

**ORDINANCE NO. 07-012**

**AN ORDINANCE OF THE CITY OF KITTITAS, WASHINGTON,  
AMENDING AND UPDATING TITLE 17 ZONING, CONSISTENT WITH  
THE COMPREHENSIVE PLAN; AND ESTABLISHING AN EFFECTIVE  
DATE**

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**WHEREAS**, the Washington State Growth Management Act mandates the City of Kittitas adopt a comprehensive plan and implementing development regulations; and

**WHEREAS**, the schedule established by the Growth Management Act in RCW 36.70A.130(4) mandates that the City review and, if necessary, revise its comprehensive plan and development regulations to ensure compliance with the Growth Management Act; and

**WHEREAS**, the City adopted and implemented a Public Participation Program by resolution in April of 2006; and

**WHEREAS**, the State Department of Community, Trade and Economic Development provided a "Development Regulations Checklist: Technical Assistance Tool" to aide in compiling a work plan to meet said schedule; and

**WHEREAS**, the City completed the checklist to determine which Development Regulations were in need of revisions; and

**WHEREAS**, the City adopted and implemented a Work Plan identifying which Development Regulations were to be reviewed during the 2006 Update; and

**WHEREAS**, the Planning Commission met at regular and special public meetings to review proposed changes, including a duly advertised public hearing on April 17, 2007, to review and take comment on the proposed amendments and developed a recommendation to the City Council to adopt the proposed changes; and

**WHEREAS**, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

**WHEREAS**, all comments from the 60-day, conducted along with an appropriate review pursuant to the State Environmental Policy Act, were reviewed and considered; and

**WHEREAS**, the City Council conducted three public workshops as well as a duly advertised public hearing July 10, 2007 to review the Planning Commission recommendation and take public testimony; and

**WHEREAS**, the City Council finds that the proposed amendments to Title 17 Zoning are consistent with the City's comprehensive plan; and

**WHEREAS**, the City Council finds that the amendments to Title 17 Zoning are consistent with the Growth Management Act and the city has completed its obligation for a periodic review and update pursuant to RCW 36.70A.130;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KITTITAS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendments.** The amended Title 17 is adopted hereby as set forth in Exhibit A.

**Section 2. Ordinance to be transmitted to Department.** Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Community, Trade and Economic Development as required by law.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4. Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Kittitas, the 24th day of July, 2007.

CITY OF KITTITAS

\_\_\_\_\_  
Robert Cousart, Mayor

ATTEST:

\_\_\_\_\_  
Robin Newcomb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Katherine L. Kenison, City Attorney

Passed this \_\_\_\_\_ day of July, 2007

Approved this \_\_\_\_\_ day of July, 2007

Published this \_\_\_\_\_ day of July, 2007

**Title 17**  
**ZONING CODE**

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## Chapter 17.02 GENERAL PROVISIONS

### Sections:

- 17.02.010 Authority and Title**
- 17.02.020 Purpose**
- 17.02.030 Compliance**
- 17.02.040 Relationship to Other Regulations**
- 17.02.050 Administration and Enforcement**
- 17.02.060 Denial or Revoked Approvals and Permits**
- 17.02.070 Procedural Irregularities**
- 17.02.080 Severability**

### **17.02.010 Authority and Title**

- A. This title is adopted pursuant to RCW chapters 35A.63 and 36.70A that empower a City to enact a zoning ordinance and provide for its administration, enforcement and amendment.
- B. This ordinance shall be known and may be cited as “The Kittitas Zoning Code”. It shall consist of the text hereof, and a zoning map marked “Exhibit A” and by this reference made a part hereof. Said ordinance and each and all of its terms are to be read and interpreted in light of the commitments of said zoning map. In the event a conflict should arise between the text and zoning map, the text of the ordinance shall prevail.

### **17.02.020 Purpose**

The purposes of this title include, but are not limited to, the following:

- A. To assist in the implementation of the comprehensive plan for the physical development of the City by regulating and providing for existing uses and uses planned for the future.
- B. To protect the character and the social and economic stability of residential, commercial, and other uses, to preserve property values and to ensure the orderly and beneficial development of these uses by:
  - 1. Reserving and retaining appropriate areas for each type of use;
  - 2. Preventing encroachment into these areas by incompatible uses; and
  - 3. Regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses.
- C. To preserve the historic, aesthetic and natural features of the City by:
  - 1. Establishing high standards of environmental protection; and
  - 2. Providing for design and environmental review of proposed actions and project
- D. To promote the health, safety and general welfare of the City.
- E. It is further intended to provide regulations and standards which will:
  - 1. Encourage high standards of development;

2. Prevent the overcrowding of land;
3. Provide adequate light and air;
4. Avoid excessive concentration of population;
5. Lessen congestion on the streets;
6. Facilitate adequate provisions for transportation, utilities, schools, parks and other necessary public needs; and
7. Preserve the small City character of Kittitas while providing for orderly growth and development.

#### **17.02.030 Compliance**

The provisions of this title shall be interpreted as the minimum requirements necessary to protect the health, safety and general welfare of the public. The regulations established by this ordinance within each district shall apply uniformly to each class or kind of structure or land. After the effective date of the ordinance, no building or structure shall be erected, reconstructed, altered, or relocated; nor shall any building, structure, or premises be used for any purpose unless such action is in compliance with the provisions of this code.

#### **17.02.040 Relationship to Other Regulations**

Other official controls, ordinances, regulations and plans have a direct impact on the development of land in the City. The number and type of such ordinances may vary from time to time. Where provisions of other official controls and regulations overlap or conflict with provisions of this title, the more restrictive provisions shall govern.

#### **17.02.050 Administration and Enforcement**

- A. Administration of this title shall be the responsibility of the Mayor, or his/her designee, and shall be conducted as described herein and in KMC Title 14 Development Permit Procedures and Administration.
- B. Enforcement of the provisions herein, and any violations thereof, shall be as described in this Title and in KMC Title 14 Development Permit Procedures and Administration.

#### **17.02.060 Denial or Revoked Approvals and Permits**

If an application for approval is denied or revoked, no similar application for that site shall be accepted for one year from the date of final action and appeal, if any. After one year, a similar application may be made and shall be processed as a new application.

#### **17.02.070 Procedural Irregularities**

No procedural irregularity or informality in the notice, process, review or hearing of any matter under this title shall affect the final decision unless substantial rights of a person with a demonstrable interest in the decision are affected.

#### **17.02.060 Severability**

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

## Chapter 17.06 USE DISTRICTS

### Sections:

- 17.06.010 Official Zoning Map**
- 17.06.020 Use Districts Designated**
- 17.06.030 Interpretation of Zoning Regulations**

### **17.06.010 Official Zoning Map**

- A. The zoning districts of the City of Kittitas are hereby designated by a legend on the official zoning map, together with all explanatory matter thereon. The official zoning map is hereby adopted by reference as “Exhibit A” and declared to be a part of this ordinance.
- B. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk under the title “Kittitas Official Zoning Map”, along with the ordinance number and the date said ordinance was adopted.
- C. If, in accordance with the provisions of this ordinance changes are made in zoning boundaries or any other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council with an entry citing the appropriate ordinance number and signed by the Mayor and attested by the City Clerk.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the Kittitas City Hall, shall be the final authority as to the current state of zoning in the City.

### **17.06.020 Use Districts Designated**

To further the identified purposes of this Title, the following zoning district categories and zoning map symbols are established:

- A. R-R Rural Residential;
- B. R-1 Residential Single-family;
- C. R-2 Residential Multi-family;
- D. C-B Central Business;
- E. I-G Industrial; and
- F. C-M Mixed Commercial

### **17.06.030 Interpretation of Zoning Boundaries**

Where uncertainty exists as to any of the zoning boundaries as shown on the official zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as substantially following the centerline of the roads, streets, highways, alleys, railroads, or rivers, the centerline shall be construed to be such boundaries.
- B. Where such boundaries are indicated as substantially following lot lines, the lot lines shall be construed to be such boundaries.

- C. In subdivided land where a zoning boundary divides an ownership, the location of the boundary shall be determined by the scale measurement.
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed.

## Chapter 17.10 DEFINITIONS

### Sections:

- 17.10.010 Rules for interpretation
- 17.10.020 Definitions

### 17.10.010 Rules for interpretation

- A. For the purposes of the zoning code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The word "used" includes designed, intended or arranged to be used.
- G. The masculine gender includes the feminine and vice versa.
- H. Distances shall be measured horizontally unless otherwise specified.

