
<b>Office,</b> except as listed below				17.44.050(A)
Professional services	P*	P*	P	17.44.050(A) * Corner lots only and up to 2,000sf gross floor area (up to 4,000sf in the RH zone)
<b>Overnight Lodging,</b> except as listed below				17.44.060(A)
Bed & breakfast and short-term rental	P	P	P	17.44.060(B)
<b>Parking</b>	C*	C*	C	* 17.44.070
<b>Personal Service,</b> except as listed below	P*	P*	P	17.44.080(A) * Corner lots only and up to 2,000sf gross floor area (up to 4,000sf in the RH zone); shall be closed to the public after 10 pm.
<b>Retail Sales,</b> except as listed below	P*	P†	P	17.44.110(A) *Up to 2,000 sf, corner lots only Shall be closed to the public after 10 pm. †Up to 4,000 sf, corner lots only
Farmers' markets	C	C	C	17.44.110(B)(1)
<b>INDUSTRIAL</b>				
<b>Industrial uses,</b> except as listed below				
Light Industrial			P	17.45.020(A)
<b>Wholesale trade</b>			C	17.45.090
<b>PUBLIC, INSTITUTIONAL &amp; OPEN SPACE USES</b>				
<b>Agriculture,</b> except as listed below				17.46.010(A)
Animal husbandry	P	P	P	17.46.010(B)
Community garden	P	P	P	17.46.010(D)

Table 17.41.040 Principal uses permitted in residential zones.				
Principal Use	RL	RH	F-R	Section Reference/ Condition
Nursery, orchards and farming including the retail sales of produce grown on the premises	C	C	P	17.46.010(E)
<b>Civic,</b> As listed below and based on gross floor area (GFA)				17.46.020(A-B)
<10,000sf GFA		P	P	
10,000-20,000sf GFA		C	P	
>20,000sf GFA			P	
Special civic uses:				17.46.020(C)
Cemetery/columbarium	P	P	P	17.46.020(C)(1)
College, community college, or university		C	C	17.46.020(C)(2)
Community center		C	C	17.46.020(C)(3)
Museum		C	P	17.46.020(C)(4)
Reuse of public schools for public and private recreational uses and public uses	C	C	C	
Private recreational, civic, social and/or cultural clubs		C	P	17.46.020(C)(5)
Schools, public or private (K-12)	C	C	P	17.46.020(C)(6)
<b>Parks, Plazas, Open Spaces, &amp; Natural Areas</b>	P	P	P	17.46.030(A-B)
<b>Utilities,</b> as listed below				17.46.040
Utilities, major	C	C	C	17.46.040(A)
Utilities, minor	P	P	P	17.46.040(B)

## 17.41.050 – Principal uses permitted in mixed-use and industrial zones.

Table 17.41.050 below provides the list of permitted principal uses in mixed-use and industrial zones.

Table 17.41.050 Principal uses permitted in mixed-use and industrial zones.							
Principal Use	NC-MU	DT-MU	C	WF	E-I	CV	Section Reference/ Condition
<b>RESIDENTIAL</b>							
<i>Note: Residential uses are not allowed on the ground floor facing a designated Storefront Street (see Chapter 17.61). Lobbies for multifamily uses are an exception, provided the units meet the standards in Section 17.61.040.</i>							
<b>Household Living,</b> as listed below							17.43.010(A)
Single-family house	P	P*	P*	P*	P*		17.43.010(B) * Existing units only
Cottage housing	P				P*		17.43.010(C) * Existing units only
Duplex	P				P*		17.43.010(D) * Existing units only
Triplex or fourplex	P				P*		17.43.010(E) * Existing units only
Townhouse	P			P	P*		17.43.010(F) * Existing units only
Multifamily dwellings, 5 or more units	P	P*	P*	P	P*		17.43.010(G) * Existing units only
Caretakers' residence	P	P	P	P	P		17.43.030
<b>Group Living,</b> as listed below							17.43.020(A)
Adult family home	P	P*	P*				17.43.020(B) * 17.43.020(B)(2)(c)
Assisted living facility	P	P	P	P		P	17.43.020(C)
Co-Living	P	C					17.43.020(D)
Group care living facilities	C	P	P	P	C	P	17.43.020(E)
Nursing home	C		C	C		P	17.43.020(F)
<b>COMMERCIAL</b>							
<b>Day Care</b>	P	P	P	P		P	17.44.010(A)
<b>Eating/drinking establishments</b>	P	P	P	P	P	P	17.44.020(A)
<b>General-service,</b> except as listed below	C	P	P	P	P	P	17.44.030(A)
Auto and truck repair services within a building		C	P	P	P	P	
Heavy service				P*	P	P	17.44.0230(B) * Marine-related only

Table 17.41.050 Principal uses permitted in mixed-use and industrial zones.							
Principal Use	NC-MU	DT-MU	C	WF	F-I	CV	Section Reference/ Condition
Public safety facility		C	P	C	P	P	17.44.030(C)
<b>Medical,</b> Except as listed below:						P	17.44.030(A)
Hospital	C*		C			P	17.44.040(C) * Permitted only on sites over 2 acres
<b>Office</b>	P*	P	P	P	P†	P	17.44.050(A) * No more than 20,000 sf 17.44.050(B) † Permitted as an accessory use
<b>Overnight Lodging</b>	C	P	P	P		P	17.44.060(A)
<b>Parking</b>		C	P	P	P	P	17.44.070(A)
<b>Personal Service,</b> except as listed below	P	P	P	P		P	17.44.080(A)
Animal care		P*	P*	P*	P	P*	17.44.080(B) * Facilities with outdoor runs are a conditional use
<b>Recreation, Indoor</b> As listed below and based on net floor area (NFA):							17.44.090(A)
<10,000sf NFA	P	P	P	P	C	P	17.44.090(B)
10,000 to 20,000sf NFA	C	C	C	P	C	P	17.44.090(B)
>20,000sf NFA	C	C	C	C	C	P	17.44.090(B)
Special indoor recreation uses:							
Adult entertainment		C	C		C	C	17.44.090(C)(1)
Convention center or conference center		P	P	P		P	17.44.090(A)
Shooting range					P		17.44.090(A)
<b>Recreation, Outdoor,</b> except as listed below							17.44.100(A-B)
Campground						C	17.44.100(B)
Marinas & boat moorage				P	C		17.44.100(C)
Recreational vehicle park				C			17.44.100(E)
<b>Retail Sales,</b> As listed below and based on net floor area (NFA)/individual use:							17.44.110
<20,000sf NFA	P	P	P	P		P	17.44.110(D)
20,000-50,000sf NFA	P*	P	P	P			* Permitted only on sites over 2 acres

Table 17.41.050 Principal uses permitted in mixed-use and industrial zones.							
Principal Use	NC-MU	DT-MU	C	WF	E-I	CV	Section Reference/ Condition
>50,000sf NFA		P	P	P			
Special retail sales uses:							17.44.110(C)
Heavy retail			P	C	P		17.44.110(C)(1)
Cannabis, retail		P*	P*		P*		17.44.110(B)(4) *A total of two cannabis retail stores can be permitted within the City
Gas station	P	C*	P	C	P	P	17.44.110(F)(3) * Prohibited on storefront streets
<b>Vehicle Sales/Rental,</b> except as listed below		C	P	P	P		17.44.130(A-B)
Marine sales/rental			P	P	P		17.44.130(C)
<b>INDUSTRIAL</b>							
<b>Heavy Industrial,</b> except as listed below					C		17.45.010(A)
<b>Light Industrial,</b> except as listed below	C		P*	C	P		17.45.020(A) * Use shall be conducted entirely within a building(s)
Cannabis, processing					P		17.45.020(B)
<b>Light manufacturing,</b> except as listed below		C		P	P		17.45.030(A)
Artisan manufacturing	P*	P*	P*	P	P		17.45.030(B) * Shall include on-site retail component
<b>Laboratories and research facilities</b>		P*	P*	P*	P	P	17.45.040(A) * 17.45.040(B)
<b>Self-Service Storage</b>			C		P*		17.45.050(A) * 17.45.050(B)
<b>Warehouse &amp; Distribution</b>			C	C	P		17.45.060(A)
<b>Waste Related Services,</b> except as listed below					P	P	17.45.070(A)
<b>Water-oriented industrial uses</b> except as listed below				P	P	P	17.45.080(A)
Shipping terminals				C	P	P	17.45.080(A)
Boat launch facility				P	P	P	17.45.080(B)
<b>Wholesale Trade</b>		C	P	P	P		17.45.090(A)

Table 17.41.050 Principal uses permitted in mixed-use and industrial zones.							
Principal Use	NC-MU	DT-MU	C	WF	E-I	CV	Section Reference/ Condition
<b>PUBLIC, INSTITUTIONAL &amp; OPEN SPACE USES</b>							
<b>Agriculture,</b> except as listed below							17.46.010(A)
Nursery, orchards and farming including the retail sales of produce grown on the premises	P		P	P	P	P	
Farmers' markets;	P	P	P	P	P	P	
Aquaculture				C	P		17.46.010(C)
Cannabis, production					P		17.46.010(E)
Nurseries			C		P	P	17.46.010(F)
Community garden	P	P	P	P		P	17.46.010 (D)
<b>Civic,</b> Except as listed below and based on gross floor area (GFA):							17.46.020(A-B)
<10,000sf GFA	P	P	P	P	P	P	
10,000-20,000sf GFA		P	P	P	P	P	
>20,000sf GFA		P*	P	P	C	P	* Permitted only on sites over 2 acres
Special civic uses:							17.46.020(C)
College, community college, or university			P		C	P	17.46.020(C)(2)
Community center		P	P	P	C	P	17.46.020(C)(3)
Museum		P	P	P		P	17.46.020(C)(4)
Schools, public or private (K-12)		C	C	C		P	17.46.020(C)(5)
<b>Parks, Plazas, Open Spaces, and Natural Areas</b>		P	P	P	P	P	17.46.030(A-B)
<b>Utilities</b>							17.46.040
Utilities, major		C	C	C	C	C	17.46.040(A)
Utilities, minor		P	P	P	P	P	17.46.040(B)
Sustainable energy generation system			C	C	P	P	17.46.040(C)
Battery Energy Storage Systems					P	C	17.46.040(D)



## 17.41.060 – Principal uses permitted in open space zones

Table 17.41.060 Principal uses permitted in mixed-use and industrial zones.				
Principal Use	OS-R	OS-P	OS-C	Section Reference/ Condition
Single-family house	P		P*	17.43.010(A-B) * Existing uses only, no new construction
Bed & breakfast inns	P			17.44.060(B)
Cemetery/columbarium	C	C		17.46.020(c)(1)
Private recreational, civic, social and/or cultural clubs		C		17.46.020(c)(5)
Schools, public or private (K-12)	C	C		17.46.020(c)(6)
Parks, Plazas, Open Spaces, & Natural Areas	P	P	P	17.46.030(A-B)
Agriculture	P			17.46.010
Campground		P		17.44.100(B)
RV Park		P		17.44.100(E)
Utilities, major	C	P	P	17.46.040(A)
Utilities, minor	C	C	C	17.46.040(B)
Sustainable energy generation system	C			17.46.040(C)

## Chapter 17.42 - FORM & INTENSITY STANDARDS

### 17.42.010 - Generally.

#### A. Purpose.

1. To promote forms of development that reinforce and/or enhance the desired character of Aberdeen residential neighborhoods, business districts, and industrial zones.
2. To promote compatibility between developments.
3. To minimize environmental impacts of development.

#### B. Key to the form and intensity standards tables.

1. The form and intensity standards tables address the form and intensity of development specific to individual zones. The zone is located on the vertical columns and the form/intensity topic being addressed is located on the horizontal rows.
2. Where a reference appears after the form and intensity measure, then the use or development is subject to standards in that section or chapter.
3. For uses containing symbols \* and †, refer to the code reference in the right column next to the applicable symbol.
4. If a cell is blank ( ), then there are no standards for the particular measure or it is not applicable to the zone.
5. Sections 17.42.040-17.42.160 provide clarification and exceptions to the form and intensity standards tables below.

### 17.42.020 – Form and intensity standards.

A. Table 17.42.020(A) sets forth the form and intensity standards for residential zones.

Table 17.42.020(A) Form and intensity standards in residential zones.				
Standards	RL	RH	RF	Section Reference/ Condition
<b>LOT SIZE &amp; DEVELOPMENT INTENSITY</b>				
Minimum lot size (square feet)	5,000	5,000	5,000	17.42.030
Maximum dwelling units per lot	4	N/A	4	17.42.040
Lot area per dwelling unit (square feet)	1,250	N/A	N/A	17.42.050
Lot coverage	45%*	60%	45%*	17.42.060 * or 2,000 sf, whichever is greater
Height, maximum (feet)	35	45	35	17.42.080
<b>SETBACKS (minimum)</b>				
Street setback (feet)	15	10	15	17.42.080-.090
Minimum side setback (feet)	5	5	5	
Side setback, street (feet)	10	10	10	
Garage street setback (feet)	20	N/A	20	
Minimum rear setback (feet)	5	5	5	

- B. Table 17.42.020(B) sets forth the form and intensity standards for mixed-use, commercial, and industrial zones.

<b>Table 17.42.020(B)</b> <b>Form and intensity standards in mixed-use, commercial, and industrial zones.</b>							
Principal Use	NC-MU	DT-MU	C	WF	F-I	CV	Reference
<b>LOT SIZE &amp; DEVELOPMENT INTENSITY</b>							
Minimum lot size (square feet)	5,000	5,000	5,000	5,000	5,000	10,000	17.42.030
Lot coverage	60%	N/A	N/A	N/A	N/A	N/A	17.42.060
Height, maximum (feet)	45*	N/A	35	45†	45	75	17.42.070 * maximum of 75 feet on lots 2 acres or larger † Maximum of 35 feet within 200 feet for shoreline (see Shoreline Master Program chapter 14.50)
<b>SETBACKS</b>							
Street setback and street setback, street (feet)	10*	5*	5*	5* 10†	10	10	17.42.080-.090 * Except for storefronts meeting Section 17.61.040 † 10' front setback where lot fronts on a state highway
Side setback (feet)	5*	N/A	N/A	N/A	N/A <sup>x</sup>	5	17.42.080-.090 * Required only on sides adjacent to lots zoned RL
Rear setback (feet)	5*	N/A	N/A	N/A	N/A	5	17.42.080-.090 * Required only on sides adjacent to lots zoned RL

- C. Table 17.42.020(C) sets forth the form and intensity standards for open space zones.

<b>Table 17.42.020(C)</b> <b>Principal uses permitted in open space zones.</b>				
Principal Use	OS-R	OS-P	OS-C	Reference
<b>LOT SIZE &amp; DEVELOPMENT INTENSITY</b>				
Minimum lot size (square feet)	25,000	N/A	N/A	17.42.030
Maximum units per lot	1			17.42.040
Density maximum (dwelling units/gross acre)	2 units per acre	N/A	N/A	17.42.035
Lot coverage	10%	10%	10%	17.42.060
Height, maximum (feet)	35	35	35	17.42.070

Table 17.42.020(C) Principal uses permitted in open space zones.				
Principal Use	OS-R	OS-P	OS-C	Reference
<b>SETBACKS (minimum)</b>				
Street setback (feet)	20	20	20	17.42.080-.090
Side setback (feet)	10	10	10	
Rear setback (feet)	10	10	10	

### 17.42.030 – Minimum lot size calculations.

- A. Minimum lot size calculations are based on net lot area, rather than gross lot area. The following areas are excluded from the minimum lot area calculations:
1. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater facilities).
  2. Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type-I, 2, 3 and 4 streams and buffers.
- B. Existing lots that do not meet the minimum lot size may be developed in accordance with the lot area per unit standard (17.42.050).

### 17.42.035 – Density maximum.

The density maximum is specified for relevant zones in Table 17.42.020(C). Density is measured in terms of dwelling units per gross acre. See Section 17.31.100 for Cluster Subdivision standards.

### 17.42.040 – Maximum units per lot.

Maximum units per lot is specified for relevant zones in in Tables 17.42.020(A), (B), and (C).

- A. Maximum units per lot does not apply to cottage housing or accessory dwelling units.
- B. For pre-existing lots that do not meet the minimum lot size specified in Tables 17.42.020(A), (B), and (C), see Section 17.42.050 for the number of units that may be developed.

### 17.42.050 – Lot area per unit.

Lot area per unit is specified for residential zones in Table 17.42.020(A). Accessory dwelling units shall be counted as a unit for the purposes of this standard

### 17.42.060 – Lot coverage.

Lot coverage refers to the area of a lot which is covered by buildings and structures. Lot coverage calculation details and clarification:

- A. The area covered shall be measured from the outside of external walls of enclosed spaces, from the outer edge of the floor of covered decks and porches and from the supporting members of structures such as a carport which are not enclosed by walls.
- B. The roof overhang shall not be included in the lot coverage unless it exceeds three-feet, in which case the portion of the roof overhang extending beyond three-feet shall count as part of the lot coverage.

- C. Open beams and lattice work without a roof are not considered part of the lot coverage.
- D. Minor appurtenances such as bay windows, chimneys and trim not extending more than two-feet from the primary wall, and not extending the enclosed floor area shall not count in lot coverage.
- E. Uncovered decks or patios on grade shall not count in lot coverage.
- F. For unusual structures, for example, communication towers, the director shall determine the extent of lot coverage.

### **17.42.070 – Building height.**

- A. Height measurement:** Building height is measured to the highest point of the structure from the average of the natural topography at the foundation at the front of the building. Exceptions and clarifications:
- 1. In cases where the lot slopes downhill from the property line at the front of the building, the height is measured from the highest point of the house to the average of the natural grade directly under the building.
  - 2. If the building site has frontage on two or more streets, the height is measured from the highest point of the building to the average of the natural grade directly under the building if the lot slopes downhill from the property line on either street frontage.
  - 3. The allowable height is measured from the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building.
  - 4. Height requirements for buildings in shoreline jurisdictions are provided for in the Shoreline Master Program.
  - 5. Calculation of the average grade level is made by averaging the elevations of the center of all exterior walls of the proposed building. Additionally, “natural or existing topography” is the topography of the lot, parcel or tract of real property immediately prior to any site preparation, grading, excavation, or filling. Where a tract of land is regraded for the purpose of a land division, the “natural or existing topography” is the grades as they exist at the time of recording of the final plat.
- B. Exceptions.** The following structures may be erected above the height limits established in Tables 17.42.020(A), (B), and (C):
- 1. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by:
    - a. Up to ten feet in all zones except RL, provided the area with the added height is limited to what is necessary to screen or enclose the use.
    - b. Up to 15-feet on buildings over four-stories in height where they allow access to shared roof decks that meet the requirements of Section 17.62.040(F)(2).

Such structures constructed for non-residential or multifamily uses are subject to screening standards in Section 17.62.060(E).
  - 2. Fire or parapet walls may exceed the height limit by up to five-feet in the RH zone and ten-feet in mixed-use, commercial and industrial zones.
  - 3. Except as may otherwise be prohibited by the FAA Regulations, the height limitations of Tables 17.42.020(A), (B), and (C) above do not apply to church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power

transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, masts, aerials and similar structures.

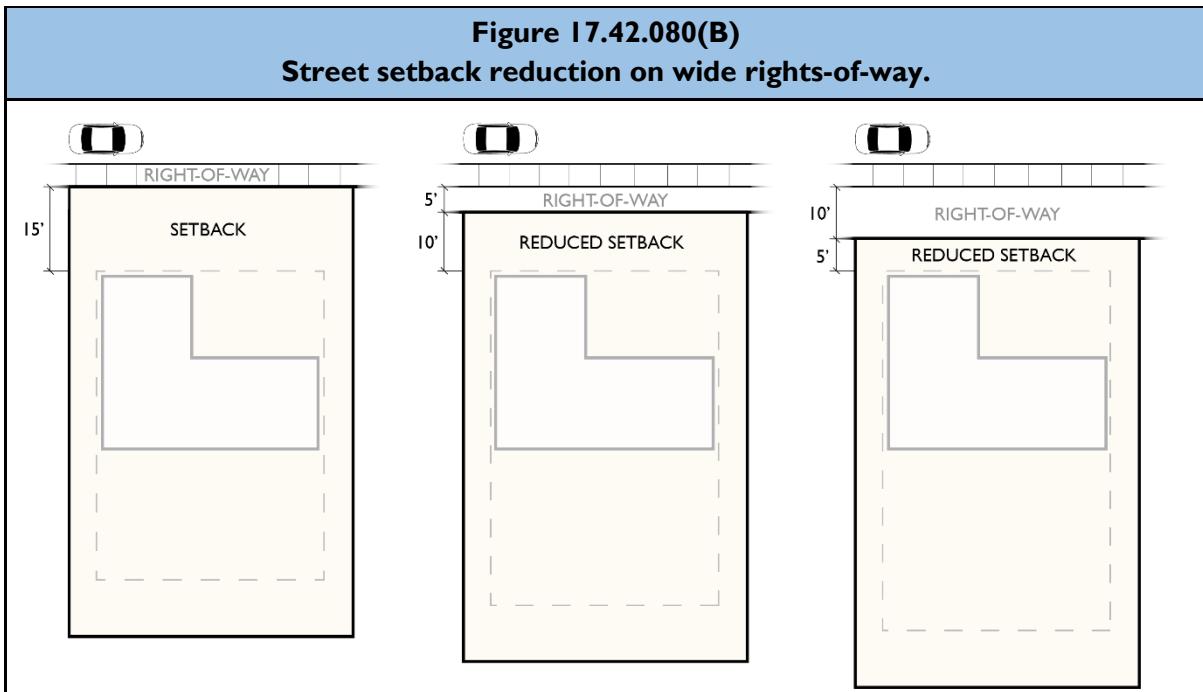
### 17.42.080 - Setback types and measurements.

The form and intensity standards tables in this chapter provide minimum standards for street, interior side, and rear setbacks. Clarification on how these setbacks are measured are provided below.

**A. Measurement.** All setbacks shall be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground. Setback directions shall be determined as provided in subsections (B) through (E) below.

#### B. Street setbacks.

1. The street setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way at the minimum depth prescribed for each zone.
2. For corner lots in residential zones, the street setback is measured from the street right-of-way that is the property's street address and primary access. The other lot frontage is referred to as the side setback, street.
3. For lots on streets with a right-of-way at least 60 feet wide, the street setback may be reduced by one foot for each additional foot above five between the property line and the nearest edge of the sidewalk. If no sidewalk is present, the street setback may be reduced by one foot for each additional foot above ten between the property line and the nearest edge of the roadway.

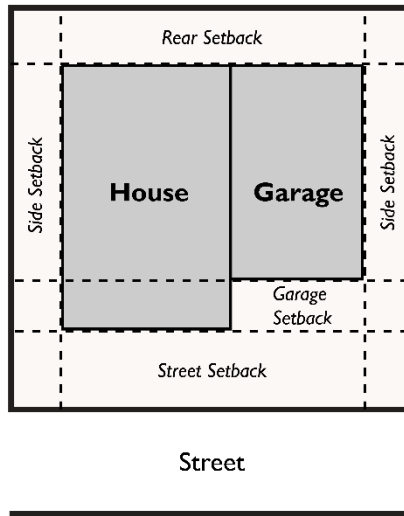


**C. Side setback.** The side setback is measured from the side lot line adjacent to another property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.

Exception: No side setback is required between individual units within a townhouse building, where allowed.

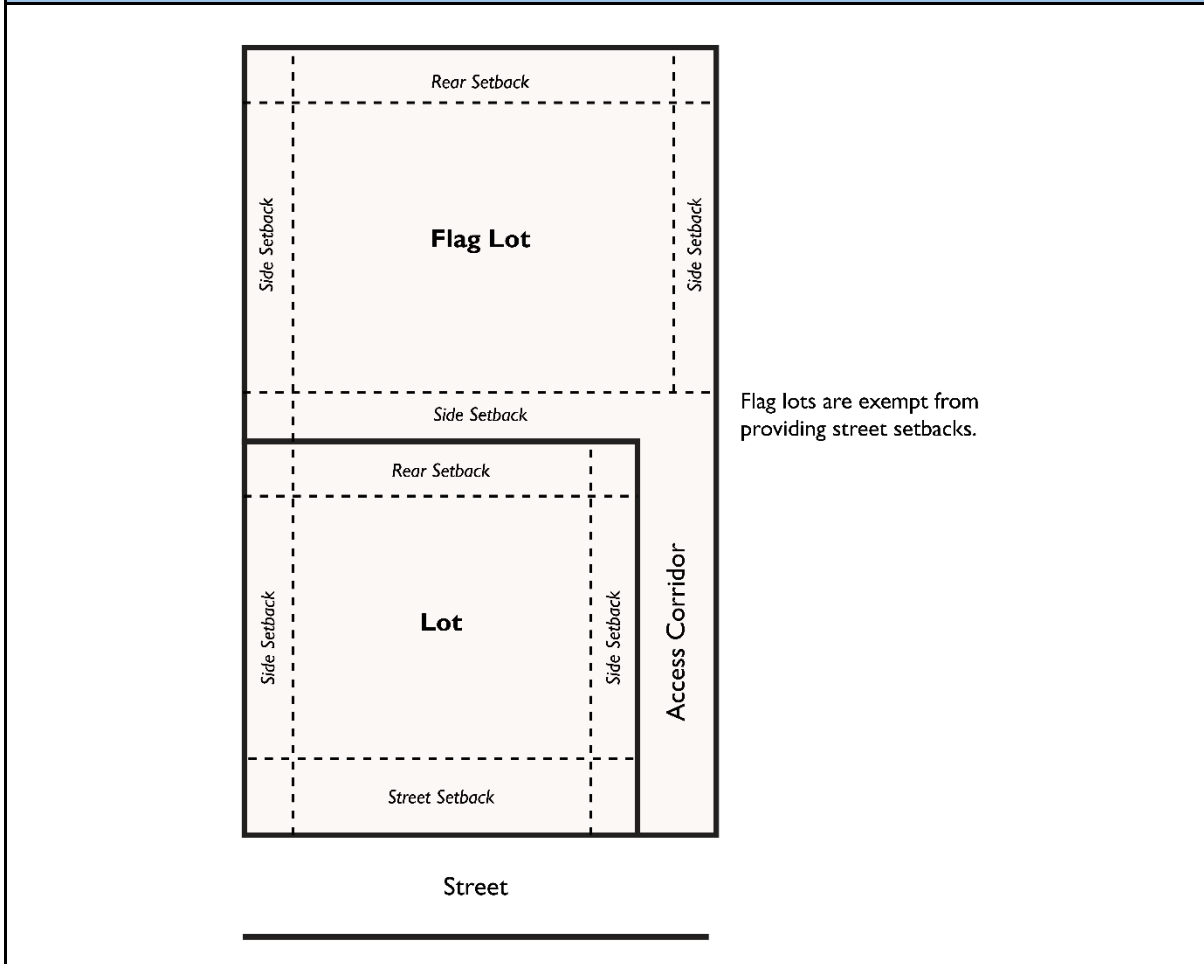
**D. Garage setback.** The garage setback applies to the front doors of individual private garages as measured from the street right-of-way that provides the primary access as in (B) above. It does not apply to underground or aboveground parking structures shared by multiple residents or tenants.

**Figure 17.42.080(A-D)**  
**Setback types.**



- E. Rear setback.** The rear setback is measured from the rear lot line to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- F. Setbacks for flag lots.** Flag lots are exempt from street setback requirements. Flag lots shall have a rear lot line designated, typically opposite from the access corridor (the pole of the flag), and all other lot lines are considered side lot lines [see Figure 17.42.090(E)].

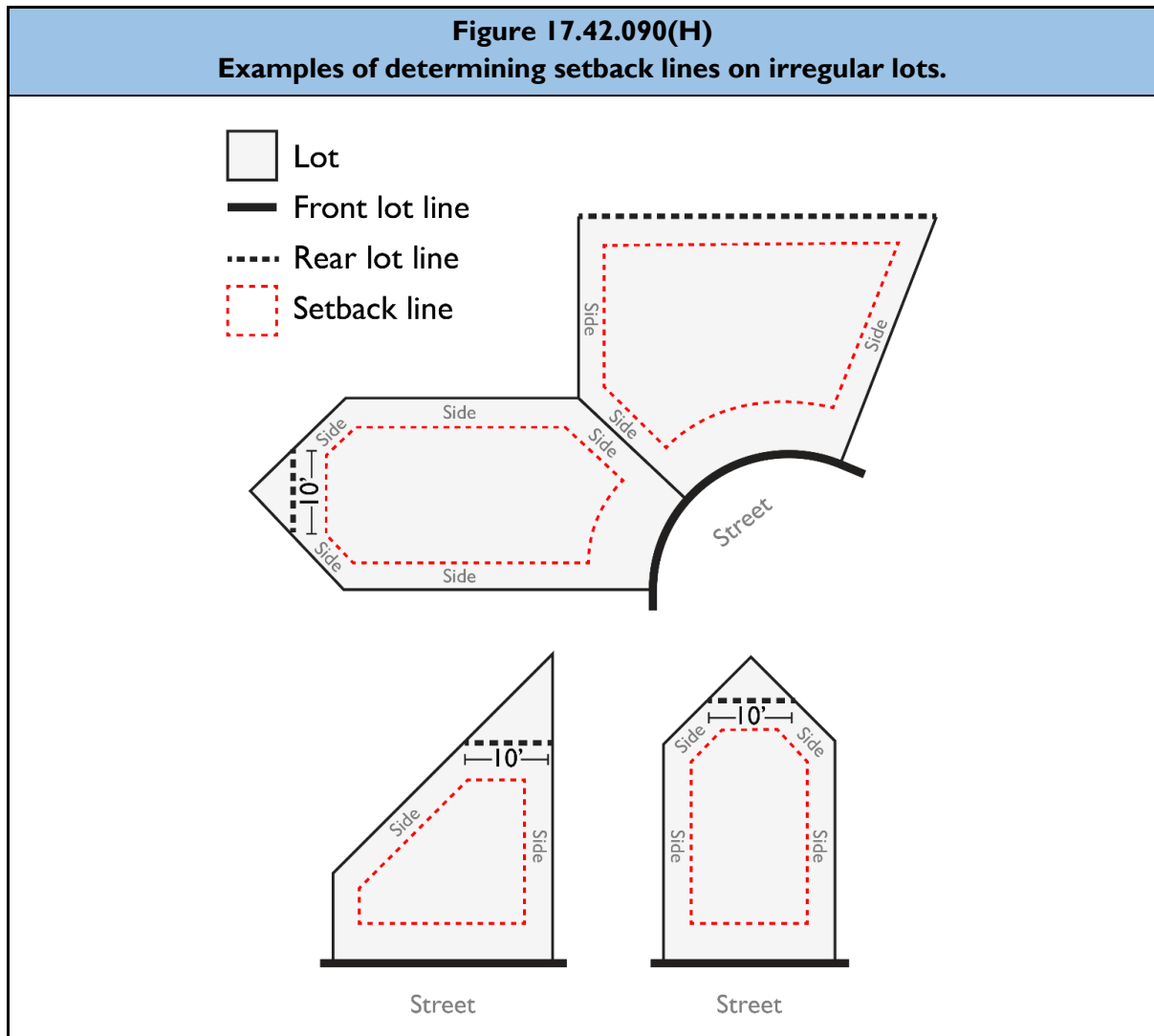
**Figure 17.42.080(E)  
Setbacks on flag lots.**



- H. Through lots.** For lots featuring streets on opposite ends, the street setback is measured from the street right-of-way that is the property's street address and primary access. The opposite lot frontage is considered the rear setback.
- I. Setback measurements for irregular lots.** Setback distances established for residential zones are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, curved property lines, and other nonstandard lots require special measurement techniques in order to achieve the purpose of setback requirements:
1. Rear setbacks. In the case of an irregularly shaped lot, a ten-foot line which is within the lot and parallel to and most distant from the front lot line shall be considered the rear lot line for purposes of determining required setbacks and for interpretation of other provisions of this code (see illustration).
  2. Interior side setbacks. All lot lines which are not front or rear lot lines shall be considered interior side lot lines for the purpose of measuring setbacks.
  3. Determination by director. Where a building site is situated in such that it is unclear which should be considered the front, rear, and sides, required setbacks shall be as determined by the director in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges



inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

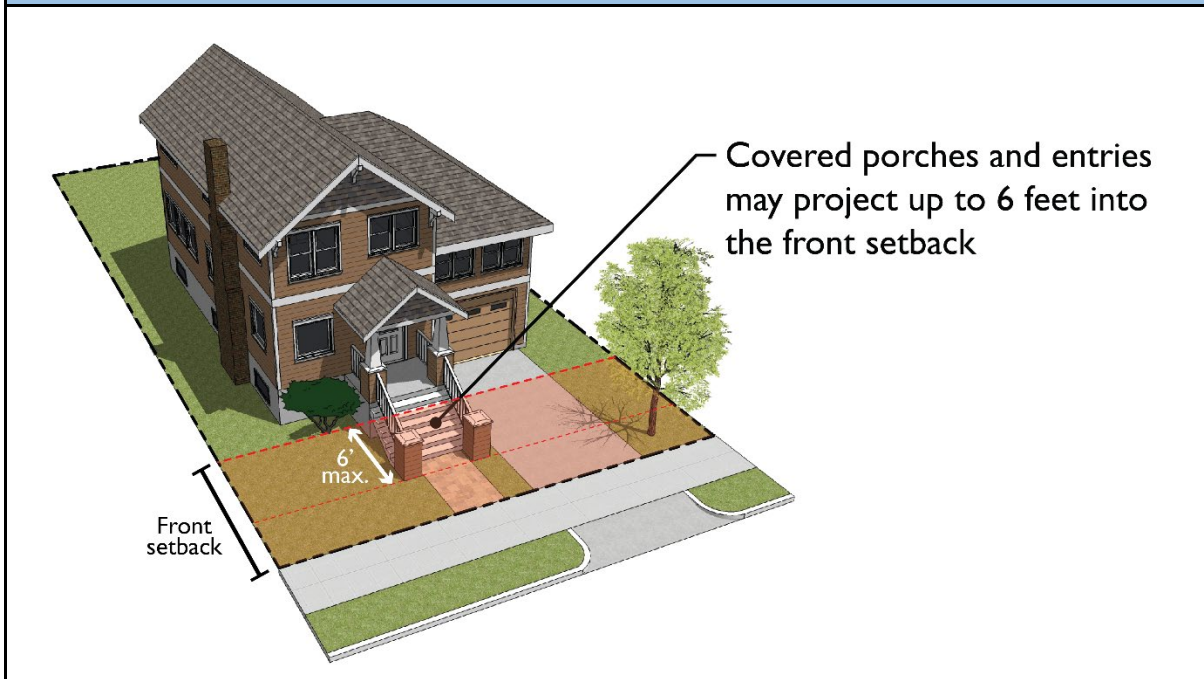


#### **17.42.090 - Permitted projections into required setbacks.**

The following structures may extend into or be located in required setbacks:

- A. Fireplace structures, bay or garden windows, or similar structures may project 30-inches into a street or rear setback, provided such projections are:
  1. Limited to two per building elevation.
  2. Not wider than ten-feet.
  3. Do not extend the floor area or foundation into the setback.
- B. Eaves, cornices, awnings, and window shades may not project more than:
  1. Three-feet into a street or rear setback.
  2. Two-feet into the interior side setback.
- C. Covered porches and entries may project up to six-feet into the street setback.
- D. Uncovered porches and decks may project up to six-feet into the street or rear setbacks.

**Figure 17.42.090  
Porch Projection.**



- E. The following features are permitted within the required street setback:
1. Mailboxes, newspaper boxes, and free neighborhood book exchange boxes.
  2. Fire hydrants and associated appendages.
  3. Bus shelters.
  4. Freestanding signs complying with Chapter 17.66 Signage.
- F. The following features are permitted within any required setback:
1. Utility poles and lines.
  2. Underground utilities and sprinkler systems.
  3. Light and flagpoles.
  4. Trellises not exceeding eight-feet in height.
  5. Electrical equipment cabinets and similar utility boxes and vaults.
  6. Stormwater facilities and elements of stormwater best management practices, unless a minimum setback is otherwise specified in this title or in the adopted stormwater management manual.
  7. Fences complying with Chapter 17.67 Fences and Hedges.
  8. Uncovered porches and decks not exceeding 18-inches average height above the finished grade.
  9. Enclosures for solid waste collection and storage when in compliance with the standards of Section 17.62.060.
  10. Ramps added to an existing building for the specific purpose of accessibility for persons with disabilities when no other reasonable location is available
- G. No projections are allowed into a regional utility corridor, access easement, or utility easement.

### **17.42.100 - Setback modifications.**

- A. A lot adjoining a planned street identified in the comprehensive plan, transportation plan, and/or capital improvement program shall provide a street setback along the planned street meeting the same standards as though the street were already constructed.
- B. Along any mixed-use or industrial-zoned property line adjoining a residential zone with no intervening street or alley, the minimum setback shall be the same as the applicable minimum setback for the adjacent zone.

## **Chapter 17.43 - RESIDENTIAL USES**

### **17.43.010 – Household Living.**

#### **A. Household living use category.**

- I. Residential occupancy of a dwelling unit by a household. Household living includes the following uses.
  - a. Single-family house.
  - b. Cottage housing.
  - c. Duplex.
  - d. Triplex.
  - e. Fourplex
  - f. Townhouse.
  - g. Multifamily, 5 or more units.
  - h. Senior housing.
  - i. Transitional housing
  - j. Permanent supportive housing
- 2. Modular or factory-built residential buildings licensed by the Washington State Department of Labor & Industries can serve as any of the above housing types, as long as all applicable standards are met.

#### **B. Single-family house.**

- 1. Definition. A building entirely surrounded by open space containing one dwelling unit on a lot that is not an accessory dwelling unit or part of a cottage housing development.
- 2. Multiple single-family houses. Multiple single-family houses may be built on the same lot provided they meet:
  - a. Individual homes shall be separated from other homes by at least eight-feet. Permitted projections into required interior side setback in Section 17.42.100 apply.
  - b. The development and design standards in subsection (3) below.
  - c. A paved pedestrian connection at least three feet wide is required between each house and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
- 3. Development and design standards.
  - a. Form and intensity: See Chapter 17.42 for applicable standards.

- b. Entries. All houses shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet.
- c. Driveways: See Chapter 17.53 for applicable standards.
- d. Off-street parking: See Table 17.65.040 for applicable standards.
- 4. Manufactured homes and mobile homes. Manufactured homes and mobile homes are permitted to serve as single family houses provided all other standards are met. (17.56.100)
  - a. Definitions.
    - (1) “Manufactured home” means a single-family dwelling built to 42 U.S.C. 5401 through 5403 standards (as amended in 2000). A mobile home, modular home, commercial coach, or recreational vehicle is not a manufactured home.
    - (2) “Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, 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 the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.
  - b. Requirements for manufactured homes to be sited on individual lots within residential districts. All manufactured homes sited on individual lots outside of mobile home parks and subdivisions are permitted uses in all residential zones and shall comply with each of the following requirements in addition to the requirements of each zoning district:
    - (1) The manufactured home shall have at least 740 square feet of gross floor area and be at least 20 feet in width. Any body part or extension which is not 70-percent or more of the length shall not be included in the measurement of the width.
    - (2) The manufactured home shall comply with the installation requirements of the state of Washington Department of Labor and Industries found at WAC 296-150B-200 through WAC 296-150B-255 or their successors.
    - (3) Permanent steps with handrails shall be provided at all exits. The steps and handrails shall comply with the requirements of the Uniform Building Code.
    - (4) The tongue, axle, traffic safety lights and any traffic warning lights shall be removed.
    - (5) The manufactured home shall comply with the Federal Manufactured Home Construction and Safety Standards in effect at the date of manufacture and the home shall have been manufactured on or after June 15, 1976.
    - (6) The primary use of the manufactured home shall be residential.
    - (7) No manufactured home shall be converted or changed from one type of manufactured home to another type.
    - (8) The manufactured home shall be new.

### **C. Cottage housing.**

- 1. Definition. A small single-family dwelling that is clustered with other similar units sharing a common open space.

**Figure 17.43.010(D)(1)**  
**Cottage housing development examples.**



2. Development and design standards.

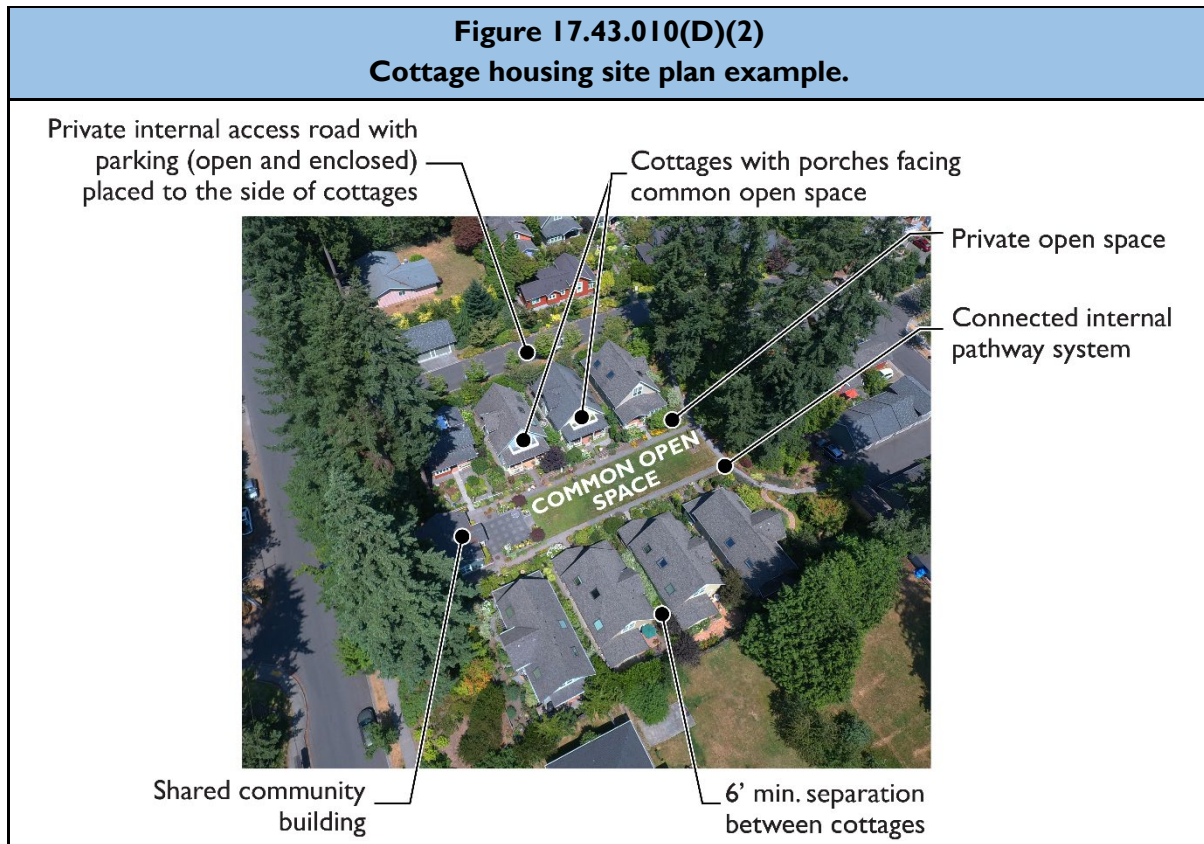
- a. Form and intensity: See Chapter 17.42 for applicable standards, except otherwise noted in this subsection.
- b. Lot area per unit. Due to the smaller relative size of cottage units, each cottage requires one half the lot area per unit required under Section 17.42.050.
- c. Minimum and maximum number of cottages.
  - (1) Cottage housing developments shall contain a minimum of three cottages.
  - (2) Three to 12 cottage structures may make up a cluster. There is no limit on the number of clusters provided all other standards are met.
  - (3) Attached duplex cottages are allowed.
- d. Setbacks and separation.
  - (1) The minimum setbacks set forth in Table 17.42.010 apply to the development frontage and external side and rear property lines of the entire cottage development.
  - (2) Individual cottages shall be separated from other cottages by at least eight-feet. Permitted projections into required interior side setback in Section 17.42.100 apply.
  - (3) Cottages shall be setback at least five-feet from any internal pedestrian path. Permitted projections into required street setback in Section 17.42.100 apply.
  - (4) Cottages shall be setback at least five-feet from any internal access lanes that provide access to four or more cottages. For access lanes serving less than four cottages, at least five-feet of separation is required between access lanes and cottages. Permitted projections into required street setback in Section 17.42.100 apply for setbacks to internal access lanes.
- e. Building height.
  - (1) Cottages have a maximum building height of 25-feet. All parts of the roof above 18-feet shall be pitched with a minimum roof slope of 6:12.
  - (2) Accessory structures in cottage housing developments are subject to the standards in Section 17.47.020.
- f. Cottage size. Cottages shall contain no more than 1,400-square-feet gross floor area in total, not including attached garages.
- g. Entries.
  - (1) Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.

- (2) All new dwellings shall provide minimum weather protection of three-feet by three-feet (a covered porch or recessed entry) for each pedestrian entry.
- h. Common open space.
- (1) Minimum size. Common open space shall be at least 400-square-feet per cottage.
  - (2) Minimum dimensions. Common open space shall have no dimension less than 15-feet. Areas used to meet private open space requirements may not be double-counted as common open space.
  - (3) Elements. Common open space may include a lawn, courtyard, plaza, garden, or other shared central open space and may not include parking areas. Common open space shall be useable and may not include critical areas or critical area buffers, including steep slopes. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.
  - (4) Orientation. Common open space shall have cottages abutting on at least two sides. At least 50-percent of the cottages in each cottage housing cluster shall abut common open space. Cottages abutting the common open space shall be oriented around and have the primary entrance face the common open space. Cottages front on a street that are adjacent to a common space must have a second entrance facing the street.
  - (5) Access. Cottages shall be within 100-feet walking distance of the common open space and feature a direct pedestrian connection to the common open space.
- i. Shared community buildings.
- (1) A shared community building may be integrated into the common open space area required in subsection (3)(i) above but shall not be included in the minimum common open space area calculations.
  - (2) Uses. The building may include uses such as, but not limited to, a multi-purpose entertainment space, recreation center, kitchen, library, storage space, workshop, or similar amenities that promote shared use and a sense of community.
  - (3) Height. Shared community buildings shall be no taller than cottages within the development.
  - (4) Size. Shared community buildings shall be no larger than cottages within the development.
  - (5) Other standards. Shared community buildings are subject to the accessory structure standards in Section 17.47.020.
- j. Access and parking.
- (1) See Chapter 17.53 for applicable driveway standards.
  - (2) See Table 17.65.040 for off-street parking requirements.
  - (3) Parking areas shall be located to the side or rear of cottage clusters. Parking shall not be located between the street and cottages nor between cottages and common open space.
  - (4) Parking and access lanes shall be screened from adjacent residential uses by landscaping or architectural screens. For parking areas and access abutting residential uses, at least five-feet of Type-A, B, or C Landscaping (see Section 17.64.050) shall be provided between the parking area and the abutting residential use.
  - (5) Parking is encouraged to be consolidated under cover. Uncovered parking shall be located in clusters of not more than five adjoining spaces (except where adjacent to an alley). Driveway space in front of private garages are exempt from this provision.



- (6) Garages with a footprint of up to 300-square-feet may be attached to individual cottages provided all other standards herein are met. Such garages do not count toward the size limit of cottages. Such garages shall not be located adjacent to the common open spaces.

DEPARTURES to the garage/common open space standard will be considered provided the combination of the common open space design, garage location and design, and landscaping/architectural design features help to create a common open space that meets the purposes of the standards and the design mitigates the impact of the garages on the common open space.

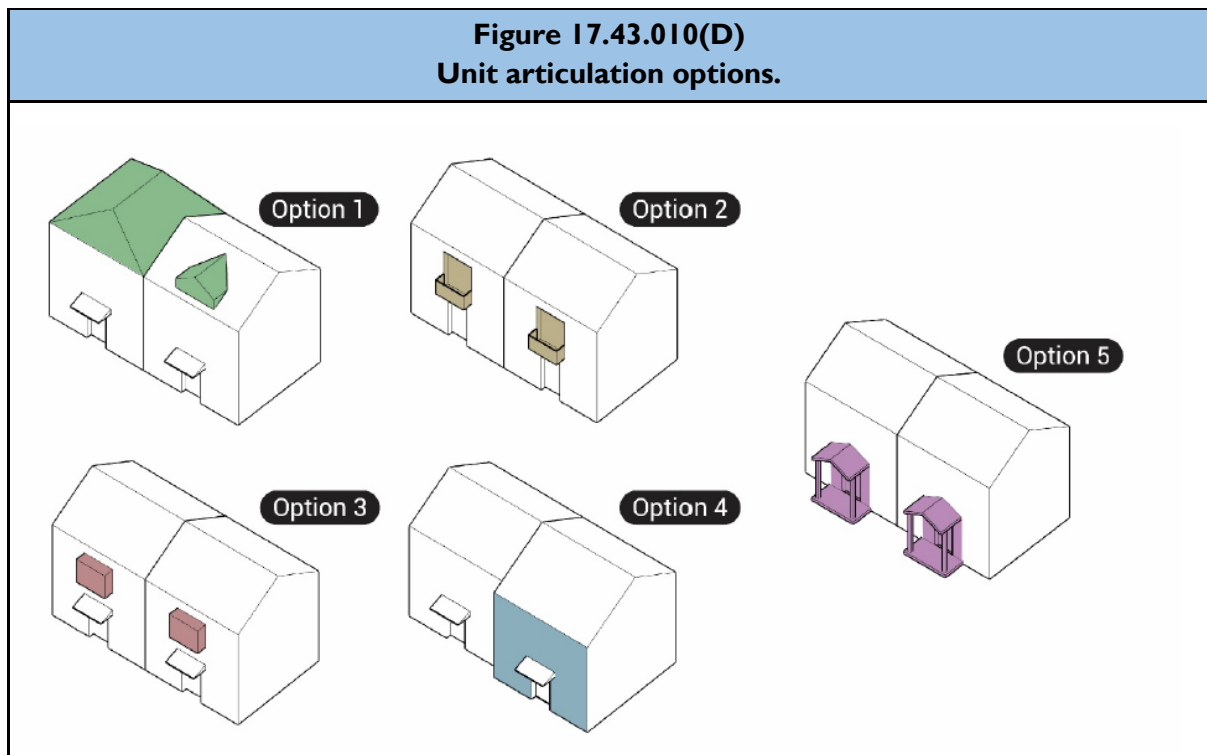


3. Accessory dwelling units are not permitted in cottage housing developments.

#### **D. Duplex.**

1. Definition. A building that is entirely surrounded by open space and contains two dwelling units.
2. Development and design standards.
  - a. Form and intensity: See Chapter 17.42 for applicable standards.
  - b. Pedestrian access. A paved pedestrian connection at least three feet wide is required between each unit and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
  - c. Entries. All units shall feature a covered pedestrian entry (whether individual or shared), such as a covered porch or recessed entry, with minimum weather protection of four feet by three feet.
  - e. Driveways. See Chapter 17.53 for applicable standards.
  - e. Off-street parking. See Table 17.65.040 for applicable standards.

- f. Unit articulation. Each attached unit featuring a separate ground level entrance in a multi-unit building facing the street shall include at least one of the articulation options listed below. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard. Articulation options:
- (1) Roofline change or a roof dormer with a minimum of four feet in width.
  - (2) A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room.<sup>70</sup>
  - (3) A bay window that extends from the façade a minimum of two feet.<sup>71</sup>
  - (4) An offset of the façade of a minimum of two feet in depth from the neighboring unit.
  - (5) A roofed porch at least 50 square feet in size.



3. Multiple duplexes may be built on the same lot provided they meet:
  - a. The form and intensity standards in Chapter 17.42.
  - b. The development and design standards above.

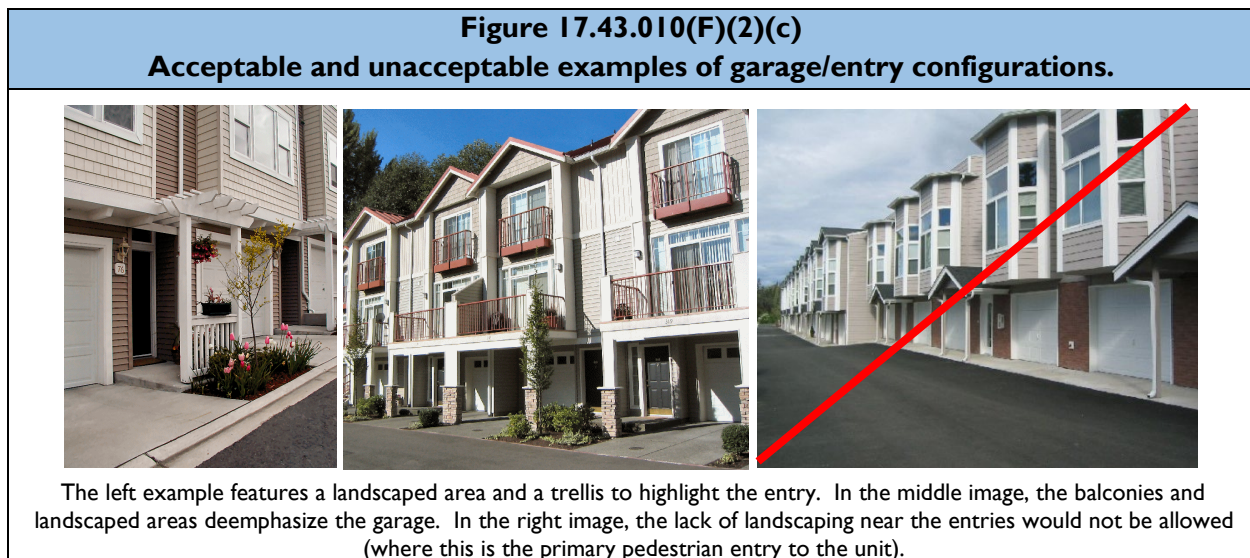
## **E. Triplex and Fourplex**

1. Definitions:
  - a. Triplex definition. A building that is entirely surrounded by open space on the same lot and contains three dwelling units.
  - b. Fourplex definition. A building that is entirely surrounded by open space on the same lot and contains four dwelling units.
2. Development and design standards. Triplexes and fourplexes are subject to the same standards as set forth for duplexes in Section 17.43.010(D)(2).

## **F. Townhouse.**



1. Definition. A dwelling unit in a row of at least three such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.
2. Development and design standards.
  - a. Townhouses with three to four units are subject to the same standards as set forth for duplexes in Section 17.43.010(D)(2) plus the standards below.
  - b. Townhouses with more than four units are subject to the following standards:
    - (1) Form and intensity: See Chapter 17.42 for applicable standards.
    - (2) Driveways: See Chapter 17.53 for applicable standards.
    - (3) Project design: See Division 17.6 for applicable standards, except where they are in conflict with townhouse specific standards in subsections (c) to (e) below.
  - c. For townhouses where the primary pedestrian access to the dwelling is from an alley or private internal vehicular access, buildings shall emphasize individual pedestrian entrances over private garages by using both of the following measures:
    - (1) Enhance entries with a trellis, small porch, or other architectural features that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling.
    - (2) Provide a planted area in front of each pedestrian entry of at least 20-square-feet in area, with no dimension less than four-feet.



- d. Private garages facing the street are prohibited in townhouse buildings with more than four units. Garages shall be provided off of an alley or internal court or drive.
- e. Internal drive aisle building separation: Minimum building separation along uncovered internal drive aisles shall be 24-feet. Projections into this minimum building separation standard are permitted for each building consistent with the “interior side setback” projections referenced in Section 17.42.090. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and vehicle areas, which often function as usable open space for residents.

## **G. Multifamily.**

1. Definition. A building that contains five or more dwelling units. The term also includes any dwelling units that are within a mixed-use building.
2. Standards. Multifamily developments are subject to the following standards:
  - a. Form and intensity: See Chapter 17.42 for applicable standards.
  - b. Driveways: See Chapter 17.53 for applicable standards.
  - c. Project design: See Division 17.6 for applicable standards, except where they are in conflict with townhouse specific standards in subsections (F) above.
3. Ground floor restrictions: Multifamily units are not permitted on the ground floor in the C and DT-MU zones. Lobbies and other common areas plus structured parking facilities for multifamily developments may be built on the ground floor.

## **H. Senior housing.**

Definition. A type of multifamily building restricted to occupancy by a person or persons who satisfy one of the following requirements:

1. Meet the minimum age in the definition of “housing for older persons” contained in Section 3607(b)(2) of the Federal Fair Housing Act, as amended.
2. Their domestic partners and/or live-in caregivers are 55 years of age or older and/or disabled.
3. Standards that apply to multifamily housing also apply to senior housing, unless otherwise noted.

## **I. Transitional Housing**

1. Definition. A facility that provides housing and supportive service to facilitate movement of individuals and families experiencing homelessness into permanent housing.
2. Transitional housing may take the form of any permitted dwelling type in the household living category; standards for the applicable permitted household living use apply.

## **J. Permanent Supportive Housing**

1. Definition. Subsidized leased housing, utilizing admissions practices with lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing and is paired with on-site or off-site voluntary services.
2. Permanent supportive housing may take the form of any permitted dwelling type in the household living category; standards for the applicable permitted household living use apply.

## **17.43.020 – Group living.**

### **A. Group living use category.**

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. Adult family home.
2. Assisted living facility.
3. Co-living
4. Group care living facility
5. Nursing home.

### **B. Adult family home.**

1. Definition. 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. RCW 70.128.140 provides that adult family homes are treated the same as single-family homes under applicable regulations.
2. Standards.
  - a. An adult family home shall be licensed under Chapter 70.128 RCW
  - b. The subject use requires a residential rental business license (see Chapter 5.06). State-owned and public housing authority facilities are exempt.
  - c. Use permissions in the DT-MU and C zones: An adult family home is a permitted use when in an existing single-family dwelling.

**C. Assisted living facility.**

1. Definition. A state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home licensed under Chapter 18.20 RCW. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes, as defined in Chapter 70.128 RCW. Sanitaria, convalescent homes and rest homes
2. Standards.
  - a. The development of such facilities are subject to the standards in Division 17.6 Project Design. Such facilities are considered a type of multifamily use for the purpose of complying with the standards of Chapter 17.61 Block Frontage Standards.
  - b. The subject use requires a residential rental business license (see AMC Chapter 5.06).

**D. Co-living.**

1. Definition. "Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.
2. Standards.
  - a. The development of such facilities are subject to the standards in Division 17.6 Project Design. Such facilities are considered a type of multifamily use for the purpose of complying with the standards of Chapter 17.61 Block Frontage Standards.
  - b. The minimum off-street parking requirements are 0.75 spaces per sleeping unit.
  - c. The subject use requires a residential rental business license (see AMC Chapter 5.06).

**E. Group care living facilities.**

"Group care living facilities, homes" means a place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless or otherwise dependent persons. Group homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to nonlicensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapters 137-56 and 137-57 WAC for work/training release programs), nursing homes, foster family homes or adult

family homes as defined by the Washington State Department of Social and Health Services or its successor agency.

1. Group homes include, but are not limited to, the following:
  - a. Confidential Shelters. Shelter for victims of domestic violence as defined and regulated in Chapter 70.123 RCW and Chapter 388-61A WAC. Such facilities are characterized by a need for confidentiality.
  - b. Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness and other developmental disabilities. These group homes are a type of boarding home, as defined in Chapter 18.20 RCW. However, boarding homes serving the aged infirm are not included in this definition.
  - c. Homeless Shelter. A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period of time and meeting the standards of Chapter 248-144 WAC.
  - d. Group Home for Youth. Any home maintained and operated for the care of children on a 24 hour basis as defined and regulated in Chapter 388-73 WAC and Chapter 74.15 RCW.
  - e. Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapters 137-56 and 137-57 WAC.
  - f. Group Home. Living facilities for groups of unrelated individuals that include at least one person residing on site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents.
2. The subject use requires a residential rental business license (see AMC Chapter 5.06).

#### **F. Nursing home.**

1. Definition. An establishment providing care for persons recovering from an illness or operation or persons made weak or disabled by illness or injury. Such establishments shall be duly licensed by the state as a "nursing home" in accordance with current state statutes.
2. Standards.
  - a. Design standards. For the purpose of meeting the project design standards of Division 17.6, except for Chapter 17.65 Parking, this use is considered a multifamily use when interpreting applicability provisions.
  - b. The subject use requires a residential rental business license (see AMC Chapter 5.06).

#### **17.43.030 – Caretaker’s residence.**

Definition. “Caretaker’s residence” means a dwelling unit located on the premises of a commercial, industrial or public enterprise, and which is occupied by a person who is the owner, proprietor, manager, watch guard, or is otherwise at times in charge of such enterprise.

## **17.43.040 – Mobile Home Parks**

### **A. Declaration of purpose.**

1. Purpose of section. Regulations to insure a suitable living environment for owners of mobile homes are adopted and established as necessary for the general health, safety, welfare and convenience of the inhabitants of the city of Aberdeen.
2. Name of section. This section shall be known and may be cited as "The Mobile Home Park Ordinance."

### **B. Definitions.**

As used in this chapter, the following terms are described in this section:

"Mobile home" means a manufactured relocatable living unit of not less than 32 feet in length.

"Mobile home lot" means a plot of ground within a mobile home park which is plainly marked and designed to accommodate one mobile home.

"Mobile home pad" means that part of the individual lot which is improved to provide an accepted foundation for the placement of the mobile home and any attached accessory structure.

"Mobile home park" means any tract of land of five acres that is divided into lots, under the ownership or management of one person, firm or corporation for the purpose of locating two or more mobile homes for dwelling or sleeping purposes.

"Service building" means a building for the purpose of housing community facilities.

### **C. Location of mobile home parks.**

Access. A mobile home park shall have direct access to a public street.

### **D. General use regulations.**

Occupancy restrictions. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home pad, connected to water, sewage and electrical utilities, and meets all the requirements of the Department of Labor and Industry.

### **E. Mobile home park site requirements**

1. Size of mobile home park. No mobile home park shall be developed on any tract of land less than five acres in size.
2. Size of mobile home lots. The minimum size of a mobile home lot shall be 4,000 square feet for parks of more than ten acres, and 5,000 square feet for parks of five to ten acres; the minimum width of a mobile home lot shall be 40 feet; the lot boundaries shall be plainly marked by corner stakes, fencing, shrubbery, or other means. A mobile home shall not occupy more than one-third of its lot.
3. Spacing of mobile homes and accessory structures.
  - a. There shall be a distance of 15 feet between mobile homes and between the park boundary and a mobile home;
  - b. There shall be a distance of five feet between mobile homes and accessory structures.
4. Setback of mobile homes. There shall be a minimum distance of five feet and an average distance of ten feet between an individual mobile home and an adjoining park street.

### **F. Street system.**

1. Internal access roads shall meet the following requirements:
  - a. Internal access roads shall be privately owned and constructed, and shall be maintained free of cracks, holes and other hazards;

- b. All roads and parking lots shall be adequately lighted at night.
- 2. Paving required. All park streets and access roads shall be graded and paved with a crushed rock base and asphaltic concrete blacktop, or concrete surfacing to the requirements of the city engineer's office.
- 3. All mobile home park proposals shall be approved by the fire department.
- G. Off-street parking facilities.
  - 1. Number. There shall be a minimum of two off-street parking spaces on each mobile home lot. Additional common parking facilities shall be provided at the rate of one additional space for every ten mobile home lots. Additional guest parking facilities shall be provided at the rate of one additional space for each five mobile home lots.
  - 2. Size. Each parking space shall be nine feet by 20 feet.
  - 3. Parking prohibited. Parking spaces shall not be located within the buffer zone required around the perimeter of the mobile home park. Parking shall be only in designated parking areas within the mobile home park. No common parking space shall be located closer than ten feet to any mobile home lot line.
  - 4. Office parking facilities. A minimum of two off-street parking spaces shall be provided for the mobile home park office.
  - 5. Paving required. All common parking areas shall be paved with a crushed rock base and asphaltic concrete, blacktop, or concrete surfacing. Off-street parking areas on individual mobile home lots shall be provided with an adequate all-weather surface.
  - 6. Width. The minimum paved width of an access road or roads shall be 38 feet for roads with parking on both sides and 24 feet for roads with no parking.
- H. Walkways.
 

Common walkways. An adequate safe, convenient, all-season common walkway system shall be provided and maintained. Such walkways shall have a minimum width of four feet.
- I. Utilities.
  - 1. Potable water supply, sanitary sewerage and storm drainage systems shall all be provided in accordance with the city's requirements.
  - 2. Electrical power, telephone and television cables shall be installed underground. Terminals may be installed above ground
- J. Mobile home pad.
 

Each mobile home lot shall be provided with a pad of sufficient size to accommodate the mobile home and any attached accessory structures. Each mobile home pad shall be surfaced with a minimum of three inches of washed gravel of uniform size. The mobile home pad shall be graded to obtain adequate surface drainage.
- K. Commercial facilities.
 

Commercial facilities designed to serve residents of the park may be allowed in parks greater than ten acres.
- L. Buffer, ground cover and recreation area.
  - 1. Buffer required. An adequate landscaped buffer or screen shall be required around the perimeter of the park as specified by the board of adjustment.
  - 2. Ground cover required. Lawn or other suitable ground cover shall be required on all areas except those covered by structures, by paved or surfaced areas, and by planting beds. Also

excepted are undisturbed areas such as ravines and streams which are preserved in their natural state.

3. Recreation area required. Not less than 500 square feet per mobile home site shall be provided for recreational space; provided, however, that no outdoor recreation area shall contain less than 2,500 square feet.

M. Storage.

1. Storage shall be provided. Individual storage space for each mobile home shall be provided by the park management, either at each mobile home lot or in a centralized storage facility located within a reasonable distance from the mobile home lot (generally not more than 100 feet).
2. Size of storage space. The amount of storage space provided for each mobile home unit shall be not less than 144 cubic feet of usable space, with a minimum height of six feet.

N. Mobile home accessories.

1. Accessories allowed. Normal accessories for mobile homes shall be allowed and may include an awning, carport, ramada, cabana, deck and storage facility.
2. Permanent structural additions. No permanent structural additions other than allowed accessories shall be built onto or become part of any mobile home.
3. Skirting required. All mobile homes shall be fitted with an approved skirting.
4. Steps required. All mobile homes shall be equipped with steps or ramps meeting the Uniform Building Code requirements.

O. Signs.

1. Signs and advertising devices shall be prohibited in a mobile home park except:
  - a. One identifying sign at the entrance of the mobile home park which may be indirectly lighted, but shall be nonflashing, and which shall not exceed 32 square feet in area;
  - b. Directional or informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc., provided such signs are not larger than two square feet in area.
2. Maximum height of identifying sign. The maximum height of the identifying sign shall be four feet.

P. Requirements for approval of mobile home park permit.

1. Permit required. It is unlawful for any person to construct, alter or extend any mobile home park within the boundaries of the city of Aberdeen unless he holds a valid conditional use permit which is authorized to be issued by the city council.
2. Application for permit and filing of plans. Application to construct, alter or enlarge any mobile home park shall be filed with the building department of the city of Aberdeen.
3. Refusal to examine incomplete plans. The building inspector shall reserve the right to refuse to examine any incomplete, unintelligible or indefinite plans.
4. Information required on plans. An accurate map drawn to a scale of not less than 100 feet to the inch showing the boundaries of the site, all streets bounding the site; the proposed location and vertical height of any buildings; proposed public dedications, if any; location and design of parking facilities including points of ingress and egress; topographic map with contours at intervals of not more than five feet together with proposed grading, drainage and landscaping; location of private and common open space; furnish plan layout and elevation for all utility systems as covered under Section 16.16.090 of this chapter and any other information required by the building inspector.

5. Application fee required. All applications for a conditional use permit for mobile home parks shall be accompanied by the appropriate fee.

**Q. Administration.**

1. Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.
2. Conflict of ordinances. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance, code or regulations, the provision which establishes the higher standard for the promotion and protection of the public health, safety and general welfare shall prevail.
3. Effect of partial invalidity. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter; and to this end the provisions of this chapter are declared to be severable.
4. The city council shall establish by resolution any fees or charges for applications, notices, plan reviews, permits, administrative actions, or appeals authorized under this chapter. Applicants shall pay the appropriate fees or charges in effect at the time a completed application is submitted to the reviewing department. No application shall be reviewed or approved unless the appropriate fees and charges have been paid.

**R. Enforcement.**

Enforcement by designated officer. It shall be the duty of the building inspector to administer and enforce all provisions of this chapter.

**S. Violations—Penalties.**

1. Violation deemed a misdemeanor. Any violation of the provisions of this chapter or amendments thereto is made a misdemeanor.
2. Each day constitutes a separate offense. Each day such violation continues may be considered a separate offense.

## **Chapter 17.44 - COMMERCIAL USES**

The development of commercial uses listed below may also be subject to the standards in Division 17.5 Community Design and Division 17.6 Project Design.

### **17.44.010 - Day care.**

**A. Day care use category.**

A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Mini day care.
2. Commercial day care.

**B. Definition. An establishment for group care of nonresident adults or children. Specifically:**

1. Day care includes child day care services, adult day care centers, and all of the following:
  - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.
  - b. Nursery schools for children under minimum age for education in public schools.



- c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.
    - d. Programs covering before- and after-school care for school children.
  - 2. Day care establishments are sub-classified as follows:
    - a. Mini day care - a maximum of 12 adults or children in any 24-hour period, based within a residential dwelling, and as provided for in RCW 35a.63.215.
    - b. Commercial day care- over 12 adults or children in any 24-hour period or daycare as a principal use.
- C. Standards.
- 1. All day care facilities and providers shall meet Washington State child day care licensing requirements and shall register with the department by completing a day care registration form provided by the department prior to initiation of the use. Upon registration, the day care provider shall be able to demonstrate compliance with the applicable conditions of the city code.
  - 2. In all residential districts, mini day care facilities shall comply with the following requirements:
    - a. No structural or decorative alterations are allowed which will alter the residential character of an existing or proposed structure.
    - b. The portion where the children have access shall be separate from the family living quarters, or that portion where the children have access shall be used exclusively for their care during the hours that the child care center is operating.
    - c. Signs shall be less than six feet square.
    - d. A safe passenger loading zone shall be provided. Day care centers shall provide parking as provided in Section 17.65.040.

#### **17.44.020 – Eating and drinking establishments.**

##### **A. Restaurant/bar use category.**

A facility that prepares and sells food and drink for on- or off-premise consumption. The restaurant/bar category includes, but is not limited to:

- 1. Bar, nightclub, tavern, lounge.
- 2. Eating establishment.
- 3. Food truck.
- 4. Taproom or wine bar.

##### **B. Food truck.**

- 1. Definition. A large, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared
- 2. Standards.
  - a. During business operations food trucks shall be located on private property (not in the public right-of-way) unless by special permit through the City of Aberdeen.
  - b. Food trucks may not install any seating permanently attached to the ground.
  - c. Food trucks shall provide adequately sized and located waste collection containers during business operations.

C. Sidewalk café.

1. Definition. Outdoor food service areas associated with eating and drinking establishments on public rights of way or other public property.
2. Standards. Sidewalk cafes may be permitted under Chapter 12.42 in mixed-use, commercial, and industrial zones, and as conditional uses in all other districts.

D. Taproom or wine bar.

1. Definition. A business that primarily sells beer, wine, or cider to customers for on-premises consumption and does not sell hard liquor.

**17.44.030 – General services.**

A. General-service use category.

Includes a category of uses whose primary activity is the provision of service, rental, and/or repair to boats, vehicles, appliances, tools, electronic equipment, machinery, and other similar products for personal, commercial, or civic use. Specific uses in this category include, but are not limited to:

1. Postal and courier services, post office.
2. Small boat sales, rental, and repair (small boats are less than 40-feet long, 8 ½-feet wide, and 14-feet tall).
3. Appliance repair.
4. Equipment rentals.
5. Electronic or equipment service.
6. Vehicle repair.
7. Commercial vehicle repair.
8. Municipal service facility.
9. Public safety facility.
10. Car wash.
11. Heavy service.

B. Heavy service.

Definition. General-service uses that have any exterior service activities or feature exterior storage areas that total greater than 15,000 gross-square-feet or occupy an area larger than the size of the use's principal building.

C. Public safety facility.

Definition. A facility for the provision of fire and rescue, medical, police, and emergency response services by a governmental entity.

**17.44.040 – Medical.**

A. Medical use category.

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. This category includes, but is not limited to:

1. Blood plasma donation center.
2. Medical or dental laboratory.
3. Hospital, urgent care, or emergency medical office.

4. Medical office for dentist, chiropractor, osteopath, physician, or other medical practitioner.
5. Medical clinic.
6. Medical day care.
7. Suboxone clinic.

**B. Hospital.**

Definition. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, and clinics are not included.

### **17.44.050 – Offices.**

**A. Office use category.**

Activities conducted in an office setting and generally focusing on business, professional, or financial services. Office includes, but is not limited to:

1. Business services including, but not limited to, advertising, business management consulting, data processing, or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, counseling, sales office, or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. City, county, state, or federal government office.
6. Radio, TV or recording studio, or utility office.
7. Trade, vocational, or business school.

### **17.44.060 – Overnight lodging.**

**A. Overnight lodging use category.**

Accommodations arranged for short term stays (less than 30 days). Overnight lodging includes, but is not limited to:

1. Bed and breakfast inns and short-term rentals.
2. Hotels and motels.

**B. Bed and breakfast inns and short-term rentals.**

1. Definition. Rental of buildings or rooms within buildings that are otherwise permitted for household living by guests for no more than 30 consecutive days.
2. No more than four guest rooms are offered for rent.
3. Only resident guests may be served meals.
4. No guest may stay for more than 30 consecutive days.
5. All bed and breakfasts and short-term rentals shall be registered with City in compliance with the residential rental business license chapter 5.06 of Aberdeen Municipal Code.

#### **17.44.070 – Parking as a primary use.**

**A. Parking use category.**

Facilities that provide parking as a principal use.

**B. Principal use parking standards in residential zones.**

In the RL and RH zones parking as a principal use is restricted to public parking supporting a public facility such as a library, park, or trail.

#### **17.44.080 – Personal Service.**

**A. Personal service use category.**

Facilities involved in providing personal services to the general public. Personal service includes the following uses.

1. Beauty/hair salon.
2. Catering establishment.
3. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
4. Copy center.
5. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
6. Optometrist.
7. Palmist, psychic, medium, fortune telling.
8. Tailor, milliner, upholsterer.
9. Tattoo parlor, body piercing.
10. Wedding chapel.

**B. Animal care.**

1. Definition. Any building or land used, designed, or arranged for the care of. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and animal day care.
2. Outdoor runs: Animal care uses that includes any outdoor activity or component. Standards:
  - a. Any structure which houses animals which is not fully enclosed and all animal runs shall be located at least 100-feet from any lot line and 300 linear-feet from any pre-existing principal residential structure located on another lot.
  - b. All pens and kennels used for housing animals (excluding horses, ponies, and cows) shall be surrounded by a black, dark green, or dark brown vinyl coated chain link fence not less than six-feet in height, and enclosed on top, or be located in an enclosed structure.

#### **17.44.090 – Recreation, indoor.**

**A. Indoor recreation category. Includes:**

1. Adult entertainment.
2. Amusement center, game arcade, children's amusement center.
3. Arena.
4. Billiard hall, pool hall.
5. Bingo parlor.

6. Bowling alley.
7. Convention center or conference center.
8. Dance, martial arts, music studio, classroom.
9. Health club.
10. Shooting range.
11. Sports academy.
12. Miniature golf facility.
13. Movie-theater or other indoor theater.
14. Skating rink or roller rink.
15. Swimming pool.
16. Extreme sports facility.

**B. Indoor recreation use standards.**

The permissions for civic uses in Tables 17.41.040 and 17.41.050 are based on size (gross floor area), with thresholds of 10,000 and 20,000-square-feet. Additional standard:

- I. A traffic mitigation plan shall be submitted for approval by the City for facilities with more than 10,000 square feet of gross floor area. The plan shall address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject to City approval of a joint use agreement. Off-site parking in residential zones shall be limited to lots shared with existing institutional uses, such as schools.

**C. Special indoor recreational use.** The following use fall under the “recreation, indoor” use category, but due to their unique attributes come with their own use permissions and standards. This use is not subject to the net floor area parameters under the use permissions in Table 17.41.050.

- I. Adult entertainment
  - a. Definition. Means any adult cabaret or adult entertainment facility as defined under Chapter 5.34.
  - b. Adult entertainment establishments shall be located at least 2,000 feet from each of the following:
    - i. Schools.
    - ii. Childcare facilities.
    - iii. Public parks.
    - iv. Public libraries.
    - v. Previously licensed adult entertainment establishments.

**17.44.100 – Recreation, outdoor.**

**A. Outdoor recreation category. Includes:**

1. Campground.
2. Marinas and boat moorage.
3. Outdoor shooting range.

4. Recreational vehicle park.
5. Swimming pool.
6. Mini-golf facility.
7. Outdoor movie theater.

**B. Campground**

Definition. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

**C. Marinas and boat moorage.**

Definition. A use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, and chartering. Marinas may include accessory retail and equipment storage uses that directly support water-dependent activities per the Shoreline Master Program.

**D. Outdoor shooting range.**

Definition. An outdoor facility designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and/or other related components.

**E. Recreational vehicle park**

1. Definition. Land containing two or more campsites which are located, established, or maintained for occupancy by people in recreation vehicles or travel trailers which are used for recreation or vacation purposes.
2. Minimum standards. Recreational vehicle parks shall meet the minimum standards of the Washington Department of Social and Health Services.
3. Streets and recreational vehicle spaces. The arrangement, type, extent, width, grade, and location of all streets and sidewalks shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets. The RV-park shall make appropriate provisions for:
  - a. Open spaces and landscaping.
  - b. Drainage ways.
  - c. Streets, alleys, sidewalks and other public ways.
  - d. Water service.
  - e. Sanitary waste disposal.
  - f. Parks and playgrounds.
  - h. Other utilities.

All recreational vehicle spaces shall be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads shall be adapted to topography. Surfaces of roads shall be smooth, hard, dense and well drained.

Exposed or disturbed ground surfaces in all parts of every recreational vehicle space shall be covered with gravel or other material, or protected with a vegetative cover, to minimize erosion.

**4. Internal design.**

- a. Recreational vehicle spaces shall be arranged to facilitate placement and removal of vehicles from individual-spaces.

- b. Accessory facilities shall be designed and located for safe and convenient use by occupants of the park and to inhibit use by non-occupants.
  - c. Recreational vehicle spaces shall be separated from each other and from other structures to allow at least ten-feet separation between parked vehicles and structures.
  - d. The density shall not exceed 20 recreational-vehicle spaces per acre of gross site area.
  - e. All recreational vehicle spaces should be located at least 25-feet from a public street or highway right-of-way and shall be set back ten-feet from interior roadways.
  - f. The director may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary lines separating the park from such uses.
  - g. At least one-twelfth of the area of the recreational vehicle park shall be developed for a park, open space, or playground area for use of the RV-park occupants. The area shall be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and common facilities such as a laundry.
5. Water supply. The City Engineer shall require that any water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes. The water supply system shall meet standards published by the Insurance Services Office: Guide for Determination of Required Fire-Flow.
  6. Sewage disposal. All sewage disposal systems shall meet the minimum standards of the Washington State Department of Social and Health Services, the Washington State Department of Ecology, and the Grays Harbor County Environmental Health Division. The means for sewage disposal shall be subject to approval by the City Engineer.
  7. Solid waste. The recreational vehicle park developer shall assure that provisions for collection and disposal of solid waste are available. The means for solid waste collection and disposal shall be subject to approval by the City Engineer.
  8. Required facilities. All recreational vehicle parks having more than eight spaces shall have approved facilities for laundry, showers, and restrooms for users of the park.
  9. Retail sales. No retail sales uses are allowed within the park unless a specific site for such use, intended to primarily serve park users, is approved by the City Council as part of the conditional use permit.
  10. Ownership. In all cases the entire area of an RV-park shall be maintained in single ownership.

#### **17.44.110 – Retail Sales.**

##### **A. Retail sales category.**

Retail sales include, but are not limited to the following:

1. Facilities involving the sale, lease, or rental of new or used products including but not limited to appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
2. Art gallery.
3. Auction houses and secondhand sales within a building.

4. Building and industrial material retail sales.
5. Farmers' markets.
6. Heavy retail.
7. Incidental retail sales.
8. Cannabis retail.
9. Outdoor sales accessory to a permitted use.
10. Gas stations.
11. Shopping malls and shopping centers.

#### **B. Special retail sales uses.**

The following uses fall under the “retail sales” use category, but due to their unique attributes, come with their own use permissions and standards. These uses are not subject to the net floor area parameters under the retail sales permissions in Table 17.41.050.

1. Farmers market.  
Definition. A temporary location where one or more vendors gather to sell produce, food goods, and sundries from stalls or booths that are put up and taken down each day.
2. Heavy retail.  
Definition. Retail uses with exterior sales and/or storage areas greater than 15,000 gross square-feet or occupying a greater area than the use's principal building. Examples include truck stops, agricultural supplies, plant and landscape design materials, building materials, and heating fuels.
3. Gas stations.  
Definition. A retail use that primarily involving automobile fuels. Gas stations include specialized structures for selling fuel and fuel storage tanks, often underground. These establishments may provide incidental services such as automobile maintenance/repair, car washing, and the sale of food and other convenience items (including drive-through restaurants).
4. Cannabis retail.  
Definition. “Cannabis retailer” means a person licensed by the state liquor and cannabis board to sell Cannabis concentrates, useable Cannabis, and Cannabis-infused products in a retail outlet.

#### **17.44.120 – Vehicle Sales/Rental.**

Vehicle sales/rental category. This category includes, but is not limited to direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

### **Chapter 17.45 - INDUSTRIAL USES**

The development of industrial uses listed below may also be subject to the standards in Division 17.5 Community Design and Division 17.6 Project Design.

#### **17.45.010 – Heavy industrial.**

##### **A. Heavy industrial use category:**

Any facility that involves production and/or storage of dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, use of fire or explosives, emission of



particulate matter, interference with radio, television reception, or radiation. Such uses include, but are not limited to:

1. Petroleum and oil refineries.
2. Chemical manufacturing.
3. Wood products manufacturing.
4. Food and beverage manufacturing.
5. Primary metal manufacturing.
6. Fabricated metal products and machinery.
7. Machinery manufacturing.
8. Transportation equipment manufacturing.

### **I 7.45.020 – Light industrial.**

#### **A. Light industrial use category.**

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. The light industrial category includes, but is not limited to, the following uses.

1. Bottling.
2. Brewery (produce 15,000 or more U.S. beer barrels annually).
3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Seafood processing.
7. Laundry, dry-cleaning, and carpet cleaning plants.
8. Leather and leather products except tanning and finishing.
9. Sheet metal, welding, machine, tool repair shop or studio.
10. Stone, clay, glass, and concrete products.
11. Woodworking, including cabinet makers and furniture manufacturing.

#### **B. Cannabis processors.**

1. The production, processing and retailing of cannabis is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the city of Aberdeen is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed cannabis producers, cannabis processors, and cannabis retailers may locate in the city of Aberdeen and then only pursuant to a license issued by the state of Washington. The purpose of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law cannabis producers, cannabis processors, and cannabis retailers to operate designated zones of the city.

2. Cannabis processors may locate only at designated sites licensed by the state of Washington and fully conforming to state law.
3. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of AMC Chapters 1.12, 8.08, and 17.96.

### **17.45.030 – Light manufacturing.**

#### **A. Light manufacturing use category.**

A facility conducting light manufacturing operations within a fully-enclosed building. The light manufacturing category includes, but is not limited to, the following uses:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Printing, publishing, and lithography.
4. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
5. Repair of scientific or professional instruments and electric motors.

#### **B. Artisan manufacturing.**

Definition. Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully-enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500-square-feet of net floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

### **17.45.040 – Laboratories and research facilities.**

#### **A. Laboratories and research facilities use category.**

A facility focused primarily on the research and development of new products. This includes, but is not limited to, the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual or organization whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

#### **B. Research and development use standards.**

Such uses in the C, DT-MU, and WF zones shall occur within a fully-enclosed building.

### **17.45.050 – Self-service storage.**

#### **A. Self-service storage category.**

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. The self-service storage category includes, but is not limited to, the following uses.

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

**B. Self-service storage standards.**

Uses in the C zone are limited to fully-enclosed indoor facilities (all storage units are only accessible from indoors).

**17.45.060 – Warehouse and distribution.**

**A. Warehouse and distribution category.**

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. The warehouse and distribution category includes, but is not limited to, the following uses.

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Distribution facility, central postal facility.
3. Parcel services.
4. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
5. Trailer storage, drop-off lot.
6. Truck or motor freight terminal, service facility.

**17.45.070 – Waste-related services.**

**Waste-related service category.**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. The waste-related service category includes, but is not limited to, the following uses.

- A. Uses that receive solid or liquid wastes from others for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
- B. Animal waste processing.
- C. Landfill.
- D. Manufacture and production of goods from composting organic material.
- E. Outdoor storage of recyclable material.
- F. Scrap materials (indoor storage).
- G. Solid or liquid waste transfer station, waste incineration.

**17.45.080 – Water-oriented industrial uses.**

**A. Water-oriented industrial use category.**

Industrial type uses that are either water-dependent, water-related, or water-enjoyment use, or any combination thereof. The water-oriented industrial use category includes, but is not limited to:

1. Ship and boat building and repair.
2. Dry stack boat storage.
3. Maritime administration.
4. Piers and wharfs.
5. Shipping terminals.
6. Boat launch facilities.
7. Commercial fuel services.

**B. Boat launch facilities.**

Definition. Boat launches facilities are slabs, pads, planks, rails, cranes, or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

**17.45.090 – Wholesale trade.**

**A. Wholesale trade category.**

1. Facilities involved in the sale, lease, or rent of products to industrial, institutional, or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

The wholesale trade category includes, but is not limited to, the following uses:

- a. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures.
  - b. Wholesale sales of food, clothing, auto parts, building hardware, and similar products.
  - c. Battery distribution and processing business.
2. Wholesale trade uses in the F-R zone:
    - a. Business hours are restricted to 7am-10pm.
    - b. Wholesale trade use may not exceed noise restrictions established in WAC 173-60-040 for Class A areas.

**G. Battery distribution and processing business**

1. Definition. “Battery distribution, and processing business” means a retail or wholesale business engaged in any one or more of the following activities: importation of prepared batteries from either a foreign or domestic source; repackaging, relabeling, or other cosmetic alteration of batteries; shipping, reselling, or otherwise distributing batteries to retail or wholesale customers; minor additions of fluids to batteries to restore their electrical properties; storage of batteries incidental to on-site retail or wholesale operations, related office activities.

## **Chapter 17.46 - PUBLIC, INSTITUTIONAL, AND OPEN SPACE USES**

The development of public, institutional, and open space uses listed below may also be subject to the standards in Division 17.5 Community Design and Division 17.6 Project Design.

### **17.46.010 – Agriculture.**

#### **A. Uses in the agriculture category include:**

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase principally for the purpose of sale to others. The agriculture category includes, but is not limited to:

1. Animal husbandry including, but not limited to, horses, hogs, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
3. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
4. Fish hatcheries, fish farm.
5. Forestry, timber tracts, forest nursery, gathering of forest products.
6. Grain, fruit, field crop and vegetable cultivation and storage.
7. Livestock, horse, dairy, poultry and egg products.
8. Plant nursery.
9. Restricted agriculture.