### 17.10.020 Definitions

#### **Accessory dwelling**

"Accessory dwelling" is a separate dwelling unit (apartment) integrated within a single family dwelling, or one located as a detached accessory dwelling located on the same lot as a single family dwelling.

#### **Accessory use or building**

"Accessory use" or "accessory building" means a use, structure, building, or portion of a building, devoted to an activity or use subordinate to the principal use of the premises, but located on the same lot as the principal use.

#### **Administrator or zoning administrator**

"Administrator" or "zoning administrator" means the Mayor of the City of Kittitas or his/her designee.

#### **Adult Family Home**

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four people with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six persons may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.110).

**Agriculture**

"Agriculture" means the tilling of soil, raising of crops and horticulture, EXCEPT THAT, vegetable gardens occupying less than 5,000 square feet and up to 10 fruit trees are exempt from this definition.

**Alley**

"Alley" means a public thoroughfare or way which affords only a secondary means of access to abutting property but not intended for general traffic circulation.

**Alteration**

"Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the size or increasing the height or depth or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

**Amendment**

"Amendment" means a change in the wording, context or substance of this chapter or a change in the zone boundaries upon the zoning maps adopted hereunder.

**Animal shelter**

"Animal Shelter" means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild.

**Applicant**

"Applicant" means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under City codes and ordinances.

**Application**

"Application" means a request for any permit or approval required from the City for proposed development or action, including without limitation, building permits, conditional uses, binding site plans, short subdivisions, major subdivisions, variances, site plan development permits, site plan reviews and site specific zoning district reclassifications.

**Automobile-Oriented Use**

"Automobile-oriented use" means any use of land which provides a service directly to a motor vehicle; or which provides goods or services to the occupants of a motor vehicle while seated therein; or which is a free-standing eating establishment characterized by over-the-counter service of pre-prepared or quickly prepared food which is ready to eat and packaged primarily for consumption in vehicles or off-premises. For the purpose of this Chapter, automobile-oriented uses shall include, but not be limited to, such uses as service stations, car washes, drive-in banks, drive-in laundries or dry cleaners, and free-standing drive-in or carry-out eating establishments. Automobile-oriented uses shall not be interpreted to include vehicle sale, rental and service establishments.

**Bed and breakfast room/inn**

"Bed and breakfast room/inn" means an owner occupied single family dwelling in which not more than three bedrooms for not more than six guests total are rented for money or other consideration to the traveling public with the provisions for food service for guests only.

**Big Box Retail**

"Big box retail" means retail outlets occupying a footprint of 100,000 or more square feet, often using warehousing and retail together.

**Boarding house**

"Boarding house" means a dwelling unit in which not more than four roomers, lodgers or boarders are housed or fed for compensation. Boarding housing shall not include rest home or convalescent home.

**Brewery**

"Brewery" means a structure building or place that produces beer, or a business involved in the production of beer. (also see, microbrewery)

**Building**

"Building" means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

**Building area, building site**

"Building area, building site" means the portion of a lot within which a structure may be built, bounded by the yard areas, lot coverage standard and other applicable provisions of the Kittitas Municipal Code.

**Building Height**

"Building height" means the vertical distance measured from the average elevation of the natural grade adjacent to the building foundation, to the highest point of the roof, excluding chimneys, antennas, church spires and other secondary roof structures.

**Building Line**

"Building line" means a line, fixed parallel to the lot line, beyond which a building cannot extend.

**Bus Stop**

"Bus stop" means a facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses.

**Commercial**

"Commercial" means a business use or activity at a scale greater than home occupation involving retail or wholesale marketing of goods and services.

**Comprehensive Plan**

"Comprehensive plan" means the Comprehensive Plan of the City of Kittitas.

**Conditional use**

"Conditional use" means a use allowed in one or more zones which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons, may be allowed in certain use districts only by the granting of a conditional use permit as described in this ordinance.

**Condominium**

"Condominium" means a single or a multi-unit dwelling, each of whose resident (unit) owner enjoys exclusive ownership of his individual apartment or unit, holding title thereto, while retaining an undivided interest, as tenants in common, in the common facilities and areas of the building and grounds which are used by all the residents of the condominium.

**Dangerous waste**

"Dangerous waste" means those wastes designated in WAC 173-303-070 through 173-303-103 and subsequent amendments, as dangerous or extremely hazardous.

**Day care center**

"Day care center" means a state licensed facility that regularly provides care for thirteen or more children during part of the twenty four hour day as defined in RCW 35.63.170 as it now exists or as may be hereafter amended, and conducted in a place of business other than a residence. For the purposes of this code a day care center may include pre-school activity.

**Day care home**

"Day care home" means the residence of a state licensed day care provider who regularly provides day care for not more than twelve children in the family living quarters. For the purposes of this code a day care home may include pre-school activity.

**Density**

"Density" means the maximum number of permitted dwelling units allowed on each gross acre of land or fraction thereof.

**Detached building**

"Detached building" means a building surrounded on all sides by open space.

**Developer**

"Developer" means any person, corporation, government agency, partnership or other entity that makes application for a proposal, permit, approval or action governed by the codes and ordinances of the City.

**Development**

"Development" means any man-made use or change to improved or unimproved real estate, including without limitation; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or any other structures; mining, filling, stockpiling; excavation and grading; and divisions of land.

**Drive-up food service**

"Drive-up food service" means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive food service while remaining in a motorized vehicle.

**Dwelling, duplex**

"Dwelling, duplex" means a single structure containing two individual, separate dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of a multi-story building, by common ceiling and floor.

**Dwelling, multi-family**

"Multi-family dwelling" means a building containing three or more individual, separate dwelling units.

**Dwelling, single-family**

"Single family dwelling" means a detached building containing one dwelling unit.

**Dwelling unit**

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family.

**Easement, access**

"Access easement" means a private easement not less than 20 feet wide which provides vehicular access to a street.

**Engineer**

"Engineer" means an individual licensed by the State of Washington.

**Essential public facilities**

"Essential public facilities" include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

**Fence**

"Fence" means any arrangement of wood, stone, brick, metal, chain link, or other similar material running around, along, or by the side of any open area to prevent or restrict passage or to mark a boundary; provided, that fences composed solely of live shrubbery or plantings shall not be included under this definition. "Fence" does not include the use of materials that are not generally used and/or sold specifically for fencing, such as plywood, metal or fiberglass roofing panels, etc.

**Floor area, Gross floor area**

"Floor area" or "Gross floor area" means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including hall, stairways, elevator shafts and basements.

**Foster home/ Group Home**

"Foster home" or "group home" means a home licensed and regulated by the state and classified by the state as a foster home or group home.

**Garage, parking or commercial**

"Parking or commercial garage" means a building used for storage, repair or servicing of motor vehicles as a commercial use.

**Garage, private**

"Private garage" means an accessory building or space within the principal building intended for the storage of vehicles.

**Generator**

"Generator" means any person, business, corporation, government or its operation, whose act or process produces dangerous or hazardous waste or whose act first causes a dangerous waste to become subject to regulation under the dangerous waste regulations, Chapter 173-303 WAC or its successor.

**Grade**

"Grade" is defined as follows: the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and are within five feet of a sidewalk, the sidewalk shall be considered the finished ground level.

**Grade, average**

"Average grade" means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site.

**Grade, natural**

"Natural grade" means the elevation of the ground surface in its natural state, before human-made alterations.

**Handling and processing of hazardous waste**

"Handling and processing of hazardous waste" means the use, manufacture, production, storage or other activity involving hazardous substances. Hazardous substance handling is normally found in commercial, industrial and manufacturing activities. It does not include individually packaged household consumer products where quantities of hazardous substances of less than five gallons per container.

**Hazardous waste**

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW

70.105.010(17), or its successor.

**Hazardous waste treatment and storage facility, off-site**

"Off-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous waste generated on a property other than those on which the facilities are located.

**Hazardous waste treatment and storage facility, on-site**

"On-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous waste generated on the same property.

**Hazardous waste storage**

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC or its successor.

**Hazardous waste treatment**

"Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC or its successor.

**Hazardous substances**

"Hazardous substances" means any gas, liquid, solid, sludge, including any material, substance, product or commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous wastes.

**Home occupation**

"Home occupation" means an economic enterprise to make and/or sell a product or perform a service that is conducted or operated within a residential dwelling unit, or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.

"Home occupation, Type A" means a home occupation, as defined herein that does not involve customers coming and going from the residence, and within which only family members are employed.

"Home occupation, Type B" means a home occupation, as defined herein that may involve customers coming and going from the residence, and within which people other than family members may be employed.

**Hospital**

"Hospital" means a building designed and used for medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses.

**Hotel**

"Hotel" means any building containing four or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

**Impervious Surface**

"Impervious surface" means any material or structure that prevents the natural absorption of water into the earth.

**Junk**

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, boxes, cardboard, glass, tires, mattresses, hay, grass, straw, weeds, litter or trash, rubber debris, waste, old appliances and furniture, any combustible or flammable waste or rubbish, building materials or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**Junk Vehicle**

"Junk vehicle" means a vehicle, as defined herein, that is inoperable, damaged, which may include, without limitation, having broken windows or windshields, missing wheels, tires, motors or transmissions. This definition does not apply to any vehicle or those parts thereof completely enclosed within a building in a lawful manner.

**Junk Yard**

"Junk yard" means any lot, parcel, tract of land, building, structure or part thereof used for an establishment or place of business or residence that is maintained, operated, or used for storing, keeping, buying, trading, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills as defined in applicable chapters of the Revised Code of Washington. This definition shall not include recycling centers that are operated in legal conformance to applicable local, state and federal regulations.

**Kennels, commercial**

"Commercial kennel" means a place where three or more dogs four months of age or older are kept, whether by the owner, or by other persons, providing facilities for care, boarding and/or training in exchange for compensation, but not including small animal hospitals, clinics, pet shops or grooming shops.

**Kennels, Hobby**

"Hobby Kennel" means a noncommercial kennel and/or cattery at or adjoining a private residence, where four or more adult cats or dogs or combination of cats and dogs, are bred or kept for exhibition, for organized shows, field, working, and/or obedience trials, or for the enjoyment of the species. Adult dogs and/or cats are those dogs and/or cats that are over 6 months of age.

**Livestock**

"Livestock" means animals kept for use, propagation, or sale. Dogs, fish, house cats, and house pets, other than those with cloven hooves, are not considered livestock for the purpose of this ordinance.

**Lot**

"Lot" means a fractional part of divided land having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, with frontage on a road or access easement.

**Lot area**

"Lot area" means the total land area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public rights-of-way, and may be expressed in square feet or acres.

**Lot, corner**

"Corner lot" means a lot that abuts two or more intersecting streets.

**Lot coverage**

"Lot coverage" means the amount of land covered, occupied or permitted to be covered/occupied by a building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation.

**Lot depth**

"Lot depth" means the horizontal distance between the front lot line and the rear lot line, measured within the lot boundaries.

**Lot, interior**

"Interior lot" means a lot that has frontage on one street only.

**Lot line, front.**

"Front lot line" means that boundary of a lot that is located along a dedicated public right-of-way.

**Lot line, rear**

"Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, rear lot line means a line ten feet in length that is either parallel to the front lot line, or intersects the two other lot lines at points most distant from the front lot line.

**Lot line, side**

"Side lot line" means any property line that is not a front or rear lot line.

**Lot, Through.**

"Through lot" means a lot that fronts on two parallel or nearly parallel streets.

**Lot width**

"Lot width" means the distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

**Manufactured home**

"Manufactured home" means a structure constructed after June 15, 1976 and in accordance with the US Department of Housing and Urban Development (HUD) requirements for manufactured housing, bearing the appropriate insignia indicating such compliance, and designed primarily for residential occupancy by human beings.

**Manufactured home, designated**

"Designated manufactured home" means a manufactured home that meets the following:

- A. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single family residences.

**Manufactured/mobile home park**

"Manufactured/mobile home park" means an area of land occupied or designed to be occupied by two or more manufactured/mobile homes, used for permanent dwelling or sleeping purposes, on a lease basis and operated as a single development.

**Medical-dental clinic**

"Medical-dental clinic" means an establishment for treatment of outpatients, and providing no overnight care for patients.

**Micro-brewery**

"Micro-brewery" means a brewery making specialty beer (one or more varieties) in limited quantities with an annually produced on a scale of 25,000 gallons or less. (also see brewery)

**Mini-storage**

"Mini-storage" means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste).

**Mixed use**

"Mixed use" means a development involving a combination of uses including residential, commercial and/or light industrial.

**Mobile home**

"Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries.

**Modular home (factory-built home)**

“Modular (factory-built) home” means a residential structure which is constructed in a factory in accordance with applicable building codes and bearing the appropriate insignia indicating such compliance, transported to the building site in modules and assembled on-site on a permanent foundation.

**Modulation**

"Modulation" means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls.

**Motel**

"Motel" means a building containing units that are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers.

**Multiple use building**

“Multiple use building” means a building containing uses for more than one land use classification.

**Municipal building**

“Municipal building” means a structure used to house the general operations of a municipal government, including City halls, county courthouses, etc.

**Nonconforming building or structure**

“Nonconforming buildings or structure” means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this code, which does not conform with the requirements of this code.

**Nonconforming lot**

“Nonconforming lot” means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this code, which does not conform with the dimensional or area requirements of this code.

**Nonconforming use**

"Nonconforming use" means an activity in a structure or on a tract of land that was legally in existence prior to the effective date of the ordinance codified in this code, which does not conform with the use regulations of the use district in which it is located.

**Nursing or convalescent home**

"Nursing or convalescent home" means an establishment licensed by the state of Washington which provides full time care for three or more chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals.

**Open space**

"Open space" means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like; other than minimal appurtenances such as walkways and recreational facilities designed and intended to make such open space usable and accessible.

**Parking lot**

"Parking lot" means a land area or building used for the storage of multiple vehicles excluding parking areas for single-family residences.

**Parking, off-street**

"Off-street parking" means an area devoted to the parking of vehicles and located within the boundaries of a lot.

**Parking space**

"Parking space" means an unobstructed space or area, other than a street or alley, which is permanently reserved and maintained for the parking of one motor vehicle.

**Person**

"Person" means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

**Person with functional disabilities**

"Person with functional disabilities" means:

A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

- Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
- Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
- Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
- Having a record of having such an impairment; and

B. A person being regarded as having such an impairment, but such term does not include current, illegal use of or active addition to a controlled substance.

**Primary or principal use**

"Primary or principal use" means the predominant use of the land or building to which all other uses are secondary.

**Professional office**

"Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations.

**Property line**

"Property line" means a line bounding and indicating the ownership, or intended ownership, of a parcel of land.

**Public facility**

"Public facility" means land or structures owned by or operated for the public use and necessity.

**Recreational facilities**

"Recreational facilities" means a structure or use designed to provide indoor or outdoor recreation opportunities for the public.

**Recreational vehicle**

"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping or travel use with or without motor power, of such size and weight as not to require special highway movement permit and certified by the Washington Department of Labor and Industries as evidenced by the attachment of a "green" seal.

**Recreational vehicle or trailer parks**

"Recreational vehicle or trailer parks" means an area established for the overnight parking, on a temporary basis, of recreational vehicles. Any or all of the following amenities could be provided: electricity, water, and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area.

**Recycling center**

"Recycling center" means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing. (Excluding drop stations).

**Rezone**

"Rezone" means a change in classification from one zoning district to another.

**Right-of-way**

"Right-of-way" means the platted, dedicated or reserved portion of a development for purposes of a public street or alley for vehicular and/or pedestrian access.

**Screen, screening**

"Screen, screening" means a continuous fence, hedge or combination of both which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

**Service station**

"Service station" means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles.

**Setback**

"Setback" means the minimum distance required by this title for buildings to be set back from property, rights-of-way or access easements.

**Setback area**

"Setback area" means the lot area between the lot lines and the setback lines.

**Setback line**

"Setback line" means a line which is parallel to a lot line or access easement located at the distance required by the setback.

**Sign**

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

**Sign, Temporary**

"Sign, Temporary" means any sign not displayed for more than sixty days and less than thirty-two square feet in area.

**Site plan**

"Site plan " means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces, and other information specified herein.

**Street**

"Street" means the public or private right-of-way or easement which provides vehicle access to abutting property.

**Street lot line**

"Street lot line" means the boundary between a street right-of-way and abutting property.