#### **B. Animal husbandry**

1. Definition. The keeping of any domestic animals other than customary household pets.
2. Standards.
  - a. Horses, ponies, mules, cows and other large mammals.
    - (1) At least 20,000 square feet of pasture space shall be provided per animal.
    - (2) No structure providing shelter or care for such animals located within 50 feet of any off-premises dwelling.
  - b. Sheep, goats and similar animals.
    - (1) At least 10,000 square feet of pasture space shall be provided per animal.
    - (2) No structure providing shelter or care for such animals located within 30 feet of any off-premises dwelling.
  - c. Gnawing mammals such as rabbits, chinchillas and nutria; and fowl such as chickens, ducks and geese.
    - (1) The penned animals are kept in the rear yard at least ten feet from a residence; and
    - (2) The pens are located no closer than 25 feet to any other residence.
    - (3) All animal pens shall be kept in a clean and tidy condition. There shall be no smells or odors coming from any of the pens.

(4) Roosters are not allowed.

- d. Animal husbandry in the in residential zones shall comply with the above standards and have a residence located onsite. Animal husbandry activities in residential zones shall not take place between the hours of 10pm and 6am.

**C. Aquaculture.**

Definition. The breeding, hatching, or raising of fish or other aquatic plants or animals for sale.

**D. Community garden.**

1. Definition. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
2. Sales of produce grown in the garden shall be allowed no more than once per week.

**E. Cannabis producers.**

1. Definition. “Cannabis producer” means a person licensed by the state liquor and cannabis board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.
2. Standards.
  - a. Cannabis producers may be located only at designated sites licensed by the state of Washington and fully conforming to state law.
  - b. Nuisances.
    - i. No odor or smoke may be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to infringe upon the enjoyment of a neighboring use.
    - ii. The applicant shall install an exhaust system that is designed and constructed to capture sources and contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system shall be designed by a licensed Washington State professional engineer.

**F. Nursery.**

Definition. Land, building, structure, or combination thereof, for the storage, cultivation, or transplanting of live trees, shrubs, or plants, offered for sale on or off the premises including products used for gardening or landscaping.

**17.46.020 – Civic.**

**A. Uses in the civic category include:**

Places of public assembly that provide ongoing public, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses.

1. Cemetery.
2. College, community college, and university.
3. Community/recreation center.
4. Civic club.
5. Library.
6. Museum.
7. Religious institution.
8. School, public or private (K-12).

NOTE: This category does not include:

- Government offices - which falls under Office use
- Trade, vocational, or business school - which falls under Office use
- Public safety facilities - which falls under General-service use
- Municipal service facilities - which falls under General-service use

**B. Civic use standards.**

The permissions for civic uses in Tables 17.41.040 and 17.41.050 are based on size (gross floor area), with thresholds of 10,000 and 20,000-square-feet. Additional standards:

1. A traffic mitigation plan shall be submitted for approval by the City for facilities with more than 10,000 square feet of gross floor area. The plan shall address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject to City approval of a joint use agreement. Off-site parking in residential zones shall be limited to lots shared with existing institutional uses, such as schools.
2. The storage of buses or vans over 10,000 pounds gross weight is permitted on-site only if following conditions are met:
  - a. The location of the parking areas for these vehicles is indicated on the site plan at the time of application.
  - b. Vehicles shall be leased or owned by the owner or tenant of the site, shall be in operable condition, and shall have a current vehicle registration.
  - c. Vehicles shall not intrude into public right-of-way or obstruct sight visibility from any driveway.

**C. Special civic uses.** The following uses fall under the “civic use” category, but due to their unique attributes, come with their own use permissions and standards unless otherwise noted. These uses are not subject to the gross floor area parameters under the civic use permissions in Tables 17.41.040 - .060.

1. Cemetery/columbarium.  
Defined. A facility used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial, and pet cemetery.
2. College, community college, or university.  
Defined. A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university may not be considered a trade or vocational school (see office use category, Section 17.44.050).
  - b. Any school that has greater than 100 students shall have access onto a collector or arterial street.
3. Community center.  
Definition. A building or other enclosed structure open to the general public that is owned and operated by a public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes. Not included in the category of community center are those businesses and occupations defined by this title as a medical use, personal service, general-service, office, religious institution, school, private club or fraternal organization.
4. Museums.

Definition. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

5. School, public or private (K-12).

a. Definition. An institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school. If said school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church may not be separately counted as a school.

b. Use standards.

(1) Any school that has greater than 100 students shall have access onto a collector or arterial street.

(2) Pedestrian connectivity to the surrounding residential areas is required, where feasible. This includes pathways connecting to surrounding streets.

(3) Accessory daycares associated with any school shall occupy no more than 50-percent of the school structure(s).

### **17.46.030 – Parks, plazas, open spaces, and natural areas.**

#### **A. Parks, open space, and natural areas category.**

Uses focusing on natural areas consisting mostly of passive or active outdoor recreation areas and having few structures. The parks, open space and natural area category includes, but is not limited to, the following uses.

1. Botanical garden, nature preserve, community forest lands, recreational trails.
2. Game preserve, wildlife management area, refuge.
3. Park, including recreation field.
4. Reservoir, control structure, water supply, water well.
5. Plazas.

#### **B. Parks and plazas.**

Definitions:

1. Park. Land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.
2. Plaza. A publicly accessible open space usually surrounded by buildings and/or streets where people can gather. Plazas typically include walking surfaces, seating areas and some landscaped elements.

### **17.46.040 - Utilities.**

#### **A. Utilities, major.**

Large and/or regional public or private utility generation or treatment facilities and possibly having on-site personnel. This category includes, but is not limited to:

1. Water treatment plant.
2. Sanitary sewer and/or stormwater treatment plant.

#### **B. Utilities, minor.**



Small and/or local public or private utility distribution facilities and infrastructure with no on-site personnel. This category includes, but is not limited to:

1. On-site stormwater retention, detention, or infiltration facility.
2. Neighborhood-serving telecommunications, gas, or electric facility.
3. Water and sanitary sewer pump station or lift station.
4. Electrical substation.
5. Utility service.

**C. Sustainable energy generation system.**

1. Definition. A system that generates electricity from renewable resources such as solar energy, wind power, tidal power, and geothermal energy.
2. Standards.
  - a. Principal and accessory use classification. The sustainable energy generation system is a principal use when it generates or has the potential to generate more electricity than needed for buildings and facilities on the site it is located and sends or has the potential to send excess electricity off-site.

Systems that only generate electricity for on-site use are accessory (see Sections 17.47.010-.020 for accessory use and structure standards), unless the director determines the system is a principal use based on system characteristics such as size, design, or off-site impacts.

Exception: Solar energy systems attached to a rooftop and which send excess electricity off-site may be considered an accessory use.

- b. Location on buildings. Sustainable energy generation systems may be located on building exteriors provided they comply with setback and building height standards for the zone.
    - c. Nuisances. Uses, processes, equipment employed, and materials stored shall not inflict upon neighboring properties fumes, noise, vibrations, odor, refuse matter, water-carried waste, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones above that which is allowed by local, state, and federal standards.

**D. Industrial-scale battery energy storage system.**

1. Definition. “Battery energy storage systems” or BESS is a facility consisting of any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems and/or associated electrical equipment, including transmission lines, whether assembled together or separately, capable of storing at least 200 megawatt hours of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).
2. Standards.
  - a. BESS prohibited within 1,000 feet of lots zoned RL, RH, and F-R zones.
  - b. Landscape buffering must meet the standards of Heavy Industry in Table 19.64.060(A).
  - c. Outdoor lighting must comply with Section 17.62.070.
  - d. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.
  - e. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.

- f. An emergency management plan shall be developed for each facility in coordination with the Aberdeen Fire Department.

## **Chapter 17.47 - ACCESSORY USES AND STRUCTURES**

### **17.47.010 – Generally.**

- A. Accessory uses and structures are permitted in conjunction with allowed principal uses. Allowed accessory uses and structures include those listed in this chapter and additional accessory uses and structures that, as interpreted by the director, meet the following:
  - 1. Are clearly incidental to and customarily found in connection with an allowed principal building or use.
  - 2. Are subordinate to and serving an allowed principal building or use.
  - 3. Are subordinate in area, extent, and purpose to the principal building or use served.
  - 4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served.
  - 5. Are located on the same lot as the principal building or use served.
- B. No accessory use or structure may be established on a lot prior to the establishment of a permitted principal use.
- C. Detached accessory structures shall comply with all yard and lot coverage requirements for the zone in which they are located provided:
  - 1. No accessory structure shall be located in a clear vision triangle.
  - 2. No detached accessory structure shall be larger than 900 square feet or 50 percent of the living area of the primary residence, whichever is greater, to a maximum of 1,200 square feet.
  - 3. No standard of this section shall be construed to permit maximum lot coverage standards to be exceeded.

### **17.47.020 – Accessory dwelling units**

- A. Definition. An additional dwelling unit that shares a lot with a household living use (17.43.010).
- B. Purpose. The purpose of an accessory dwelling unit is to:
  - 1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
  - 2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.
  - 3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
  - 4. Protect neighborhood stability, property values, and the character of the neighborhood.
- C. Standards and criteria.
  - 1. When and where permitted: An ADU may be established in any zone on a lot with a single-family house, duplex, or triplex. An ADU may be created by any one or combination of the following methods:
    - a. Alteration of interior space of an existing residence.
    - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
    - c. Addition of a living area enclosed within the principal building.

- d. Construction of a detached living area.
- e. Associated with the construction of a new single-family dwelling (where permitted).
- 2. One off-street parking space is required in addition to the off-street parking spaces required for the primary residence. Parking shall be provided in the rear of the lot or on a driveway.
- 3. Number. Each residential building may have only one ADU.
- 4. Maximum size. The ADU may not exceed 800 square feet habitable area of the primary residence, whichever is smaller. If the ADU is located on a single floor and there is not increase in the size of the primary residence, the Community Development Director may allow an increase in the permitted size to efficiently use the floor area.

Habitable Area. Habitable area shall be the sum of the following areas within one accessory dwelling unit:

- a. Living room, bedroom, dining room, family room and similar living areas with a ceiling height of at least seven feet six inches.
- b. Kitchen, hallway, bathroom with a ceiling height of at least seven feet.
- c. In rooms with sloping ceiling, at least one half of the room area need meet the ceiling height prescribed above, except that no area with a ceiling height of less than five feet shall be considered habitable area.

#### **17.47.030 – Home occupations.**

- A. Purpose. The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling, or a building accessory to a dwelling, in any zone in which dwellings are present, while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood.
- B. Applicability. This section applies to all home occupations except a home office or home telephone or internet sales, or similar use, with no customer or employee visits to the site.
- C. Home occupations shall be an outright permitted use in all zoning districts and shall meet the following minimum requirements as a condition of approval:
  - 1. No person other than residents of the dwelling unit is engaged or employed in the home occupation, and the number of residents employed in the home occupation shall not exceed two individuals.
  - 2. No more than one building-mounted sign up to six feet square is displayed which would be visible from outside the dwelling unit.
  - 3. No toxic, explosive, flammable, combustible, corrosive, medical waste, radioactive, or other restricted materials are used or stored on the site.
  - 4. No outside operations, storage or display of materials or products.
  - 5. There may be no exterior indication of the occupation, including no outdoor storage related to the occupation, nor exterior modification of the building(s) to accommodate the occupation.
  - 6. The total area utilized for home occupations on a premise shall not exceed twenty-five percent of the total floor area of a residence.
  - 7. If the occupation requires that customers or clients visit the premises, adequate off-street parking shall be a condition of the permit, and traffic generated by the business may not exceed that which might reasonably be generated by residential use of the premises.
  - 8. A home occupation permit may not be transferred to another person.

9. All regular business license requirements shall be met.
10. There will be no sales on the premises and no commercial truck deliveries in connection with the home occupation. Parcel delivery services may deliver parcels to the home occupation.
11. No newspaper, radio or television service shall be used to advertise the location of home occupation to the general public.
12. No more than one home occupation shall be permitted within any single residence or accessory structure.
13. No equipment or process shall be used in a home occupation which creates noises, vibration, glare, fumes or odor detectable to the normal senses beyond the boundaries of the property.
14. No repair of small engines or motor vehicles is permitted.

**D. Enforcement Procedures.**

1. Any aggrieved person believing that a violation or violations of this chapter is occurring and who desires that action be taken by the city, shall notify the department in writing of such alleged violations. The department shall complete an investigation of the allegation(s) to determine the merits thereof.
2. If the department determines that no violation as alleged or otherwise is occurring, then notification of that decision in writing shall be given to the complaining person.
3. If the department determines that a violation is occurring or has occurred, then notification of that decision and a time for compliance shall be sent to both the violator and complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely affected. If compliance is not met by the violator within the time frame provided, the department may revoke the home occupation permit.

**E. Nonconforming Home Occupations.** Home occupations lawfully established and maintained prior to the enactment of this chapter are exempt from the requirements of Section 17.74.040.

## **Chapter 17.48 - TEMPORARY USES.**

- A. Purpose. The purpose of this section is to define means by which temporary uses of property may be allowed, so long as those uses are compatible with, or have limited impact on, neighboring properties and the public at large.
- B. Temporary Uses. No temporary use of property shall be allowed unless a temporary use permit is approved by the city as prescribed by this section. Each separately proposed activity or use shall require a separate permit and pay the applicable fee.
- C. General Standards. Temporary uses are subject to the following regulations:
  1. Temporary uses not listed in subsection (D)(1) of this section may be authorized by the community development department director, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.
  2. The community development department director may apply additional conditions to any temporary use permit in order to:
    - a. Ensure compliance with this chapter;
    - b. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
    - c. Ensure compliance with the building code.

- d. Procedures to define and implement this process in accordance with state and federal law will be periodically updated by the community development department.
  3. Within three days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The community development department director may require that a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for such abatement action and costs should the permittee fail to properly clean and repair the property.
  4. Temporary use permits not exercised within thirty days of issuance shall be null and void.
  5. Unless otherwise stated in the application and through city council approval, temporary use permits are valid from the date of issuance for ninety consecutive days per calendar year.
  6. Unless otherwise stated in this section no more than two temporary use permits will be issued for any location per calendar year.
  7. Nothing in this section shall exempt the applicant from obtaining all necessary applicable permits from all other agencies having jurisdiction.
  8. Unless otherwise stated in the application and through city council approval, the hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to 7:00 a.m. to 10:00 p.m. Security lighting shall be shielded to prevent light spillage onto adjacent properties.
- D. Specific temporary use standards. The following temporary uses are permitted in commercial districts, subject to the following regulations:
1. Events to include: carnivals, circuses, amusement rides, revival tents or any temporary amusement, entertainment, public assembly or activity, limited to operation of not more than twice each year and not more than ten consecutive days per event site in any one calendar year, can be permitted after obtaining a temporary use permit from the Aberdeen city council. The city council may require such conditions as are necessary to ensure compliance with the following criteria:
    - a. There will be no interference with the activities of nearby residents or businesses;
    - b. Traffic circulation will not be unnecessarily impeded and there will be provisions for adequate parking and means of ingress and egress;
    - c. Sound or lighting will not be a nuisance to neighboring residents or businesses;
    - d. There will be adequate provisions for water supply and sanitary facilities;
    - e. Police and fire chief have approved the activity.
  2. Off-site contractor's offices (including trailers and mobile homes) and storage yards associated with an active construction project, not to exceed one year in duration.
  3. Mobile vendors.
    - a. Temporary use permits for mobile vendors are valid for one year from the date of issuance.
    - b. Approval from the property owner, or underlying property owner if located in a right-of-way, is required.
    - c. Mobile vendors located within the sidewalk/parking right-of-way shall comply with the following rules:
      - (1) Only two mobile vendors shall be permitted per block face.
      - (2) Public sidewalks used by mobile vendors shall have a minimum width of eight feet.

- (3) In no instance shall the clear walking area around a sidewalk vendor be less than 48 inches.
- (4) The maximum length of space occupied by a mobile vendor and equipment is twelve feet.
- (5) Mobile vendor stands shall be readily movable at all times.
- (6) Mobile vendors shall locate their stands at the portion of the sidewalk away from the curb.
- (7) All locations shall be approved on a first-come, first-served basis.
- d. Parking lot and other outdoor sales of merchandise and/or services unrelated to the primary use of the property shall comply with the following:
  - (1) Merchandise displays may only occupy parking stalls which are in excess of city parking requirements.
  - (2) There shall be no obstruction of emergency exits, fire lanes or other emergency apparatus.
  - (3) Sales areas shall be maintained in an attractive and trash-free manner.
  - (4) Sales areas shall not substantially alter the existing circulation pattern of the site.
- e. Temporary commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities shall comply with all federal and state requirements.
- 4. Violations. At any time a temporary use is operated in violation of required conditions of this section or of the permit or otherwise found to constitute a nuisance, the city may take appropriate enforcement action including the process set forth at Section 17.96.090.

## **Chapter 17.49 - NONCONFORMING USES AND STRUCTURES**

### **17.49.010 - Purpose.**

The purpose of this chapter is:

- A. To permit nonconforming uses or structures to continue until they are removed, but not to encourage their survival, except as expressly provided in this chapter.
- B. That nonconforming uses or structures may not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.
- C. That nonconforming uses or structures not be allowed to expand, be altered, or reconstructed except as otherwise outlined in this chapter.

### **17.49.020 - General rule.**

- A. Any lot, building, structure, or use of land, legally permitted or established, must be permitted to continue consistent with this chapter. A change in occupancy or ownership does not affect the right to continue such use, building, or structure.
- B. Any use for which a conditional use permit has been obtained is not a nonconforming use so long as the requirements of the conditional use permit are met.

### **17.49.030 - Enlargement, alteration, expansion or change of nonconforming uses.**

- A. Nonconforming uses.

1. A building containing a nonconforming use may be maintained, repaired, or brought up to more current structural and safety standards.
2. No nonconforming use may be permitted to be enlarged, altered, or expanded. This includes structural alterations not required by law and any enlargement that changes parking requirements.

Exception: A nonconforming use may be extended throughout any part of the building which was designed for the use prior to the adoption date of this chapter.

- B. No nonconforming use may be allowed to be reestablished after abandonment. Thereafter, the use of the building, structure or site must be in conformity with the regulations for the zone in which it is located.
- C. A nonconforming use may not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

#### **17.49.040 - Enlargement, alteration, reconstruction of nonconforming buildings and structures.**

- A. Routine maintenance, cosmetic changes (such as new siding, windows, or roofing), changes to improve energy efficiency, changes to a structure to address unsafe conditions, or upgrading inadequate utilities must not be considered alterations.
- B. When a nonconforming building or structure is damaged by fire, natural disaster, or other calamity, and structural repairs needed to maintain a building or structure in a safe structural condition, the building or structure may be restored or replaced provided:
  1. A complete application for reconstruction or replacement is submitted within one year of the damage.
  2. That the restoration or replacement must be made to conform to the regulations of the zone in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration may not extend any nonconformity that existed prior to the damage.
- C. Additions to nonconforming structures that meet all applicable zoning dimensional standards will not be considered an enlargement under this subsection.

#### **17.49.050 - Abandonment.**

- A. For the purposes of this section, abandonment will mean:
  1. An intention to abandon; and
  2. An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.
- B. Conformance after abandonment. If any nonconforming use of land, building, or structure ceases for any reason whatsoever for a period of one year or more, any future use of such land, building or structure must thereafter be in conformity in the zone in which it is located. The mere presence of a structure, equipment, or material will not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.
- C. Procedure for verifying abandonment. When the department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the department must send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year will be



required. After notification, if the owner fails to respond to the request within sixty days, the building, structure, or use will be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the director may initiate a Type I review (as set forth in Section 17.20.030) to determine if the abandonment has occurred.

## **DIVISION 17.5 – COMMUNITY DESIGN**

Chapter 17.50 – Introduction.

Chapter 17.51 – Public street improvements required.

Chapter 17.52 – Public street design.

Chapter 17.53 – Private driveways & access.

Chapter 17.54 – Subdivision design & block structure.

### **Chapter 17.50 - INTRODUCTION**

#### **17.50.010 - Purpose.**

This division was authorized by the City Council as a major implementation tool of Aberdeen's comprehensive plan. Overall, this division intends to:

- A. Provide clear objectives for those embarking on the planning and design of development projects in Aberdeen.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Aberdeen.
- C. Promote and accomplish the goals, policies, and objectives of the Aberdeen Comprehensive Plan.
- D. Upgrade the character and visual appearance of Aberdeen.
- E. Promote increased pedestrian and bicycling use throughout the city.

#### **17.50.020 - Applicability.**

The community design provisions in this division generally apply to the following development within the city:

- A. All street improvements.
- B. All land divisions (see Chapter 17.31 Land Divisions).
- C. All other development within the city where public improvements are required (see Section 17.51.020).

#### **17.50.030 - Relationship to other street design plans and standards.**

The provisions herein are supplemented by the street standards in the most recent version of the Aberdeen Engineering Standards. Where there is a conflict between the provisions of this division and other codes, the City Engineer shall determine which provisions to apply based on consideration of public health and safety, engineering design principles, Comprehensive Plan goals and policies, and facilitating low impact development.

### **Chapter 17.51 - PUBLIC STREET IMPROVEMENTS REQUIRED**

#### **17.51.010 - Purpose.**

- A. Establish the City's authority to require applicants for certain development permits to construct or make provisions for reasonable public street improvements.
- B. Establish criteria to be used to determine the nature, extent, and location of required street improvements.
- C. Promote safe and efficient access to property.
- D. Reduce the addition of impervious surfaces within the city.

### **17.51.020 – Applicability.**

Construction or provision of public right-of-way improvements consistent with the requirements in this chapter and chapter 17.52 Public Street Design is required as condition of approval of the following development activities.

- A. Creation of more than four new dwelling units, including ADUs
- B. Creation of any new non-residential development.
- C. The establishment of new lots with a subdivision, short subdivision, or binding site plan when such lots do not otherwise have access from a public right-of-way.
- D. Alteration of, or addition to, a commercial, industrial, or multi-family development when the estimated value of the proposed improvements exceeds 50-percent of the Grays Harbor County Assessor's value of the existing structure(s) on the subject property, unless the City Engineer deems the improvements unnecessary.
- E. A change of use to a more intensive use of property that will result in increased impact (as determined by the City Engineer) to the transportation system, based on the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use, or other source approved by the City.
- F. A new access point to a public street will be created serving two or more units.
- G. When a nonresidential, multifamily, townhouse, or cottage development establishes internal roadways for the purpose of complying with the block design and connectivity standards of Section 17.54.020.

### **17.51.030 - Minimum street improvement requirements.**

Typical required improvements for right-of-way (ROW). The City Engineer or designee shall determine required improvements based on the standards and criteria in this chapter, and the Aberdeen Engineering Standards. Required improvements shall be located within the public ROW and/or the block frontage. Typical required public improvements include the following:

- A. Paved roadway.
- B. Street lighting.
- C. Sidewalks or other pedestrian and non-motorized facilities.
- D. Curb and gutter. Curb cuts or curbless streets may be required to make use of bioretention treatment in the right-of-way. The landscaped areas shown in Figure 17.52.040(A) may be designed for bio-retention treatment.
- E. Utilities including storm drainage, wastewater, and domestic water systems.
- F. Street landscaping and appurtenances.
- G. Traffic control and other safety devices including, but not limited to, provisions for channelization, pavement markings, signage, pedestrian safety, and traffic calming where such improvements are only necessary or practical to provide on the same side of the street as the subject property.
- H. Dedication of public right-of-way.
- I. Conduit for new and existing utilities.

#### **17.51.040 - Extent of required improvements.**

This section identifies where improvements shall be installed along the property frontage and when they shall be extended past the property to ensure a smooth transition to adjacent improvements.

- A. When an existing right-of-way is paved, improvements shall be installed from the centerline of the right-of-way, or center of the street as constructed, to the subject property's property line, for the entire length of the street frontage.
- B. Sidewalks extended. Sidewalks or pedestrian facilities shall be extended to connect to existing pedestrian facilities located no more than 200' from the property, or where practical and reasonable as determined by the City Engineer.
- C. Existing alleys. The following improvements are required when right-of-way for an alley exists adjacent to a site.
  - 1. For commercial, industrial, office, or multifamily projects, the applicant shall improve the alley abutting the subject property and extend the improvements to an existing improved public street.
  - 2. For all types of development permits, the City Engineer shall determine the extent and nature of improvements required in alleys on a case by case basis. Typical improvements include, but are not limited to, any or all of the following depending on the type of development proposed:
    - a. Replacement of the alley driveway apron and curb.
    - b. Installation of storm drainage and other utilities.
    - c. Paving and repair of existing paving.
    - d. Installation of crushed rock in gravel alleys.
- D. Transition to existing improvements. If improvements required by this chapter will connect with improvements in the same ROW that do not conform to this chapter, the following applies:
  - 1. If the required improvements will connect with existing improvements of a greater dimension, the improvement shall be built at the greater dimension unless the City Engineer determines that the dimensions of the existing improvement will be decreased in the future.
  - 2. If the improvements will connect with existing improvements of a lesser dimension, the following applies, as determined by the City Engineer:
    - a. If the dimensions of the existing improvements will not be increased in the future, the new improvement shall be permanently flared or tapered to match the existing improvements.
    - b. If the dimensions of the existing improvements will be increased in the future, the required improvements shall be installed in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
- E. Replacement of damaged or substandard existing improvements. For properties that have existing improvements within the adjacent public right-of-way, the applicant shall remove and replace any damaged, substandard, or nonconforming improvements in conjunction with development of the property. Replacement includes, but is not limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier-free ramps at street intersections, nonconforming driveway accesses, and installation of street trees.
- F. Relocation of existing franchise utilities. Franchise utilities shall be relocated as required, including relocation underground, to accommodate necessary improvements. See Chapter 15.32 Underground Utilities.

### **17.51.050 – Dedication of right-of-way.**

- A. Existing ROW.** If an existing right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required improvements.
- B. New ROW.** The City Engineer may require the applicant to make land available, by dedication, for new right-of-way and utility infrastructure if it is necessary as a result of the proposed development activity.

### **17.51.060 - Modifications, deferments, waivers, and construction-in-lieu.**

- A. General.** The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, or waived by decision of the City Engineer or by recommendation of the City Engineer when not the final decision-maker.
- B. Review process.**
  - 1. A request for a modification, deferment, or waiver shall be considered as part of the applicable review process for the underlying development permit application as outlined in Table 17.20.030(I).
  - 2. If subsection (B)(I) of this section does not apply (no land use permit is being reviewed), the City Engineer may grant a modification, deferment, or waiver in writing under the provisions of this section.
  - 3. A modification, deferment, or waiver request that is approved under subsection (B)(I) of this section is binding on the City for all subsequent development permits issued for the development within five years of granting of the request.

- C. Modifications.**

A modification to the nature or extent of any required improvement may be granted for any of the following reasons:

- 1. The improvement as required would not match the existing improvements.
- 2. Unusual topographic or physical conditions preclude the construction of the improvements as required.
- 3. Other unusual circumstances preclude the construction of the improvements as required.
- 4. The applicant proposes special amenities such as wider planter strips, wider sidewalks, and/or curb gutter bump-ins to save significant trees or other natural features, or stormwater infrastructure that exceeds minimum standards.
- 5. A modified standard for a particular street or neighborhood has been approved by City Council (see the Aberdeen Engineering Standards).

- D. Deferment.**

- 1. A deferment to the installation of required improvements may be granted for any of the following reasons:
  - a. The required improvement is part of a larger project that has been scheduled for implementation and is fully funded in the City's six-year Capital Facilities Plan.
  - b. Construction or alteration of a single-family dwelling unit on an existing lot greater than one acre (net) in size where there are no frontage improvements meeting city standards within 200-feet of the lot, or identified through approved plats, and potential exists for future development of the lot.
  - c. Other unusual circumstances preclude the construction of the improvements as required.

2. If the applicant meets the above criteria in Section 17.51.060(D)(1) for deferment, the applicant is only obligated to install, at a future date, improvements subject to 17.51.040.
3. If the city approves a deferment, the applicant shall sign a concomitant agreement to run with the property, in a form acceptable to the city attorney, specifying that the applicant shall install or reimburse the city for construction of the deferred improvements as directed by the City Engineer. The applicant shall record this agreement with the Skagit County Auditor's Office.
4. The applicant shall grade the subject portion of the right-of-way as though the public improvement were to be immediately installed and stabilize the graded area in a manner approved by the City Engineer. The applicant may be relieved of this requirement if the City Engineer determines that unusual circumstances preclude the grading.

**E. Waiver.**

A waiver to the requirement to install all or a portion of the required improvements may be granted for any of the following reasons:

1. The installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
2. The current level and extent of the improvements in the ROW adjacent to the subject property are not likely to be changed in the future.

**F. Multiple adjacent rights-of-way.** When the subject property is adjacent to two or more rights-of-way, modifications, deferments, or waivers may be considered separately for each right-of-way. The highest level of improvement required shall be constructed around the angle formed by the intersecting streets.

**17.51.070 - Timing of improvements and bonding.**

- A. In-lieu of completing the required public improvements prior to approval, the applicant may request final approval, subject to the approval of a suitable guarantee. The guarantee shall be in a form acceptable to the city and in an amount commensurate with improvements to be completed. The amount of the guarantee is established at 150-percent of the cost of the city having to construct the improvements. The guarantee amount will require yearly review by the city and the applicant will be required to revise the guarantee amount to reflect the current inflation rate. Based on the revised amount, the applicant will resubmit suitable guarantee to the city. Also, the guarantee will be restricted as far as the amount of permissible time in which the improvements shall be completed. If not a regular surety bond from an acceptable state-approved surety, the guarantee shall be in a form acceptable to the city attorney.
- B. Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are responsible for acceptance and/or maintenance of such improvements. Partial releases may be allowed.
- C. All improvements begun by the applicant shall be completed. Once the applicant has begun making improvements, the applicant is not be eligible for submitting a guarantee to the city to cover the incomplete improvements.
- D. Public improvements shall be in a place at time of certificate of occupancy or acceptable assurances for completion with a temporary certificate of occupancy.
- E. At the time of final acceptance of the improvements, the applicant shall provide to the city a two-year warranty guarantee at ten-percent of the established final cost of the public and/or off-site improvements which shall be acceptable to the city.

## Chapter 17.52 - PUBLIC STREET DESIGN

### 17.52.010 - Purpose.

Provide economy of land use, construction, and maintenance.

### 17.52.020 - Applicability.

This chapter applies to the construction or provision of public right-of-way improvements per Chapter 17.51 Required Public Street Improvements.

### 17.52.030 - City street classification system.

**A. Functional Classification.** The Transportation Element of the Aberdeen Comprehensive Plan designates public right-of-way, roads, and streets based on their functional classification and shall be consulted to determine which standards in this chapter apply. The following roadway classification types are designated:

1. Principal arterials. Roads including state highways that have a primary function of carrying high volumes of traffic through the city.
2. Minor arterials. Streets that provide movement of through traffic, shall also provide considerably more access for local traffic that originates or is designed to commercial, retail, or activity centers along a corridor.
3. Commercial collectors. Streets that assemble and concentrate mixed commercial and residential traffic and direct it toward the higher order arterial system.
3. Residential collectors. Streets that assemble and concentrate residential traffic and direct it toward the higher order arterial system.
5. Commercial local access streets. Low volume streets that serve mixed commercial, industrial and residential areas.
6. Residential local access streets. Low volume streets that serve residential neighborhoods with minimal non-residential traffic.
7. Alleys.

**B. Unclassified and new streets.** Classification of new streets or existing streets not already identified or classified on the Roadway Functional Classification map, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the City Engineer.

1. Factors to be considered in determining a street's classification include the following existing or proposed features:
  - a. Facility geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
  - b. Access conditions, including any restrictions on access, the spacing of private accesses, and average lot frontage widths.
  - c. Traffic characteristics, including average daily traffic, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak-hour characteristics of traffic.
  - d. Adjacent land uses.

## **17.52.040 - Street geometric design and streetscape.**

**A. Applicability.** Required street improvements shall meet the standards herein except when either of the following apply:

1. **Capital improvement projects.** In cases where the City Council has approved a capital improvements plan for a particular public right-of-way, that plan will govern the improvements required for the right-of-way and the provisions of this section do not apply.
2. **Modified and special standards.** In cases where a modified standard for a particular street or neighborhood has been approved by City Council per Section 17.51.060(C)(5), or where special design standards are otherwise identified the Aberdeen Engineering Standards, those standards will govern the improvements required for the right-of-way and the provisions of this section do not apply.

**B. Interpretation of Table 17.52.040(A) through (E).**

1. **Right-of-way.** Right-of-way width depends on number of travel lanes, parking lanes, type of curb and gutter, and other elements provided.
2. **Landscaped area.** Landscaped area contains vegetation, pedestrian amenities, utilities, LID BMPs such as bioretention, and other roadside infrastructure. Street trees shall be included according to the installation standards and requirements in the Aberdeen Engineering Standards. When included, curbs are part of the landscaped area width.
3. **Pavement width.** Pavement width refers to the minimum width of the traveled way, bike lanes, and parking lanes.
4. **On-street parking.** Parking lanes are included in the pavement with and may be required in for traffic calming, and/or applicable service deliveries and activities appropriate to the street context and/or typical to the size, type, and density of the proposed development. When included, parking lanes shall be eight-feet wide and designed to provide water quality treatment consistent with Chapter 14.14 Stormwater Quality and the adopted DOE Stormwater Management Manual. When included, gutters are part of the pavement width.
5. **Grade.** The maximum grade is as noted. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
6. **Sidewalks.** Refers to minimum width of sidewalks.
7. **Bike lanes.** Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system.  
  
Bike lanes shall connect to and align with the Aberdeen Engineering Standards and bike lanes on abutting property. Dimensional standards for bike route signage shall comply with the Manual on Uniform Control Devices (MUTCD).
8. See Section 17.51.060 for permitted modifications to the street standards within Tables 17.52.040(A) through (E).



<b>Table 17.52.040(A)</b> <b>Principal arterial street design standards.</b>		
For rules of table interpretation, see subsection (B).		
Right-of-way width	80 ft. minimum	
Landscaped area width	Varies	
Pavement width	Varies	
On-street parking	Optional	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	5 ft. minimum	

<b>Table 17.52.040(B)</b> <b>Minor arterial, collector, or commercial local street design standards.</b>		
For rules of table interpretation, see subsection (B).		
Right-of-way width	60 ft. minimum	
Landscaped area width	5 ft. minimum on each side	
Pavement width	At least 30 ft.	
On-street parking	Required except where bike lanes are included	
Grade	12% maximum	
Sidewalk width	5 ft. minimum	
Bike lanes	Required on “greenway” routes shown in Map I in Chapter 6 of the Aberdeen Active Transportation and Living Master Plan or other relevant planning document.	

Some but not all acceptable roadway options shown above.

<b>Table 17.52.040(C)</b> <b>Residential local access street standards.</b>		
For rules of table interpretation, see subsection (B).		
Right-of-way width	54 ft. minimum	
Landscaped area width	6 ft. minimum on each side	
Pavement width	32 ft.	
On-street parking	Required	
Grade	12% maximum	
Sidewalk width	5 ft. minimum	
Bike lanes	NA	

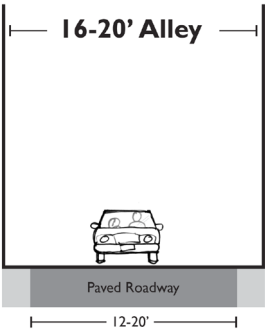
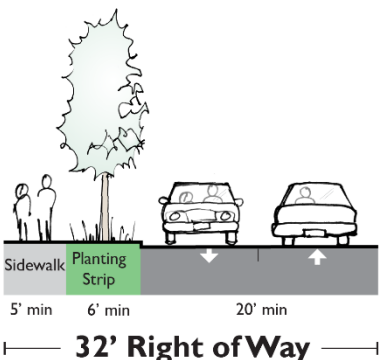
Table 17.52.040(D) Alley design standards.		
For rules of table interpretation, see subsection (B).		
Right-of-way width	16-20 ft	
Landscaped area width	NA	
Pavement width	12-20 ft.	
Grade	12% maximum	
Sidewalk width	NA	
Bike lanes	NA	

Table 17.52.040(E) Lane design standards.		
Lane street types are permitted for residential development accessing up to 9 dwelling units. For rules of table interpretation, see subsection (B).		
Right-of-way width	31 ft.	
Landscaped area width	6 ft. minimum one side	
Pavement width	20 ft.	
Grade	12% maximum	
Sidewalk width	5 ft. minimum (one side)	
Bike lanes	NA	

### 17.52.050 - Dead end streets and cul-de-sacs.

- A. Limited application. Dead end streets and cul-de-sacs are limited in application and may only be permitted where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible. See Section 17.54.020 Block design and connectivity standards for related standards.
- B. Minimum requirements. Streets longer than 150' require an approved turnaround, such as a hammerhead or cul-de-sac. The Fire Department will determine the type of turnaround required based on the number of units accessing the street and other site-specific characteristics.
- C. Hammerhead design. The hammerhead turnaround shall comply with the Aberdeen Engineering Standards and Fire Department requirements.
- D. Cul-de-sac design. The cul-de-sac turnaround shall comply with the Aberdeen Engineering Standards and Fire Department requirements. Cul-de-sacs may have a landscaped center area to implement

LID BMPS like bioretention. The landscaping shall be maintained by the homeowner's association or adjacent property owners.

- E. Waiver of turnaround. The requirement for a turnaround or cul-de-sac may be waived with approval of the Fire Department when the development proposal will not create an increased need for emergency operations or the impacts are otherwise mitigated.

#### **17.52.060 - Street intersections.**

The following standards apply to street intersections:

- A. Streets shall intersect at right angles, except when topography dictates otherwise, and in no case may the angle of intersections be less than 60 degrees.
- B. Two streets meeting at a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least 125-feet.
- C. Intersection design shall provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual roadways.
- D. Intersections of local streets with arterials and highways shall be kept to a minimum.

#### **17.52.070 - Pavement design.**

The design of pavement structures and subgrades shall conform to the Aberdeen Engineering Standards.

#### **17.52.080 - Street names and signage.**

- A. **Generally.** Names of new streets shall not duplicate the names of existing streets unless the new street continues or aligns with an existing street. All new street names shall be submitted to and approved by the City.
- B. **Street name signs.** Street name signs shall be manufactured and installed in accordance with specifications of the Aberdeen Engineering Standards.
- C. **Warning and regulatory traffic signs.** Within the Aberdeen city limits, warning and regulatory traffic signs shall be installed within and shall abut the subdivision in accordance with the Manual on Uniform Control Devices (MUTCD).

#### **17.52.090 - Street lights.**

Street lighting shall be installed by the applicant conforming to the Aberdeen Engineering Standards.

#### **17.52.100 – Street monuments.**

Existing monuments shall remain undisturbed during construction. New monuments may be required per the Aberdeen Engineering Standards.

## Chapter 17.53 - PRIVATE DRIVEWAYS & ACCESS

### 17.53.010 - Purpose.

To enhance safe and efficient roadway operations while providing access to adjacent properties and businesses.

### 17.53.020 - Applicability.

All new or altered private driveways and private accesses onto a city street (including temporary or construction accesses) shall comply with this chapter and the Aberdeen Engineering Standards.

### 17.53.030 - Driveways and access easements.

**A. General.** Dimensions, slopes, and details for all driveways and access easements connecting to a city street shall comply with this chapter and the Aberdeen Engineering Standards.

#### **B. Driveway location.**

1. **Collector & arterial streets.** Driveways providing direct access onto a collector or arterial street are prohibited when an alternative access is available. When alternative access is not available, a driveway or access may be permitted onto a collector or arterial when approved by the City Engineer.
2. **Frontage on multiple streets.** Where a property has frontage on more than one street, driveways and accesses are limited to the lowest volume street, as determined by the City Engineer.
3. **Alleys.** Where a property abuts an alley, driveways shall access from the alley, except when either of the following conditions exist:
  - a. The property is in a residential zone and topography, lack of existing improvements, or other conditions makes alley access impracticable.
  - b. The property is located in a mixed-use, commercial, or industrial zone and anticipated traffic generation of the use in combination with other existing or future permitted uses along the block would exceed the functional capacity of the alley.

#### **C. Driveway spacing from a street intersection.**

1. Driveways and access easements should be located at the greatest distance possible from an intersection of two streets and shall meet the minimum spacing standards in the Aberdeen Engineering Standards.
2. When compliance with minimum spacing standards in the Aberdeen Engineering Standards would result in a property without a reasonable means of connection to the street system, a new driveway may be allowed within a smaller distance. The applicant may be required to provide a traffic impact analysis to support the request. Conditions of approval may be established, including, but not limited to:
  - a. Traffic volume and movements. Limits on the maximum vehicular usage of the connection or limits on turning movements.
  - b. Joint use connection. A legally enforceable joint use driveway easement when needed to maintain the operational efficiency and safety of the street.
  - c. Future alternate access. If and when future alternate means of access becomes available, the nonconforming connection shall be removed.

**D. Driveway separation.** Driveways shall be separated by a minimum of 30-feet, except where no other option exists per the City Engineer. Where driveways serve multiple housing units on a lot,

individual driveways shall be separated by a minimum of 5-feet. Generally, driveway locations are encouraged to be laid out to maximize the amount of on-street parking available on the street.

**E. Number of driveways.** A maximum of one driveway per lot is allowed, except:

1. When additional driveways or accesses are needed due to the amount of traffic generated by the project and there is enough space to safely accommodate the additional driveway or access.
2. Multiple driveways may be permitted where each driveway serves a separate dwelling unit on a lot and the driveways comply with other standards herein.

**F. Driveway cut width.** Driveway cuts are limited to the widths identified in Table 17.53.030.

<b>Table 17.53.030</b> <b>Driveway cut width standards.</b>	
<b>Use Type</b>	<b>Maximum Width</b>
<b>Residential</b>	
Individual driveway width	20-feet
Combined width, multiple driveways on lots < 50-feet	20-feet
Combined width, multiple driveways on lots = or > 50-feet	32-feet
Commercial and Industrial	30-feet

#### **17.53.040 - Residential shared driveways.**

**A. Shared driveways** may be allowed for providing access to residential units in a subdivision per Table 17.53.040(B), provided:

1. The residential units being served by a shared driveway are any combination of single-family, duplex, or triplex buildings on individual lots.
2. At least one lot abuts a public right-of-way.
3. A public street is not anticipated by the City of Aberdeen to be necessary for existing or future traffic and/or pedestrian circulation through the short subdivision or to serve adjacent property.
4. The shared driveway would not adversely affect future circulation to neighboring properties.
5. The shared driveway poses no safety risk and provides sufficient access for emergency vehicles and personnel.

**B. Minimum standards.**

1. Shared driveways shall be located within an easement or tract.
2. Table 17.53.040(B) provides standards for the maximum length, minimum paved width and easement width, and applicable turnaround requirements.

<b>Table 17.53.040(B)</b> <b>Residential shared driveway standards.</b>				
<b>Max. # units<sup>1</sup></b>	<b>Max. length</b>	<b>Min. Paved width</b>	<b>Min. Easement width</b>	<b>Turnaround<sup>2</sup></b>
Up to 3	150'	16'	20'	No
Up to 6	150'	20'	20'	No
Up to 6	>150'	20'	20'	Yes – approved turnaround
<sup>1</sup> Individual cottages, for the purposes of these shared driveway standards, count as one-half dwelling unit. <sup>2</sup> See Section 17.52.050 for related standards.				

3. If a shared driveway abuts properties that are not part of the subdivision, a five-foot wide landscape buffer shall be provided between the shared driveway and neighboring properties.
4. Stormwater management shall be provided according to Chapter 14.14 Stormwater.
5. The maximum grade shall not exceed 12-percent. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
6. The minimum base and surfacing shall comply with the Aberdeen Engineering Standards and be capable of supporting fire apparatus.
7. New lots served by shared driveways are subject to the design provisions of Section 17.54.040(E).