**Street setback**

"Street setback" means the minimum distance required for buildings to be set back from the street lot line.

**Structural alteration**

"Structural alteration" means any change to the supporting members of a structure, including but not limited to, foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls.

**Structure**

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including utility poles and related pad or ground mounted distribution equipment, residential fences less than six feet high, retaining walls, rockeries and other similar improvements of a minor character less than four feet high.

**Telecommunication facility**

"Telecommunication facility" means a facility for the transmission and/or reception of radio frequency (RF) signals usually consisting of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices, including antenna(s) and dishes.

**Temporary building or structure**

"Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground or to other structures that have no required permanent attachment to the ground.

**Temporary use**

"Temporary Use" a use located on a lot, for a period not to exceed six (6) months, with the intent to discontinue such use after the time period expires.

**Use**

"Use" means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

**Utility Uses/Structure**

"Utility uses/structure" means equipment installations for utility and service purveyors including, but not limited to, telephone exchanges, electrical substations, water reservoirs, pump stations and similar facilities of service providers, whether or not such company is privately owned or owned by a governmental entity.

**Variance**

"Variance" means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this code would pose undue hardship unnecessary in carrying out the spirit of this code.

**Vehicle**

"Vehicle" means a transportable device designed to carry passengers or goods or particular property.

**Warehouse**

"Warehouse" means a structure used for the storage of goods and materials.

**Winery**

"Winery" means a structure means a structure building or place that produces wine, or a business involved in the production of wine. Winery may include a tasting room, banquet hall and/or gift shop for the sale of wine and related items.

**Winery, small-scale**

"Winery, small-scale" means a structure building or place that produces wine with an annually produced of 25,000 gallons or less. Winery, small-scale may include a tasting room and/or gift shop, of less than 1,000 square feet, for the sale of wine and related items.

**Wrecking/junk yard**

"Wrecking/junk yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

**Yard**

"Yard" means an open space on a lot, lying between the property line and building line, which is unobstructed from the ground upward except as otherwise provided for in this code.

**Yard, front**

"Front yard" means a yard extending across the full width of the lot, and lying between the front line of the lot and the building setback line.

**Yard, rear**

"Rear yard" means a yard extending across the full width of the lot and lying between the back line of the lot and the building setback line, and typically abutting platted alleys.

**Yard, side**

"Side yard" means a yard between the side line of the lot and the nearest point of the building, exclusive of eaves and cornices on pitched roofs, and extending from the front yard to the rear yard.

**Yard, street side**

"Street side yard" means a yard area that is adjacent to a public street right-of-way, but that does not provide the primary vehicular access to the residential structure, and that does not serve as the street address for the residence.

**Zone, zone district**

"Zone, zone district" means a defined area of the City within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

**Zoning envelope**

"Zoning envelope" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and other bulk regulations.

**Zoning map**

"Zoning map" means the map delineating the boundaries of districts that, along with the zoning text of this code, comprise the zoning ordinance of the City.

## Chapter 17.12 RURAL RESIDENTIAL (R-R)

### Sections:

- 17.14.010 Purpose**
- 17.14.020 Land Uses**
- 17.14.030 Development Standards**

### **17.14.010 Purpose**

The Rural Residential zone provides for single family residential development that allows for the raising and care of livestock.

### **17.14.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

### **17.14.030 Development Standards**

- A. Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC.
- B. The maximum density allowed is 4 units per acre
- C. The following provisions shall regulate the keeping of livestock and poultry and the establishment of kennels within the R-R district:
  - 1. Each household shall be limited to two cats and two dogs.
  - 2. The keeping of livestock and poultry is subject to the following provisions.
    - a. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances, and to be in compliance with the Health District regulations.
    - b. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and domestic or irrigation well.
    - c. Pasture shall be defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent uniform top cover (vegetation). Said vegetation shall not include noxious weeds

**Chapter 17.14**  
**RESIDENTIAL SINGLE FAMILY (R-1)**

**Sections:**

- 17.14.010 Purpose**
- 17.14.020 Land Uses**
- 17.14.030 Development Standards**

**17.14.010 Purpose**

The Residential Single Family zone is to be characterized by lower-density residential uses, particularly single family homes and duplex units, with appropriate standards which will maintain the quality residential environment of Kittitas. This zoning district implements the Residential Single Family land use designation identified in the Comprehensive Plan.

**17.14.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

**17.14.030 Development Standards**

- A. Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC.
- B. The maximum density allowed is 4 units per acre.

**Chapter 17.18**  
**RESIDENTIAL MULTI FAMILY (R-2)**

**Sections:**

- 17.18.010 Purpose**
- 17.18.020 Land Uses**
- 17.18.030 Development Standards**

**17.18.010 Purpose**

The Residential Multi Family zone is to be characterized by higher density residential uses, including a mix and variety of single family, duplex and apartment units, as well as some limited, low-intensity commercial development which does not generate high traffic volumes nor detract from the residential character of the area, such as professional or personal service businesses or long-term residential care facilities. This zoning district implements the Residential Multi Family land use designation identified in the Comprehensive Plan.

**17.18.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

**17.18.030 Development Standards**

- A. Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC.
- B. The maximum density allowed is 10 units per acre.
- C. Mobile/Manufactured Home Park development shall comply with the following performance standards:
  - 1. Number of mobile homes to be accommodated. The maximum number of mobile/manufactured homes to be accommodated within a mobile/manufactured home shall be 15 units per acre.
  - 2. Site plans shall, at a minimum, show:
    - a. Mobile/manufactured home spaces;
    - b. Interior and exterior property lines of mobile/manufactured home park site;
    - c. Proposed structures;
    - d. Building setbacks;
    - e. All ingress and egress points;
    - f. Off-street parking facilities;
    - g. Park, recreation and community facilities;
    - h. Water system design (flow must be engineered);
    - i. Sewer system design;
    - j. Drainage and stormwater design;
    - k. Lighting plan of outside areas and service outlets;
  - 3. Mobile/manufactured home parks shall meet the requirements of the multi family dwellings.

- D. All development of multi family dwellings shall comply with the following performance standards:
1. Open Space/Recreation: Multifamily development shall provide common open space/recreation areas on-site for use and enjoyment of owners and residents within the development, according to the following minimum provisions:
    - a. The area required for open space/recreation shall be 15% of the overall site area, with a minimum total area of 5,000 square feet, consisting of usable open space, critical areas and buffers and perimeter landscaping. Of the overall total open space areas, 75% must be usable open space.
    - b. Usable open space includes open play areas and outdoor recreational features, trails and paths, community gardens, and other similar types of areas. It shall be located and designed to be conveniently accessible to all residents from the interior of the development, and it shall be at a grade and with dimensions suitable for recreation use.
    - c. The open space/recreation areas shall be consistently maintained and shall be preserved through appropriate legal measures ensuring the continuation of the open space/recreation area, and prohibiting current and future owners from partitioning the open space/recreation areas and from converting the areas to other uses.
    - d. Open space/recreation areas do not include the following: parking lots, driveways, private/public street right-of-ways, required storage areas, etc.
  2. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view and at a minimum, be enclosed with a five and one-half (5½) foot high wood, concrete or masonry wall or sight obscuring fence and landscaping on all sides.
  3. General Storage: Storage of personal property and materials, of residents as well as managers and owners of the development, shall be located outside of required front yard areas, and it shall be entirely within an enclosed building or screened from view of the surrounding properties with a sight obscuring fence and landscaping.
  4. Vehicle Storage: Storage of recreational vehicles, boats, and similar off-road vehicles not used for daily transportation, of residents as well as managers and owners of the development, shall be prohibited unless a fully enclosed building is provided on-site specifically for that purpose.
  5. Landscaping: The following are required for landscape:
    - a. Street frontages: landscaping is intended to provide a sight barrier to separate incompatible uses and/or zoning districts. Existing natural buffers are encouraged but may need additional width or to be augmented with additional landscaping features to provide the required sight barrier. It shall contain the following minimum elements:
      - i. All plant materials and living ground cover must be selected and maintained so that the entire landscaped area will be covered a minimum of seventy-five percent within five years, with maximum coverage in eight years.

- ii. Any combination of trees (deciduous or evergreen), shrubs, earthen berms and related plant materials or design are allowed, provided that the resultant effect is sight-obscuring from adjoining properties.
  - iii. All trees and shrubs must be capable of growing to a minimum six feet and three and one-half feet in height respectively.
  - iv. Street trees shall be planted adjacent to the right-of-way, but not closer than three feet to a public sidewalk or curb. In no case shall sight-obscuring landscaping be located within the clear view triangle area.
- b. Side and rear yard areas: landscaping is intended to create a visual separation between property uses/activities. It shall contain the following minimum elements:
- i. Deciduous trees and a combination of shrubs and/or ground cover approved by the City and as set forth herein:
    - A). Trees shall be planted at intervals no greater than fifty foot centers; and
    - B). Trees shall not be located closer than three feet to the curb and/or a sidewalk.
    - C). Evergreen trees that comply with a) through c) above may be substituted for the deciduous trees, upon approval of the City, provided they will not cause sight distance impairment at intersections of public streets and/or driveways, and provided they will not cause operation and/or structural damage to sidewalks and/or storm drainage systems.
  - ii. Shrubs shall be a minimum of one and one-half feet in height at the time of planting and may be dispersed throughout the landscaped planting area or in confined pockets or nodes.
  - iii. Ground cover shall be designed to cover sixty percent of the required area. Ground cover shall consist of grass, shrubs, vines, or other similar living ground cover. The remaining area may be covered with bark, rock or other similar material. These areas may also contain trees, shrubs, and other permitted plant materials and pedestrian amenities (i.e. benches), however, areas planted in grass shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering. Ground cover shall be planted so that a minimum of seventy-five percent of the area is covered at maturity within five years.

**Chapter 17.22**  
**CENTRAL BUSINESS DISTRICT (C-B)**

**Sections:**

- 17.22.010 Purpose**
- 17.22.020 Land Uses**
- 17.22.030 Development Standards**

**17.22.010 Purpose**

The Central Business District provides an area for commercial space within the community for present and future commercial activities. It is characterized by a concentration of general commercial uses, most commonly of a retail nature, such as grocery and hardware stores. Residential units are possible behind or above ground floor commercial areas.

**17.22.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

**17.22.030 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC, and shall comply with the following:

- A. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- B. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.
- C. Parking and loading standards for development shall be as provided in Off-Street Parking Chapter. Parking areas and buildings, as much as possible, shall be located behind the building structure with a shared ingress/egress.
- D. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided by the owner/operator for each building or use. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.
- E. A caretaker's residence shall be a secondary, subordinate part of the commercial building, located behind or on a second-floor of commercial areas, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.

## Chapter 17.34 INDUSTRIAL DISTRICT (I-G)

### Sections:

- 17.34.010 Purpose**
- 17.34.020 Land Uses**
- 17.34.030 Development Standards**

### **17.34.010 Purpose**

The Industrial District provides an area for existing and future industrial or commercial/industrial uses, such as farm implement dealers, chemical/fertilizer companies, etc. to operate without negatively impacting less intense uses.

### **17.34.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

### **17.34.030 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC, and shall comply with the following:

- A. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- B. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view. All storage of materials and equipment and materials in process shall be stacked, sorted, or arranged in an orderly manner.
- C. A caretaker's residence shall be a secondary, subordinate part of the commercial building, located on a second-floor of a building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.
- D. Fences located shall not exceed a height of eight feet, and may be located in a required front yard provided they are setback a minimum of ten feet with required landscaping.
- E. Landscaping: The following are required for landscape:
  - I. Street frontages: landscaping is intended to provide a very dense sight barrier to significantly separate incompatible uses and/or zoning districts. Existing natural buffers are encouraged but may need additional width or to be augmented with additional landscaping features to provide the required sight barrier. It shall contain the following minimum elements:
    - a. All plant materials and living ground cover must be selected and maintained so that the entire landscaped area will be covered a minimum of seventy-five percent within five years, with maximum coverage in eight years.

- b. Any combination of trees (deciduous or evergreen), shrubs, earthen berms and related plant materials or design are allowed, provided that the resultant effect is sight-obscuring from adjoining properties.
  - c. All trees and shrubs must be capable of growing to a minimum six feet and three and one-half feet in height respectively.
  - d. Street trees shall be planted adjacent to the right-of-way, but not closer than three feet to a public sidewalk or curb. In no case shall sight-obscuring landscaping be located within the clear view triangle area.
2. Side and rear yard areas adjacent to residential zones shall have landscaping intended to create a visual separation between property uses/activities. It shall contain the following minimum elements:
- a. Deciduous trees and a combination of shrubs and/or ground cover approved by the City and as set forth herein:
    - i. Trees shall be planted at intervals no greater than fifty foot centers; and
    - ii. Trees shall not be located closer than three feet to the curb and/or a sidewalk.
    - iii. Evergreen trees that comply with a) through c) above may be substituted for the deciduous trees, upon approval of the City, provided they will not cause sight distance impairment at intersections of public streets and/or driveways, and provided they will not cause operation and/or structural damage to sidewalks and/or storm drainage systems.
  - b. Shrubs shall be a minimum of one and one-half feet in height at the time of planting and may be dispersed throughout the landscaped planting area or in confined pockets or nodes.
  - c. Ground cover shall be designed to cover sixty percent of the required area. Ground cover shall consist of grass, shrubs, vines, or other similar living ground cover. The remaining area may be covered with bark, rock or other similar material. These areas may also contain trees, shrubs, and other permitted plant materials and pedestrian amenities (i.e. benches), however, areas planted in grass shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering. Ground cover shall be planted so that a minimum of seventy-five percent of the area is covered at maturity within five years.
- F. Traffic/circulation/access:
- 1. Pedestrian/Bicycle Circulation. The property owner/developer shall ensure that provisions are made for safe and convenient pedestrian and bicycle circulation systems between all land uses and buildings and shall provide continuity of public access to adjoining properties and other pedestrian systems.
  - 2. Interior Collector Road and Access. Ingress and egress from a state highway or a major arterial is prohibited to lots, parcels or tracts of property located within an industrial district except as provided by a public road intersection approved by the county engineer and WSDOT as appropriate.
  - 3. Access to parcels, tracts or lots in the I-G district shall be provided by an interior collector road right-of-way. The interior collector road right-of-way

shall be designed to facilitate traffic circulation through the entire industrial district. Development of the interior road system may also include local, private or public roads connecting to the interior collector road to ensure efficient access to all areas of the industrial district.

**Chapter 17.36**  
**MIXED COMMERCIAL INDUSTRIAL DISTRICT (C-M)**

**Sections:**

- 17.36.010 Purpose**
- 17.36.020 Land Uses**
- 17.36.030 Development Standards**

**17.36.010 Purpose**

The purpose of Mixed Commercial Industrial is to provide the greatest land development options to support the community social and economic needs. This district allows for a mix of commercial and light industrial uses designed and conducted in a way to minimize impacts on surrounding properties and uses, including requiring all services be conducted within a building structure.

**17.36.020 Land Uses**

All permitted, accessory, conditional and prohibited uses allowed in this district shall be as shown in the District Use Chart, Chapter 17.40 provided all applicable provisions of the KMC are met.

**17.36.030 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title, including Chapter 17.44 General Regulations, and all other rules, regulations and provisions of the KMC, and shall comply with the following:

- A. Parking and loading standards for development shall be as provided in Off-Street Parking Chapter. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area landscaping shall be located between the street (and any pedestrian ways) and such parking areas.
- B. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- C. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located within an enclosed building.
- D. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Trash and service areas will be located to the rear of the structure.
- E. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.
- F. Stormwater shall be retained and disposed of on-site in an approved system designed for such runoff.