**C. Signage and addressing.**

1. Traffic control devices including installation of “No Parking” signs as required by the city shall be provided.
2. Lots served by the shared driveway shall be addressed to the public street to which the shared driveway connects.

**D. Easement or tract ownership and maintenance.**

1. The easement or tract shall be shown and recorded on the face of the plat or with the land division to be preserved in perpetuity. If a tract is created, the owners of the subject lots shall have an equal and undivided interest in ownership of the tract.
2. Appropriate legal instruments ensuring that the shared driveway can be continually maintained to minimum standards listed in this section by the owners of the lots served by the driveway shall be provided prior to recording of the short plat.

**E. Obstructions.** A restriction prohibiting any temporary or permanent physical obstructions within the easement, including, but not limited to, the parking of non-emergency vehicles, shall be shown on the face of the short plat.

**F. Timing of improvements.** The shared driveway shall be installed prior to recording of the plat unless approved for deferral/bonding.

## Chapter 17.54 - SUBDIVISION DESIGN & BLOCK STRUCTURE

### 17.54.010 - Purpose.

The purpose of this chapter is to:

- A. Enhance the character and livability of Aberdeen's neighborhoods.
- B. Encourage compact and walkable neighborhoods and connections between neighborhoods.
- C. Promote "eyes on the street" for safety.
- D. Promote subdivision design that reduces energy consumption and encourages low impact development.
- E. Integrate open spaces, natural elements, utilities, and recreational features into the design of developments.

### 17.54.020 - Block design and connectivity standards.

Aberdeen's comprehensive plan places a high priority on being a "walkable" community. In order to be walkable, there needs to be frequent accessible and attractive connections between destinations. Consequently, this requires a well-connected system of streets and pathways that encourages people to walk. Thus, block size and design has a direct impact on the walkability of a community.

- A. All zones.
  - 1. Connectivity to abutting lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision. Wherever a proposed development abuts unplatted land or other land with the capability of being further subdivided, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the fire marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
  - 2. Continuation of streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the block standards in subsections (B) and (C) below, and to avoid or minimize through traffic on local streets.
  - 3. Pedestrian pathways. Short internal pathways can improve pedestrian mobility within developments. Examples could include a pathway in the middle of a block or at the end of a cul-de-sac. Such pathways shall be located within an easement or common open space tract allowing for public access and maintained by the homeowner's association unless the city or other public authority accepts an offer of dedication.
- B. **Residential zones.** New residential developments shall provide an integrated and connected network of streets to help provide a sense of place and orientation and provide multiple travel route options for all users. A street network dominated by long, irregular loop roads and cul-de-sacs is not appropriate. The following standards apply to new development in the residential zones.
  - 1. Blocks shall be designed to provide pedestrian and vehicular connections at intervals no greater than 660-feet.
  - 2. DEPARTURES to the standard in paragraph (1) will be considered per Section 17.20.210 provided the alternative design meets the purposes of the standards (see Section 17.54.010 above) and meets the following criteria:



- a. A departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards herein. For example, a larger block could allow for the development of a compact village of homes around a centralized open space; and
- b. Departures meeting criteria in paragraph (a) above allow configurations with pedestrian and vehicular connections at intervals greater than 660-feet, but no greater than 1,000-feet, when the following conditions are present: Where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the director may relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

**C. Mixed-use and industrial zones.** New developments in mixed-use and industrial zones shall provide an integrated and connected network of streets to help provide multiple travel route options for all users and comply with the goals and policies of the Aberdeen Comprehensive Plan.

### **17.54.030 - Open space/parks.**

**A. Park-land requirement.** Park-land dedication is required for residential subdivisions with ten or more lots. The decision-maker shall select one of the following:

1. One-tenth of the combined area of lots one acre or less in size, exclusive of all other dedications, shall be forever dedicated to the public for parks, open space, or playgrounds. The decision-maker, in consultation with the Parks and Recreation Department, shall determine suitable locations for such parks and playgrounds.
2. The subdivider creates a property owners' association for the proposed subdivision and deeds to the association land to be held in perpetuity for use as parks, open space, or playgrounds. The area of land to be deeded to the association shall equal the amount that would otherwise have been dedicated to public use.
3. The city may make an order to be endorsed and certified on the plat accepting impact fees per AMC Chapter 3.93 in-lieu of dedication of land that would have been dedicated. If the value is not agreed upon between the subdivider and the director, the developer may, at his/her expense, have the value established by a qualified real estate appraiser acceptable to the director.

**B. Park design criteria.** Parks and open space integrated into residential subdivisions shall meet the following design criteria:

1. Shall be convenient, usable and accessible. All open spaces shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated or terrain makes access and use difficult. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

**Figure 17.54.030(B)(1)**  
**Examples of accessible parks.**



These parks are located in accessible and centralized locations within the neighborhood. Both parks have accessibility from streets on multiple sides combined with good visibility from adjacent homes.

2. Shall be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it shall be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.

**Figure 17.54.030(B)(2)**  
**Examples of inviting park design.**



Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.

3. Shall be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:

- a. Natural surveillance - which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good “eyes” on the park or plaza.
  - b. Lighting that reflects the intended hours of operation and is appropriate for the proposed activities.
  - c. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces or minimize views.
  - d. Entrances should be prominent, well lit, and highly visible from inside and outside of the space.
  - e. Maintenance. Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.
4. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.
  5. Shall be well maintained. Open space shall be maintained by the land owner(s) unless the city or other public authority accepts an offer of dedication.
  6. May include LID BMPs. Open spaces may include LID BMPs, like rain gardens, in up to 25-percent of subdivision open spaces (cumulative).

## **17.54.040 - Lot design.**

### **A. Generally.**

1. Lots within subdivisions shall be designed to allow placement of homes to address functional design issues. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots. Soil analysis which determines low-impact development infiltration feasibility may affect site designs and home placement.
2. The placement and orientation of lots and homes should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the home and its relationship to the surrounding environment. Flexibility is encouraged in spatial orientation of homes on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.
3. To maximize site efficiency and usable open space, small lot developments (generally less than 5,000-square-feet in area and less than 50-feet wide) are encouraged to utilize the lot design standards of this chapter or related design schemes provided they meet access, design, and other applicable standards established in this Title.

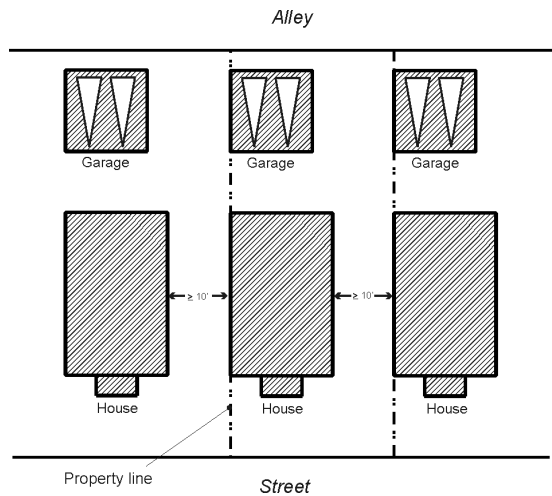
### **B. General standards**

1. Zero lot line, reciprocal use easement lots, and alley-access lots developments are allowed in all residential zones.
2. Lot lines which are contiguous with the development's exterior property line shall meet the standard setback requirements of Tables 17.42.020(A), (B), and (C).

### **C. Zero lot line.** This is a configuration where the house and/or garage is built up to one of the side property lines within the development, providing the opportunity for more usable side setback space. Standards:

1. Dwelling units and accessory structures may be placed on one interior side property line that is part of the development. The opposite side setback shall be at least 10-feet. Also see Section 17.43.010(F) for townhouse family development standards.
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the interior side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 17.54.040(C) below for an example of a privacy wall for a zero lot line house.
3. Eaves along a zero lot line may project a maximum of 18-inches over the interior side property line.
4. Lots intended for zero lot line homes shall be noted on the plat, together with minimum side setback areas and maximum building envelopes.

**Figure 17.54.040(C)**  
**Zero lot line design.**

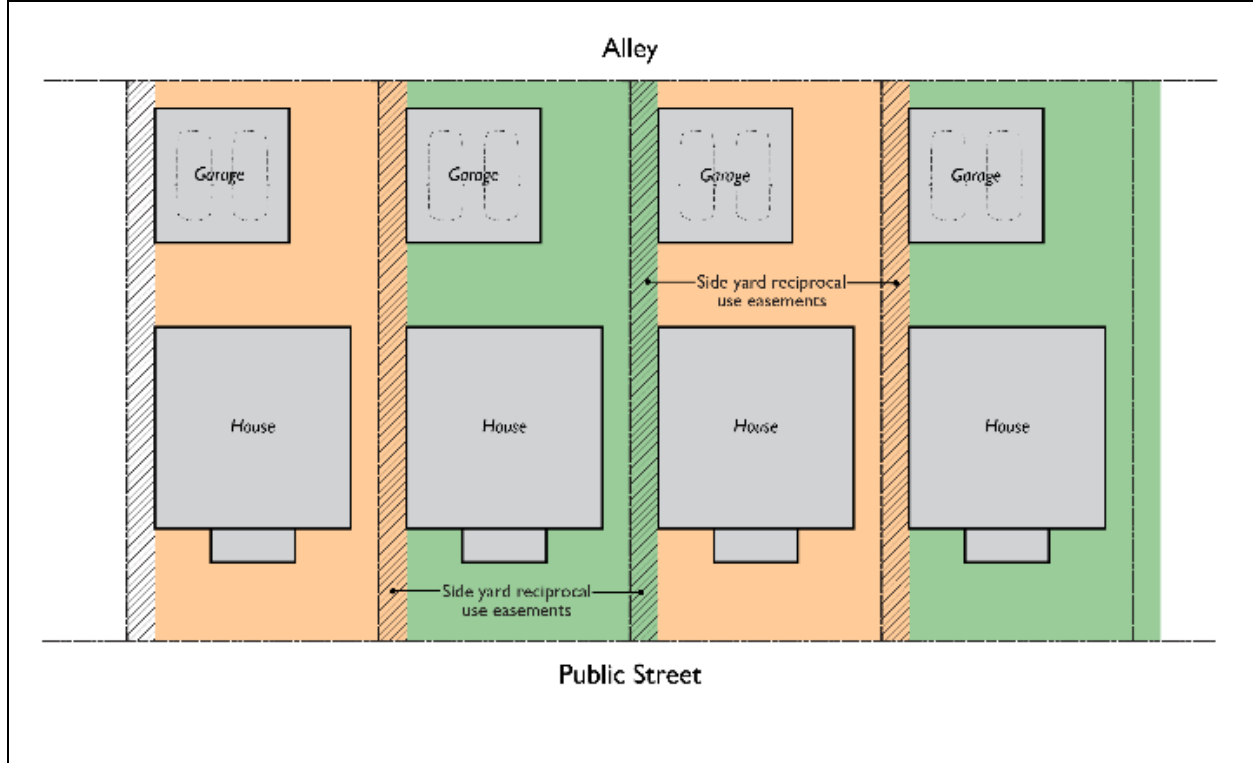


Zero lot line layout example (left). The right image shows the side setback and privacy wall for a zero lot line house.

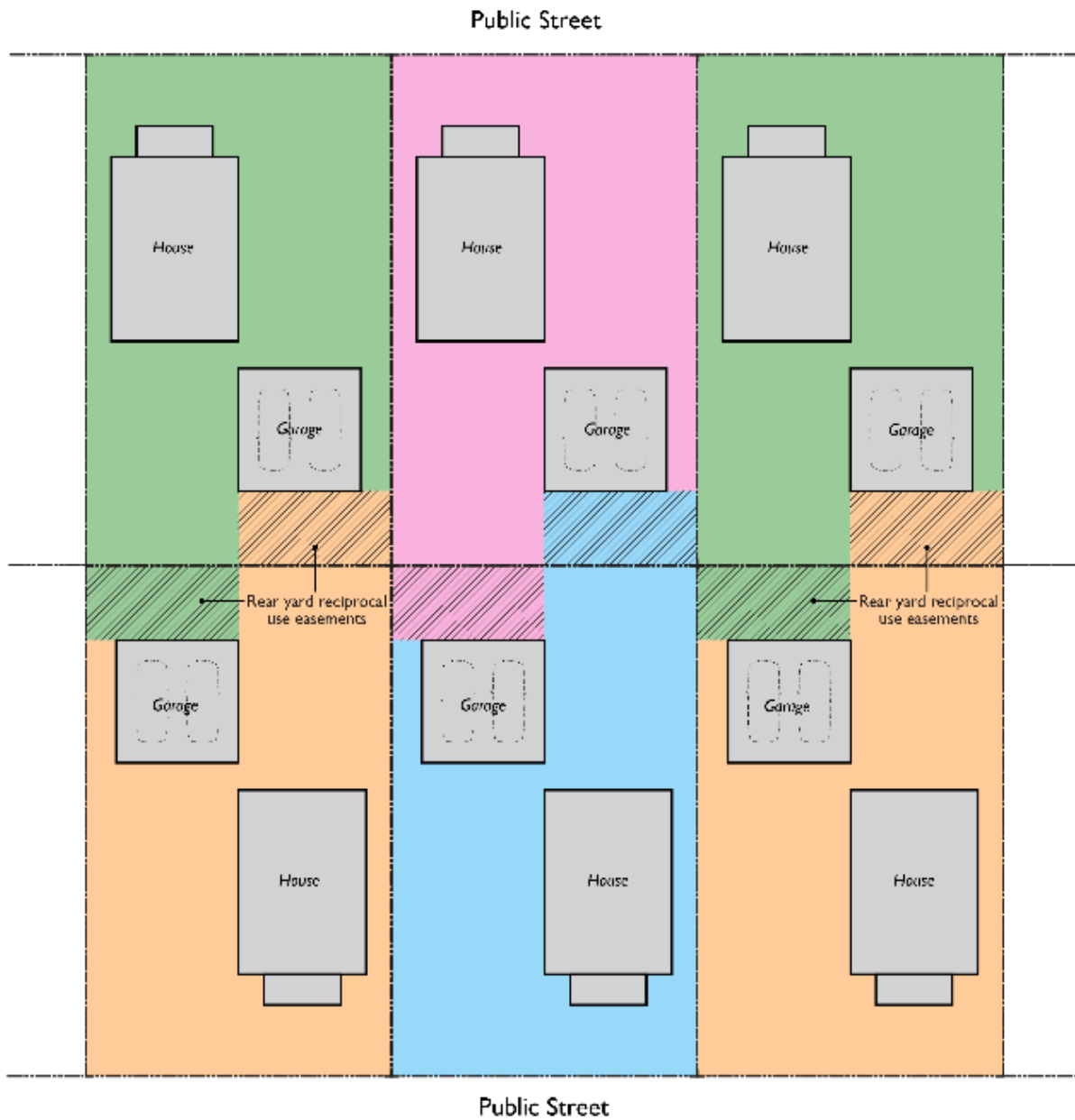
**D. Reciprocal use easement lots.** Reciprocal use easements work similar to the zero lot line configuration. Principal and accessory structures shall meet the standard setbacks, and easements are granted on one side to allow use of the side setback by the adjacent property [see Figure 17.54.040(D) for an example]. Reciprocal use easements may also be used in the rear setback to maximize usable open space.

1. Reciprocal easements shall be noted on the plat.
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 17.54.040(C) above for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots [see Section 17.43.010(C)(3)(c)].

**Figure 17.54.040(D)**  
**Reciprocal use lots examples.**



**Figure 17.54.040(D)**  
**Reciprocal use lots examples.**



Example of a reciprocal side setback easement configuration (top image) and reciprocal rear setback easement configuration (bottom image).

- F. Alley access lots.** This includes configurations where lots are provided with vehicular access by an alley designed per the most recent version of the Aberdeen Engineering Standards. Standards:
1. Dead-end alleys are subject to the turn-around standards of Section 17.52.050 and through alleys are limited by the maximum block length standards of Section 17.54.020(B).
  2. Pedestrian access to each alley access lot shall be provided by either a public street or a pedestrian easement with a sidewalk.

**17.54.050 - Access, services, and utilities.**

- A. Each lot in a residential subdivision shall have access directly to a public right-of-way, except for:
  1. Interior lots served by a shared driveway that complies with the provisions of Section 17.53.040.
  2. Alternative lot designs as described in Section 17.54.040.
  3. Any lot created that is not adjacent to a public right-of-way but that has a right of ingress and egress to that right-of-way provided that such right has been established as a matter of record in a manner that runs with the land and is irrevocable.
- B. All driveways shall be constructed in compliance with Section 17.53.030 and the Aberdeen Engineering Standards.
- C. Each lot in a residential subdivision shall be provided with adequate provisions for water supplies, sanitary wastewater facilities, storm drainage and surface water facilities, electric, and natural gas facilities (if applicable), consistent with the requirements of Aberdeen Engineering Standards.
- D. Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020.



## **DIVISION 17.6 – PROJECT DESIGN**

Chapter 17.60 – Introduction.

Chapter 17.61 – Block frontage standards.

Chapter 17.62 – Site planning.

Chapter 17.63 – Building design.

Chapter 17.64 – Landscaping.

Chapter 17.65 – Parking.

Chapter 17.66 – Signage.

Chapter 17.67 – Fences and hedges.

Chapter 17.68 – Other standards.

### **Chapter 17.60 - INTRODUCTION**

#### **17.60.010 - Purpose.**

This division is authorized by the City Council as a major implementation tool of the Aberdeen Comprehensive Plan. Overall, this division intends to:

- A. Provide clear objectives for the planning and design of development projects in Aberdeen.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Aberdeen.
- C. Promote and accomplish the goals, policies, and objectives of the Aberdeen Comprehensive Plan.
- D. Ensure that new multifamily, mixed-use, and commercial development is of high quality and appropriate to Aberdeen's character and context.
- E. Increase awareness of design considerations among the citizens of Aberdeen.
- F. Maintain and enhance property values within Aberdeen.

#### **17.60.020 - Applicability and compliance.**

- A. The project design provisions in this division generally apply to all development within the city, including, but not limited to, building additions, site improvements, and new signage. However, since each chapter addresses different design and development elements, the applicability of each chapter is clarified at the beginning of the chapter.
- B. Relationship to other codes and documents. Where provisions of this division conflict with provisions in any other section of the AMC, this division prevails unless otherwise noted.
- C. For building additions, remodels, and site improvements, three different thresholds have been established to determine how the standards herein are applied to such projects:

Note: When a proposed building addition occurs within three years of a previous addition (or multiple additions) based on the date of the previous building permit issuance, then such additions shall be considered collectively for the purpose of determining the percentage increase in the size of a building's floor area.

- I. Level I improvements include all exterior remodels and other improvements that cumulatively increase the gross floor area on a site by up to 25-percent. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building articulation would not be required.

2. Level II improvements include all improvements that cumulatively increase the gross floor area on a site by 25-percent to 100-percent. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II improvements.
3. Level III improvements include all improvements that cumulatively increase the gross floor area on a site in any zone by more than 100-percent. Such developments shall conform to all applicable standards, except in a case where there are multiple buildings on one site, and only one building is being enlarged. In that scenario, improvements to the additional buildings are not required, but conformance with all other standards apply.

#### **17.60.030 – How the provisions of this chapter are applied.**

The provisions of this chapter are additional to the underlying zoning standards (permitted uses, setbacks, building heights, etc.). Most sections within this chapter herein include the following elements:

- A. Purpose statements, which are overarching objectives.
- B. Guidelines use words such as “should” or “is/are recommended,” or “encouraged”, signifying voluntary measures.
- C. Standards use words such as “shall” and “is/are required,” signifying mandatory actions.
  1. Some standards are easily quantifiable, while others provide a level of discretion to the applicant in how they are complied with. In the latter case, the applicant shall demonstrate to the Director, in writing, how the choices made for the development meets the purpose of the standard.
  2. Departures may be allowed for specific standards as noted in Section 17.60.040 below. They allow alternative designs provided the Director determines the resulting design and overall development meets the “purpose” of the standards and other applicable criteria. See Section 17.20.210 for procedures associated with departures.

#### **17.60.040 – Departures.**

A number of specific departure opportunities to the design standards contained in this chapter are provided. Departure opportunities are signaled by the capitalized word DEPARTURE or the ➡ symbol when used in charts. The purpose is to provide applicants with the option of proposing alternative design treatments, when they can demonstrate to the satisfaction of the Director that it is equal to or better than the standard, provided such departures meet the “purpose” of the particular standard, and any additional relevant departure criteria.

See Section 17.20.210 for procedures specific to departures.

## **Chapter 17.61 - BLOCK FRONTAGE STANDARDS**

### **17.61.010 - Purpose.**

- A. To reinforce the historic storefront pattern in downtown Aberdeen.
- B. To enhance the pedestrian environment in commercial and multifamily areas throughout Aberdeen.
- C. To minimize potential negative impacts of parking lots and garages on the streetscape.

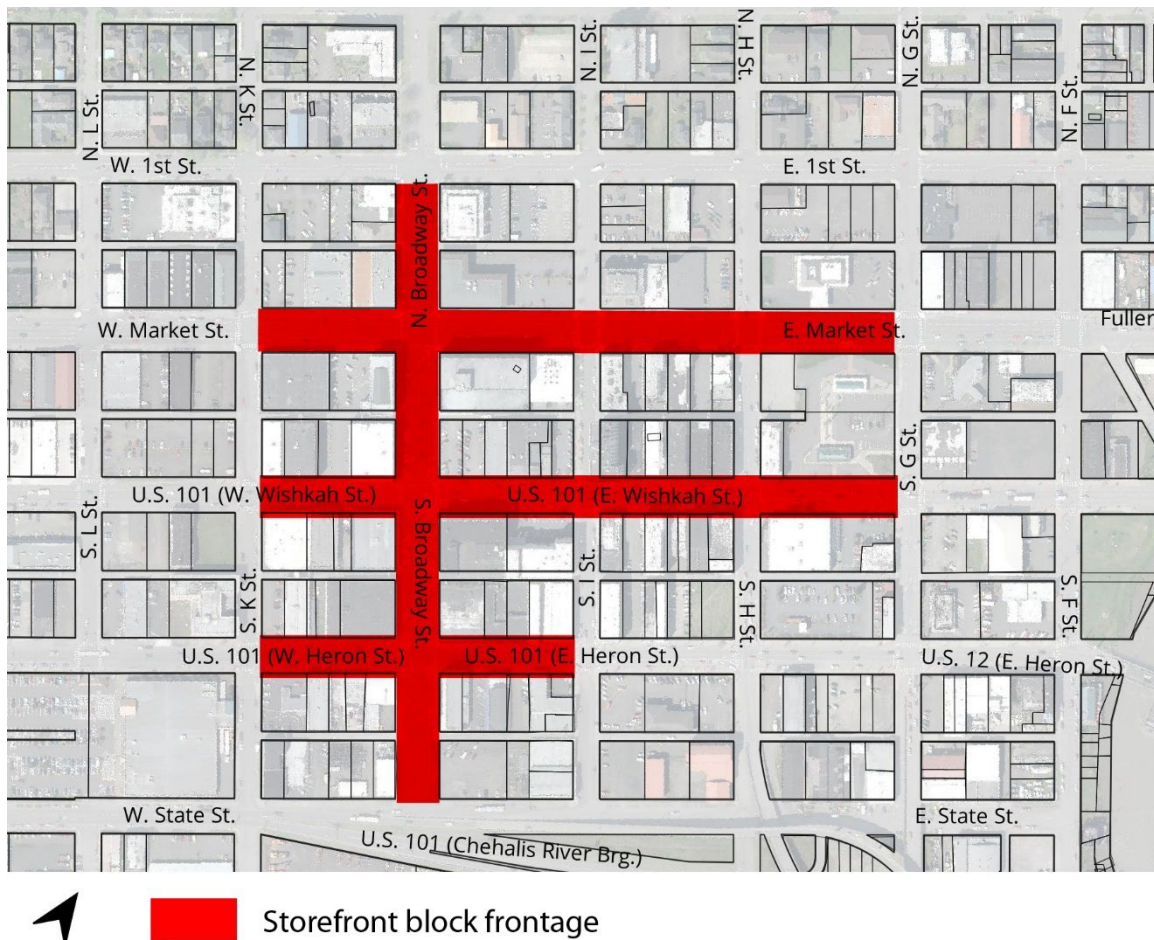
### **17.61.020 - Applicability.**

The provisions of this chapter apply to all nonresidential and multifamily development within the City.

### **17.61.030 – Block frontage designation maps and regulations.**

- A. Application of map and block frontage regulations.
  - 1. New multifamily and non-residential development as set forth in Section 17.61.020 are subject to the block frontage standards herein.
  - 2. See Figure 17.61.030 for designated Storefront block frontages. Properties including this designation are subject to the Storefront block frontage standards in Section 17.61.040, as are developments choosing to build storefront buildings in applicable zones.
  - 3. For all multifamily development and all non-residential development in residential zones, the standards for Landscaped block frontages (Section 17.61.050) apply. One exception is permitted commercial development on corner lots in residential zones, which may choose to comply with Storefront block frontage standards (Section 17.61.040).
  - 4. All other block frontages not subject to the Storefront or Landscaped block frontage standards are subject to the Basic block frontage standards (Section 17.61.060).
  - 5. Civic uses, public buildings, and hotels are exempt from the block frontage standards, provided the building and site design meet the following objectives:
    - a. Enliven the pedestrian environment along the adjacent sidewalks.
    - b. Incorporate a prominent and inviting entry visible from the street. If the site has multiple street frontages, the entry shall be visible from at least one street.
    - c. The site and building design stand out from the surrounding context as a distinct landmark and provides visual interest from all observable scales.
- B. Map updates. The block frontage designation map will be updated by ordinance by the City Council as necessary to reflect new streets and other adjustments.
- C. Undesignated streets. If a street is not designated as Storefront, Mixed, or Landscaped block frontage then it is automatically classified as a “Basic” block frontage. See Section 17.61.060 for applicable standards.

**Figure 17.61.030  
Block Frontage Designation Map.**

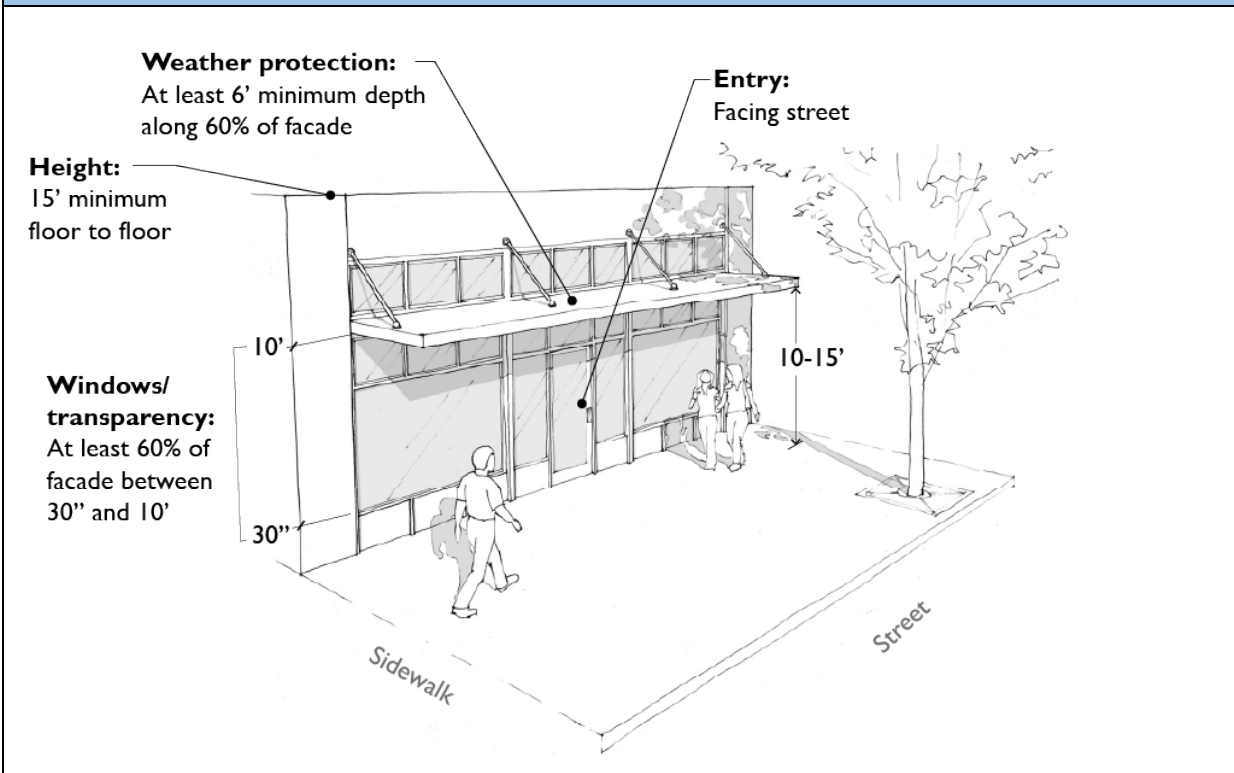


See Section 17.61.030 details on the applicability of Storefront, Landscaped, and Basic block frontage standards.

#### **17.61.040 – Storefront block frontage standards.**

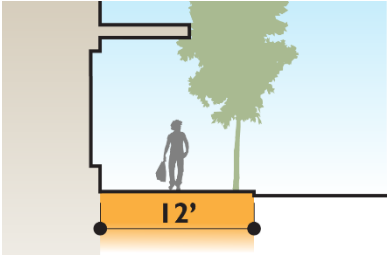
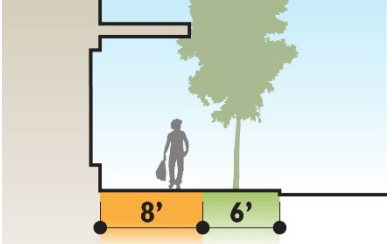
- A. Purpose. Storefront block frontages are located in the most vibrant and active shopping and dining areas within Aberdeen. Blocks designated as Storefront block frontages include continuous storefronts placed along the sidewalk edge with small scale shops and many business entries.

**Figure 17.61.040**  
**Storefront block frontages vision and key standards.**



- B. Standards. All development on sites with a Storefront block frontage designation shall comply with the standards in Table 17.61.040(B) below.

<b>Table 17.61.040(B)</b> <b>Storefront block frontage standards.</b>		
The ➡ symbol refers to DEPARTURE opportunities in Section 17.61.040(C) below.		
Element	Standards	Additional Provisions and Examples
<b>Ground Level</b>		
Land use	Non-residential uses permitted by Section 17.41.050 are required on the ground level.	Lobbies and accessory-uses associated with upper-floor hotel/motel, business service, and multifamily residential uses are allowed provided they are limited to 25% of all Storefront block frontages (measured separately for each block).
Floor to ceiling height	13' minimum	Applies to the area within the minimum retail space depth.
Retail space depth	40' minimum ➡	Applies to the entire width of the retail space.
<b>Building placement</b>	Buildings shall be placed at the back edge of the required sidewalk. Additional setbacks may be allowed for a wider sidewalk or where a public space is provided between the sidewalk and the building.	
<b>Building entrances</b>	Primary building entrances shall face the street. For corner buildings, primary entrances for ground-level uses may face either street or the street corner.	
<b>Façade transparency</b>	Transparent windows are required for at least 60% of the transparency zone (façade between 30" and 10'). ➡	Windows that are mirrored, darkly tinted, covered, frosted, or perforated in any manner that obscures visibility into the building do not count as transparent window area.
<b>Weather protection</b>	Weather protection over the sidewalk is required along at least 60% of the building's façade, and it shall be a minimum of 6' deep (drip lines shall be at least that far from the face of the building). Additional standards: <ul style="list-style-type: none"> <li>• Weather protection shall have 10' to 15' of vertical clearance.</li> <li>• Weather protection shall not interfere with existing street trees, utility poles, street signs, or extend beyond the edge of the sidewalk.</li> </ul>	<ul style="list-style-type: none"> <li>• Vinyl or plastic awnings or canopies are prohibited.</li> <li>• Any canopy or awning over a public sidewalk should be a permanent architectural element.</li> </ul>
<b>Parking location</b>	New ground-level (surface or structured) parking adjacent to the street is limited to one 60' wide aisle located to the side of a building (and may include a driveway). Otherwise,	

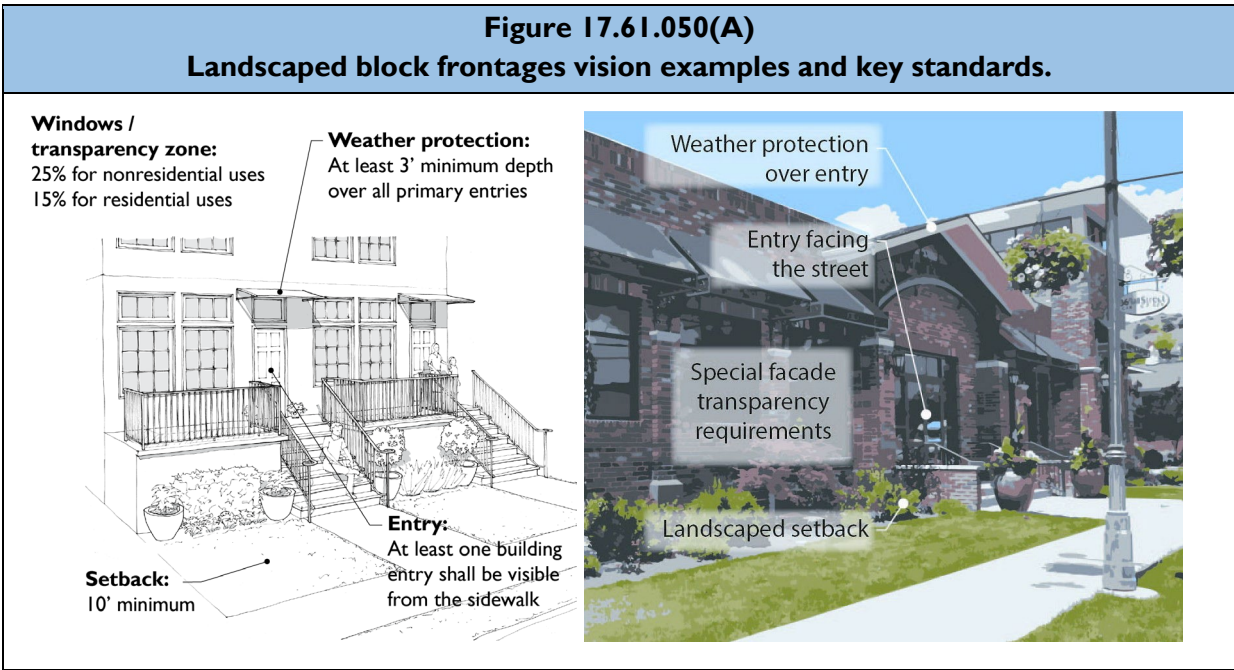
<b>Table 17.61.040(B)</b> <b>Storefront block frontage standards.</b>		
The ➡ symbol refers to DEPARTURE opportunities in Section 17.61.040(C) below.		
Element	Standards	Additional Provisions and Examples
	parking may be placed below, above, and/or behind storefronts.	
<b>Sidewalk width</b>	<p>Minimum design options:</p> <ul style="list-style-type: none"> <li>• 12' minimum between the curb edge and the storefront, including 8' minimum walking surface width and trees are integrated in grates.</li> <li>• 8' minimum sidewalk and 6' minimum planter strip.</li> </ul> <p>Wider sidewalks may be required for certain streets by the Aberdeen Urban Services Standards and Guidelines Manual.</p> <p>Setbacks and utility easements shall also be considered and may result in a larger minimum sidewalk width.</p>	 

- C. DEPARTURE criteria. Departures from the storefront block frontage standards in Table 17.61.040(B) that feature the ➡ symbol will be considered per Section 17.20.210, provided the alternative proposal meets the purpose of the standards and the following criteria:
1. Retail space depth. Reduced depths on up to 33 percent of the applicable block frontage will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses.
  2. Façade transparency. Façade transparency may be reduced to a minimum of 40 percent if the façade design between ground-level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.

### 17.61.050 – Landscaped block frontage standards.

- A. Purpose. Landscaped block frontages emphasize landscaped street setbacks, clear pedestrian connections between the building and the sidewalk, and minimize surface parking lots along the frontages.

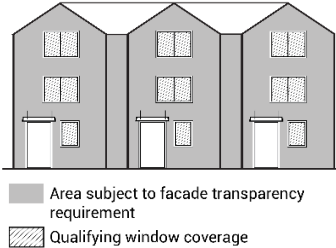





- B. Applicability. The standards herein apply to:
1. All multifamily development.
  2. All non-residential development in residential zones, except permitted commercial development on corner lots may choose to comply with Storefront block frontage standards.
  3. All non-residential development in the NC-MU zone, except such development may choose to comply with Storefront block frontage standards.
- C. Standards. Landscaped block frontages shall comply with the standards in Table 17.61.050 (C) below.

<b>Table 17.61.050(C)</b> <b>Landscaped block frontage standards.</b>		
The ➡ symbol refers to DEPARTURE opportunities in Section 17.61.050(C) below.		
Element	Standards	Additional Provisions and Examples
<b>Ground Level</b> Land use	Any use permitted by Chapter 17.41 Allowed Uses.	
<b>Building placement</b>	5' minimum setbacks are required, except multifamily residential uses shall maintain a 10' minimum setback from the sidewalk. Additional standards: <ul style="list-style-type: none"> <li>• 20' maximum setback.</li> <li>• Covered entries and porches are allowed to project up to 6' into this required setback.</li> <li>• Additional setbacks may be required where future right-of-way need and/or acquisitions have been identified in city plans.</li> </ul>	



<b>Table 17.61.050(C)</b> <b>Landscaped block frontage standards.</b>		
The ➡ symbol refers to DEPARTURE opportunities in Section 17.61.050(C) below.		
Element	Standards	Additional Provisions and Examples
<b>Building entrances</b>	At least one public or shared building entry shall be visible from the sidewalk and feature direct physical access from the sidewalk. ➡	Primary private entrances facing the street for ground level residential units are encouraged.
<b>Façade transparency</b> (for all street facing elevations)	<p>Transparent windows are required for at least 30% of the transparency zone (façade between 30" and 10') for buildings with ground level nonresidential uses. ➡</p> <p>All residential building facades and residential portions of mixed-use buildings shall have at least 15% transparency (be comprised of transparent windows).</p>	<p>For ground level non-residential uses: Windows that are mirrored, darkly tinted, covered, frosted, or perforated in any manner that obscures visibility into the building do not count as transparent window area.</p> 
<b>Weather protection</b>	Weather protection at least 3' deep shall be provided over individual business and residential entries. Weather protection for shared entrances shall be at least 5' deep.	
<b>Parking location</b>	Parking shall be located to the side, under, or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. ➡	<p>Where a drive-through lane exists between the street and a building, it shall qualify as a parking area.</p> <p>Also see Section 17.62.050 for areas where drive-though uses are prohibited.</p>
<b>Landscaping</b>	<p>Building setback areas shall be landscaped per Chapter 17.64 Landscaping.</p> <p>Parking lots developed adjacent to the street shall comply with landscaping provisions of Section 17.64.060(D).</p>	
<b>Sidewalk width</b>	A five-foot sidewalk accompanied by a minimum five-foot landscape strip is required within the right-of-way adjacent to the front property line as well as adjoining arterial corridors.	

- C. DEPARTURE criteria. Departures from the above standards that feature the ➡ symbol will be considered per Section 17.20.210, provided the alternative proposal meets the purpose of the standards, plus the following criteria:

1. Façade transparency. For residential facades, the 15 percent minimum standard may be reduced to no less than 10 percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
2. Parking location. For multi-building developments, an additional 10% of the lot frontage may be occupied by off-street parking and driveways, provided design treatments (beyond minimum standards) are included that successfully mitigate the visual impact of parking areas on the streetscape.

#### **17.61.060 – Basic block frontage (streets with no designated block frontage).**

- A. Purpose. Basic block frontages offer greater flexibility in siting off-street parking areas, while providing visual interest at all observable scales and meet the design objectives of the city.
- B. Applicability. All block frontages in applicable zones that are not designated in the map in Figure 17.61.030 and not subject to the Storefront or Landscaped block frontage standards are subject to the standards of this section.
- C. Standards. Basic block frontages shall comply with the standards in Table 17.61.060 (C) below.

<b>Table 17.61.060(C) Basic block frontage standards.</b>	
The ➞ symbol refers to DEPARTURE opportunities in Section 17.61.060 (D) below.	
<b>Element</b>	<b>Standards</b>
<b>Building placement</b>	Buildings placed up to the sidewalk edge shall meet storefront block frontage standards in Section 17.61.040. Buildings not placed up to the sidewalk shall feature a 10' minimum street setback except where greater setbacks are required by the zone.
<b>Building entrances</b>	Building entrances facing the street are encouraged. At a minimum, at least one building entry visible and directly accessible from the street is required. ➞ Where buildings are setback from the street, pedestrian connections from the sidewalk are required.
<b>Façade transparency</b> (for all street facing elevations)	For storefronts, at least 60% ➞ Other buildings designed with non-residential uses on the ground floor within 10' of sidewalk, at least 30%. ➞ For residential buildings, at least 15%. ➞ For ground level non-residential uses: Windows that are mirrored, darkly tinted, covered, frosted, or perforated in any manner that obscures visibility into the building do not count as transparent window area.
<b>Weather protection</b>	At least 3' deep over primary business and residential entries.
<b>Parking location</b>	There are no parking lot location restrictions, except for landscaped buffer requirements set forth in Section 17.64.060(D).
<b>Landscaping</b>	Building setback areas shall be landscaped per Chapter 17.64 Landscaping. Parking lots developed adjacent to the street shall comply with landscaping provisions of Section 17.64.060(D).
<b>Sidewalk width</b>	A 5' sidewalk accompanied by a minimum 5' landscape strip is required within the right-of-way adjacent to the front property line as well as adjoining arterial corridors.

- D. Departure Criteria. Departures from the above standards that feature the ➞ symbol will be considered per Section 17.20.210, provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building entrances. Alternative designs may be considered provided the pedestrian route from the sidewalk to the entry is clear.
2. Façade transparency. Façade transparency may be reduced to the following minimums if the façade design provides visual interest to the pedestrian and mitigates the impacts of blank walls:
  - a. For storefronts, at least 30%.
  - b. Other buildings designed with non-residential uses on the ground floor within 10 feet of a sidewalk, at least 15%.
  - c. For residential buildings, at least 7.5%.

## **Chapter 17.62 - SITE PLANNING**

### **17.62.010 - Applicability.**

The provisions of this chapter apply to all nonresidential and multifamily development, except development in the following zones:

- A. Industrial.
- B. Light Industrial.

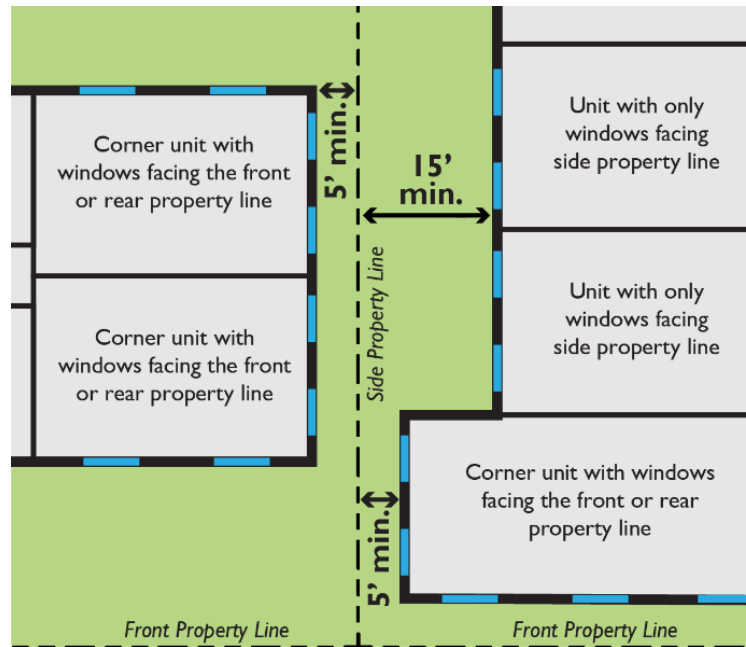
### **17.62.020 – Side and rear-yard setbacks.**

Developments are subject to setback requirements by zone per Section 17.42.020. The provisions herein apply to unique situations for multifamily units along side and rear property lines and shall supersede the basic setback provisions that apply by zone.

- A. Purpose.
  1. To promote the functional and visual compatibility between developments.
  2. To protect the privacy of residents on adjacent properties.
- B. Light and air access and privacy along the side and rear property lines. Buildings or portions thereof containing multifamily dwelling units whose only windows face the interior side or rear property line shall be set back from the applicable property line at least 15 feet.

DEPARTURES will be considered where it is determined that the proposed design will not create a compatibility problem based on the unique site context.

**Figure 17.62.020(B)**  
**Light/air access and privacy standards for multifamily residential buildings along interior side and rear property lines.**



### 17.62.030 – Residential amenity space.

Residential amenity space refers to spaces that are integrated into residential or mixed-use developments primarily enjoyed by on-site residents for recreational and social uses. Amenity spaces include common outdoor recreation areas, shared roof decks, private ground level open spaces, private balconies, shared indoor recreation areas, and children's play areas.

#### A. Purpose.

1. To create usable amenity space that is suitable for leisure or recreational activities for residents.
2. To create amenity space that contributes to the residential setting.

#### B. Applicability. Residential amenity space meeting the standards of this section is required for all new:

1. Multifamily development.
2. Mixed-use development with residential dwellings.
3. Senior housing and other age-restricted facilities.

Exemption: Above developments adjacent to or across the street from a public park.

#### C. Amount required. Applicable developments are required to provide residential amenity space equal to a minimum of:

1. 100 square feet per dwelling unit for studio and one-bedroom dwellings.
2. 150 square feet per dwelling unit for dwellings with two or more bedrooms.

#### D. Large multi-phase developments under single ownership. Each phase of development shall meet the minimum residential amenity space requirements herein. Developments have the option to integrate a surplus of usable on-site open space in early phases and apply the surplus space towards meeting the requirements for subsequent phases, provided all applicable regulations are met.

- E. Types. The following table illustrates the types of residential amenity spaces that may be used to meet the requirements in subsection (C) above.

<b>Table 17.62.030(E)</b> <b>Residential amenity space types.</b>		
<b>Residential amenity space type</b>	<b>Percentage of required amenity space</b>	<b>Subsection cross-reference (to applicable design standards)</b>
Common outdoor recreational areas	Up to 100%	17.62.030(F)(1)
Shared roof decks	Up to 50%	17.62.030(F)(2)
Private ground level open space (applicable only to adjacent dwelling units)	Up to 100%	17.62.030(F)(3)
Private balconies	Up to 25%	17.62.030(F)(4)
Shared indoor recreation areas	Up to 25%	17.62.030(F)(5)

- F. Residential amenity space design standards. The following standards apply to new developments choosing to incorporate the specific amenity space types listed below.

- I. Common outdoor recreation areas. Such spaces are internal to a development and accessible to all tenants of a development, and are not required to be accessible to the general public. Examples include, but are not limited to, include landscaped courtyards, decks, entrance plazas, gardens with walkways, children's play areas, swimming pools, and water features. Accessible areas with native vegetation and areas used for storm water retention, infiltration, or other multipurpose recreational and/or green spaces that meet the design criteria herein may qualify as common outdoor recreation area.

Common outdoor recreation areas shall meet the following design standards:

- a. The areas shall be accessible to all residents of the development.
- b. The minimum area is 500 square feet. The space shall feature dimensions necessary to provide functional leisure or recreational activity (unless otherwise noted herein). Stairways and service elements located within or on the edge of the space are not included in the recreation area calculations.
- c. Shared porches may qualify as recreation area, provided they are at least eight feet in depth and 96 square feet in area.
- d. Required setback and vehicular circulation areas do not count as common outdoor recreation areas, except for building entry plazas located in front setbacks.
- e. The area shall be located in accessible areas that are visible from units within the development.
- f. The area shall feature paths, walkable lawns, landscaping, seating, lighting, play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable for a range of users.
- g. The area shall be separated from ground level windows, streets, vehicular circulation areas, service areas, and parking lots with landscaping, fencing, and/or other acceptable treatments that enhance safety and privacy for both the recreation areas and dwelling units.
- h. Natural, artificial, and stormwater ponds may be included in the shared open space. A maximum of 50 percent of the pond surface area, as measured when the pond is at its



maximum designed depth, may be counted towards the minimum requirements of subsection (C) of this section. Ponds shall be integrated with trails and other features listed above to qualify as shared open space.

DEPARTURES will be considered for the standards above provided they meet the purpose of the standards and fill a recreational need for the residents of the development. The use and design of the space shall be integrated with the surrounding site and building features in a manner that is complementary to the development and any adjacent streetscape.

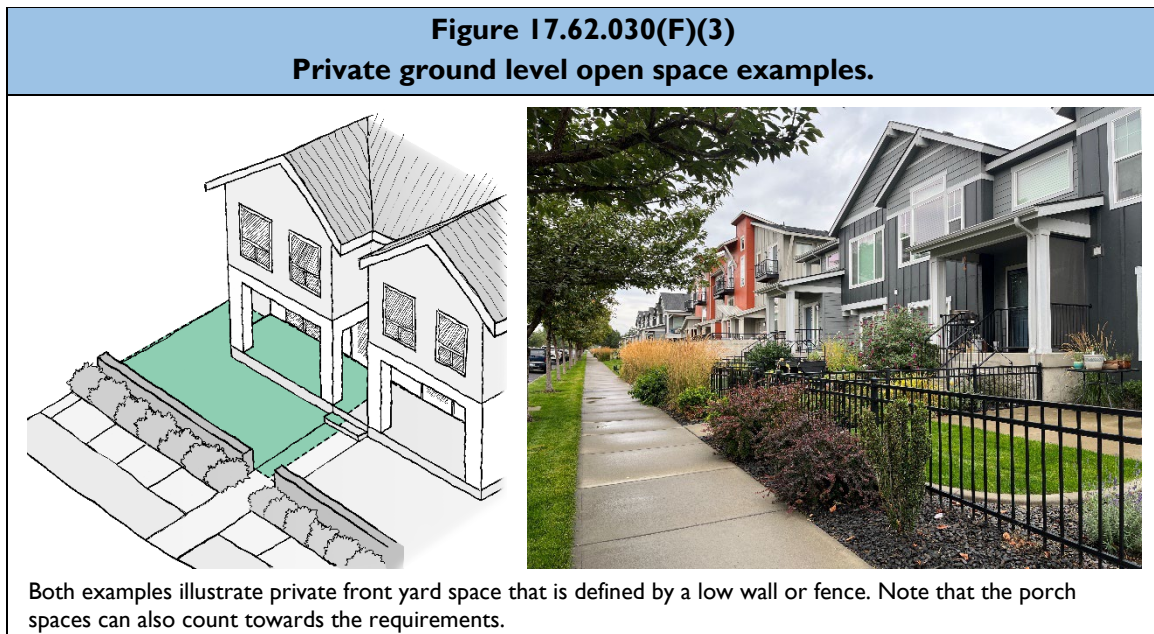
**Figure 17.62.030(F)(I)**  
**Common outdoor recreational area examples.**



Image A includes a combination of open lawn area for informal recreation plus walkways and decorative landscape areas to enhance the setting for residents. Image B is a courtyard with includes walkways, seating areas, landscaped beds, and semi-private spaces for adjacent ground level units. Image C includes a covered gathering space with outdoor grills adjacent to a landscaped commons with a central walkway. Image D includes a pond/wetland type space that serves as a visual and recreational (with boardwalk) amenity.

2. Shared roof decks. Such spaces are a type of private internal common area located on the top of buildings or intermediate levels (e.g. upper floor building facade step-back areas) and are available to all residents. Examples of amenities include, but are not limited to, cooking and dining areas, seating areas, gardening areas, water features, children's play areas, and pet play areas. Shared rooftop decks shall meet the following design standards:
  - a. Shall be available to all residents.
  - b. Space shall feature hard-surfacing and provide amenities that encourage use, such as seating, outdoor grills, and weather protection elements.
  - c. Space shall integrate landscaping elements that enhance the character of the space and encourage its use.

- d. Space shall incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.
- 3. Private ground level open space. This space is adjacent and directly accessible to the subject unit. Examples include yards, stoops, and porches. Private ground level open space shall meet the following design standards:
  - a. Such open spaces shall be enclosed by a fence and/or hedge at least 18 inches in height to qualify, but no higher than 42 inches when adjacent to a street, common outdoor recreation area, or public space. Taller privacy screens between units are acceptable.
  - b. Private porches that face a street or a common outdoor recreation area may qualify as amenity space, provided they are at least 50 square feet in area, with no dimension less than six feet.
  - c. Private ground level open space in excess of minimum requirements set forth in this section shall not be used in the calculations for determining the minimum residential amenity space requirements for other units in the development.



- 4. Private balconies. This space is adjacent and directly accessible to the subject unit. Private balconies shall meet the following design standards:
  - a. Private balconies should be at least partially recessed into the building façade, when provided, and integrated into the building design to provide protection from the weather.
  - b. Balconies shall be at least 36 square feet in area with no dimension less than six feet to qualify as amenity space.
  - c. Individual balconies larger than the minimum size requirements set forth in this section shall not be used in the calculations for determining the minimum useable open space requirements for other units in the development.
- 5. Shared indoor recreation areas. Examples include, but are not limited to, multi-purpose entertainment space, fitness center, movie theater, kitchen, library, workshop, conference room, or similar amenities that promote shared use and a sense of community. Shared indoor recreation areas shall meet the following design standards:
  - a. The space shall be accessible to all residents of the development.

- b. The minimum area is 250 square feet. The space shall feature dimensions necessary to provide functional leisure or recreational activity (unless otherwise noted herein).
- c. The space shall be located in a visible area, such as near an entrance, lobby, elevator bank, or high traffic corridors.
- d. The space shall be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents.

## **17.62.040 – Internal pedestrian access and design.**

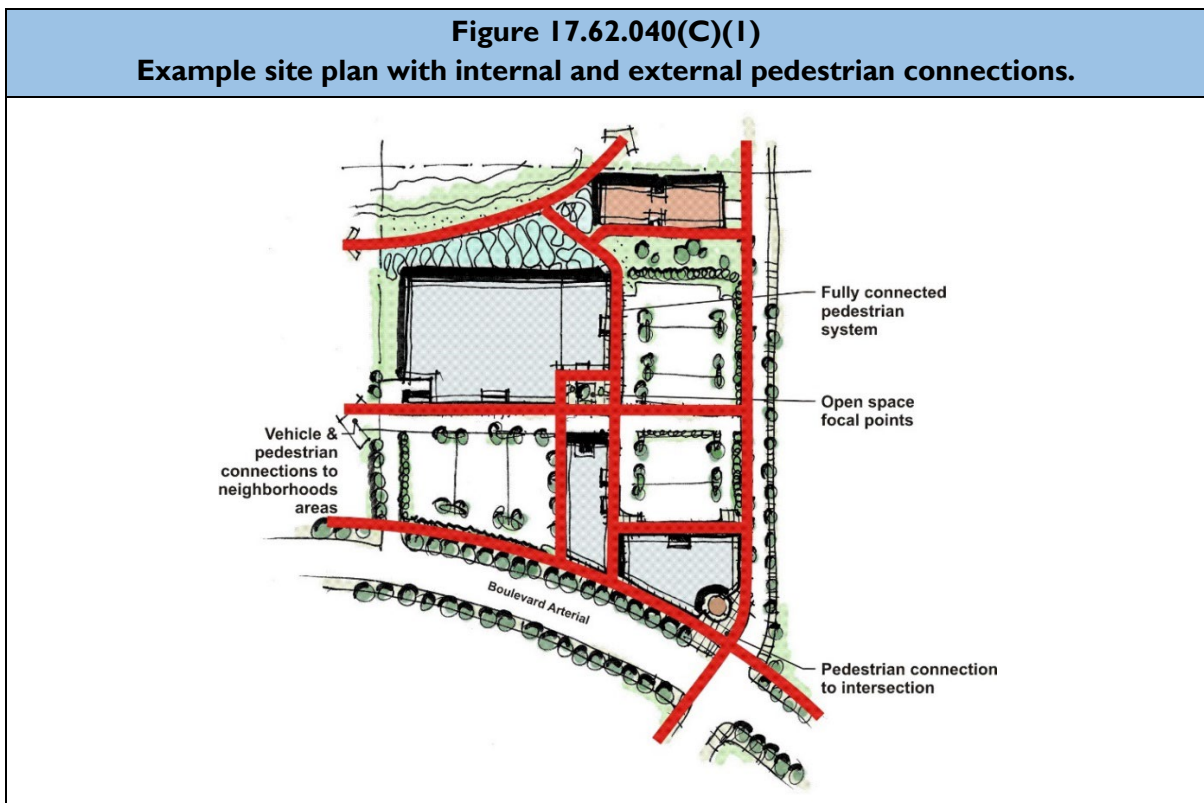
### **A. Purpose.**

- 1. To improve the pedestrian and bicycling environment by making it easier, safer, and more comfortable to walk or ride among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city.
- 2. To enhance access to on- and off-site open space areas and pedestrian/bicycle paths.

### **B. Access to sidewalk. All buildings shall feature pedestrian connections to a sidewalk.**

### **C. Internal circulation.**

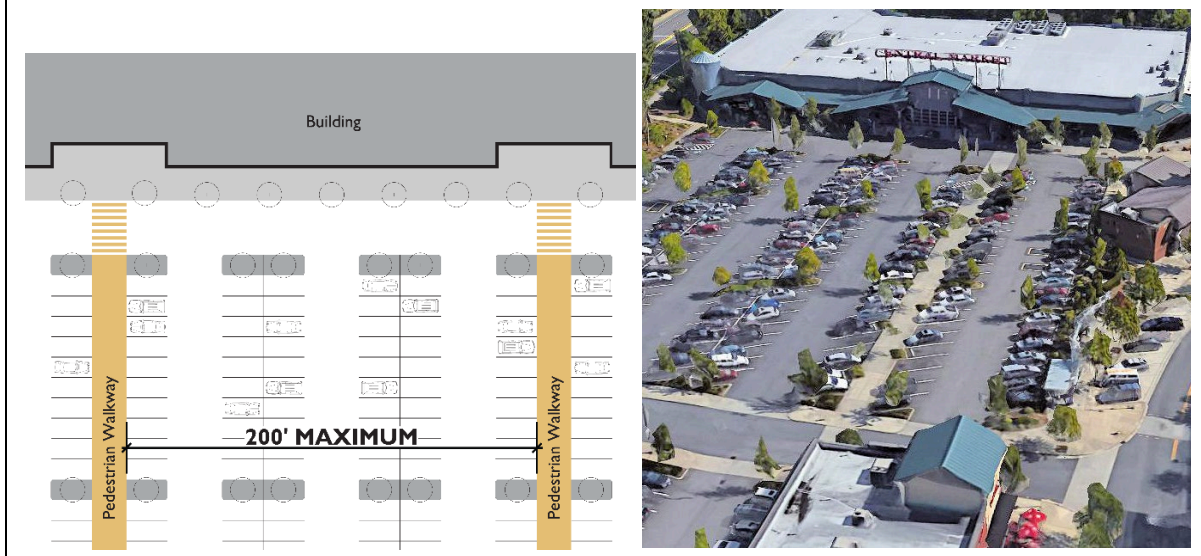
- 1. For sites with multiple buildings: Internal walkways connecting businesses and residential entries on the same development site shall be provided. Routes shall minimize walking distances to the extent practical.



- 2. Pedestrian walkways through parking lots. Developments with 80 or more parking spaces shall include specially marked or paved walkways through parking areas. At least one walkway shall be provided for every four rows of parking, or at a maximum spacing of 200 feet. The walkways shall provide a safe connection to the building entrance and meet the walkway design standards in subsection (D) of this section. See examples below.



**Figure 17.62.040(C)(2)**  
**Parking lot pedestrian walkway standards and examples.**



**D. Internal walkway design.**

- I. All internal walkways shall have a minimum five feet-wide unobstructed walking surface.  
 Exceptions:
  - a. Where wider walkways are prescribed elsewhere in this chapter or where the applicable uses and context dictate wider walkways as determined by the Director.
  - b. Reduced widths are allowed for walkways connecting to one or two dwelling units.
2. Walkway design for strip malls. Where walkways are between a parking lot and a multi-tenant commercial or mixed-use building which is 100 feet or more long, walkways shall feature a 12-foot wide sidewalk with the following features:
  - a. Eight feet minimum unobstructed width.
  - b. Trees placed at an average of 50 feet on-center and placed in grates or in planting strips as set forth in subsection (c) below.
  - c. Planting strips may be used between any vehicle access or parking area and the walkway; provided, that the trees required above are included, the walkway meets the applicable width standards herein, and the combined walkway and planting strip is at least 12 feet wide.

**Figure 17.62.040(D)**

**Example of a successful pedestrian sidewalk between parking lot and storefront.**



**E. Waterfront zone public access.**

1. In the Waterfront zone public use and access to the Chehalis River and Wishkah River shorelines shall be provided with all new development except industrial uses.
2. A trail that extends along all of the waterfront with viewpoints and access points shall be provided within 35 feet of the ordinary high water mark. Flexibility may be allowed to vary the location of the path, keeping it as close to the river as possible. Under special circumstances, the path may be allowed to vary or depart from the river for short distances. Also, it may be necessary from time to time to temporarily close a portion of the path.
3. Along the pathway there shall be viewpoints and access points provided for the public.
4. All applications submitted shall comply with the intent and purposes of AMC 14.50.220 regarding public access.
5. Building shall include at least one entrance for each 100 feet opening onto the waterfront trail.
6. At least 15-percent of building elevations facing the trail shall include windows and doors (garage doors don't qualify) to increase visibility of the trail.
7. Operable windows, balconies, roof decks, and other features providing a direct sensory connection to the waterfront trail are encouraged.

**17.62.050 – Vehicular circulation and parking.**

The standards herein supplement the provisions of the Aberdeen Engineering Standards. Where there is a conflict, the provisions herein apply, except that the City Engineer may override this requirement and apply the Public Works standard for a driveway if the City Engineer finds that a failure to apply the Engineering Standards will result in a threat to public safety.

**A. Purpose.**

1. To create a safe, convenient, and efficient network for vehicle circulation and parking.
2. To enhance the visual character of interior access roads.
3. To minimize conflicts with pedestrian circulation and activity.

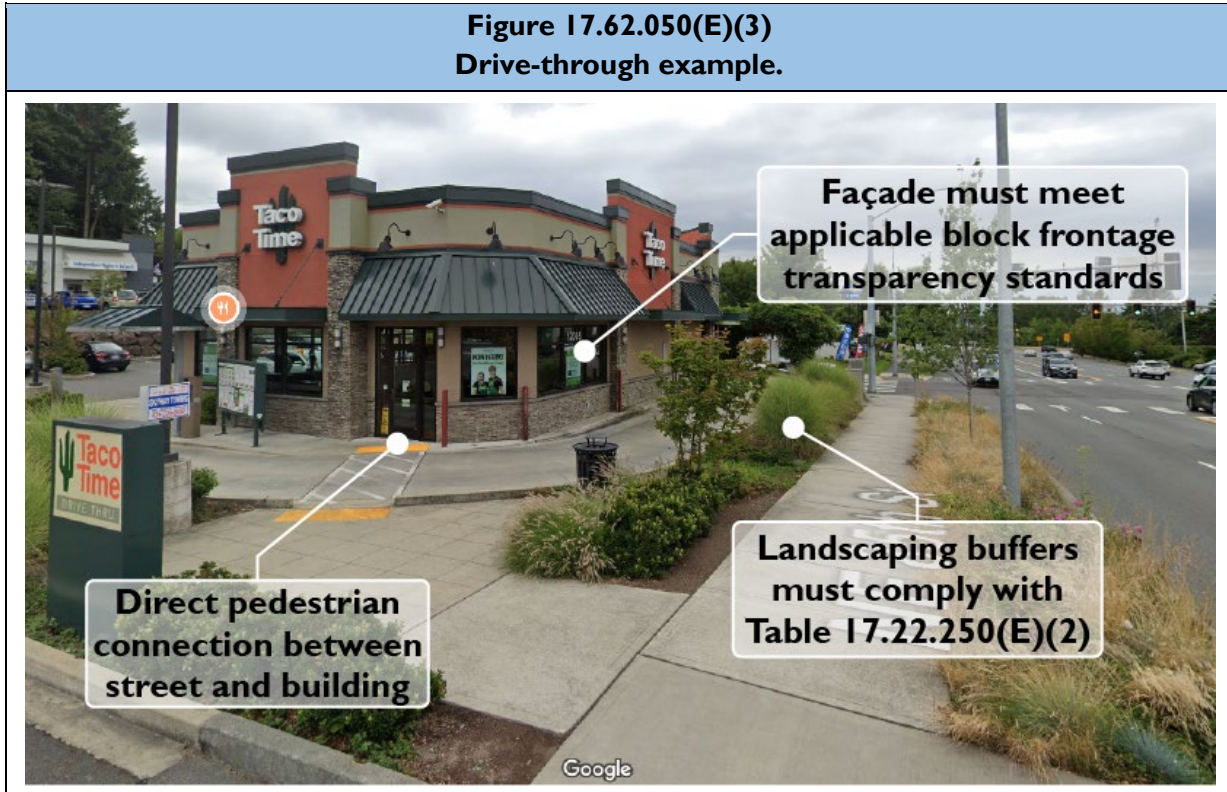
- B. Driveways. Driveways shall meet the requirements of the Aberdeen Engineering Standards, including, but not limited to, standards for intersection spacing, distance from crosswalks, and width.
- C. Internal shared-access drive standards:
  - 1. Internal shared-access drives shall be a minimum of 20-feet wide within a minimum 20-foot wide easement (if applicable). Alternative designs will be considered in consultation with the Fire Department based on whether fire apparatus can enter the site, location and distance of fire hydrants, provision of fire-suppression sprinklers, and water supply availability.
  - 2. Internal shared-access drives may provide direct access to off-street parking spaces and/or incorporate parallel parking spaces, provided the minimum dimensional standards of Section 17.53.040(B) are met. Note that certain parking angles may require wider dimensions than those required in subsection (A) above.
- D. Garage and service area entries and pedestrian safety.
  - 1. Parking garage entries and service area entries shall be well-integrated into the design of the building and shall not dominate the streetscape. They should be designed and sited to complement, not subordinate, the pedestrian entry.
  - 2. Where vehicles enter and exit a parking garage or service area across a sidewalk or internal walkway, direct visibility between pedestrians and motorists shall be provided. Mirrors and electronic visual/audio warnings alone are not acceptable methods. Direct visibility shall be provided with one or more of the following features:
    - a. Setback entries.
    - b. Cropped wall corners or chamfers..
    - c. Wall openings.
    - d. Other treatments to enhance safety and visibility.
  - 3. Sidewalk paving should be continuous across parking garage and service entries. Pavement markings or changes in pavement color or materials shall be used.
  - 4. At least 40 feet of queueing space, or the length of the design vehicle planned for service access, shall be provided in the space between a sidewalk and a security threshold (e.g. gate or door) of garage and service area entries.
  - 5. Garage entry doors and gates, if provided, shall be at least 50 percent transparent between the bottom and top of the door or gate to enhance the safety of garage users.
- E. Drive-through facilities:
  - 1. Are not permitted in the DT-MU, NC-MU, and residential zones.
  - 2. Screening. Drive-through lanes, including waiting and holding lanes, shall be buffered from the street and internal walkways by one of the design options set forth in Table 17.62.050(E)(2) below:

<b>Table 17.62.050(E)(2)</b> <b>Drive-through lane screening standards and options.</b>	
<b>When adjacent to a street</b>	<b>When adjacent to an internal walkway</b>
10' wide planting strip with Type B or C landscaping per Section 17.64.050.	5' wide planting strip with Type B or C landscaping per Section 17.64.050.
5' wide planting strip with Type B or C landscaping per Section 17.64.050 combined with a wall at least 3' high	A wall at least 3' high constructed of brick, stone or siding materials that matches the principal walls of the building.



<b>Table 17.62.050(E)(2)</b> <b>Drive-through lane screening standards and options.</b>	
constructed of brick, stone, or siding materials that matches the principal walls of the building.	

3. Pedestrian access. Drive-through lanes shall not prevent pedestrian access between a public sidewalk and on-site buildings. Designated walkways shall not be located within required stacking space. Figure 17.62.050(E)(3) below shows an acceptable example of how pedestrian access and other design requirements can be integrated for drive-through facilities when integrated between the street and a building.



## 17.62.060 – Service areas and mechanical equipment.

### A. Purpose.

1. To minimize adverse visual, odor, fumes, and noise impacts of mechanical equipment, utility cabinets and other service areas at ground and roof levels.
2. To provide adequate, durable, well-maintained, and accessible service and equipment areas.
3. To protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

### B. Location of ground-level service areas and mechanical equipment. Ground-level building service areas and mechanical equipment includes loading docks, trash collection and compactors, dumpster areas, storage tanks, electrical panels, HVAC equipment, and other utility equipment. If any such elements are outside the building envelope at ground level, the following location standards apply:

1. Service areas shall be located for convenient service access while avoiding negative visual, auditory, olfactory, or physical impacts on the streetscape environment and adjacent residentially zoned properties.

2. Service areas shall not be visible from the sidewalk and adjacent properties. Where the Director finds that the only option for locating a service area is an area visible from a public right-of-way, resident/customer parking area, internal walkway or pedestrian area, or from an adjacent property, the service area shall be screened with the structural and landscaping screening measures provided in subsection (C) below.
3. Service areas for multiple users or tenants shall be co-located or consolidated to the extent practical.
4. Service areas shall be sited for alley access if available. Service elements accessible from an alley are exempt from the screening requirements of this section.
5. Trash collection areas shall include roofs or overhead weather protection and shall meet required stormwater standards. Drainage shall be designed to meet applicable NPDES standards.
6. Exterior loading areas for commercial uses shall not be located within 20 feet of a residentially zoned property (areas adjacent to alleys are an exception).

DEPARTURE: Exterior commercial loading areas are exempt from this standard if the Director finds such a restriction does not allow feasible development and alternative design measures can successfully mitigate potential negative impacts. For example, areas and drives may be required to be separated from the residential lot by a masonry wall at least eight feet high.

7. Other provisions of this section notwithstanding, service areas used by residents shall be located to avoid entrapment areas and other conditions where personal security is potentially a problem. Pedestrian-scaled lighting or other measures may be needed to enhance security.
  8. Noise-producing mechanical equipment, such as fans, heat pumps, etc., shall be located and/or shielded to minimize sounds and reduce impacts to adjacent dwelling units.
  9. Dumpster storage areas shall be provided for all development, located on site and not in the public right-of-way, and sized to accommodate the minimum dumpster sizes (as provided by the Aberdeen Engineering Standards).
- C. Screening of ground-level service areas and mechanical equipment. Where screening of ground level service areas is required [see subsection (B)(2) of this section], the following applies:
- I. Structural enclosures shall be constructed of masonry, heavy-gauge metal, heavy timber, or other decay-resistant material that is also used with the architecture of the main building. Alternative materials other than those used for the main building are permitted if the finishes are similar in color and texture, or if the proposed enclosure materials are more durable than those for the main structure. The walls shall be sufficient to provide full screening from the affected roadway, pedestrian areas, or adjacent use, but shall be no greater than seven feet tall. The enclosure may use overlapping walls as a screening method. See Figure 17.62.060(C) below.

**Figure 17.62.060(C)**  
**Acceptable trash screening enclosures.**



All examples use durable and attractive enclosures with trees and shrubs to soften views of the enclosures from the side. Image C and D use a trellis and weather protection structure on top – a desirable feature particularly where the top of the enclosures are visible from surrounding buildings, streets, and walkways (due to topography or building heights).

2. Gates shall be made of heavy-gauge, sight-obscuring material. Chain link or chain link with slats is not an acceptable material for enclosures or gates.
3. Where the interior of a service enclosures is visible from surrounding streets, walkways, or residential units, an opaque or semi-opaque horizontal cover or screen shall be used to mitigate unsightly views. The horizontal screen/cover should be integrated into the enclosure design (in terms of materials and/or design).
4. Trash collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle vehicular traffic, or does not require that a hauling truck project into any public right-of-way. Screening elements shall allow for efficient service delivery and removal operations.
5. The service area shall be paved.
6. The sides and rear of service enclosures shall be screened with Type B landscaping (as set forth in Section 17.64.050) at least five feet wide in locations visible from the street, parking lots, and walkways to soften views of the screening element and add visual interest. Plants shall be arranged with a minimum of 50 percent coverage at time of installation and be able to grow to fully screen or shield the equipment within three years.

DEPARTURES will be considered, provided the enclosure and landscaping treatment meet the purpose of the standards and add visual interest to site users.



- D. Utility meters, electrical conduit, and other service utility apparatus. These elements shall be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, internal walkway, common outdoor recreation area, or shared auto courtyards, they shall be screened with vegetation and/or integrated into the building's architecture.

**Figure 17.62.060(D)**  
**Acceptable trash screening enclosures.**



Place utility meters in less visible locations. Images A and C are successfully tucked away in a less visible location and/or screened by vegetation. Images B and D are poorly executed and would not be permitted in such visible locations. Such meters shall be coordinated and better integrated with the architecture of the building.

E. Roof-mounted mechanical equipment.

1. All rooftop mechanical equipment, including air conditioners, heaters, vents, and similar equipment shall be fully screened from public view at the street level and from rooftop residential amenity spaces. Screening shall be located so as not to interfere with operation of the equipment.

Exception: Roof-mounted wind turbines, solar energy and photovoltaic systems, and rainwater reuse systems do not require screening.

2. For rooftop equipment, all screening devices shall be well integrated into the architectural design through such elements as parapet walls, false roofs, roof wells, clerestories, or equipment rooms. Screening walls or unit-mounted screening is allowed but less desirable. Wood shall not

be used for screens or enclosures. Louvered designs are acceptable if consistent with building design style.

3. The screening materials shall be of material requiring minimal maintenance and shall be as high as the equipment being screened.
4. Noise producing mechanical equipment, such as fans, heat pumps, etc., shall be located and/or shielded to minimize sounds and reduce impacts to adjacent dwelling units.

### **17.62.070 – Site lighting.**

#### **A. Purpose.**

1. To ensure that lighting contributes to the character of the streetscape and does not disturb adjacent developments and residences.
2. Protect against light pollution, thereby reclaiming the ability to view the night sky and helping to preserve the quality of life and scenic value of this desirable visual resource throughout the region and nearby natural open spaces.
3. Ensure that sufficient lighting can be provided where needed to promote safety and security on public and private property, and to allow for reasonable lighting for outdoor activities.

#### **B. Applicability.** All outdoor lighting shall comply with the provisions herein, unless otherwise exempted. This includes, but is not limited to, new lighting, replacement lighting, additions and alterations, or any other lighting whether attached to buildings, poles, structures, the earth, or any other location.

1. The following types of lighting are exempt from the provisions of this section:
  - a. Lighting solely for signs.
  - b. Underwater lighting.
  - c. Temporary and seasonal cord-and-plug portable lighting.
  - d. Construction or emergency lighting.
  - e. Outdoor rope and string lights for outdoor seating and gathering areas.

#### **C. General standards.**

1. All luminaires shall be fully shielded and shall not emit light into the upper hemisphere around the luminaire or onto adjacent properties and structures, either through exterior full cut-off shields or through optics within the fixture. Support and mounting systems for luminaires shall not allow post-installation adjustments that could defeat compliance of this requirement.
2. City-approved standardized fixtures shall be used for sidewalk lighting located within the right-of-way.

#### **D. Height.**

1. Freestanding lighting fixtures in parking lots shall not exceed 20 feet in height. Lighting fixtures on the top level of parking garages shall not exceed 12 feet in height.
2. Pedestrian scale lighting shall not exceed 16 feet in height.
3. Building-mounted exterior lighting shall not be placed at any point greater than 20 feet above the adjacent grade, except the height limit is 14 feet when within 100 feet of a residential zone. This standard does not apply to:
  - a. Fully recessed lights, such as when mounted on the underside of a gas station fueling canopy or a building roof overhang.



- b. Architectural lighting, which is oriented towards the building and intended to accentuate the architectural features of the building.
- 4. Building-mounted exterior lighting for roof decks is permitted provided the luminaires are located at least 10 feet horizontally from the edge of the roof.
- E. Parking lot lighting. Lighting in parking lots shall be appropriate to create adequate visibility at night and evenly distributed to increase security. Lighting shall be located so that trees within the parking lot do not obscure the operation of the light fixture.
- F. Exterior lighting controls.
  - 1. Automated control systems, such as energy management systems, photoelectric switches, motion sensors, and astronomic timer switches, shall be used to meet the hours of operation requirements and the technical and energy efficiency requirements of the applicable Washington State Energy Code.
  - 2. Exceptions:
    - a. Egress lighting as required by the Building Code.
    - b. Lighting required for accessibility.
    - c. Lighting required by statute, law, or ordinance to operate all night.
    - d. A manual override at each exit door is allowed regardless of automatic control device.
    - e. Seasonal holiday lighting and event lighting.
- H. Prohibited lighting.
  - 1. Dynamic lighting.
  - 2. Luminaires exceeding 500,000 peak candelas and/or 500,000 lumens.
  - 3. Laser lighting.
  - 4. Any lighting of undeveloped environmentally sensitive areas.
  - 5. Any lighting that may be confused with warning signals, emergency signals, or traffic signals.
  - 6. Mercury, low pressure sodium, or other light sources in public areas that can impede or distort the perception of actual colors.
  - 7. Blinking, flashing, intermittent, and/or moving lights unless specifically allowed elsewhere in the Aberdeen Municipal Code.
  - 8. Lighting permanently attached to trees.

## **Chapter 17.63 - BUILDING DESIGN**

### **17.63.010 - Applicability.**

- A. The provisions of this chapter apply to all non-residential and multifamily development. The following are exempt:
  - 1. Industrial.
  - 2. Light Industrial.
- B. Townhouse buildings are subject to the provisions of Section 17.43.010 and exempt from the building design provisions herein, except when authorized by Section 17.43.010.
- C. Public buildings may be exempted from building massing and articulation standards (see Section 17.63.020), building materials provisions (see Section 17.63.030), and blank wall treatment standards (see Section 17.63.040) provided design treatments are integrated to meet the following objectives:
  - 1. Enliven the pedestrian environment along the adjacent sidewalks.
  - 2. Incorporate a prominent and inviting entry visible from the street.
  - 3. Building design and materials should evoke a sense of permanence.
  - 4. Site and building design stands out from the surrounding context as a distinct landmark and provides visual interest from all observable scales.

### **17.63.020 - Building massing and articulation.**

#### **A. Purpose.**

- 1. To employ façade articulation techniques that reduce the perceived scale of large buildings and add visual interest from all observable scales.
- 2. To create clear and welcoming building entries.

#### **B. Exemption.**

Buildings with less than 60 horizontal-feet of façade are exempt from this section.

**C. Façade articulation.** Multifamily residential buildings shall include façade articulation features at no more than the designated maximum intervals to create a human-scaled pattern. This standard applies to building elevations facing streets, parks, containing primary building entrances, and adjacent to lower intensity zones. Alley-facing building elevations not adjacent to a lower intensity zone are exempt.

1. The maximum horizontal length of intervals is 50 feet.
2. At least three of the following articulation features shall be employed in compliance with maximum interval standards in subsection (C)(1) above:
  - a. Use of windows and/or entries.
  - b. Use of weather protection features.
  - c. Use of vertical piers/columns (applies to all floors of the façade, excluding upper level stepbacks).
  - d. Roofline modulation, including either:
    - i. Change in flat roof or cornice height of at least 2 feet.
    - ii. Section of pitched roof or at least 20 feet and with a minimum slope of 5:12.
  - e. Change in building material, siding style, and/or window pattern (applies to all floors of the façade, excluding upper level stepbacks).
  - f. Vertical elements such as a trellis with plants, green wall, art element that meet the purpose of the standard.
  - g. Providing vertical building modulation of at least 12-inches in depth if tied to a change in roofline per subsection (d) above or a change in building material, siding style, or color. Balconies may be used to qualify for this option if they are recessed or projected from the façade by at least 18-inches. Juliet balconies or other balconies that appear to be tacked on to the façade will not qualify for this option unless they employ high quality materials and effectively meet the purpose of the standards.
  - h. Other design techniques that effectively reinforce a pattern of small facades compatible with the building's surrounding context.

DEPARTURES will be considered provided they meet the purpose of the standards and the design criteria in subsection (D) below. For example, a departure may propose a design with only two articulation features instead of three or the articulation features exceed the maximum articulation interval.

**Figure 17.63.040(C)**  
**Residential façade articulation examples.**

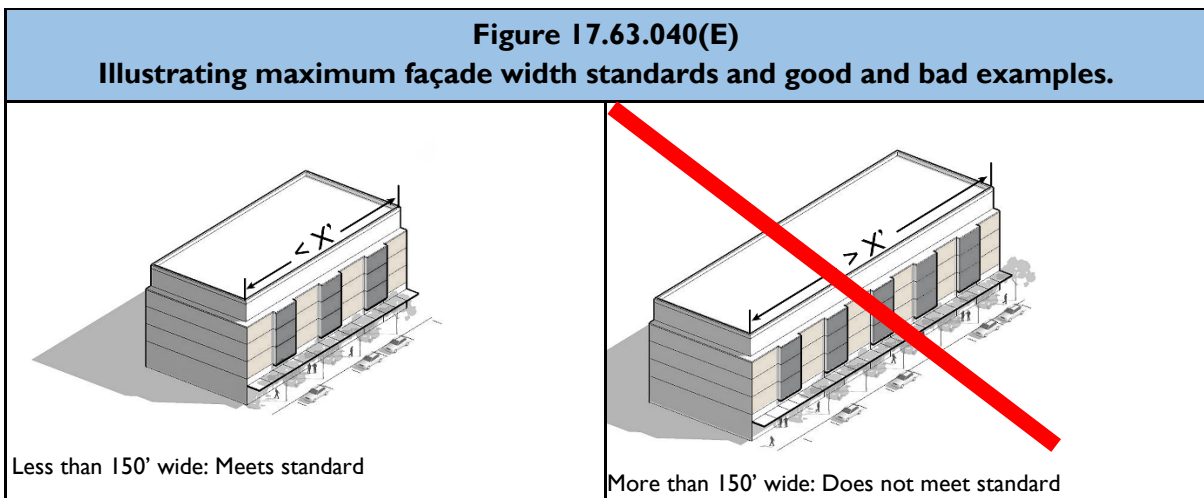


**D. DEPARTURE criteria associated with articulation standards.** Proposals shall meet the purpose of the standards. The following criteria will be considered in determining whether the proposed articulation treatment meets the “purpose”.

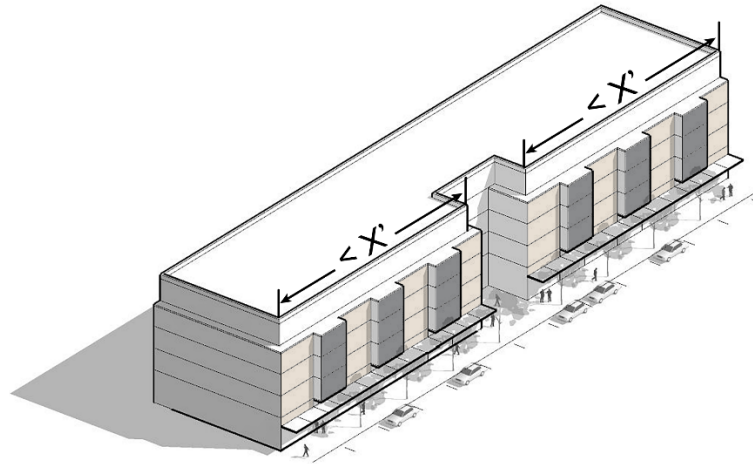
1. Consider the type and width of the proposed articulation treatment and how effective it is in meeting the purpose given the building's current and desired context (per Aberdeen's Comprehensive Plan).
2. Consider the size and width of the building. Smaller buildings warrant greater flexibility than larger buildings.
3. Consider the quality of façade materials in concert with doors, windows, and other façade features and their ability to add visual interest to the street from a pedestrian scale and more distant observable scales.

**E. Maximum façade width.** Large street facing elevations and other building elevations facing a lower intensity zone edge shall include at least one of the following features to break up the massing of the building and add visual interest. This standard applies to applicable building elevations wider than 150-feet.

1. Provide vertical building modulation at least six-feet deep and 15-feet wide. For multi-story buildings, the modulation shall extend through at least one-half of the building floors.
2. Use of a contrasting vertical modulated design component featuring all of the following:
  - a. Utilizes a change in building materials that effectively contrast from the rest of the façade.
  - b. Component is modulated vertically from the rest of the façade by an average of six-inches.
3. Façade employs building walls with contrasting articulation that make it appear like multiple distinct buildings. To qualify for this option, these contrasting façades shall employ all of the following:
  - a. Different building materials and/or configuration of building materials.
  - b. Contrasting window design (sizes or configurations).
4. DEPARTURES to subsections (E)(1-3) will be considered provided the design meets the purpose of the standards. Supplemental consideration for approving alternative designs:
  - a. Width of the façade. The larger the façade, the more substantial articulation/ modulation features need to be.
  - b. Block frontage designation. Storefront designated block frontages warrant the most scrutiny while undesignated streets warrant more flexibility.
  - c. The type of articulation treatment and how effective it is in meeting the purpose given the building's context.



**Figure 17.63.040(E)**  
**Illustrating maximum façade width standards and good and bad examples.**



Building incorporates a courtyard along the façade (technique #1 noted above) to effectively break it up into smaller components: Meets standard.



The left building uses technique # 1 (vertical building modulation at least six-feet deep and 15-feet wide). The right building uses technique #2 (contrasting vertical modulated design component). Both examples are effective in breaking up the perceived scale of the building and adding visual interest.

- F. Articulated building entries.** The primary building entrance for an office building, hotel, apartment building, large single tenant retail building (over 15,000sf floor area), public or community-based facility or other multi-story commercial building shall be designed as a clearly defined and demarcated standout architectural feature of the building. Such entrances shall be easily distinguishable from regular storefront entrances on the building. Such entries shall be scaled proportional to the building. See Figure 17.63.020(F) below for good examples.



**Figure 17.63.020(F)**  
**Acceptable building entry examples.**



## 17.63.030 - Building materials.

### A. Purpose.

1. To encourage the use of durable, high quality, and urban building materials that minimize maintenance cost and provide visual interest from all observable vantage points.
2. To promote the use of a distinctive mix of materials that helps to articulate façades and lends a sense of depth and richness to the buildings.
3. To place the highest priority on the first floor in the quality and detailing of materials at the pedestrian scale.

**B. Quality building materials.** Applicants shall use high quality durable materials. This is most important for the base of buildings, particularly for commercial and mixed-use buildings where the façade is sited close to sidewalks. Stone, brick or tile masonry, architectural concrete or other similar highly durable materials shall be used for at least the bottom two-feet of the first floor façade on non-residential and mixed-use buildings (excluding window and door areas).

### C. Special conditions and limitations for the use of certain cladding materials.

1. Concrete block (a.k.a. Concrete Masonry Unit or CMU) may be used as a cladding material for street facing elevations if it is incorporated with other permitted materials and/or incorporates a combination of textures and/or colors to add visual interest. For example, combining split or rock-façade units with smooth blocks can create distinctive patterns. The figure below illustrates acceptable concrete block use/designs.