- G. Signs shall be attached to the structure, either flush with the building or perpendicular to the building provided they are at least eight (8) feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two (2) feet by four (4) feet.
- H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided by the owner/operator for each building or use.
- I. A caretaker's residence shall be a secondary, subordinate part of the commercial building, located on a second-floor of a building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.
- J. Lighting:
  - 1. Parking lot lights will not be permitted to shine over property boundaries.
  - 2. Where lighting is provided, it shall be of low intensity and the lighting shall be shielded in such a way that light and glare is directed only onto the subject property.
- K. Landscaping: The following are required for landscape:
  - 1. Street frontages: landscaping is intended to provide a very dense sight barrier to significantly separate incompatible uses and/or zoning districts. Existing natural buffers are encouraged but may need additional width or to be augmented with additional landscaping features to provide the required sight barrier. It shall contain the following minimum elements:
    - a. All plant materials and living ground cover must be selected and maintained so that the entire landscaped area will be covered a minimum of seventy-five percent within five years, with maximum coverage in eight years.
    - b. Any combination of trees (deciduous or evergreen), shrubs, earthen berms and related plant materials or design are allowed, provided that the resultant effect is sight-obscuring from adjoining properties.
    - c. All trees and shrubs must be capable of growing to a minimum six feet and three and one-half feet in height respectively.
    - d. Street trees shall be planted adjacent to the right-of-way, but not closer than three feet to a public sidewalk or curb. In no case shall sight-obscuring landscaping be located within the clear view triangle area.
  - 2. Side and rear yard areas adjacent to residential zones shall have landscaping intended to create a visual separation between property uses/activities. It shall contain the following minimum elements:
    - a. Deciduous trees and a combination of shrubs and/or ground cover approved by the City and as set forth herein:
      - i. Trees shall be planted at intervals no greater than fifty foot centers; and
      - ii. Trees shall not be located closer than three feet to the curb and/or a sidewalk.
      - iii. Evergreen trees that comply with a) through c) above may be substituted for the deciduous trees, upon approval of the City, provided they will not cause sight distance impairment at intersections of public streets and/or driveways, and provided

- they will not cause operation and/or structural damage to sidewalks and/or storm drainage systems.
- b. Shrubs shall be a minimum of one and one-half feet in height at the time of planting and may be dispersed throughout the landscaped planting area or in confined pockets or nodes.
  - c. Ground cover shall be designed to cover sixty percent of the required area. Ground cover shall consist of grass, shrubs, vines, or other similar living ground cover. The remaining area may be covered with bark, rock or other similar material. These areas may also contain trees, shrubs, and other permitted plant materials and pedestrian amenities (i.e. benches), however, areas planted in grass shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering. Ground cover shall be planted so that a minimum of seventy-five percent of the area is covered at maturity within five years.
3. Parking lots landscaping is intended to provide visual relief and shade in parking areas. Up to one hundred percent of the required trees proposed for the parking area may be deciduous.
- a. Parking lot landscaping shall apply as follows:
    - i. Parking areas with fewer than 20 parking stalls are exempt from these provisions;
    - ii. A parking area with more than 20 but less than one hundred parking spaces: at least eighteen square feet of landscape area must be provided as described in this section for each parking stall proposed; and/or
    - iii. If the parking area contains more than one hundred parking spaces at least thirty-five square feet, per one hundred parking spaces, of landscaping must be provided as described in this section for each parking stall proposed.
  - b. The following regulations apply:
    - i. A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. Each area must be at least four feet wide and must extend the length of the adjacent parking stall(s). All other landscaped areas shall be a minimum of six feet in width and contain a minimum area of sixty square feet. Except within fifteen feet of a driveway, landscaped areas may include berming, ornamental block walls and similar techniques that provide variations and/or modulations in elevation, texture and similar characteristics.
    - ii. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions.
    - iii. All landscaped areas shall have a border, such as curbing or blocks, to retain the landscaping materials and also to protect them from intrusion by vehicles.
    - iv. One shade tree shall be planted within the interior of the off-street parking area for every ten parking stalls. The trees shall be

capable of providing shade to an area equal to thirty percent of the parking facility within fifteen years of planting.

- v. All landscaped islands shall be planted with a combination of shade trees, shrubs or living ground cover. This area may contain ornamental trees and shrubs if appropriate.
  - vi. Screen planting of a dense evergreen material not less than five feet in height at the time of maturity shall be provided in any locations where lights from vehicles within the off-street parking area may shine directly into windows of adjacent buildings. In lieu of screen planting, up to fifty percent of the required landscaping may be subtracted when a solid rock, masonry or wood fence is constructed, provided the fence is at least forty-two inches high, but does not exceed five feet in height.
  - vii. Provisions shall be made to ensure that adequate pedestrian paths connecting the parking lot with the public right-of-way are provided throughout the landscaped areas.
  - viii. All parking facilities shall be permanently maintained in such a way that dust is not emitted from the parking lot, and shall be free of weeds, litter, debris and graffiti. Parking lots shall be striped, at a minimum, biannually.
4. Around Buildings: landscaping around buildings not utilizing a zero lot line development is intended to provide a visual separation of uses from adjacent uses. It shall include the following:
- a. A combination of deciduous and/or evergreen trees, shrubs, and ground cover, provided:
    - i. No more than sixty percent of the trees shall be deciduous;
    - ii. Trees shall be a minimum of six feet in height at the time of planting; and
    - iii. Trees shall be planted at intervals no greater than thirty feet on center, unless plantings are clustered into groups, then the planting intervals shall be planted at intervals no greater than ninety feet.
  - b. Shrubs shall be a minimum of one and one-half feet in height at the time of planting with approved living ground cover. Plant materials shall be planted so that the ground will be covered a minimum of seventy-five percent within five years.
  - c. Earthen berms with grass, vegetative ground cover or other landscaping features should be designed with the required landscaping standards of this chapter, provided the resultant effect would provide a pedestrian friendly environment and visual relief where clear sight is required and can be achieved.

## Chapter 17.40 DISTRICT USE CHART

**Sections:**

- 17.40.010 Purpose**
- 17.40.020 District Use Chart**

**17.40.010 Purpose**

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a zoning district that is not listed in the use chart as either permitted, accessory or conditional use, unless the Administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the KMC.

**17.40.020 District use chart**

The use chart located on the following pages is made a part of this section. The following acronyms have the following meanings, as used in the use chart that is part of this section:

**Use Acronyms:**

- PRM = Permitted use
- ACC = Accessory use
- CUP = Conditional use

**Districts:**

- R-R = Rural Residential
- R-1 = Single Family Residential
- R-2 = Multifamily Residential
- C-B = Central Business
- C-M = Mixed Commercial Industrial
- I-G = Industrial

Use Type	R-R	R-1	R-2	C-B	C-M	I-G
<b>RESIDENTIAL USES</b>						
Accessory Dwelling	CUP	CUP	CUP			
Accessory Structure	PRM	PRM	PRM	CUP	CUP	CUP
Bed & Breakfast			CUP	CUP	CUP	
Boarding/Lodging House			CUP	PRM	PRM	
Caretaker's Residence			PRM	PRM	PRM	PRM
Condominiums - Residential			PRM			
Congregate Care/Assisted Living Facility			CUP	CUP	CUP	
Convalescent Home/Nursing Homes			CUP			
Day Care Center				PRM	CUP	
Day Care Home	PRM	PRM	PRM	PRM		
Duplex Dwelling		PRM	PRM			
Foster Home/ Group Home	ACC	ACC	ACC			
Home Occupation, Type A	PRM	PRM	PRM			

<b>Use Type</b>	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-B</b>	<b>C-M</b>	<b>I-G</b>
Home Occupation, Type B		CUP	CUP			
Manufactured Home, Designated	PRM	PRM	PRM	PRM <sup>1</sup>		
Manufactured/Mobile Home Park			PRM			
Manufactured Home	PRM	PRM	PRM			
Mobile Home						
Modular Home	PRM	PRM	PRM			
Multi Family Dwelling			PRM			
Planned Unit Development						
Single Family Dwelling	PRM	PRM	PRM	PRM <sup>1</sup>		
<b>PUBLIC/SEMI PUBLIC USES</b>						
Animal Shelter					CUP	PRM
Bus add-Transfer Station/Park and Ride					CUP	
Cemeteries, mausoleums						
Churches (Parsonages)		PRM	PRM	PRM	PRM	
Clinic, Medical, Dental, Etc.				PRM	PRM	
Community Club, Grange, Lodge				CUP	PRM	
Convention, Info and/or Community Centers				PRM	PRM	
Courts of Law				PRM		
Detention Facility/Jail					CUP	
Educational Services		CUP	CUP			
Essential Public Facilities						CUP
Fire/Police Station				PRM	PRM	
Government Uses and Structures				CUP	CUP	PRM
Hospital					CUP	
Instructional Child Care (Preschool)		PRM	PRM			
Libraries, Public				PRM		
Municipal Buildings				PRM		
Municipal Shop/Maintenance Buildings					CUP	PRM
Post Office				PRM		
Public Domestic Water System Facilities	CUP	CUP	CUP	CUP	CUP	CUP

<sup>1</sup> Only those existing as of July 1, 2007. No new single family dwellings shall be permitted within the zone.