**Figure 17.63.030(C)(1)**  
**Acceptable concrete block use/design.**



CMU is the primary cladding for the corner element above, but secondary to brick on the main façades. The corner element uses a combination of decorative split faced CMU closer to the sidewalk and smooth-faced CMU that is colored to look more like traditional white terra cotta tiles.



The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding material. Note the use of split-façade CMU's above each of the awnings and coupled with the use of smooth-façade CMU's on the vertical columns (which employ black accent tiles for added interest).

2. Metal siding may be used on all street facing building elevations provided it complies with the following standards:
  - a. It shall feature visible corner molding and trim and does not extend to the ground level of non-residential and mixed-use buildings and no lower than two-feet above grade for residential buildings. Masonry, concrete, or other durable material shall be incorporated between the metal siding and the ground plane.
  - b. Metal siding shall be factory finished, with a matte, non-reflective surface.



DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

**Figure 17.63.030(C)(2)**  
**Acceptable metal siding examples**



The use of metal siding in each example above is secondary to masonry. The left and right images are more contemporary in character, whereas the middle image is more rustic and industrial, with more refined windows.

3. Standards for the use of Exterior Insulation and Finish System (EIFS). Such material/finishes may be used when it complies with the following:
  - a. EIFS is limited to no more than 50-percent of the total façade area
  - b. EIFS shall not be used on the ground level storefront facades containing non-residential uses.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

**Figure 17.63.060(C)(3)**  
**Acceptable and unacceptable EIFS examples.**



Left image: Note the use of brick and decorative concrete block on the ground level and EIFS on the second floor. The window treatments visible on the second floor add depth and interest to the façade. Right image: EIFS is between the window and sidewalk - this design is prohibited.

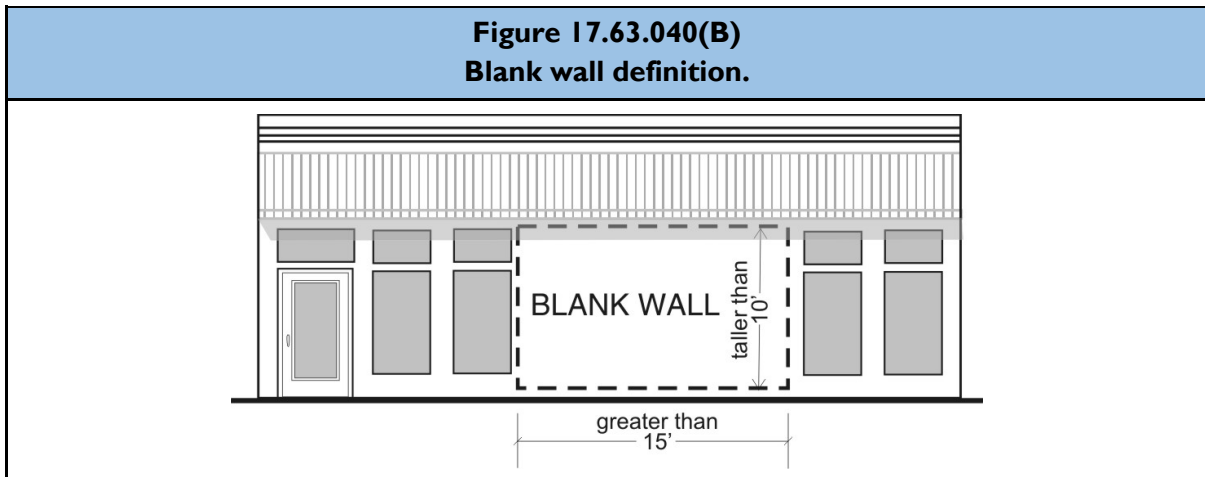
4. Roofing materials. Light colored roof materials are encouraged.

## 17.63.040 - Blank wall treatment.

### A. Purpose.

1. To avoid untreated blank walls.
2. To retain and enhance the character of Aberdeen's streetscapes.

**B. Blank wall definition.** "Blank wall" means a ground floor wall or portion of a ground floor wall over 10-feet in height and a horizontal length greater than 15-feet and does not include a transparent window or door.



**C. Blank wall treatment standards.** Untreated blank walls adjacent to a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway are prohibited. Methods to treat blank walls can include:

1. Display windows at least 16-inches of depth to allow for changeable displays. Tack-on display cases [see Figure 17.63.040(C) below] do not qualify as a blank wall treatment.
2. Landscape planting bed at least five-feet wide or a raised planter bed at least two-feet high and three-feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60-percent of the wall's surface within three years.
3. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
4. Installing a mural as approved by the director.
5. Special building detailing that adds visual interest at a pedestrian scale. Such detailing shall use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

For large visible blank walls, a variety of treatments may be required to meet the purpose of the standards.

DEPARTURES will be considered provided the entire façade composition meets the Purpose of the standards for the context of the wall (e.g., walls along pathway corridors connecting parking areas to building entries might be granted more flexibility than street facades).

**Figure 17.63.040(C)**  
**Blank wall treatment examples.**



Acceptable and unacceptable blank wall treatments. Note in the far right example, the display cases don't meet the 16" depth requirement, nor does the design meet the purpose of the standards.

## **Chapter 17.64 - LANDSCAPING**

### **17.64.010 - Purpose.**

Landscaping is necessary to provide a well-balanced, aesthetically pleasing environment for residents of Aberdeen. These requirements are intended to accomplish the following:

- A. Maintain and enhance property values and improve economic stability.
- B. Enhance the character and appearance of commercial and multifamily areas.
- C. Promote tree retention and the protection of existing native vegetation.
- D. Provide adequate buffers between differing land uses.
- E. Define, break up, and screen parking areas to reduce potentially negative impacts on adjacent uses.
- F. Improve air quality and reduce water and noise pollution.
- G. Reduce erosion and stormwater runoff.

### **17.64.020 - Applicability and compliance.**

This chapter applies to all required landscaping installed or altered on all properties.

### **17.64.030 - Landscape plans.**

- A. A landscape plan is required for all new multifamily and non-residential development containing landscaping, including landscaping within the adjacent right-of-way. The landscape plan shall be submitted as part of the applicable review process within Section 17.20.030.
- B. Landscape plans shall be completed by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) for multifamily and nonresidential developments with a development site area of 10,000-gross-square-feet or more.
- C. Landscape plans shall show the following elements:
  - 1. Boundaries and dimensions of the site.
  - 2. Location of existing and proposed streets, curbs, utility lines, sidewalks, and easements.
  - 3. Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, grassy swales, parking lot lighting, and any plants or trees that are to remain on site.
  - 4. The location and design of landscape areas to be preserved and planted, and plant list indicating the location, quantity, size and type of plant material by botanical and common name.
  - 5. North arrow and scale.
  - 6. Irrigation system if a permanent or temporary system is proposed.
  - 7. Planting details.
  - 8. Name, address and phone number of the person preparing the plan.
  - 9. Landscaping calculations in compliance with this chapter.
  - 10. A maintenance plan for any infiltration-based stormwater best management practices (BMPs) built as part of the landscaping design, including the specifications and maintenance procedures of any soil amendments.
  - 11. The location of existing trees to be preserved, or new trees to be planted.
  - 12. Topography of the site and any fill or grading to be performed.

- D. No building permits or certificate of occupancy (CO) shall be issued until a landscape plan is reviewed and approved and improvements installed per the approved landscape plan. A suitable guarantee may be provided if installation is not possible or advisable due to seasonal constraints.

#### **17.64.040 - Plant material and installation standards.**

- A. Native and naturalized plant species.

New landscaping materials shall include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials shall be those identified as hardy in Zone 9a as described in the United States Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, soil infiltration capacity, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

- B. Tree standards and guidelines.

- 1. Tree heights may be called for within this chapter or elsewhere within this title:

- a. Large tree: Capable of growing 35-feet high or greater under normal growing conditions.
    - b. Medium tree: Capable of growing over 15-feet high and less than 35-feet high under normal growing conditions.
    - c. Small tree: Capable of growing up to 15-feet high under normal growing conditions.

- 2. Trees shall be planted at the following spacing standards ("on-center" refers to the distance from other trees of any size):

- a. Large trees shall be spaced between 20 and 45-feet on-center.
    - b. Medium trees shall be spaced between 15 and 35-feet on-center.
    - c. Small trees shall be spaced between 10 and 25-feet on-center.

- 3. Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

- a. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of 1 1/2-inches (as measured six-inches above the root ball), and a minimum height of 6-feet at the time of planting.
    - b. Required deciduous trees within parking areas shall be a minimum caliper of one-inch (as measured six-inches above the root ball) and a minimum height of 10-feet at the time of planting.
    - c. Required evergreen trees shall be fully branched and a minimum of six-feet in height, measured from the treetop to the ground, at the time of planting.

- C. Shrub standard.

Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

- D. Ground cover standards and guidelines.

- 1. Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years, or as per recommendations by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist as follows:

- a. Four-inch pots at 18-inches on-center.

- b. One-gallon or greater sized containers at 24-inches on-center.
  - c. A bed of flowers in place of ground cover plants. A reduction in the minimum size may be permitted if certified by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- 2. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception). Drought-tolerant lawn mixes appropriate for the Pacific Northwest are encouraged as an alternative to turf grass.
- 3. Ground cover areas shall contain at least two-inches of composted organic material at finished grade.
- E. Tree and plant diversity.
  - 1. If there are more than eight required trees, no more than 40-percent of them may be of one species.
  - 2. If there are more than 24 required trees, no more than 20-percent of them may be of one species.
  - 3. If there are more than 24 required shrubs, no more than 75-percent of them may be of one species.
- F. Soil augmentation and mulching.
  - 1. Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of 6-inches deep prior to initial planting.
  - 2. Landscape areas shall be covered with at least two-inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock can also be used as a mulch.
- G. Landscape installation standards
  - 1. All required landscaping shall be in-ground, except when in raised planters. Plant materials will be installed to current nursery industry standards.
  - 2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.
  - 3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
  - 4. Installation of landscaping materials shall take into consideration access to utility vaults, pedestals, and other public and private utility facilities.
  - 5. Tree/shrub height and location. The landscape plan should plan for the mature size of trees and major shrubs to avoid interference with windows, decks, or lighting.
  - 6. Trees shall be protected by fencing until they are mature enough to withstand typical wildlife activity.

## 17.64.050 - Landscaping types.

Below are the planting and design requirements for specific landscaping types. These landscaping types apply when required by different sections of code within this chapter and elsewhere in this division.

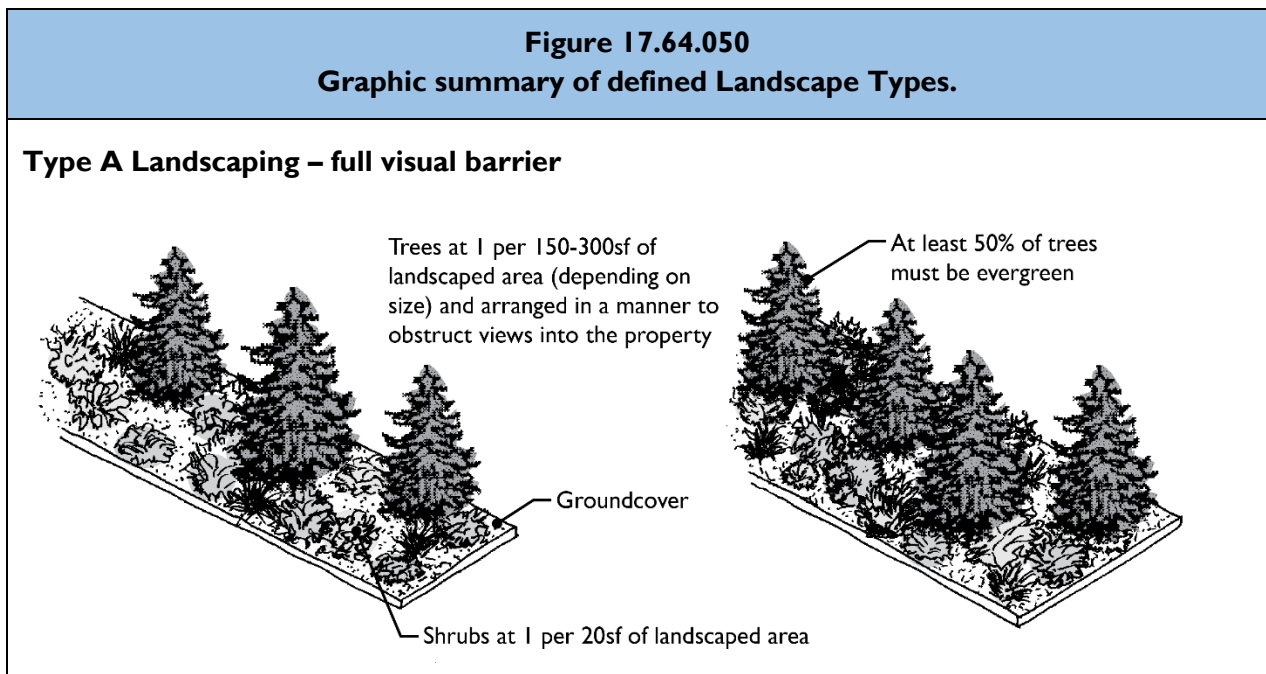
Table 17.64.050 Landscaping Types			
Landscaping Type	Purpose	Screening Requirement	Planting Requirements
<b>Type A:</b> Full visual barrier <sup>1</sup>	Visual buffer between incompatible uses such as industrial and residential areas.	Shall screen 70 percent of unwanted views within five years of planting and 100 percent within six years.	<ul style="list-style-type: none"> <li>• Tree type: minimum of 50 percent evergreen.<sup>2</sup></li> <li>• Tree size: variety with minimum 70 percent medium or large<sup>3</sup></li> <li>• Shrubs: predominately evergreen provided at the rate of one shrub per 20-square-foot shrub per 20-square-foot of landscape strip.</li> <li>• Groundcover: planted at a density to cover the buffer within three years.</li> </ul>
<b>Type B:</b> Filtered screen <sup>1</sup>	<ul style="list-style-type: none"> <li>• Visual buffer between differing types of residential development</li> <li>• For screening unwanted views from the pedestrian environment</li> </ul>	Shall fulfill purpose of standards within five years of planting (accounting for size, characteristics, typical growth rate, and size at maturity).	<ul style="list-style-type: none"> <li>• Trees type: minimum 50 percent deciduous and 30 percent evergreen.<sup>2</sup></li> <li>• Tree size: minimum 70 percent are medium or large.<sup>3</sup></li> <li>• Shrubs: provided at the rate of one shrub per 20-square-foot of landscape strip and spaced no more than eight-feet on-center.</li> <li>• Groundcover: planted at a density to cover the buffer within three years.</li> </ul>
<b>Type C:</b> See-through screen <sup>1</sup>	<ul style="list-style-type: none"> <li>• Visual separator softens the appearance of parking areas and building elevations</li> <li>• Used along lot frontages or between multifamily developments.</li> </ul>	Shall fulfill purpose of standards within five years of planting (accounting for size, characteristics, typical growth rate, and size at maturity).	<ul style="list-style-type: none"> <li>• Trees type: minimum 50 percent deciduous and 30 percent evergreen.<sup>2</sup></li> <li>• Tree size: minimum 70-percent medium or large.<sup>3</sup></li> <li>• Shrubs: Provided at the rate of one shrub per 20-square-foot of landscape strip and spaced no more than eight-feet on-center.</li> <li>• Groundcover: Planted at a density to cover the buffer within three years.</li> <li>• Maintain trees and shrubs to maximize pedestrian visibility (generally between three and eight-feet above grade).</li> </ul>
<b>Type D</b>	All other landscaped areas that do not qualify as Type-A, B, or C Landscaping, a hedge, or rain garden.		<ul style="list-style-type: none"> <li>• Native and low maintenance trees and shrubs are encouraged, however, lawn areas may be used for recreational or design purposes.</li> <li>• Planting areas may include flower beds and perennial beds.</li> <li>• Planting areas may include a combination of plant materials provided they comply with the plant materials standards in Section 17.64.050.</li> </ul>
<b>Type E:</b> Low Hedge	Functions as an attractive visual divider of space rather than a visual buffer between uses and properties.		<ul style="list-style-type: none"> <li>• Planting shall be at least 30-inches wide and 30-inches tall.</li> <li>• Includes plants that typically grow no taller than five-feet at maturity or are maintained between 30-inches and 48-inches tall.</li> </ul>



Table 17.64.050 Landscaping Types			
Landscaping Type	Purpose	Screening Requirement	Planting Requirements
<b>Type F:</b> Rain garden	A non-engineered planted depression that collects, absorbs, and filters rain water runoff from impervious areas		<ul style="list-style-type: none"> <li>• Located and designed to capture impervious area runoff.<sup>4</sup></li> <li>• Six to 12-inch ponding depth</li> <li>• Two to three-inch mulch layer.</li> <li>• Gradual side slopes (typically 2:1 maximum).</li> <li>• Overflow design elements with measures to prevent erosion.</li> <li>• Generous plantings of a variety of small trees, shrubs, ground covers, and grasses suitable for the planting zones within the garden and around the perimeter.</li> </ul>

**Notes:**

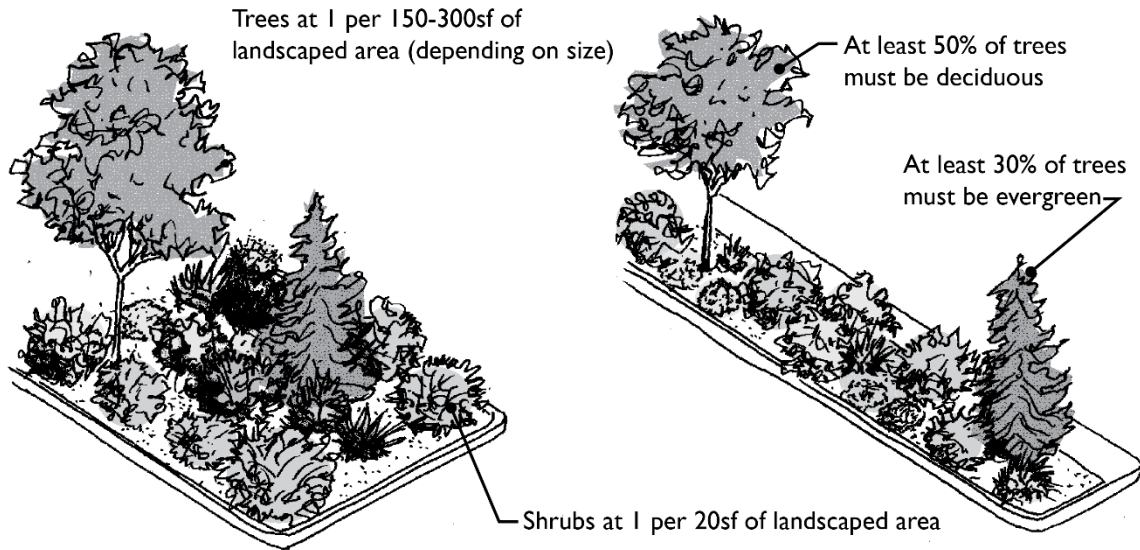
1. DEPARTURES that vary from the planting requirements will be considered provided the proposal meets the screening requirements.
2. Trees and shrubs shall comply with species diversity requirements in Section 17.64.050(E).
3. Tree height descriptions and spacing requirements found in Section 17.64.050(B).
4. Refer to the current Rain Garden Handbook for Western Washington for further guidance on rain garden location, design, planting, construction, and maintenance. Compliance with the current Stormwater Management Manual for Western Washington (SWMMWW) may alter these requirements.



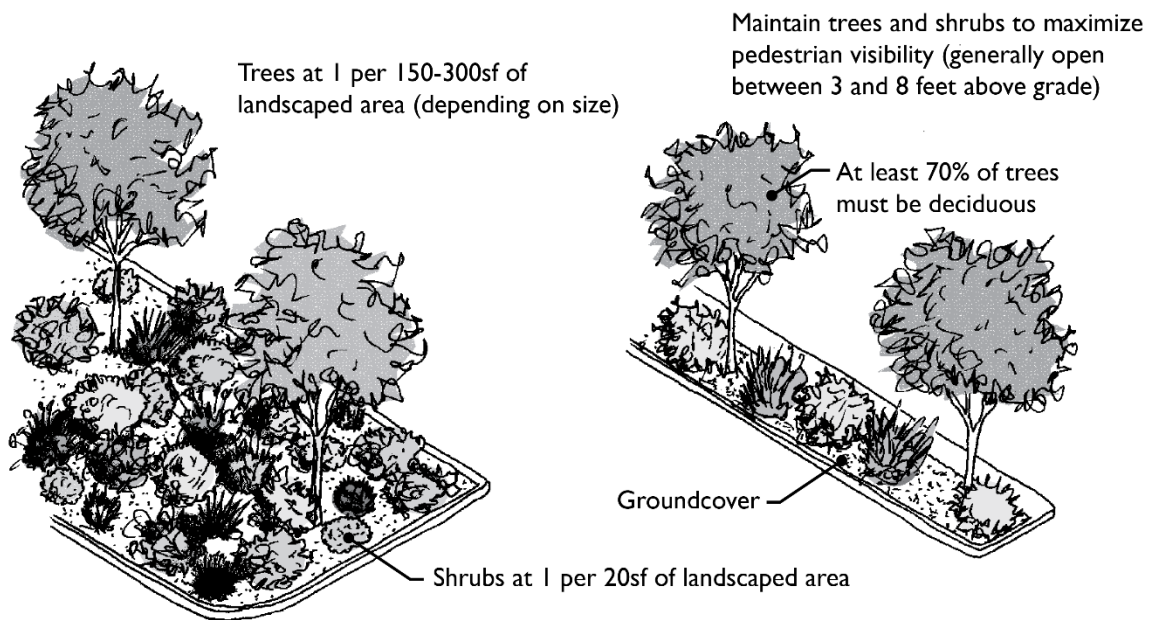


**Figure 17.64.050**  
**Graphic summary of defined Landscape Types.**

**Type B Landscaping – filtered screen**



**Type C Landscaping – see-through screen**

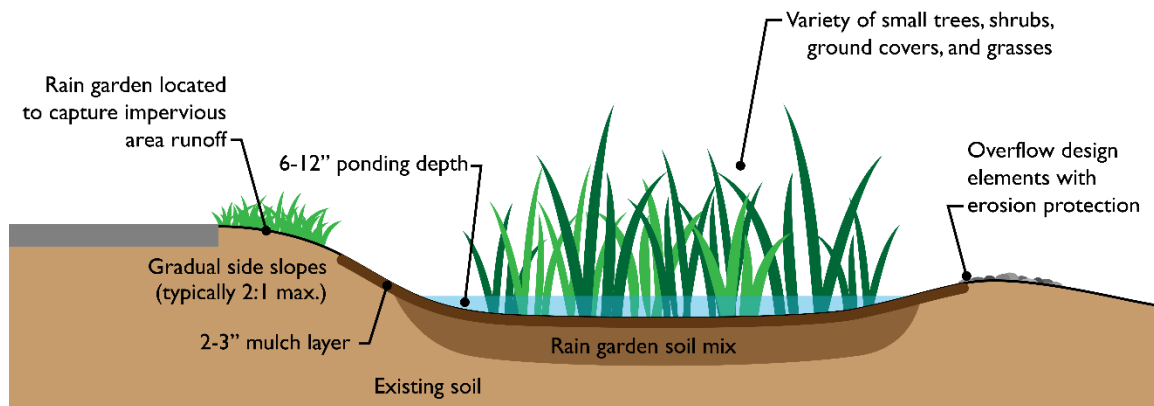


**Figure 17.64.050**  
**Graphic summary of defined Landscape Types.**

**Type E Landscaping – low hedge**



**Type F Landscaping – rain garden**



**17.64.060 - Landscaping site design standards.**

- A. Required buffer standards. Screening between certain uses may be called for in Table 17.64.060(A) below or elsewhere in this title. Interpretation of Table 17.64.060(A):
  - I. Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require any of the following to better ensure the survival of existing mature trees and vegetation:
    - a. Augment existing plantings with new plant materials to meet the purpose of the standards.

- b. Require wider buffers to better ensure the survival of existing mature trees and vegetation. This shall be accompanied by use of a buffer averaging approach in which the buffer may be reduced in other locations to achieve, on average, the minimum buffer width required in Table 17.64.060(A) or elsewhere in this title.
  - c. Other supplemental planting conditions.
2. The letters A, B, C, D, E, and F refer to the landscape types described in Section 17.64.050. Where more than one buffer type is referenced in a cell, one of the subject buffer types is required. The term “All” means that any of the landscaping types may be used.
3. The term “Fence” refers to the requirement of a six-foot high sight-screening fence. Such fences shall comply with the provisions of Chapter 17.67 Fences, Walls, and Hedges.
4. Where the cells are empty, there are no landscaping buffer requirements for the particular situation.
5. The numbers refer to the minimum required width of the required landscaping buffer.
6. Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.
7. Where the developing use is across the street from an existing abutting use or zone, only the buffer type listed for the abutting street is required.
8. The screening elements shall extend along the entire property line between the uses/properties except where precluded by structures, driveways, or similar obstructions.
9. DEPARTURES. Alternative buffer treatments may be approved per Section 17.20.210 for any of the buffer types required below, provided they meet the purpose of this chapter.

Table 17.64.060(A) Required buffer types.						
Developing use	Existing abutting uses and zones					
	Street	RL zones <sup>1</sup>	RH & F-R zones or multi-family use	C, WF & CV zones <sup>1</sup>	FI zones	P, parks & trails
Multifamily	See Section 17.61.050	Fence plus ABC-5'		Fence or ABC-5' or path <sup>2</sup>	Fence plus ABC-10'	Fence or All-10' Note <sup>3</sup>
Low intensity non-residential use <sup>4</sup>	See Chapter 17.61 Block Frontage Standards	Fence plus ABC-5'	Fence or AB-5'			Fence or All-5' Note <sup>3</sup>
Moderate intensity non-residential use <sup>5</sup>		Fence plus ABC-10'	Fence plus ABC-5'			Fence plus ABC-10' Note <sup>3</sup>
High intensity non-residential use <sup>6</sup>		Fence plus ABC-15'	Fence plus ABC-10'	Fence or A-5' or B-10'		Fence plus ABC-15' Note <sup>3</sup>
Outdoor service or storage	A-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence or A-5' or B-10'		Fence plus ABC-15'
Heavy industry <sup>7</sup>	AB-10'	Fence plus ABC-15'	Fence plus ABC-15'	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-15'

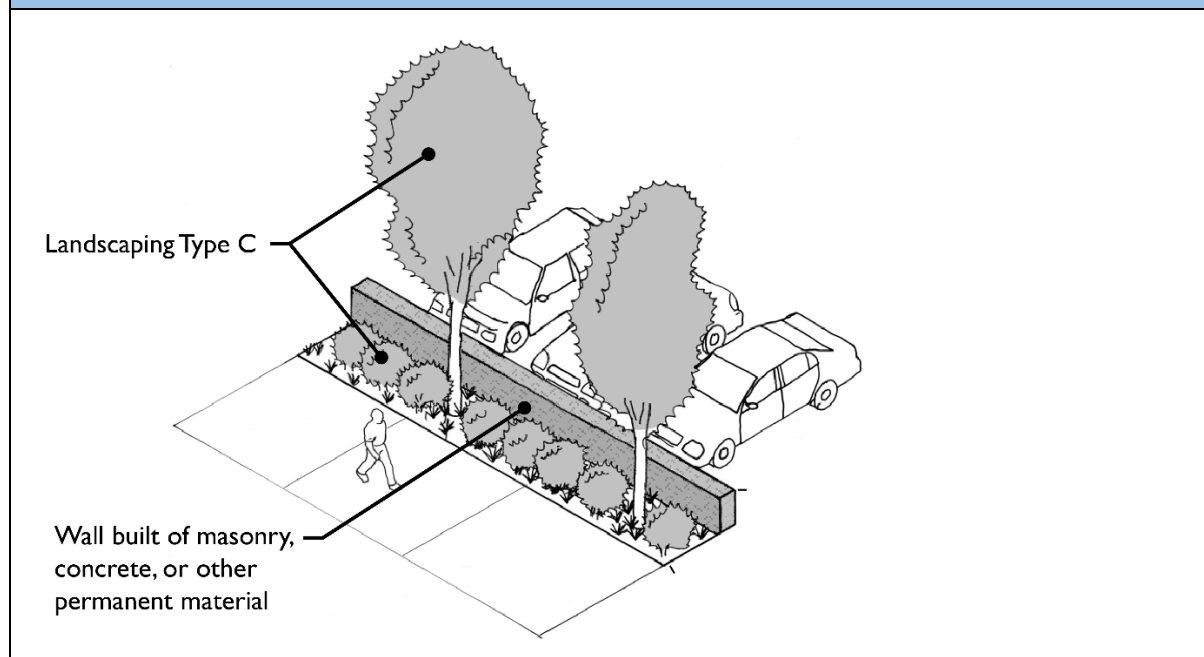
**Notes:**

1. Where the abutting use meets the definition of multifamily, the developing use is subject to the landscape buffer type under the multifamily use column.
  2. A paved or gravel pathway separating the properties/uses. Landscaping planters at least three-feet wide separating the pathway from buildings (or other effective visual transitions between the pathway and building as determined by the director) is required.
  3. For developing multifamily or non-residential uses adjacent to parks and trails, the director may eliminate requirements (where the uses are complementary to the park or trail and/or are designed to orient towards the park or trail) or adjust requirements to emphasize buffer types that enhance visibility between the developing use or focus more on visual screening depending on the context of the park or trail and type of developing use.
  4. “Low-intensity non-residential use” is a small scale commercial use or development with less than 25,000-square-feet of gross floor area and containing no outdoor storage along a site edge requiring a landscape buffer in this section.
  5. “Moderate-intensity non-residential use” includes uses and/or developments that are moderate in scale and intensity. This includes uses and/or developments that don’t qualify as a low-intensity non-residential use (either they are too large or have some outdoor storage areas along the site edge requiring a landscape buffer in this section) or a high-intensity non-residential use (not large enough or don’t meet the use qualifications).
  6. “High-intensity non-residential use” includes uses and/or developments with over 120,000-square-feet of gross floor area or are classified as an industrial use per Chapter 17.45 Industrial Uses.
  7. “Heavy industry” includes those uses as defined in Section 17.45.010.
- B. Supplemental buffer standards.
1. For screening requirements for service areas and mechanical equipment for non-residential and multifamily development, see Section 17.62.060.
  2. The height of any screen material required by this chapter in the vicinity of a point of ingress and egress may not exceed 2-1/2-feet in height within the clear-vision triangle (Section 17.68.010).
- C. Trees and block frontage landscaping.
1. Non-residential and multifamily developments shall include landscaping between the sidewalk and building or parking areas in conformance with this chapter. Exceptions are allowed for pedestrian and vehicular access, pedestrian-oriented space, and utility elements.
  2. Where buildings are setback at least 15-feet from a street property line, trees shall be planted at an average of 30-feet apart in such planting areas, with groundcover or shrubs used liberally.
- DEPARTURES may be considered provided alternative treatments meet the purposes of this chapter.
3. Trees utilized in these planting areas shall minimize conflict with underground and overhead utilities. Trees to be utilized shall be from the approved list of recommended plant materials or an approved equivalent.
- D. Parking lot landscaping.
1. Purpose. The purpose of parking lot landscape development is to soften the visual effect created by large expanses of barren asphalt.
  2. Required area. Planting areas in new parking areas with 20 or more spaces or in upgraded or improved parking areas with 20 or more spaces shall constitute at least ten-percent of the parking area.

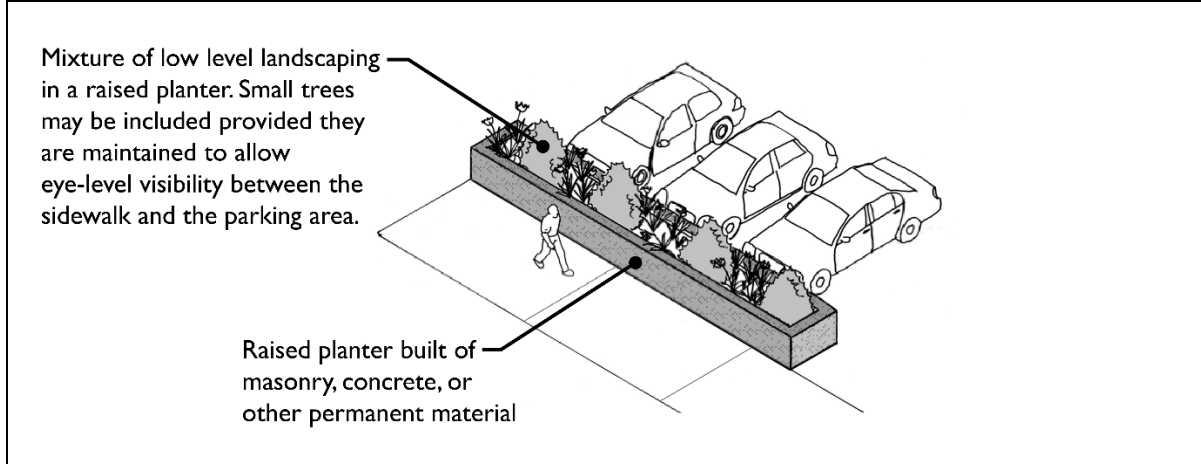
3. Minimum width and length. Planting areas shall have a minimum average width of ten-feet (measured inside the curb) and shall be the same length as the parking stall or column.
4. Planting type: Type-C Landscaping shall be used in required planting areas. Rain gardens, or other vegetated LID BMPs, may be integrated into planting strips provided they integrate the same number of trees as for Type-C Landscaping.
5. Distribution: Landscaped areas shall be distributed throughout the parking lot. No parking stall shall be more than 60 feet from the nearest landscaping.
6. Parking lot perimeters:
  - a. For parking lots adjacent to public streets, use Type-C Landscaping at a width equal to or greater than the minimum building setback specified for the applicable zone as set forth in Section 17.42.020. Alternatively, developments in commercial and mixed-use zones may use a five-foot wide planting strip using one of the two buffer types shown in Figure 17.64.060(D).
  - b. For parking lots along internal lot lines, use Type-A, B, or C Landscaping at least ten-feet deep, except where a greater buffer width is required per the standards in subsection (A) above. Where recorded cooperative parking agreements are in place between adjacent properties, sites shall be exempted from the subject parking lot landscaping buffer.

DEPARTURES to this standard will be considered per Section 17.20.210 provided they meet the purpose of the standards noted above. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, landscaping with a trellis, a shared-access drive, or a shared pathway.

**Figure 17.64.060(D)**  
**Examples of alternative parking lot landscaping buffers.**



**Figure 17.64.060(D)**  
**Examples of alternative parking lot landscaping buffers.**



- E. Existing site vegetation. Applicants are encouraged to retain existing native vegetation, including indigenous shrubs and herbaceous plants, and significant trees on the subject property. Significant tree means deciduous or evergreen trees at least six-inches in diameter at a point five-feet above the ground.
- F. Use of right-of-way.  
 In addition to the required planting areas above, landscaping of excess (unused) street and alley right-of-way and/or LID stormwater BMPs is encouraged.
  - 1. Excess right-of-way is defined as the area of an undeveloped alley or street right-of-way, or the area between the property line and the street pavement, whether or not it contains a sidewalk.
  - 2. All landscaping materials proposed to be installed in the right-of-way shall be reviewed to ensure that traffic safety considerations are met and future sidewalks can be added if they do not currently exist.
  - 3. Irrigation or sprinkling systems are subject to the standards in Section 17.64.080.
  - 4. Maintenance of landscaping in the right-of-way shall be the responsibility of the adjacent property owner; provided, however, that nothing in this section shall create or imply any interest of the property owner in the excess right-of-way, and provided further, that in the event the city shall undertake to utilize the excess right-of-way, any landscaping shall be removed by the property owner at their sole expense, or if not so removed may be destroyed by the city.

### **17.64.070 - Maintenance.**

- A. The owners of the property and their agents, heirs, or assigns shall be responsible for maintaining all required landscaping and screening areas in a healthy growing condition.
- B. All landscaping and screening areas shall be maintained reasonably free of weeds and trash, shall be treated for pest/diseases in accordance with the approved landscape plan, and shall prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.
- C. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence, natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, shall be replaced with equivalent vegetation that conforms to the plant



materials and installation standards in Section 17.64.040, other applicable standards of this title, and the approved site and/or subdivision plan.

- D. Any engineered soil amendments shall be maintained and replaced as needed to continue the original function of stormwater best management practices.
- E. The department shall have the authority to enforce the standards set forth in this chapter and the conditions attached to all permits for development pursuant to application of this chapter, in accordance with the provisions of Chapter 17.10 General Provisions.

#### **17.64.080 - Irrigation standards.**

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable to drought.

All required landscaped areas in the city shall comply with at least one of the following:

- A. A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area. The system shall be installed and operational before the city grants an occupancy permit or final inspection for the development.
- B. A temporary irrigation system will serve the proposed landscape area. The applicant shall demonstrate that the temporary system will provide sufficient water through installation and plants will survive without supplemental watering once established.
- C. A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
  - 1. The director finds the landscape area otherwise fulfills the requirements of this section, and
  - 2. The applicant submits all of the following with the site plan application:
    - a. A statement from a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) certifying that the materials to be planted will survive without watering other than natural rainfall.
    - b. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the reviewing authority.
    - c. A statement from the applicant agreeing to install an irrigation system if the reviewing authority finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

#### **17.64.090 - Performance assurance/bonding.**

In the event that landscaping improvements cannot be installed prior to formal certificate of occupancy, a cash deposit, letter of credit, or other assurance acceptable to the city equal to 150-percent of the estimated construction costs shall be required. Such deposit shall be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

## **Chapter 17.65 - PARKING**

### **17.65.010 – Purpose.**

The purpose of this chapter is to:

- A. Provide for adequate, convenient, and safe parking for cars and bicycles for all uses allowed in this Code in all areas of the city.
- B. Provide for alternative parking arrangements such as flexible minimum requirements, shared parking, and in-lieu fees.
- C. Reduce demand for parking by encouraging walking, bicycling, public transit, and rideshare.

### **17.65.020 - Generally.**

- A. Off-street parking in conjunction with all land and building uses established after the enactment of the ordinance codified in this title shall be provided prior to the issuance of a certificate of occupancy.
- B. Off-street parking for non-residential use shall be either on the same lot or within 300-feet (walking distance) of the building it is intended to serve.
- C. Residential off-street parking space shall consist of a parking lot driveway, garage, carport, or a combination thereof and shall be located on the lot they are intended to serve.
- D. Any area once designated as required off-street parking shall not be changed to any other use unless and until required parking facilities are provided elsewhere and/or the site complies with the requirements of this chapter even with the reduced parking.
- E. Off-street parking existing at effective date of the ordinance codified in this title in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. The required off-street parking area shall be for occupants, employees, visitors, patrons, and shall be limited in use to parking, except for approved temporary uses per Chapter 17.48 Temporary uses.
- G. Off-street parking meeting the minimum quantitative requirements of this chapter is not considered a principal use for the purpose of interpreting the permitted use provisions in Tables 17.41.040, 050, and .060.
- H. Parking studies. For the purposes of this chapter, a parking study is a document that provides sufficient information to determine the parking requirements for a specific use. The estimate may be based on scientific data, census data, transit service, academic studies, similar uses in the city or comparable cities, or other sources accepted by the director. As required by this chapter, a parking study may be required for adjusting minimum and maximum quantitative requirements, determining times of peak parking demand, and determining impacts to on-street parking in the vicinity of the subject development site. All parking studies shall be prepared by either a professional engineer with expertise in traffic and parking analyses or an equally qualified individual authorized by the director.



### 17.65.030 – Computation of required parking spaces.

#### A. Number of parking spaces.

1. Off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in Section 17.64.040, except for modifications allowed elsewhere in this chapter.
2. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
3. In the case of two or more uses on the same site, the total requirements for off-street parking shall be the sum of the requirements for each use computed separately, except as permitted in Section 17.64.070 pertaining to shared parking.

#### B. Accessible parking requirements.

Accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.

#### C. No required parking in Downtown Mixed-Use zone.

There is no minimum off-street parking requirement in the DT-MU zone, thus developments therein are exempt from the provisions of Section 17.65.040.

### 17.65.040 - Number of parking spaces required.

#### A. The minimum number of off-street parking spaces shall be determined in accordance with Table 17.65.040.

#### B. Tandem or end-to-end parking is allowed for single-family, duplex, triplex, fourplex, and townhouse units. Tandem spaces shall not combine parking for separate dwelling units.

#### C. Special cases are indicated by the term “Director decision”, in which case parking requirements shall be established by the director. For determination by the director, the applicant shall supply one of the following:

1. Documentation regarding actual parking demand for the proposed use.
2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use.
3. Documentation of parking requirements for the proposed use from other comparable jurisdictions.

#### D. Where a cell in Table 17.65.040 is blank, then there are no applicable requirements for the use.

#### E. For unclassified uses, refer to Section 17.41.030(E). Where the director finds that there is no similar use, the procedures for a “Director decision” under subsection (C) above apply.

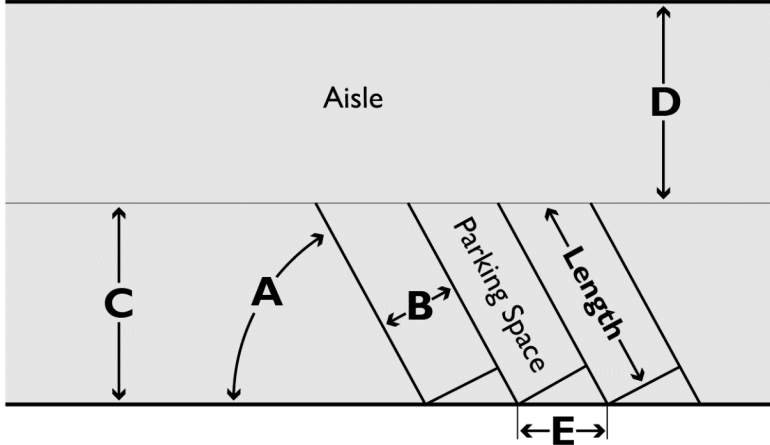
#### F. Heavy truck and equipment maintenance and storage areas shall not be considered parking areas for the purposes of this chapter and shall not have to comply with the improvement requirements of this section.

Table 17.65.040 Off-street parking spaces required.	
Use Categories	Parking Requirement
<b>RESIDENTIAL</b> (spaces per dwelling unit unless otherwise noted)	
Household Living, as listed below Studio + 1-bedroom*	1

<b>Table 17.65.040</b> <b>Off-street parking spaces required.</b>	
Use Categories	Parking Requirement
2+ bedrooms	2
Affordable housing	1
Senior housing	0.5
Cottage housing	1.5
<b>Group Living,</b> as listed below	
Adult family home	2
Assisted living facility	0.5 per sleeping unit
Co-living	0.75 per sleeping unit
Group care living facilities	0.6 spaces per bed
Nursing home	0.33 per bed
<b>COMMERCIAL</b> (spaces per square feet of gross floor area, unless otherwise specified)	
<b>Day Care,</b> as listed below	
Day care I facility	2 per facility
Day care II facility	Director decision
Eating and drinking establishments	1 per 300 sf
General service	1 per 300 sf
Medical	1 per 300 sf
Office	1 per 300 sf
Overnight lodging	1 per guest room
Personal service	1 per 300 sf
Recreation, indoor and outdoor	Director decision
Retail sales	1 per 300 sf
Shell building and multi-tenant commercial spaces	1 per 300 sf
Vehicle sales/rental	Director decision
<b>INDUSTRIAL</b> (spaces per square feet of gross floor area, unless otherwise specified)	
Artisan manufacturing	1 per 400 sf
Heavy industry	Director decision
Light industry and light manufacturing	1 per 1,000 sf
Self-service Storage	1 per 2,000 sf
Warehouse and distribution	1 per 2,000 sf

## 17.65.050 - Size of parking spaces.

**A. Minimum requirements.** Parking space and aisle dimensions for parking facilities shall meet the standards in Table 17.65.050.