Use Type	R-R	R-I	R-2	C-B	C-M	I-G
Public/Private Corporate, Regional Headquarters, Admin. Offices for Commercial, Industrial, Non-commercial Uses				CUP	PRM	CUP
Recycling Center						CUP
Telecommunication Facilities (Cell Towers)						
Trade/Vocational School				CUP	CUP	PRM
Utility Uses / Structures						CUP
Wastewater Treatment Facilities					PRM	
<b>AGRICULTURAL USES</b>						
Ag-Related Industry					CUP	PRM
Agriculture Building, Commercial					CUP	PRM
Animal Clinic, Hospital				CUP	CUP	PRM
Commercial Composting						
Farm Equipment Sales/Service					CUP	PRM
Feed Lot						
Feed Store					PRM	PRM
Home Fruit Stand						
Horse Boarding/Training, Riding Stable						
Kennels, Commercial						PRM
Kennels, Hobby						
Livestock, Commercial						
Livestock/Poultry for personal use only	PRM					
Nursery, Commercial/Retail/Wholesale					CUP	PRM
Poultry, Commercial						
Slaughterhouse						
<b>COMMERCIAL USES</b>						
Arts and Crafts, Antique Sales				PRM	PRM	
Auto Towing - Secured						PRM
Bakery, Retail				PRM	PRM	
Big Box Retail					PRM	PRM
Billboards						
Boat Sales & Service					PRM	PRM
Brewery						CUP
Business offices				PRM	PRM	PRM

<b>Use Type</b>	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-B</b>	<b>C-M</b>	<b>I-G</b>
Car Rental					PRM	PRM
Car Wash					CUP	PRM
Catering		CUP	CUP	PRM	PRM	PRM
Commercial Copiers/Printers				PRM	PRM	PRM
Condominiums			PRM	CUP	CUP	
Convenience Store, Excluding Fuel Sales		CUP	CUP	PRM	PRM	PRM
Convenience Store, Including Fuel Sales				PRM	PRM	PRM
Cultural and/or Historical Facilities				PRM		
Drive-up Food Service, includes coffee stands				PRM	PRM	PRM
Dry Cleaners, Laundromats				PRM	PRM	
Farmer's Market					PRM	
Financial/Lending Institution (Bank, Etc.)				PRM	PRM	
Funeral Home/Crematorium				PRM	PRM	
Gas/Service Station				PRM	PRM	PRM
Grocery Store				PRM	PRM	
Hardware/Garden Store - Lumber Yard					PRM	PRM
Heating and Plumbing Sales & Services					PRM	PRM
Hotels/Motels				PRM	PRM	
Manufactured Home, Sales						PRM
Merchandise, Furniture, Home Furnishings, Department Retail Sales and Service				PRM	PRM	
Micro-brewery/Winery, small scale				CUP	PRM	PRM
Mini-storage			CUP		PRM	PRM
Mobile Food Service				CUP	PRM	PRM
Museums, Art Galleries				PRM	PRM	
Newspaper Publishing					PRM	PRM
Office supplies & equipment				PRM	PRM	PRM
Parking Lots/Garages - Commercial or Public				PRM	PRM	PRM
Personal Services (Barber, Salon, Etc.)				PRM	PRM	
Pet Services	CUP	CUP	CUP	PRM	PRM	PRM

<b>Use Type</b>	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-B</b>	<b>C-M</b>	<b>I-G</b>
Pharmacies				PRM	PRM	
Professional Services (Lawyer, Psychiatrist, Etc.)	CUP	CUP	CUP	PRM	PRM	
Repair Services, Electronics/Appliances				CUP	PRM	PRM
Restaurant				PRM	PRM	PRM
Retail - Textiles, Sporting Goods				PRM	PRM	
Retail Stores				PRM	PRM	
RV Sales & Service					PRM	PRM
Specialty stores				PRM	PRM	
Taverns, Bars, Cocktail Lounges				PRM	PRM	PRM
Tractor, Trailer Sales					PRM	PRM
Truck Stops					PRM	PRM
Vehicle Repair, Service Shops and Auto Sales					PRM	PRM
Winery						CUP
<b>INDUSTRIAL USES</b>						
Above/Below Ground Storage of Critical Material						ACC
Accessory Buildings, Structures				ACC	ACC	ACC
Airports & supporting aviation activities						CUP
Apparel Manufacture						PRM
Asphalt Paving Plant						PRM
Bakery, Wholesale					PRM	PRM
Beverage Industry						PRM
Building/Construction Materials, Manufacture/Assembly/Fabrication, Lumber Yard					PRM	PRM
Bulk Fuel Distributor						PRM
Canning/Packing Foods					PRM	PRM
Cement/Concrete Plant						PRM
Chemical, Pharmaceuticals, Cosmetics Manufacture/Processing/Packaging					PRM	PRM
Communications, TV/Radio Stations, Telephone Exchanges					PRM	PRM
Communications, Cell Towers						PRM

<b>Use Type</b>	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-B</b>	<b>C-M</b>	<b>I-G</b>
Construction Contractor's Offices/Yards					PRM	PRM
Electronic Product Manufacture/Assembly					PRM	PRM
Fabricated Metal Products, Sheet Metal, Welding					PRM	PRM
Food Processing greater than 5000 sqft						PRM
Food Processing less than 5000 sqft					CUP	PRM
Furniture Products Manufacture/Assembly					PRM	PRM
Glass Products Manufacture/Assembly						PRM
Hardware Product Manufacture/Assembly						PRM
Hazardous Waste Storage, On-site						ACC
Hazardous Waste Treatment, On-site						ACC
Heliports					PRM	PRM
Leather Products Manufacture/Assembly						PRM
Machinery/Heavy Equipment Manufacture/Assembly						PRM
Manufactured Homes, Travel Trailers, Campers, Manufacture/ Assembly/ Fabrication						PRM
Medical/Scientific Research, Product Manufacture/Assembly					PRM	PRM
Mineral Extraction, Crushing, Screening, Etc.						ACC
Paper Products Manufacture/Assembly						
Paperboard Containers Manufacture						
Parcel Delivery Service, Packaging, Crating					PRM	PRM
Plastic Products Manufacture/Assembly						PRM
Prefabricated Wood Products						PRM
Printing, Publishing, Binding					PRM	PRM
Rendering Plants						

<b>Use Type</b>	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-B</b>	<b>C-M</b>	<b>I-G</b>
Research & Development, Non-medical					PRM	PRM
Rubber Products						PRM
Storage, Sales, Distribution of Hazardous Materials						ACC
Technology Centers					PRM	PRM
Technology Storage Facilities						PRM
Vehicle, Boat Building & Repair						PRM
Warehousing, Storage					PRM	PRM
Wholesale Trade/Storage of durable and Non-Durable Goods (Auto Parts, Tires, Furniture, Lumber)					CUP	PRM
Wrecking/Junk Yard						CUP
<b>RECREATIONAL USES</b>						
Arboretums and Gardens				PRM	PRM	PRM
Bowling Alleys				PRM	PRM	
Drive-in Theater					CUP	
Exercise Facility				PRM	PRM	
Golf Course						
Driving Range					CUP	
Gun/Sportsmen's Club					PRM	PRM
Miniature Golf				PRM	PRM	
Mini-Casinos, game, card rooms				PRM	PRM	
Playfields		CUP	CUP		PRM	PRM
Publicly-owned/operated Parks and Recreation Facilities		PRM	PRM	PRM	PRM	PRM
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)					CUP	CUP
Recreational Vehicle Park or Tent Campground					CUP	
Roller/Ice-skating Rink				PRM	PRM	PRM
Theaters				PRM	PRM	PRM
Trail Systems		PRM	PRM	PRM	PRM	PRM
Video Rental			PRM	PRM		

**Chapter 17.44  
GENERAL REGULATIONS**

**Sections:**

- 17.44.010 Scope**
- 17.44.020 Setback and Dimension Requirements**
- 17.44.030 Site Improvements**
- 17.44.040 Street Pattern**
- 17.44.050 Pedestrian and/or Bicycle Access**
- 17.44.060 Barrier Free Access**
- 17.44.070 Cul-de-sac and Dead-end Streets**
- 17.44.080 Fences and Hedges**
- 17.44.090 Landscaping**
- 17.44.100 Non-Residential Buildings**
- 17.44.110 Residential Performance Standards**
- 17.44.120 Manufactured Homes Within Manufactured/Mobile Home Parks**
- 17.44.130 Public Facilities**
- 17.44.140 Storage Standards**
- 17.44.150 Public Nuisance**
- 17.44.160 Signs**
- 17.44.170 Accessory Buildings**
- 17.44.180 “Type A” Home Occupations**
- 17.44.190 Home Day Care**
- 17.44.200 Winery, small-scale and Microbrewery**
- 17.44.210 Maintenance and Alterations**
- 17.44.220 Clear View Triangle**

**17.44.010 Scope**

The purpose of the general use regulations and standards is to provide a concise reference for bulk, density and setback regulations as well as general requirements that are common to many different zoning districts. Unless otherwise indicated, the provisions of this chapter are applicable to all zoning districts within city limits.