Table 17.65.050 Minimum size requirements for parking spaces				
 <p>The columns A-E below refer the parking layout graphic above. Column A is measured in degrees and columns B-E are measured in-feet.</p>				
A Parking Angle	B Space Width	C Space Length	D Aisle Width	E Curb Width
0 (Parallel)	8	N/A	N/A	22.5
30	9	18	10	18
45	9	20	12	12.7
60	9	21	18	10.5
90 (Perpendicular)	9	20	23	9

### B. Parking space length.

1. Parking spaces shall be a minimum of 18-feet long and a maximum of 23-feet long.
2. Two-feet of parking space length may overhang designating walking paths. See for Section 17.62.040(D) for related walking path dimensional standards.

### C. Compact parking spaces.

1. Up to 33-percent of required non-accessible parking spaces may be designated as compact.
2. Compact parking spaces have a minimum space length of 15-feet and a minimum space width of eight-feet.
3. Each compact parking space shall be clearly identified by painting the word "COMPACT" in capital letters, a minimum of eight-inches high, on the pavement at the base of the parking space and centered between the striping.

**D. Alley parking.** When parking spaces located on a property are directly accessed from an alley, the alley right-of-way may be treated as the aisle per Table 17.65.050. The parking spaces shall be located and angled to allow adequate turning space.

- E. Large vehicles.** When parking lots may have substantial traffic by trucks or other large vehicles, the director may establish larger minimum dimensions.
- F. Alternative standards.** The director may approve alternate designs not meeting these standards when a qualified Transportation Engineer demonstrates that the alternate design proposal meets current and accepted standards such those maintained by the Institute of Transportation Engineers.

#### **17.65.060 - Modifications to parking requirements.**

Existing developments in mixed-use and industrial zones that change use or expand their net floor area by less than 50-percent are exempt from the minimum parking requirements of this chapter for the life of the building. Existing developments that expand their net floor area by 50-percent or more shall meet the minimum requirements of this chapter.

#### **17.65.070 - Shared parking.**

- A.** One parking area may contain required spaces for several different uses, but except as otherwise provided in this chapter, the required space(s) assigned to one use may not be credited to any other use.
- B.** Developments that wish to make joint use of the same parking spaces but predominately operate at different times, the same spaces may be credited to both uses.
- C.** A use or development wishing to take advantage of joint use of required parking spaces shall present satisfactory written evidence that the use or development has the permission of the owner or the person in charge of the parking spaces to use such spaces. The evidence shall specify the number of spaces the use or development is allowed to use. The principal of the use or development shall sign an acknowledgement that the continuing validity of the permit depends on the continuing ability to provide the required number of spaces.

#### **17.65.080 - Parking for shell building permits.**

When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

#### **17.65.090 - Parking area design and construction standards.**

- A. Parking area plans.** Developments featuring new off-street parking areas shall submit plans of such parking area(s) showing adjacent streets, proposed circulation of traffic, proposed stormwater management, lighting, landscaping, and fencing.
- B. Parking lot access.** Ingress and egress to the parking lot or area shall be provided at locations approved by the City Engineer.
- C. Surfacing and grading.** All required off-street parking area shall be graded and surfaced to a standard comparable to the street which serves the parking area as determined by the City Engineer. Off-street parking areas shall have dust-free, all-weather surfacing. Off-street parking areas shall conform to City of Aberdeen development standards.
- D. Drainage.** Drainage and erosion/sedimentation control facilities shall be provided in accordance with City of Aberdeen development standards.
- E. Parking space markings.** Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way, or landscaped areas.

- F. Traffic control devices.** All traffic control devices such as parking strips, designated car stalls, directional arrow or signs, bull rails, curbs, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate car stalls and direction of traffic.
- G. Curbing.** All access and parking areas shall use cast-in-place vertical curbs or functionally equivalent designs that provide pedestrian safety. Curbs may be cut to allow surface water runoff to enter low impact development best management practices.

**17.65.100 - Parking area maintenance.**

- A. The property owner shall maintain all off-street access and parking areas.
- B. Maintenance shall include:
1. Removal and replacement of dead and dying trees, grass and shrubs.
  2. Removal of trash and weeds
  3. Repair and maintenance of traffic control devices, parking space striping, signs, light standards, fences, walls, surfacing materials, curbs, railings, landscaping, and stormwater best management practice elements.
  4. Repair and maintenance of permanent stormwater best management practice elements.

## **Chapter 17.66 - SIGNAGE**

### **17.66.010 – Purpose.**

The purpose of this chapter is to accomplish the following:

- A. To encourage effective sign communication that is responsive to the needs of the public in locating establishments by identification, address, product, and/or service information.
- B. To promote economic development of the city's business districts and corridors.
- C. To enhance and protect property values and the quality of life by preserving and enhancing the appearance of the streetscape.
- D. To ensure that signs in the city do not adversely affect pedestrian and traffic safety by obstructing vehicle sight distance, interfering with official traffic signs, signals and devices, and unduly directing attention away from the demands of safe driving.
- E. To preserve the right of free speech exercised through the use of signs containing noncommercial messages.

### **17.66.020 – Applicability and departures.**

- A. Applicability. This chapter applies to all permanent and temporary signs erected or altered after the effective date of this code, except for those signs listed in subsection (C).
- B. Interpretation.
  - 1. This chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message.
  - 2. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign owner, or otherwise, shall also be interpreted to allow noncommercial speech on the sign.
  - 3. No part of this chapter may be construed to favor commercial speech over noncommercial speech.
  - 4. To the extent any provision of this chapter is ambiguous, the terms shall be interpreted not to regulate on the basis of the content of the message.
- C. Exemptions. The following signs are exempted from the regulations of this chapter:
  - 1. Traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority on public lands or right-of-way and with the approval of the agency or jurisdiction right-of-way owner.
  - 2. Public notices pertaining to public health, safety issues, directions, or for notification of legal or legislative action erected by the City or other public authority.
  - 3. Signs placed on private property and only visible from on the property with parking directions, customer information, and no advertising matter, and no more than six square feet. Such signs which are larger than six square feet are considered wayfinding signs and are subject to the standards of Section 17.66.090(C).
  - 4. Signs used to direct persons to temporary activities in residential zones, such as but not limited to, garage/yard sales, open houses, and real estate sales, and which are no larger than six square feet.
  - 5. Permanent commemorative or memorial plaques, building nameplates, and signs identifying significant historical locations no more than six square feet in size. Larger building name signs

not associated with the name of any individual business are addressed in Section 17.66.090(A)(4).

6. Integral cornerstones and other building identification markings carved into the building materials and which are integral parts of the structure, except for logos and trademarks.
7. Signs within buildings, provided they are not legible from a distance of more than three-feet beyond the building on which the sign is located.
8. Incidental signs intended for public information or convenience and which consist of no more than three-square-feet per sign face. These may include restroom signs, hours of operation signs, address numbers, post box numbers, property numbers, names of occupants or premises, help wanted, credit card signs, and similar.
9. The American flag, State of Washington flag, and other political or special purpose flags that are not intended to contribute to a commercial advertising display.
10. Wall graphics of an artistic nature and that do not conform to the definition of "sign."
11. Signs not visible from public right-of-way, private right-of-way, waterways, and adjacent property.
12. Bulletin boards and kiosks intended for general public information and which accommodate changeable copy such as private or public notices, special event information, and other short-term messages, at a scale suitable for pedestrians and not intended to be read by passing motorists, and not for commercial advertising purposes.
13. Holiday and community special event decorations that do not display a commercial message.
14. Signs on athletic fields and scoreboards intended for on-premises viewing.
15. Signs located at City-owned facilities and on public parks, public trails and designated public open space which are placed by the government, agency, or non-profit organization that owns or maintains the land.
16. Point-of-purchase advertising displays such as product dispensers (vending machines).
17. Any sign on a vehicle or trailer operating during the normal course of business, unless such vehicle is regularly parked in any prominently visible location from public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited.
18. Digital time, temperature, or open/close sign six square feet or less and with a minimum dwell time of three seconds.

### **17.66.030 – Sign definitions.**

The following definitions apply specifically to the provisions in this chapter.

“A-board” means a temporary, portable, double-sided sign of basic self-supporting design. A-board signs may also be referred to as “A-frame” or “sandwich board” signs.

“Advertise” means to describe or draw attention to a product, service, or event in a public medium in order to promote sales or attendance.

“Awning sign” means a type of building-mounted sign that is either attached to, affixed to, or painted on an awning, marquee, or canopy. See Table 17.66.080(B) and Section 17.66.100(C) for applicable standards.

“Banner sign” means a flexible material (often vinyl) on which a sign is manufactured that is attached to a building or displayed on private property.

“Billboard” means a type of large permanent sign designed or used for high-visibility display of sign copy which is typically not associated with the property upon which the sign is placed. Billboards typically have a wood or steel structure with a single face or double face oriented to major traffic routes. Billboards are larger than permitted pole signs and may include catwalks.

“Building-mounted sign” means a sign affixed to a building, painted directly on a wall, or erected against the wall of a building. See Table 17.66.080(B) and Section 17.66.100 for applicable standards.

“Commercial sign” means a sign which promotes commercial products or services for sale.

“Conforming sign” means a sign which meets the specifications of this chapter.

“Digital sign” means a sign displaying copy with a screen composed of electrically-illuminated segments which are typically, but not always, light-emitting diodes (LEDs). See Section 17.66.110 for applicable standards.

“Feather sign” means a temporary and portable sign made of light-weight materials that is prone to move in the wind, and that contains a harpoon-style pole or staff that is driven into the ground or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, and U-shaped. See Section 17.66.150(C)(5) for applicable standards.

“Freestanding sign” means a permanent sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building. See Table 17.66.080(A) and Section 17.66.090 for applicable standards.

“Incidental sign” means sign depicting products, services, or activities directly related to the business within.

“Internal way-finding sign” means a type of freestanding sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types. See Table 17.66.080(A) and Section 17.66.100(C) for applicable standards.

“Lighted sign” means a sign illuminated by means of fixtures directing light through transparent surface material; words, pictures, symbols or numbers created out of lights or lighting fixtures, or exterior illumination shining on a sign from the exterior.

“Monument sign” means a type of freestanding sign which is attached to the ground by means of a wide base of solid appearance. See Section 17.66.100(B) for applicable standards.

“Noncommercial sign” means a sign which promotes noncommercial purposes such as public community events, civic groups, non-profit organizations, or which expresses religious, political, social, ideological or other philosophical messages. For the purposes of this chapter, signs for government facilities such as schools, libraries, offices, and other public facilities are noncommercial signs. Noncommercial signs are not considered either off-site or on-site signs.

“Off-site sign” means a sign related in its subject matter to some premises or lot other than the premises or lot on which the sign is located.

“On-site sign” means a sign related in its subject matter to the premises on which it is located, or to products, accommodations, services, or other activities on the premises.

“Permanent sign” means a stationary sign permanently attached to the ground or to a structure.

“Pole sign” means a type of freestanding sign supported by one vertical pylon, and subject to the same regulations as a freestanding sign. See Table 17.66.080(A) and Section 17.66.100(C) for applicable standards.

“Portable sign” means a nonpermanent, easily movable sign.

“Post & arm sign” means a type of freestanding sign supported by a post and arm. See Table 17.66.080(A) for applicable standards.



“Projecting sign” means a type of building-mounted sign extending outward from the face of the building. See Table 17.66.080(B) and Section 17.66.100(C) for applicable standards.

“Pylon sign” means a type of freestanding sign mounted on at least two posts. See and Table 17.66.080(A) for applicable standards.

“Real estate signs” means signs used for the purpose of marketing real property as opposed to identifying place of business.

“Roofline” means the roof which covers the primary structure, excluding architectural features that project above the primary structure roof, such as, but not limited to, towers, porticos, parapet walls, and elevator shafts that have no space able to be occupied and do not directly or indirectly affect the use or occupancy of the primary structure.

“Sign” means any communication device, structure, or fixture which is intended to identify or attract attention from a public right-of-way to a building, use, business, or event; or to promote the sale of products, goods or services; using graphics, written copy, letters, numbers, figures, symbols, logos, or registered trademarks. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs.

“Sign copy” means any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

“Standing sign” means a double-sided, portable sign mounted on a single post.

“Temporary signs” means a sign structure or device used for the display of messages or images, which is easily installed and removed and which is not intended or suitable for long-term or permanent display due the sign construction, materials, placement, or installation. Any sign not covered by this definition is a permanent sign and shall comply with the applicable permanent sign regulations.

“Under-canopy sign” means a type of building-mounted sign attached to the underside of an awning, canopy, balcony, or arcade. See Table 17.66.080(B) and Section 17.66.100(D) for applicable standards.

“Unlighted sign” means a nonilluminated sign visible only as a result of natural light, lights from passing automobiles or passive background illumination such as streetlights and typical residential lighting which only incidentally provides indirect illumination to said sign.

“Wall sign” means a type of building-mounted sign painted directly on the wall, attached to the wall, or erected against the wall of a building or structure with the exposed face of the sign parallel or approximately parallel to the plane of such wall. See Table 17.66.080(B) and Section 17.66.100(A) for applicable standards.

“Wind sign” means a double-sided, portable sign mounted on springs and a heavy base and intended to bend when subjected to significant wind pressure.

## **17.66.040 – General requirements.**

### **A. Permitting.**

1. Except as otherwise allowed by this title, no permanent sign shall be erected, altered, or relocated without a sign permit from the city.
2. No one may apply for a sign permit unless the applicant has ownership or control of the subject property on which the sign is to be located.
3. The applicant shall certify, in applying for a sign, that the applicant has ownership or control of the subject property. False representation shall constitute a violation of this title subject to Chapter 17.10 General provisions.

4. No sign permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign, or for sign face and copy changes that do depict on-site business. See also 17.66.040(E) for maintenance standards.
5. Sign permits shall be required for all alterations or modifications of a sign's size, structure of the sign, or the addition of physical effects or a digital sign.

**B. Sign location restrictions.**

Except where specifically authorized by this chapter, signs are prohibited in the locations described below. Prohibited signs are subject to removal (except nonconforming signs as defined by this chapter) by the city at the owner's expense.

1. Any temporary or permanent sign located within or projecting over a city right-of-way, unless otherwise permitted in this chapter.
2. Any temporary or permanent sign located within five-feet of a city right-of-way, unless otherwise permitted in this chapter.
3. Any sign attached to any public utility pole, utility structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, or memorial, except those signs approved as part of a special event permit on city property or banner signs permitted by the city.

Nothing in this section shall be construed to prohibit a person from holding a sign while located on public property so long as the person holding the sign is located on public property determined to be a traditional public forum (including sidewalks) and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.

4. Any sign, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
5. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way.
6. Any permanent commercial, advertising, or business sign (including billboards) that is not located on the premises of the business to which it refers.
7. No sign may be placed on the roof of any building.
8. No portable or temporary sign may be placed on any structure or on any premises except as authorized in Section 17.66.150, Temporary sign standards.
9. Placement on private property for more than ten calendar days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.
10. Setbacks. Setbacks established in this chapter apply to all elements of the sign structure and are measured from applicable property lines, rights-of-way, or private drives.
11. Clear vision. Sign location satisfying a sufficient clear vision triangle shall meet the minimum guidelines of the Public Works pre-approved plans or as determined by the City Engineer.

**C. Sign display restrictions.**

1. Purpose. The purpose of this subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that detracts from the natural and architectural aesthetics of the city.

2. Standards. The display features described below are prohibited. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner's expense.
  - a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination.
  - b. Any sign with an exposed light source, except for neon incorporated into the design of the sign.
  - c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.
  - d. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means, except for:
    - (1) Signs exempted from this chapter as established in Section 17.66.020(C).
    - (2) Temporary Type 4 wind signs as provided for in Section 17.66.160(G)(5).
  - e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Exception:
    - (1) Signs exempted from this chapter as established in 17.66.020(C).
    - (2) Temporary Type 6 signs as provided for in Section 17.66.160(G)(5).
  - f. Digital and other changeable-copy signs, except as provided for in Section 17.66.110.
  - g. Mannequins holding a sign or displaying advertising, whether stationary or animated, except within a building as part of a window or interior display.

**D. Sign materials, structural, and electrical restrictions.**

1. Except flags, temporary, and portable signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
2. All attached signs and sign support frames shall be mounted and attached to a building or the ground in a secure manner and shall be maintained in good repair for safety and appearance.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect. All such signs require an electrical permit and inspection by state of Washington Department of Labor and Industry, Electrical Division or equivalent inspection.

**E. Sign maintenance and inspection.**

1. Maintenance.
  - a. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, appearance and repair.
  - b. The premises surrounding a free-standing sign shall be free and clear of rubbish and the landscaping area shall be maintained.


- c. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it is the duty of the sign owner to repair or remove the sign within five calendar days after receiving notice from the director.
2. Inspection. All sign owners shall permit the periodic inspection of their signs by the city upon city request.

#### **17.66.050 – Computation of sign area.**

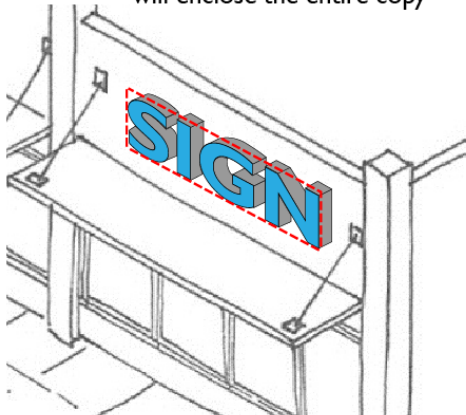
Sign area for all sign types is measured as follows:

- A. The area of painted signs, individual letter signs, and other indirectly illuminated signs is calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, which are intended to attract attention. See Figure 17.66.050(A) for examples and clarification.
- B. Where signs are placed on a display board attached to a wall or awning, the entire display board shall be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame shall be included in the sign area calculations. See Figure 17.66.050(A) for examples and clarification.
- C. For freestanding signs, the entire display board shall be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame shall be included in the sign area calculations.
- D. Multiple-faced signs shall have each face measured separately. The sign area allotment for each sign type applies to just one side of the sign. For example, if the maximum size for a certain monument sign is 25-square-feet, then each face of the monument sign may be up to 25-square-feet.
- E. Four or more faced signs, spherical, free-form, sculptural or other non-planar sign area is measured as 50-percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 17.66.050(E). Signs with greater than four polyhedron faces are prohibited.

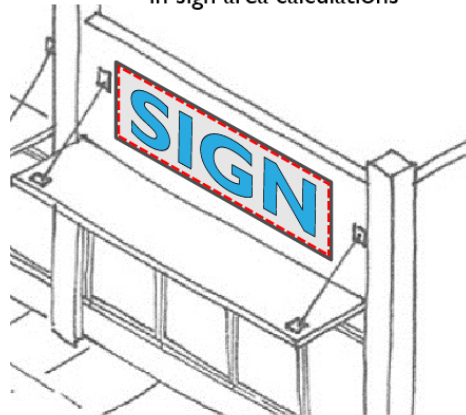
**Figure 17.66.050(A)**  
**Clarifying sign area measurement for wall signs.**

 = Sign area

For individual letter signs, sign area is calculated using the smallest rectangle or circle that will enclose the entire copy



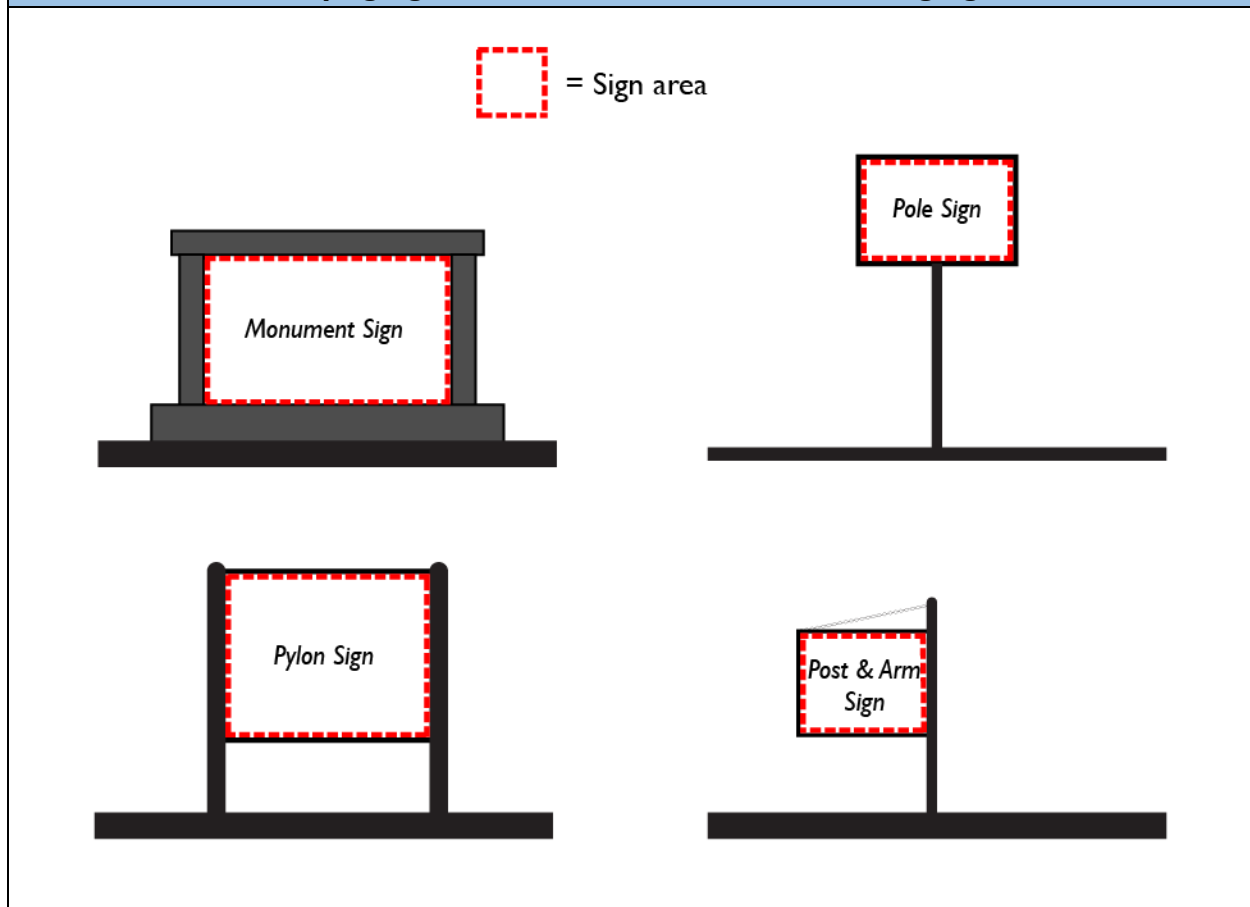
For signs on a display board, the entire display board within the frame is included in sign area calculations



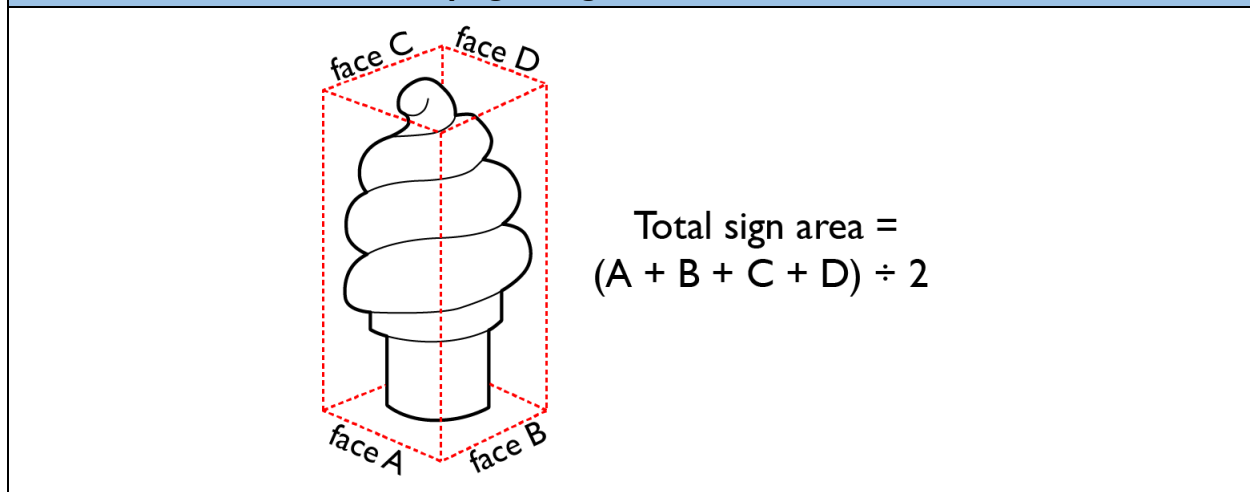
The dashed outline indicates how the irregular shaped signs below would be calculated



**Figure 17.66.050(C)**  
**Clarifying sign area measurement for freestanding signs.**



**Figure 17.66.050(E)**  
**Clarifying 3D sign area measurement.**



## **17.66.060 - Sign illumination.**

### **A. General illumination standards.**



1. For purposes of illumination, all lights attached to a sign in any manner shall not extend more than five feet from the sign structure.
2. Externally illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences, business, or any street right-of-way.
3. External sign lighting shall be “full cutoff” and shall not result in direct illumination of the sky and adjacent properties and structures, and shall be designed to minimize reflected glare to adjacent properties and structures.
4. Neon tubing of a diameter no greater than one-half inch may be used as a permanent architectural feature on a building.
5. All internally lit signs are subject to the same brightness limits applied to digital signs, as set forth in Section 17.66.110.
6. Also see related sign display restrictions in Section 17.66.040(C), which include illumination restrictions.

## B. Permitted sign illumination types.

Table 17.66.060 below specifies permitted sign illumination types by zone and other requirements.

<b>Table 17.66.060</b> <b>Permitted signs illumination types.</b>			
<b>Illumination Type and Description</b>	<b>Example</b>	<b>Permitted zones and overlays</b>	<b>Other requirements</b>
<b>Channel letter.</b> Light source is internal and light is emitted through the front or face of the letters.		All zones except residential zones	May be incorporated into a permitted wall, pole, or monument sign
<b>Reverse channel letter.</b> Letter faces are opaque and light source provides halo effect through backlighting.		All zones except residential zones	May be incorporated into a permitted wall, projecting, pole, or monument sign
<b>Push-through.</b> Letters are cut out of an opaque sign face. Interior light shines through letter faces only. May include a halo effect.		All zones except residential zones	May be incorporated into a permitted wall, projecting, pole, or monument sign
<b>Neon.</b>		All zones except residential and NC-MU zones	May be incorporated into a permitted wall, projecting, window, pole, or monument sign
<b>Internally-illuminated cabinet signs.</b> Sign face is illuminated through translucent casing. This includes internally-illuminated changeable-copy signs.		C, WF & F-I zones	May be incorporated into a permitted wall, pole, pylon, or monument sign
<b>Digital message signs.</b>		All zones, except only allowed for non-residential uses in residential zones	Only allowed to be integrated on permitted monument, and pole signs per 17.66.110



<b>Table 17.66.060</b> <b>Permitted signs illumination types.</b>			
<b>Illumination Type and Description</b>	<b>Example</b>	<b>Permitted zones and overlays</b>	<b>Other requirements</b>
<b>Internally-illuminated awning signs.</b> The awning face is illuminated through the awning material.		Not allowed in any zone	
<b>Externally-illuminated sign.</b>		All zones	Illumination techniques shall focus the light on the sign and avoid glare to the sky, streets, sidewalks, and other public spaces, and adjacent uses.

### 17.66.070 - Signs types permitted by zone.

- A. Mixed-use, commercial, and industrial zones. In mixed-use, commercial, and industrial zones, all sign types are permitted unless otherwise noted in Section 17.66.070. Interpretation:
1. The letter “P” indicates permitted sign types.
  2. A blank cell indicates the particular sign type is not permitted.
  3. A number in the cell refers to a condition, listed below the table.

Table 17.66.070(A) Signs permitted in mixed-use, commercial, and industrial zones.						
Sign Type	NC-MU	DT-MU	C	F-I	WF	CV
Freestanding Signs						
Refer to Section 17.66.080 for freestanding sign design standards.						
Pole sign					P <sup>1</sup>	
Monument sign	Permitted in all zones					
Pylon sign						
Post & arm sign						
Building-Mounted Signs						
Refer to Section 17.66.090 for building-mounted sign design standards.						
Wall sign	Permitted in all zones					
Projecting sign						
Awning sign						
Under-canopy sign						

#### CONDITIONS:

- (1) Pole signs are only permitted on properties east of the Wishkah River.
- B. Residential. Table 17.66.070(B) illustrates the types of signs that are allowed for different development/use types in residential zones. Interpretation:
- (a) The letter “P” indicates permitted sign types.
  - (b) A blank cell indicates the particular sign type is not permitted.
  - (c) A number in the cell refers to a condition, listed below the table.

Table 17.66.070(B) Signs permitted in residential zones.				
Sign Type	Development or use type			
	Single family subdivision	Multifamily complex	Home occupation	Other permitted non-residential use <sup>4</sup>
<b>Freestanding Signs</b>				
Refer to Section 17.66.080 for freestanding sign design standards.				
Pole sign				
Monument sign	P <sup>1</sup>	P <sup>1</sup>		P <sup>3</sup>
Pylon sign				P <sup>3</sup>
Post & arm sign				P <sup>3</sup>
<b>Building-Mounted Signs</b>				
Refer to 17.66.090 for building-mounted sign design standards.				
Wall sign			P <sup>2</sup>	P
Projecting sign				
Awning sign				P
Under-canopy sign				P

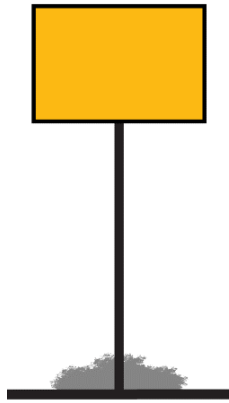


**CONDITIONS:**

- (1) Single-family subdivisions and multifamily complex. One monument sign is permitted per entrance (and may be located anywhere along the access street), provided said signs do not exceed 25-square-feet in sign area and five-feet in height.
- (2) One non-illuminated building-mounted sign up to six-square-feet is permitted for a home occupation.
- (3) Signs shall comply with size and height standards set forth in this chapter, but no more than one sign per lot frontage and signs may not be larger than 25-square-feet in sign area and no taller than six-feet in height.

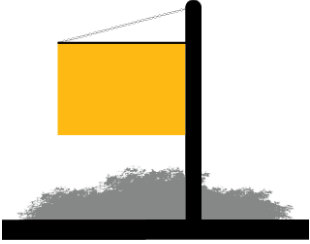
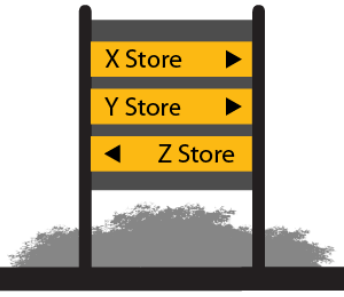
**17.66.080 - Signs types and standards.**

- A. Freestanding sign types and standards. The standards below apply to the specific sign types, where permitted in the applicable districts per Section 17.66.070.




**Table 17.66.080(A)**  
**Freestanding sign types and standards.**

<b>Sign type</b>	<b>Location and setback</b>	<b>Maximum quantity</b>	<b>Maximum height above existing grade</b>	<b>Maximum sign area</b>
<b>Pole sign</b> A sign supported by one vertical post. 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	One pole sign per property street frontage	25'	Same as for monument signs as set forth in Section 17.66.090(B)
<b>Monument sign</b> A sign which is attached to the ground by means of a wide base of solid appearance.  See Section 17.66.090(B) for supplemental design standards. 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	One monument, pylon, or post & arm sign per 150' of property street frontage	See Section 17.66.090(B)	See Section 17.66.090(B)
<b>Pylon sign</b> A sign mounted on at least two posts. 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	One monument, pylon, or post & arm sign per 150' of lot frontage	Monument sign standards apply, per Section 17.66.090(B), except pylon signs are limited to 8' in height	Monument sign standards apply per Section 17.66.090.


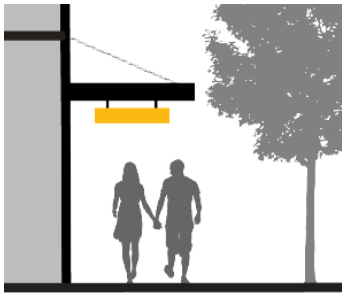
**Table 17.66.080(A)**  
**Freestanding sign types and standards.**

Sign type	Location and setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
<b>Post &amp; arm sign</b> A small sign supported by a post and arm. 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	One monument, pylon, or post & arm sign per 150' of lot frontage	5'	10 sq. ft.
<b>Internal way-finding sign</b> A sign used to aid customers and visitors in circulation within parking lots. These signs could come in the form of monument, pylon, post & arm, or wall sign types.  See Section 17.66.090(C) for supplemental design standards. See Section 17.66.020(C) for size-based exemptions. 	May be located in landscaped areas or on pathways provided the sign does not inhibit pedestrian movement.  When such sign types are mounted on buildings, they shall be oriented to a pathway.	Appropriate number of signs to provide directional assistance given size of site and circulation pattern as determined by the director.	8'	15 sq ft. When such sign types are mounted on buildings, they are limited to a maximum of 10sf

B. Building-mounted sign types and standards.

<b>Table 17.66.080(B)</b> <b>Building-mounted sign types and standards.</b>				
Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
<p><b>Wall sign</b></p> <p>A sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.</p> <p>See Section 17.66.100(A)(2) for supplemental design standards.</p> 	See Section 17.66.100(A)(2).	<p>One sign per tenant façade that is visible from an adjacent street, customer parking lot, or alley.</p> <p>See Section 17.66.100 for additional quantity standards.</p>	See Section 17.66.100(A)(3).	Signs shall not extend above the building roof line.
<p><b>Projecting sign</b></p> <p>A sign attached to and extending outward from the face of the building.</p> <p>See Section 17.66.100(B) for supplemental design standards.</p>  	<p>Minimum 8' vertical clearance above sidewalk or pathway, and minimum 14' minimum vertical clearance when within 5' of a roadway</p> <p>Shall not be located directly over windows or in conflict with other signs or architectural features of the building.</p> <p>Signs within right-of-way are subject to additional Public Works standards.</p>	One sign per façade that is visible from a street, alley, or customer parking lot.	See Section 17.66.100(B)	Signs shall not extend above the building roof line.

**Table 17.66.080(B)**  
**Building-mounted sign types and standards.**

Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
<p><b>Awning sign</b>  A sign that is either attached to, affixed to, or painted on an awning, marquee, or canopy.</p> <p>See Section 17.66.100(C)(1) for supplemental design standards.</p> 	<p>Minimum 8' vertical clearance above sidewalk or pathway</p> <p>May be placed on the front, above, or below the awning</p> <p>Signs shall not exceed 2/3 of individual awning or awning width</p> <p>Signs within right-of-way are subject to additional Public Works standards</p>	<p>One sign per awning that is visible from a street, alley, or customer parking lot.</p> <p>Awning signs may be used as an alternative to a wall sign (both may not be used on same façade).</p>	<p>Same as wall sign standards, see Section 17.66.100(C)(1)</p>	<p>See Section 17.66.100(C)(1)</p>
<p><b>Under-canopy sign</b>  A sign attached to the underside of an awning, canopy, balcony or arcade.</p> <p>See Section 17.66.100(D) for examples.</p> 	<p>Minimum 8' vertical clearance above sidewalk or pathway</p> <p>Minimum 1' horizontal clearance from the building and canopy edge</p> <p>Signs within right-of-way are subject to additional Public Works standards</p>	<p>One sign per entrance that is visible from a street, alley, or customer parking lot</p>	<p>See Section 17.66.100(D)</p>	<p>2'</p>

## 17.66.090 - Supplemental freestanding sign design standards.

**A. Landscaping.** The base of all freestanding signs shall be landscaped at a ratio of one and one-half square foot of landscaped area per one square foot of sign area.

1. Landscaping shall be planted at or surrounding the base of the sign.
2. On monument signs, landscaping shall be located and visible from the sides and behind the face of the sign with low lying ground cover in front of the sign per Section 17.64.040(4)(d).
3. The landscaping area shall be a minimum of 36 square feet with no dimension less than six feet.
4. Sign landscaping may be counted toward other required landscaping, provided the landscaping meets the applicable requirements of Chapter 17.64.
5. DEPARTURES per Section 17.20.210 will be considered provided the landscaping design complements other site landscaping and enhances the pedestrian environment.

## **B. Monument signs.**

1. Maximum size and height. Table 17.66.090(B)(1)(a) and Table 17.66.090(B)(1)(b) illustrate two ways to calculate the maximum allowable sign area and height for monument signs. Applicants may choose either table to determine the applicable size and height standards.











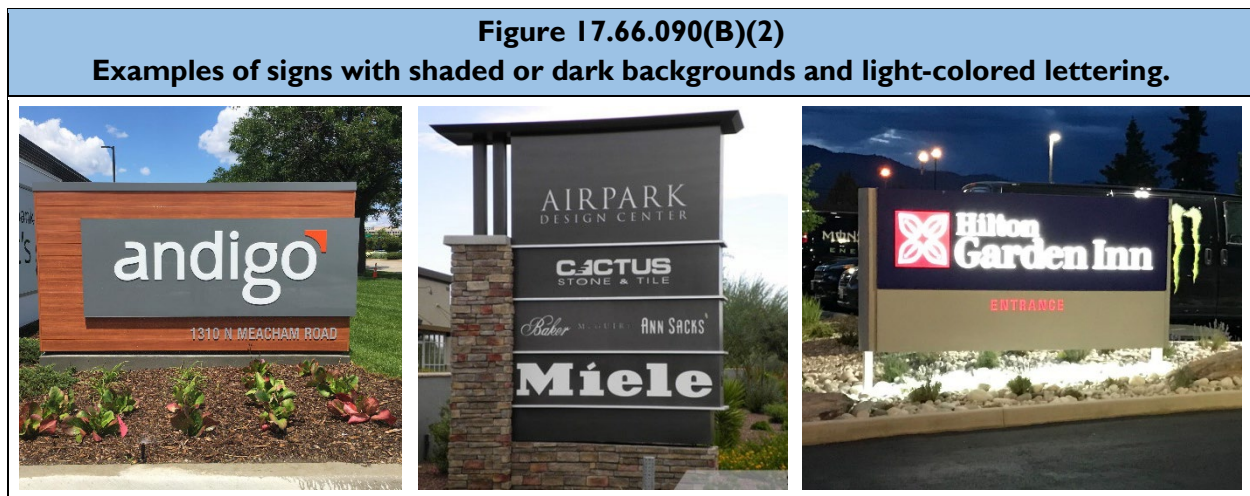
<b>Table 17.66.090(B)(1)(a)</b> <b>Maximum allowable sign area and height for monument signs</b> <b>based on length of right-of-way frontage.</b>				
For parcels with multiple frontages, the standards of this table apply to each frontage individually and may not be combined.				
<b>Length of right-of-way frontage</b>	<b>White or Very Light-Colored Backgrounds</b>  		<b>Bonus for Shaded or Dark-Colored Backgrounds</b>    Only apply if the standards of Section 17.66.090(B)(2) are met.	
	<b>Allowable Sign Area</b>	<b>Maximum Height</b>	<b>Allowable Sign Area</b>	<b>Maximum Height</b>
Less than 100 feet	25 sq. ft.	6 feet	30 sq. ft.	7 feet
100-199 feet	35 sq. ft.	7 feet	40 sq. ft.	8 feet
200-299 feet	45 sq. ft.	8 feet	50 sq. ft.	10 feet
300 feet or more	60 sq. ft.	10 feet	70 sq. ft.	12 feet



Table 17.66.090(B)(1)(b) Maximum allowable sign area and height for monument signs based on size of property.				
Size of property	White or Very Light-Colored Backgrounds  		Bonus for Shaded or Dark-Colored Backgrounds    Only apply if the standards of Section 17.66.090(B)(2) are met.	
	Allowable Sign Area	Maximum Height	Allowable Sign Area	Maximum Height
Less than 15,000 sq. ft.	25 sq. ft.	6 feet	30 sq. ft.	7 feet
15,000 sq. ft.–43,559 sq. ft.	35 sq. ft.	7 feet	40 sq. ft.	8 feet
1-2.49 acres	45 sq. ft.	8 feet	50 sq. ft.	10 feet
2.5 acres or more	60 sq. ft.	10 feet	70 sq. ft.	12 feet

- Sign color. Monument signs that employ shaded or dark background and light-colored lettering for at least 50 percent of the sign copy are allowed larger sign areas, as they are found to be less visually intrusive than signs incorporating white or very light-colored background. To qualify for the bonus, the background on at least 50-percent of the sign copy shall be darker than the lettering and create demonstrable contrast between the background and lettering. See Figure 17.66.090(B)(2) for examples.



## 17.66.100 - Supplemental building-mounted sign standards.

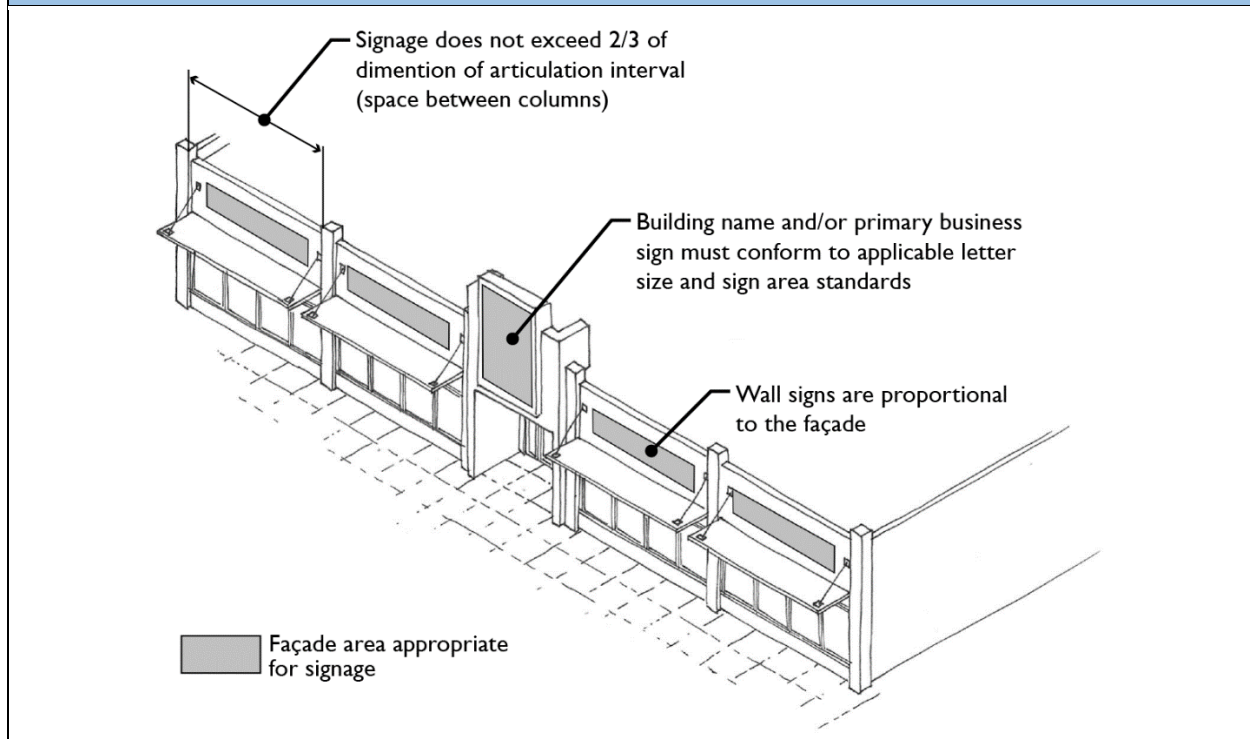
Building-mounted signs include wall signs, projecting signs, awning signs, and under-canopy signs.

### A. Wall signs.

- Permitted number of signs. See Table 17.66.070(B). In multi-story buildings, businesses above the ground floor that feature a street façade are limited to one wall sign per business, except that a business with frontage on more than one street may have one sign facing each street.
- Location and design.
  - Wall signs shall be proportional to the façade. They shall be no wider than two-thirds the width of the individual façade. This standard also applies to upper-level businesses.

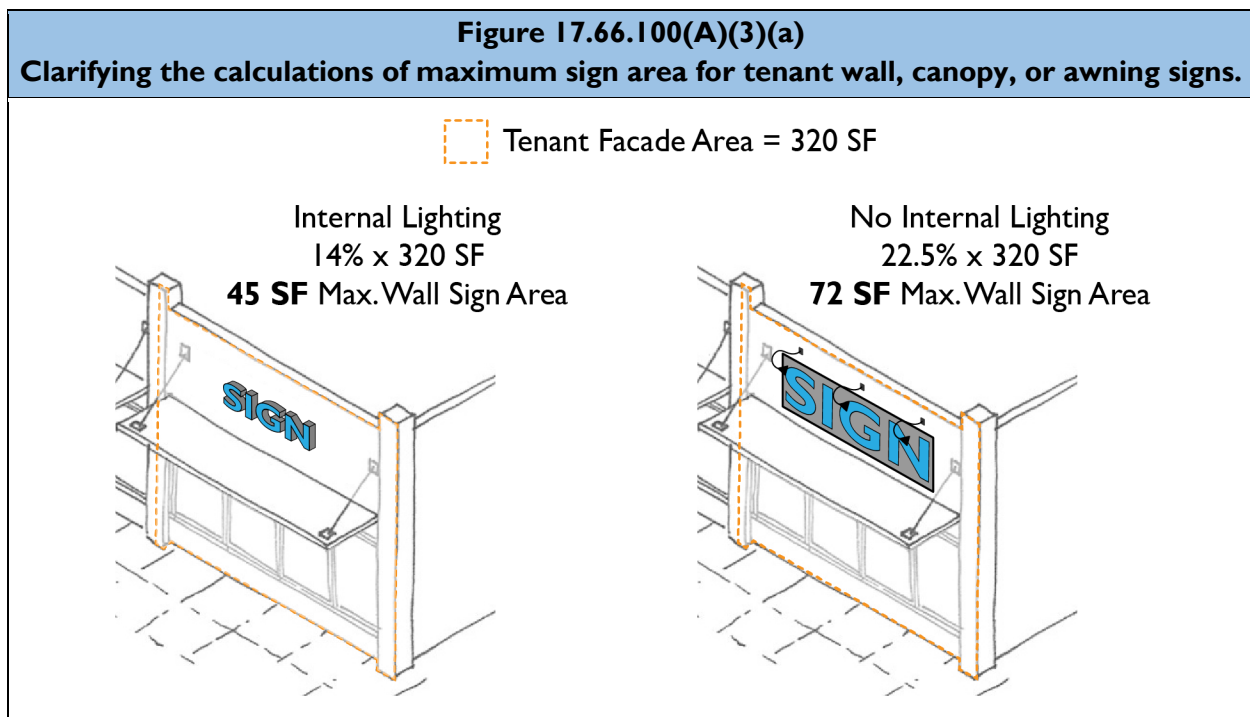
- b. Wall signs may not cover windows, building trim, an existing building name sign, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above awnings, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
- c. Stacked words on wall signs are permitted. Generally, the primary business name is encouraged to be provided on one line, with additional text on rows above and/or below providing supporting information about the business in smaller fonts.

**Figure 17.66.100(A)(1)**  
**Illustrating wall sign standards.**



- d. Supplemental wall sign standards for upper level businesses: Internally lit wall signs are not permitted.
  - e. In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street façade on which to place a sign, a building directory listing businesses in the building which does not exceed 12-square-feet may be located on the building wall at each primary entrance. This directory may be in addition to the sign area permitted for the building.
3. Maximum size standards.
- a. For individual ground level tenants that occupy space on the building façade. Table 17.66.100(A)(3) below provides standards for the maximum amount of wall or awning sign area on each tenant's façade.

Table 17.66.100(A)(3) Sign area standards for wall and awning signs for each ground level tenant's façade.		
Tenant façade area	Maximum sign area (for tenant's façade)	
	Sign with internal lighting	Sign without internal lighting
Below 200 sf	15% of the façade	25% of the façade
200 - 349 sf	14% of the façade	22.5% of the façade
350 - 499 sf	13% of the façade	20% of the façade
500 - 999 sf	12% of the façade	17.5% of the façade
999 - 1499 sf	11% of the façade	15% of the façade
1500-1999 sf	10% of the façade	12.5% of the façade
Over 2000 sf	10% of the façade	10% of the façade





**Figure 17.66.100(A)(3)(b)**  
**Acceptable wall sign examples.**

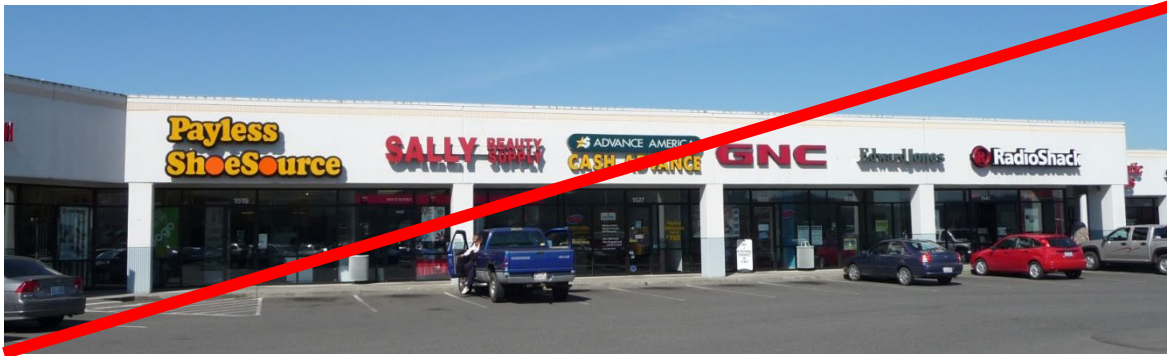


Note the different styles of signs and use of stacked (both left images) and supplemental text (lower left).



More acceptable wall sign examples.

**Figure 17.66.100(A)(3)(b)**  
**Acceptable wall sign examples.**



Most or all of these signs clearly exceed two-thirds of the width of their respective individual storefronts.

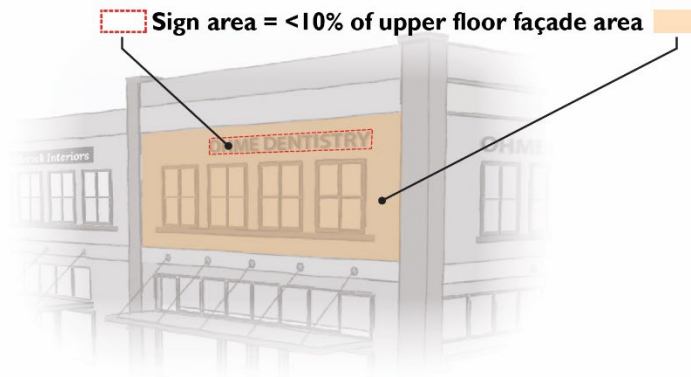
- b. For upper level tenants, the maximum sign area is ten-percent of the applicable upper level street façade of the tenant. For tenants occupying more than one floor of the street façade, only one floor may be used for the purpose of determining the signage allowance. See Figure 17.66.100(A)(4)(c) below for clarifications.

**Figure 17.66.100(A)(3)(c)**  
**Clarifying sign standards for businesses above the ground floor that include a street façade.**



In the example above, Ohme Dentistry occupies the corner 2<sup>nd</sup> floor office space and are thus allowed signs along each street frontage. Saddlerock Interiors occupies the interior 2<sup>nd</sup> floor space to the left. Each sign may be up to 10% of the applicable upper floor façade. The graphic below illustrates how the upper floor façade is calculated. Note that the upper parapet area is excluded from the calculations (as it extends above the interior of the 2<sup>nd</sup> floor office space).

**Figure 17.66.100(A)(3)(c)**  
**Clarifying sign standards for businesses above the ground floor that include a street façade.**



**4. Building name signs.**

- a. Signs that advertise the name of the building and not associated with the name of any individual business are exempt from the sign area standards in Table 10.50.100(c)(i) above, provided they are designed and sized in proportion to the façade [see Figure 10.50.100(l)(e) for an example].
- b. Signs shall be placed near the top of the façade and generally centered on the architectural features of the building.
- c. DEPARTURES per Section 17.20.210 will be considered provided the sign is located in a place that is independent from individual businesses on the building and helps to provide identity for the particular building.

**Figure 17.66.100(A)(4)**  
**Acceptable building name sign.**

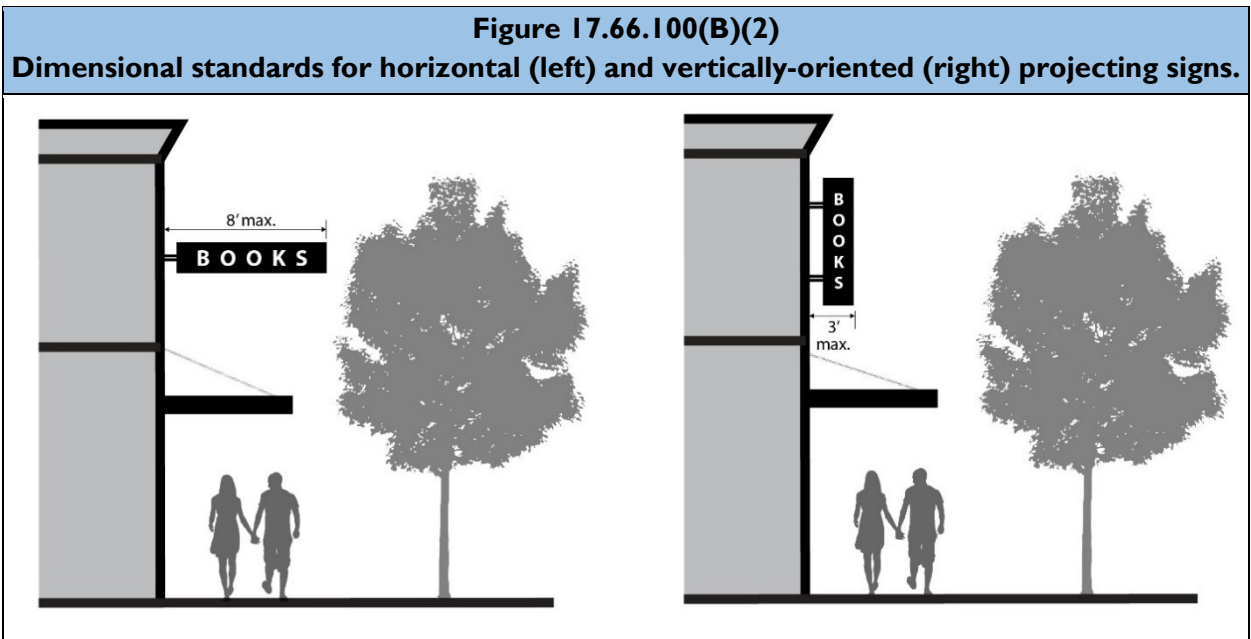


**B. Projecting signs.**

Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street or alley. They may be used in addition to wall and awning signs provided they meet the applicable standards below.

1. Sign area. Projecting signs are not based on sign area standards, but on the dimensional standards below. Projecting signs may be either vertical or horizontal oriented.

2. Projection:
  - a. Horizontally oriented signs: No more than eight-feet.
  - b. Square or vertically oriented signs: No more than three-feet.
  - c. Signs may project into public right-of-way for storefront buildings, but shall not extend over the curb into the travel lane.
  - d. Signs in alleys are subject to additional Public Works standards.
3. Height:
  - a. Horizontally oriented signs: No more than three-feet.
  - b. Vertically oriented signs: Shall not extend above the building parapet, soffit, the eave line or the roof of the building.





**Figure 17.66.100(B)(3)**  
**Acceptable and unacceptable projecting sign examples.**



The example on the right includes two complementary projecting signs that are separated enough that they do not conflict or cause visual clutter. The second sign is smaller and advertises the lounge that is within the restaurant.



Both examples include signs that project over the roofline. In the right example there are far too many signs that visually conflict and create unwanted sign clutter.

4. DEPARTURES per Section 17.20.210 to the provisions in subsection (2) and (3) above will be considered provided the sign design is compatible with the design of the building in terms of location, scale, and design elements, does not create a public safety hazard, and provides a positive contribution to the streetscape.

### **C. Awning signs.**

Awning signs may be used in place of permitted wall signs provided they meet the following conditions:

- I. Sign form and size.
  - a. Signs consisting of individual letters placed on the outside edge of the awning or above the awning are limited to 200-percent of the height of the vertical dimension of the awning. For example, if the vertical dimension of the awning is 12-inches, the letters may be up to 24-inches high. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20-feet, whichever is less.



- b. Sign boards may be placed on the vertical edge of an awning provided the height of the sign board is no more than 200-percent the height of the vertical dimension of the awning. For example, if the vertical dimension of the awning is 12-inches, the sign board may be up to 24-inches high. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20-feet, whichever is less.
  - c. Signs placed on the vertical edge of awnings are limited to 80-percent the height of the vertical edge of the awning. Where signs are placed on sloping portion of the awning, they shall be sized proportional to the architectural features of the building and are limited to two-feet in height. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20-feet, whichever is less.
2. Number of signs: For individual façades that include multiple awnings, secondary business signs may be included on separate awnings provided such signs meet applicable dimensional standards herein.

**Figure 17.66.100(C)**  
**Awning sign examples and standards.**



#### **D. Under-canopy signs.**

Under-canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal pathway.

**Figure 17.66.100(D)**  
**Under canopy standards and example.**



### **17.66.110 - Digital and changeable-copy sign integration.**

Digital and changeable-copy sign elements may be integrated into any pole or monument sign permitted in this chapter, subject to the following standards:

- A. 33 percent of allowed pole and monument sign copy area may be used for digital or changeable-copy signage, provided the standards of this chapter are met.
- B. No building-mounted sign copy area may be used for digital signs.
- C. Any form of technology may be used for the sign elements described herein, provided they meet the following standards:
  1. Sign brightness and/or display patterns do not cause a public safety hazard as determined by the Director
  2. Light trespass standard. Maximum 0.1 foot-candles at the property line of any park or residential property.

### **17.66.120 - Noncommercial speech signs.**

Except where noted, permanent noncommercial signs are subject to the same standards as permanent commercial signs based on sign type, including but not limited to requirements for location, sign area, height, design, and setbacks.

### **17.66.130 - Defunct businesses and vacated premises.**

- A. If a sign advertising a business that moves or ceases operations from the subject property, the owner of said property shall be responsible for removing all the text and display relating to advertising the business prior to a new use or business opening..
- B. If a building, structure, or premises is vacated for a six-month period of time, the owner of said property shall be responsible for removing all nonconforming on-site signs.
- C. This section does not apply to historic signs as addressed in Section 17.66.140.

### **17.66.140 - Historic signs.**

Section 17.66.130 does not apply to signs recognized by the historic preservation board as having a significant historical value to the community. Such signs may be moved to another building or location within the DT-MU, C, or WF zones.

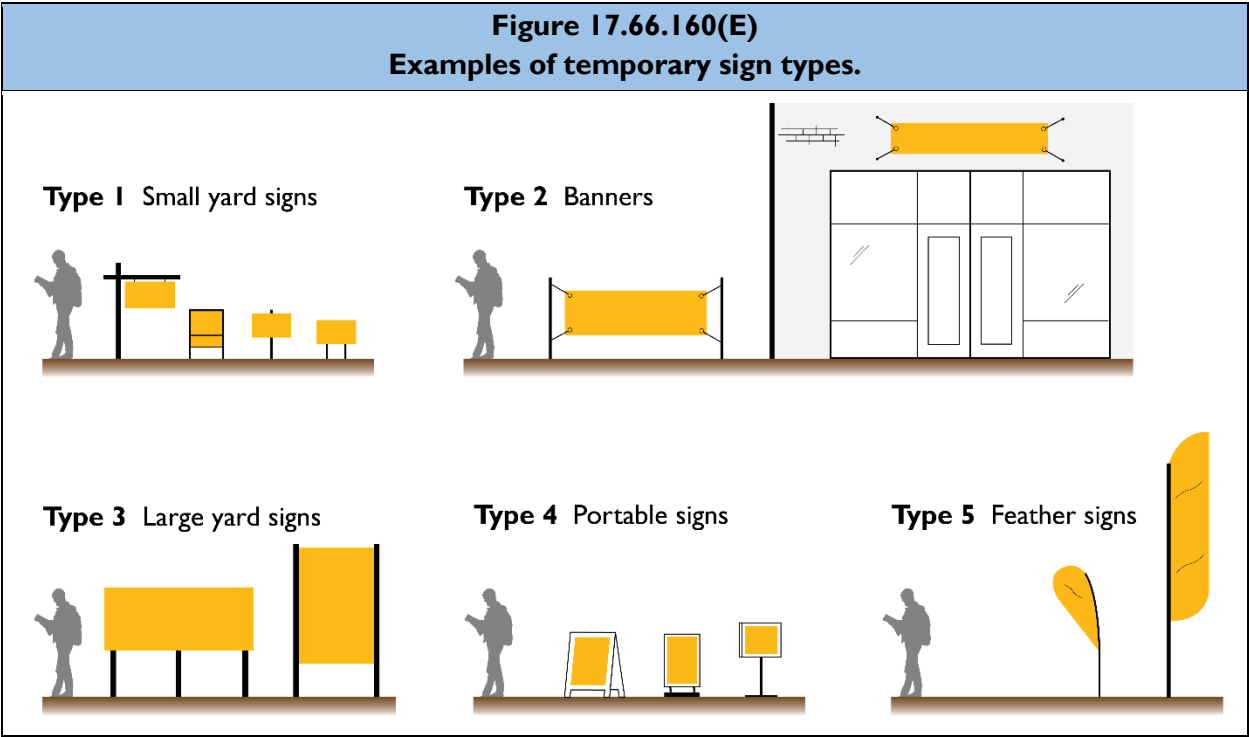
### **17.66.150 - Legal nonconforming signs.**

Legal nonconforming signs may remain in use only under the following conditions:

- A. No such sign may be changed in any manner that increases the nonconformance of any such sign.
- B. Changes to the sign copy or the replacement of a sign face on a nonconforming sign are permitted for the existing business of record. Conversion of a non-digital sign to a digital sign is prohibited.
- C. When a sign is structurally altered, it ceases to be a nonconforming sign and shall conform with the provisions of this chapter. Structural alteration means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign. Billboards shall not be converted to any other type of sign.
- D. A legal nonconforming sign may be removed for maintenance for periods not to exceed 60 calendar days. If removed for a longer period the sign shall comply with the provisions of this chapter upon reinstallation. This does not apply to existing billboards, which once removed for more than 60 calendar days cannot be replaced.
- E. If a nonconforming sign is destroyed more than fifty (50) percent of its replacement value, it may not be repaired, reconstructed or replaced.
- F. Any signs, existing on the effective date of this title, but not conforming to the provisions of this code, shall be permitted to continue; provided, that signs for discontinued use shall be removed within thirty (30) days of discontinuance of the use. If not removed before the deadline, the city shall have the right to remove such sign and to collect any expense from the property owners. If the advertising area or structure of a nonconforming sign is altered in any way such sign shall be brought into compliance with the provision of this chapter. (Prior code § 11.026.100)
- G. Billboards are subject to the provisions of Chapter 17.49, Non-Conforming Uses, Structures and Lots.

### **17.66.160 - Temporary sign standards.**

- A. Applicability. All temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements in the underlying zone. The content of temporary signs is not regulated.
- B. Permitting. A sign permit is not required for temporary signs.
- C. Materials. Temporary signs may be made of any durable material, and the sign face may be of rigid or flexible construction, unless otherwise required in subsection (G) below.
- D. Illumination prohibited. Temporary signs may not be directly illuminated or be provided with any electric service.
- E. Types of temporary signs. Items (a) through (f) describe the temporary signs. Subsection (F) below describes the location where each type is allowed for commercial and noncommercial use.
  - 1. Type 1. Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and event announcements. See subsection (G)(1) for standards.
  - 2. Type 2. Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community events. These may be freestanding (supported by posts on either end) or building-mounted. See subsection (G)(2) for standards.
  - 3. Type 3. Signs in this category are large yard signs typically associated with (but not limited to) the advertisement of land sales, construction activity, and commercial and industrial buildings for rent. See subsection (G)(3) for standards.
  - 4. Type 4. Signs in this category shall only include portable A-board signs, wind signs, and standing signs as defined by Section 17.66.030. Signs in this category are typically associated with (but not limited to) the advertisement of retail businesses and announcement of public events. See subsection (G)(4) for standards.
  - 5. Type 5. Signs in this category are feather signs (also referred to as sail signs). See subsection (G)(5) for standards.
  - 6. Type 6. Signs in this category include fixed aerial displays, balloons, pennants, spinners, strings of flags, streamers, tubes, and other devices affected by the movement of the air or other atmospheric or mechanical means. See subsection (G)(6) for standards.



**F. Location.**

1. Property type. General temporary sign type location requirements by private property and public right-of-way are shown in Table 17.66.160(F) below. See subsection (2) for other general requirements and subsection (7) for specific location requirements by zone, signs on sidewalks, relation to business entries, etc.

<b>Table 17.66.160(F)</b> <b>Temporary sign property location.</b>				
	Commercial		Noncommercial	
	Private property	Public right-of-way	Private property	Public right-of-way
<b>Type Allowed</b>	1, 2, 3, 4, 5, 6	1, 4	1, 2, 3, 4, 5, 6	1, 4

2. Generally.
  - a. With the exception of public right of way, temporary signs may only be located on public or private property with the property owner’s permission.
  - b. Temporary signs attached to building walls shall not be placed in a manner that obstructs any door, Fire Department sprinkler connection, or address numbers.
  - c. Temporary signs shall not be placed on the roof of a building, or affixed to a permanent sign or its structure, tree, utility pole, or street sign.
  - d. Temporary signs shall not be permanently attached to the ground, a building, or to any other structure, other than what is necessary to secure the sign to prevent theft, wind damage, or safety problems.
  - e. Temporary signs shall not be placed in any public park, trail, open space, or other public space, except for those signs placed or authorized by the government, agency, or organization that owns or maintains the land.

- f. No part of a temporary sign may overhang a paved roadway, bicycle path, parking space, driveway, loading area, or wheelchair access.
- e. Temporary signs shall not be placed within any roadway median, traffic circle, traffic islands, or roundabout.
- f. Temporary signs in the public right-of-way shall be located at least five feet from any other temporary sign.
- g. Temporary signs in the public right-of-way shall be located at least 25 feet from traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority.
- h. Refer to Section 17.66.040 for other location restrictions.

**G. Temporary sign requirements by sign type.**

Below are standards for a wide variety of temporary sign types that may be allowed based on the site's zoning, land use, or context. Adjusted standards for certain activities and events are in subsection (H).

- I. Type I - small yard signs.
  - a. Location. May be located in any zone.
  - b. Quantity. Refer to Table 17.66.160(G)(1)(b).

Table 17.66.160(G)(1)(b) Type I temporary sign quantity.			
Commercial		Noncommercial	
Private property	Public right-of-way	Private property	Public right-of-way
One per business.	One sign may be displayed per customer entrance, and no more than two signs may be displayed per business. Signs shall be placed within 15 feet of a customer entrance.	No limit.	No limit, except multiple signs for a single noncommercial purpose shall be separated from each other by at least 25 linear feet as measured along the centerline of the right-of-way.  Refer to 17.66.150(F)(2) for related standards.

- c. Size. Maximum sign area is six-square-feet (per face if two-sided).
- d. Height. Maximum height of the sign, including supports, is 42-inches above grade, except that post and arm style signs may be up to six-feet above grade.
- e. Duration. Refer to Table 10.50.160(7)(a)(viii).

Table 17.66.160(G)(1)(e) Type I temporary sign duration.			
Commercial		Noncommercial	
Private property	Public right-of-way	Private property	Public right-of-way

<b>Table 17.66.160(G)(1)(e)</b> <b>Type I temporary sign duration.</b>			
<b>Commercial</b>		<b>Noncommercial</b>	
90 days per individual sign for a single commercial purpose per calendar year.	No limit except may not be displayed between 30 minutes after sunset and 30 minutes before sunrise.	No limit.	180 days per individual sign for a single noncommercial purpose per calendar year.

2. Type 2 - banners.

- a. Location. May be located in the mixed-use, commercial, and industrial zones.
- b. Quantity. One sign may be displayed per property, except properties larger than one acre may have two Type 2 signs and properties larger than five acres may have three Type 2 signs.
- c. Size. Maximum sign area for freestanding signs is 18-square-feet (per face of two-sided signs). The maximum sign area for building-mounted signs is the same as for wall signs (with internal lighting), established in Table 17.66.090(A)(3) and based on the size of the façade.
- d. Height. Maximum height of freestanding signs, including supports, is six-feet above grade. Building-mounted signs shall not be placed on or above the roof of a building and shall not be placed over any windows.
- e. Duration. For each property, signs may be displayed for a maximum 45 calendar days per year. A maximum of six separate displays are permitted each year, with a minimum of ten calendar days of separation between displays. Exception: Type 2 signs may be used for temporary business signs for new businesses (prior to placement of permitted permanent freestanding or building-mounted signs for the property) for a single period of up to 180 days.
- f. Noncommercial adjustments. Noncommercial community banner signs up to 100-square-feet in size and 20-feet above grade in height may only be located on public banner poles erected by the City for that use.





3. Type 3 - large yard signs.

- a. Location. May be located in any zone under the following conditions:
  - (1) The parcel upon which the sign is displayed has a minimum of 100-feet of lot frontage.
  - (2) The parcel does not contain a permanent freestanding sign with digital or changeable copy.
- b. Quantity. One sign may be displayed per property.
- c. Size. Maximum sign area is 24-square-feet (per face if two-sided).
- d. Height. Maximum height of the sign, including supports, is eight-feet above grade.
- e. Mounting. Signs may be only mounted and supported by posts or stakes which are attached to the ground.
- f. Duration. Unless otherwise specified in this section for the particular location, use, or context:
  - (1) Type-3 temporary signs may be displayed without limit to duration on properties that are undeveloped or vacant.
  - (2) In all other cases, signs may be displayed a maximum of one year, with a minimum of 60-calendar days of separation between displays. The minimum separation period applies regardless of whether the previous display reached the maximum duration of display.



4. Type 4 - portable signs.

- a. Location. May only be displayed in the commercial, mixed-use, and overlay zones.
- b. Quantity. For commercial uses, one sign may be displayed per customer entrance, and no more than two signs may be displayed per business.
- c. Size. Maximum sign area is six-square-feet (per face if two-sided).
- d. Height. Maximum height of the sign when placed in its display position, including supports, is four-feet above grade.
- e. Placement standards:
  - (1) Signs for a commercial use shall be located within 15-feet of a customer entrance.
  - (2) Signs placed on a pathway or sidewalk shall be placed to one side of the sidewalk or pathway and provide a minimum of four-feet of unobstructed sidewalk or pathway width. Signs shall not be placed on sidewalks or pathways less than four-feet in width.
  - (3) Signs shall not be permanently attached or locked to sidewalks, utility poles, or other elements of the public right-of-way.
- f. Duration. No restriction on duration.

<b>Figure 17.66.160(G)(4)</b> <b>Examples of Type-4 temporary signs include A-board, standing, and wind signs</b>	
<b>A-board signs and proper Type 4 temporary sign location</b>	<b>Standing &amp; Wind Signs</b>
	
<p>The sign above illustrates a proper location for a Type-4 temporary sign, whereas the sign(s) below are placed in the middle of the sidewalk where it obstructs pedestrian traffic.</p> 	<p>Type-4 temporary signs may also include standing signs (above) and wind signs (below).</p> 



5. Type 5 - feather signs.
  - a. Location. May only be displayed on properties in a commercial or mixed-use zone.
  - b. Quantity. One sign may be displayed per site/property. For site/properties with more than 100-feet of block frontage, multiple signs are allowed provided there's at least 100-feet of separation between signs.
  - c. Size. Maximum height is 13-feet.
  - d. Duration. Signs may be displayed without limit to duration.
6. Type 6 - aerial displays. Such signs are prohibited except where used for an exterior event sign [see subsection (H)(2)].

#### **H. Adjustment of standards for certain commercial temporary signs.**

Temporary signs associated with construction, exterior events, real estate, and other commercial uses have the following adjustments from the standards in subsection (G) above.

1. Exterior event signs, such as grand opening signs, sale signs, promotional signs, exhibitions, quitting business signs, and other nonpermanent exterior signs used to advertise an event.
  - a. Permitted sign types. Types 1-6.
  - b. Quantity. There is no limit to the number of exterior event signs that may be displayed at any one time for any one business or tenant.
  - c. Duration. Exterior event signs (individual signs and/or groups of signs) may be displayed for no more than 60 cumulative days per calendar year per business or tenant.
2. Off-site residential real estate. Signs associated with residential properties for sale or rent shall comply with the following:
  - a. Permitted sign types: Type-1 and Type-4.
  - b. Location. No further from the subject property than the nearest arterial street intersection.
  - c. Quantity. No more than one "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller or owner.
  - d. Sign area. Maximum size of two-square-feet.
  - e. Duration. Shall be removed between 30 minutes after sunset and 30 minutes before sunrise.

#### **17.66.170 - Violations and authority to remove.**

- A. In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this title, the director shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this title. Failure to comply with any of the provisions of this chapter shall be deemed a violation and shall be punishable under Chapter 17.10 General provisions.
- B. Signs on public property, in public right-of-way, or attached to utility poles deemed to be in violation of this title may be removed by the city without notice.
- C. Neither the city nor any of its agents shall be liable for any damage to the sign when removed under this section.
- D. Nothing in this chapter shall relieve any person, corporation, firm, or entity from responsibility for damages to any other person suffering physical injury or damage to property as a result of the installation, display, maintenance, removal or inspection of any sign authorized under this chapter. The city and its employees and officials shall assume no liability for such injury or damage resulting from the authorization of any permit or inspection implementing the provisions of this chapter.

- E. For all purposes hereinafter, the owner of the premises shall be presumed to be the landowner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the director.

**17.66.180 - Severability.**

- A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision.
- B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

## Chapter 17.67 - FENCES AND HEDGES

### 17.67.010 – Purpose.

The purpose of this chapter is to:

- A. Protect life and secure property while protecting the public from hazardous fences and hedges.
- B. Increase visibility in appropriate circumstances by using the principles of Crime Prevention Through Environmental Design (CPTED) to increase public safety and to deter crime.
- C. Promote and enhance Aberdeen neighborhoods as walkable places and reduce impacts on the pedestrian experience that may result from taller fences and hedges adjacent to public rights-of-way.

### 17.67.020 – Applicability.

It shall be the responsibility of the property owner to ensure that fences are located correctly with respect to property lines, rights-of-way, easements, setbacks and any other applicable boundaries. The city does not locate property lines or other applicable boundaries. Approval of a fence design and issuance of a fence permit do not clear the property owner of the responsibility to construct the fence at the appropriate location. Any fence proposed within a city right-of-way requires a permissive use permit (see Chapter 12.04 Use of public property) prior to construction.

### 17.67.030 – Location, Height, and Design.

#### A. Applicability.

All fences where allowed by this title shall meet the following standards unless otherwise regulated within this code:

#### B. Location.

1. Fences shall be wholly contained on an owner's property or located on a property line when both abutting property owners provide written agreement.
2. Fences shall not be placed in a manner that hinders access to an easement.

#### C. Height.

1. See Table 17.67.030(C) below for maximum fence heights in setbacks (17.42.090).

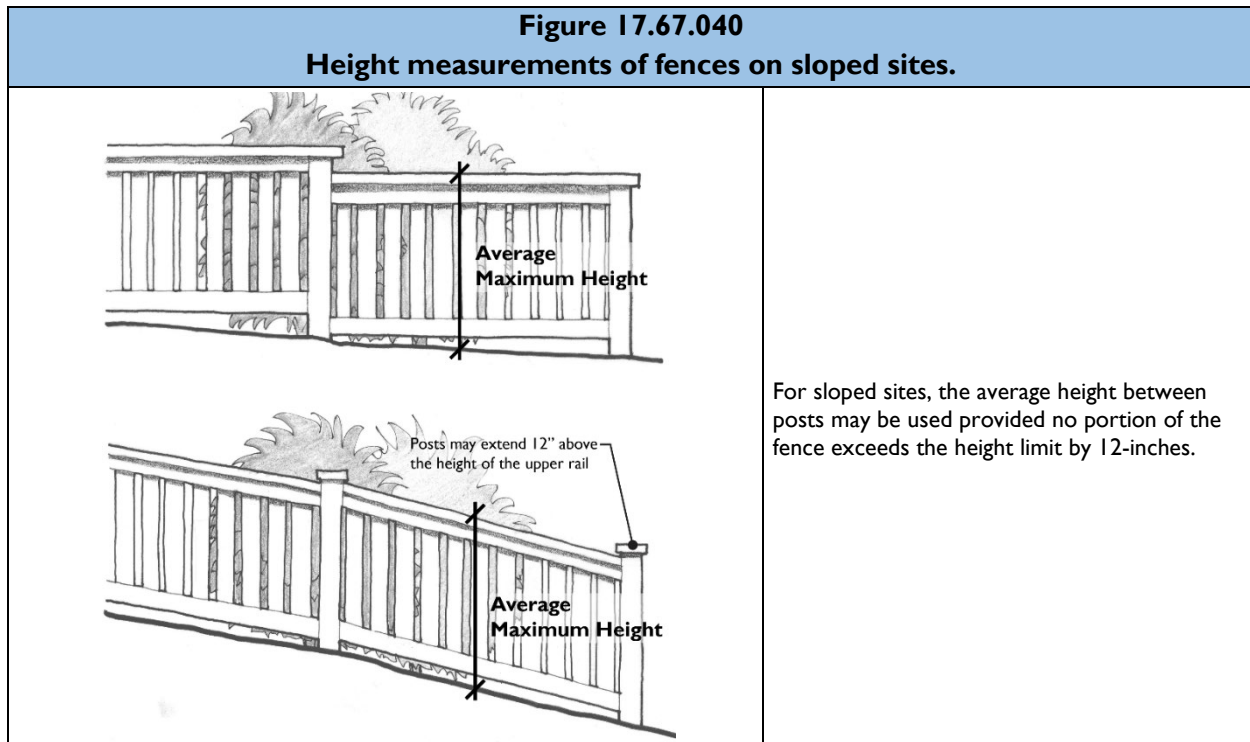
Table 17.67.030(C)(1) Maximum fence heights within setbacks	
Location	Maximum Height
Street setback (see Section 17.42.090.B)	4 ft
Side setback (see Section 17.42.090.C)	6 ft
Side setback, street or alley (see Section 17.42.090.D)	4 ft
Rear setback (see Section 17.42.090.F)	6 ft

2. The maximum fence heights near intersections of public rights of way shall be three feet when within 20 feet of a street intersection or ten feet of an intersection involving an alley. The distance to intersection is measured from the corner of intersecting rights of way.
3. No maximum fence height shall apply to nonresidential public playgrounds, public utility installations or other public installations when the City Engineer has determined that no part of the construction endangers life, health or safety.

4. Maximum fence heights do not apply in C, F-I, or W zones after the City Engineer has determined that no part of the construction endangers life, health or safety;

#### **17.67.040 – Height Measurement.**

Fence height shall be measured from the finished grade to the top of the fence as shown in Figure 17.67.040. Where fences feature varying heights of finished grade on opposite sides of the fence, wall or hedge, then the height shall be measured from the side with the lower grade. Fence posts may exceed the height of the top rail by up to 12-inches. For sloped sites, the average height between posts may be used provided no portion of the fence exceeds the height limit by one foot.



#### **17.67.050 - Permits.**

- A. A fence permit is required for all fences and walls.
- B. Fences over seven feet tall, in addition to a fence permit, will also require engineering.
- C. A permissive use permit (see Chapter 12.04) is required prior to fence construction in a city right-of-way or on city property.

#### **17.67.060 - Industrial and Commercial Zones.**

- A. No maximum fence or wall height shall apply in the following areas:
  1. Within side or rear setbacks within the C, WF, and CV zones after the City Engineer has determined that no part of the construction endangers life, health or safety.
  2. Within the F-I zone.
- B. Any fence located in the DT-MU zone shall be constructed with materials approved by the community development department, including any fencing that abuts the city sidewalk. Chain link fencing shall not be permitted in this zone unless the department determines that it is necessary for construction and/or demolition projects or for the safety of pedestrians and vehicles from a derelict building.

## **17.67.070 - Materials.**

### **A. Allowed materials.** Fences may be constructed of:

1. Wood.
2. Masonry.
3. Wire.
4. Dense landscaping.
5. Other similar materials employed by standard building practice.

### **B. Prohibited materials.**

1. Fences shall not be made of tires, wheels, or salvage materials not originally designed as structural components of fences or buildings.
2. It is prohibited to treat, cause to be treated, or knowingly using materials that have been treated with chemicals or other substances designed to cause injury to humans for the construction of fences, except for the express purposes such treatment has been authorized.

### **C. Electric fences.**

1. Electric fences are not permitted in the city except when used to contain grazing animals.
2. Electric fences shall be set back at least five feet from the property line or shall be enclosed by additional fencing or other barriers which prevent access to the electric fence.
3. Electric fences shall have “electric fence” warning signs attached at no less than twenty lineal foot intervals.

### **D. Barbed wire fences.**

1. Barbed wire razor wire, and other similar dangerous fence materials are unlawful in any residential zone except for use in security structures around utility or communications facilities, schools, or other special property uses with security requirements which cannot feasibly be addressed by other means or which have established state or federal standards calling for the use of such fencing material.
2. In commercial and industrial zones, these fencing materials are permitted only atop a fence or wall at least six feet above ground level or the surface of adjacent streets or sidewalks and where the fencing material does not overhang a public right-of-way.

## **17.67.080 – Fence Variances.**

- A. An administrative approval, by the community development department, to exceed maximum fence height and other provisions of these standards, can be applied for with a variance application and under which all of the following conditions exist:
1. Variation of existing grade on either side of the fence results in a fence lower than the maximum height as measured from the highest point of grade within five feet of either side of the fence; or other special circumstances relating to the size, shape, topography, location or surroundings of the subject property warrant an exception to permit a fence comparable with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
  2. The special conditions and circumstances do not result from the action of the applicant.
  3. Granting of the exception will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located.

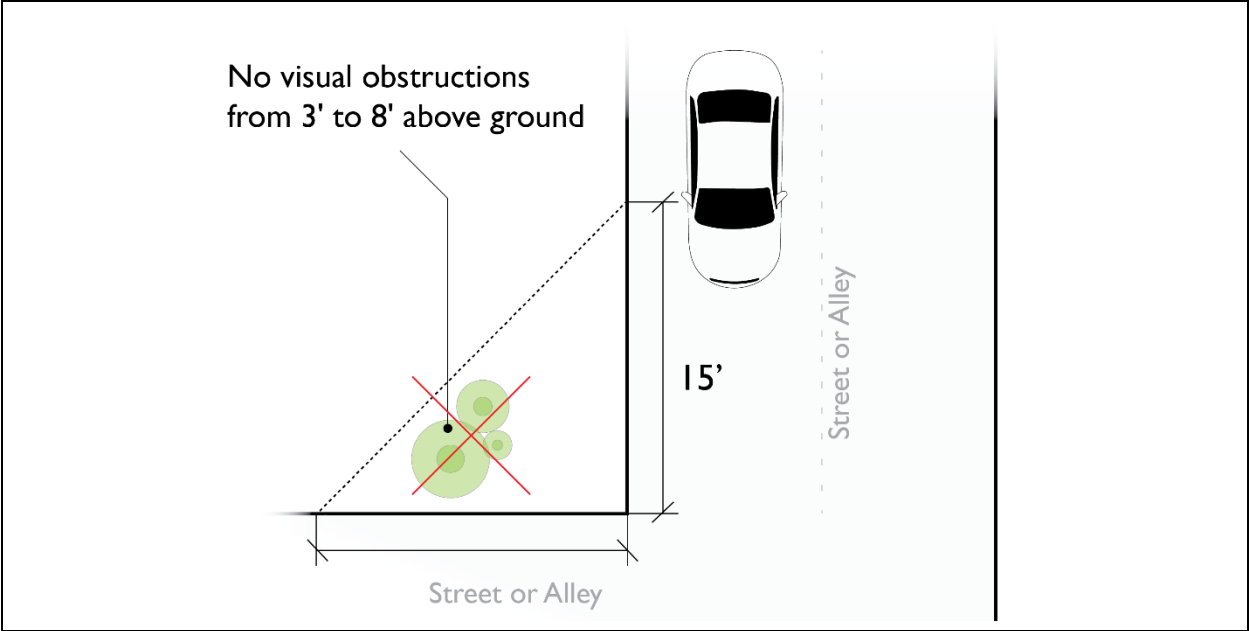
4. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.
  5. The exception is the minimum necessary to provide the right and privileges described above.
  6. The City Engineer may grant the applicant permission to exceed maximum fence height in a vision clearance triangle if the fence or any portion above three feet is constructed of material that is at least 50 percent open work (chain link, woven wire, etc.) and does not exceed a height of five feet.
  7. The City Engineer may grant the applicant permission to exceed maximum fence height in the city right-of-way; provided, that the applicant has received approval through the city's variance process.
- B. Violation. All fences not in compliance with this section are hereby declared to be public nuisances and are subject to abatement under Chapter 8.08 in addition to all penalties authorized by Chapter 17.10 General provisions.

## **Chapter 17.68 OTHER STANDARDS**

### **17.68.010 - Clear-vision triangle requirements.**

- A. A clear-vision triangle must be maintained at the intersections of streets, alleys, and commercial driveways, with the following requirements:
1. A clear-vision triangle must contain no plantings, fences, walls, other structures, or visual obstructions within a vertical area extending from three-feet to eight-feet above the ground, measured from the established centerline of the street, alley or driveway.
  2. The clear-vision triangle is determined by one of the following methods:
    - a. Measuring 15-feet along both street property lines beginning at their point of intersection. The third side of the triangle is a line connecting the endpoints of the first two sides of the triangle; or
    - b. Measuring 15-feet along the street lines and 15-feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle is a line connecting the endpoints of the first two sides of each triangle.
  3. Subsection (1) does not apply to:
    - a. A tree trimmed to the trunk within the three to eight-feet clear area.
    - b. Other plant species that are so planted and trimmed as to leave a clear and unobstructed cross-view in all seasons.
    - c. A supporting member or appurtenance to a permanent building lawfully existing on the site.
- B. Exemptions. A clear-vision triangle is not required where maximum building setbacks would otherwise conflict with this section (see Chapter 17.61 Block Frontage Standards).
- C. At the discretion of the City Engineer, additional clear-vision area may be required to meet transportation safety requirements.

**Figure 17.68.010**  
**Clear vision triangle requirements.**



# **TITLE 16 PRESERVATION**

NOTE THAT CURRENT CHAPTER 17.50 IS PROPOSED TO BE MOVED TO THE SOON TO BE VACATED TITLE 16 COINED “PRESERVATION”