**17.44.020 Setbacks And Dimension Requirements**

Building setbacks and lot dimension requirements shall be as provided in Table 17.44.020, below. Except as otherwise stated herein, required setbacks are measured from the eave line of a roof.

**Table 17.44.020 Setbacks and Dimensional Requirements**

Zone	Lot Coverage	Building Height <sup>4</sup>	Minimum Square Feet	Minimum Width	Setbacks			
					Front <sup>1</sup>	Rear <sup>2</sup>	Platted Alley	Side <sup>2</sup>
R-R	40%	35 feet	7,500	60 feet	15 feet	10 feet	5 feet	5 feet
R-1	40%	35 feet	7,500 <sup>5</sup>	60 feet	15 feet	10 feet	5 feet	5 feet
R-2	40%	35 feet	7,500 <sup>6</sup>	60 feet	15 feet	10 feet	5 feet	5 feet

Zone	Lot Coverage	Building Height <sup>4</sup>	Minimum Square Feet	Minimum Width	Setbacks			
					Front <sup>1</sup>	Rear <sup>2</sup>	Platted Alley	Side <sup>2</sup>
C-B	None	40 feet	None	None	0	0 <sup>3</sup>	0	0 <sup>3</sup>
I-G	None	40 feet	None	None	0	0 <sup>3</sup>	0	0 <sup>3</sup>
C-M	None	40 feet	None	None	0	0 <sup>3</sup>	0	0 <sup>3</sup>

- <sup>1</sup> Structures on corner lots shall observe a front yard setback from both front property lines
- <sup>2</sup> Eaves, cornices, gutters, sunshades and other similar architectural features that are at least eight (8) feet above finished grade may project up to 2 feet into required yard areas
- <sup>3</sup> When the lot is adjacent to land in a residential zone the setback shall be ten (10) feet from the side property line and fifteen (15) from the rear property line
- <sup>4</sup> As measured to the ridgeline of the roof
- <sup>5</sup> 8,000 square feet for duplex units
- <sup>6</sup> 8,000 square feet for duplex units, plus an additional 2,500 square feet for each additional unit

#### **17.44.030 Site Improvements**

- A. Before the issuance of any permit or approval to build, use or occupy any building or site for which site improvements are required as a condition of the permit or approval, the City may require that the owner shall provide a suitable bond surety, to ensure the site improvements are completed before use or occupancy of the site.
- B. Before the release of a site improvement surety bond, the City may require that the owner shall provide a bond or other surety, acceptable to the City to ensure the maintenance of the site improvements in an amount 15 percent of the cost of the site improvements and may be released two years after the release of the site improvement surety.
- C. The mayor shall not release sureties for completed or partially completed required improvements except under the following conditions:
1. The project proponent has submitted a schedule of improvements, the sequence for completion and the value of each part of the improvement for which a release of cash or bond surety may be sought;
  2. Each segment of a required improvement shall be usable by itself without completion of the remainder of the improvement;
  3. Each segment shall receive final inspection and approval by the City before release of the cash or bond surety for that part of the improvement;
  4. All partial releases on each improvement shall constitute no more than 100 percent of the estimated value of the entire completed improvement; and
  5. All releases of cash or bond sureties shall be approved in writing by the mayor.

#### **17.44.040 Street Pattern**

Within any Residential Zoning Districts and development of new streets shall follow the historic grid pattern of development with a maximum 350 foot block (or 400 feet from centerline to the centerline of consecutive parallel street).

#### **17.44.050 Pedestrian and/or Bicycle Access**

All land development, uses and activities shall ensure provisions are made for safe and convenient pedestrian and/or bicycle access circulation systems that link lots, tracts, and/or buildings to adjoining parks and trail systems. Trail systems shall provide continuity of public access and/or facilitate their eventual connection to other areas incrementally through time.

- A. Trail improvements and easements/tracts of land shall be provided whenever a division of land or other development activity occurs for residential, commercial, industrial, and/or recreation development when near parks, recreation areas, schools, churches, dead-end roads, bodies of water such as rivers or lakes, existing/future trails, public facilities and/or other similar activities and facilities.
- B. The dimensions of the linkage system shall have a minimum easement width of ten feet with a minimum width of six feet improved with gravel, asphalt or other similar all-weather surface materials. Linkage corridors may be bridged or partially covered but are intended for pedestrian movement through the entire length of the corridor.
- C. Maintenance of any trail corridor or improvement retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City.

#### **17.44.060 Barrier Free Access**

All development shall comply with the Washington State rules and regulations for barrier-free design.

#### **17.44.070 Cul-de-sac and Dead-End Streets**

- A. Permanent cul-de-sacs and dead-end roads are not normally permitted within new developments. Permanent cul-de-sacs will only be permitted where the applicant can (1) demonstrate that his/her design does provide an acceptable level of network circulation considering the terrain and adjacent existing roadway network, and (2) demonstrate that the prohibition of cul-de-sacs will place an unreasonable economic impact on the applicant. Where permitted, permanent road ends shall terminate in a cul-de-sac and require an access easement turnaround.
- B. A minimum of thirty feet of contiguous frontage is required for lots located on a cul-de-sac.

#### **17.44.080 Fences and Hedges**

All fences located within the City of Kittitas shall meet the following standards unless otherwise regulated within this code:

- A. Natural evergreen screening is encouraged. Temporary fencing may be approved if erected simultaneously with permanent plantings.
- B. Fences, Front Yard. Forty-two inches maximum height. On corner lots both sides and adjacent to the streets shall be considered front yards. On corner lots no objects, fences, or other physical obstruction shall be allowed within a minimum distance of 15 feet in each direction from the corner where the street side property lines intersect, then the 42 inches maximum height from ground level will be permissible.

- C. Side Yard. Maximum height 42 inches from the front back to the setback limitation, then it can be the maximum of 72 inches.
- D. Rear Yard. Maximum height of 72 inches.
- E. Fences and hedges shall maintain a clear view triangle, as defined and regulated herein.
- F. .

**17.44.090 Landscaping**

Where landscaping is required by this code, the following provisions shall be met:

- A. All required landscaping shall be maintained by the landowner or, in the case of street scape landscaping, by the adjacent landowner, unless it is part of a City maintenance program, free of weeds and trash, and shall prune to maintain the growth and health of the plants, and replace any diseased, damaged, unhealthy or dead plants.
- B. Landscape Plan. All landscape plans shall be a scaled drawing submitted to and approved by the City. At a minimum, the landscape plan shall contain the following:
  - 1. A plant list indicating the type, size and quantity of proposed plant materials;
  - 2. The landscape design must include the location and size of all existing and proposed planting areas on the site. An irrigation or specified method of watering shall also be submitted. Where utilized, the following items shall also be shown:
    - a. Indication of screening and buffer plantings required by ordinance;
    - b. permanently installed irrigation system with adequate water pressure and coverage to serve all landscaped areas, except for areas with existing native species that are incorporated into the approved design;
    - c. Impervious surfaces;
    - d. Natural or man-made features and water bodies;
    - e. Existing or proposed structures, fences, and retaining walls;
    - f. Location and spacing of each plant to be planted, shown to scale;
    - g. Designated recreational open space areas, pedestrian plazas, or green areas; and
    - h. The location of all proposed lighting shall be included.
- C. Adjustment of Landscape Requirements.
  - 1. An alternative landscaping plan for an overall site development may be submitted and approved by the City when the landscaping plan as proposed meets the minimum standards and general intent of this chapter. The landscaping plan shall be processed simultaneously with the overall site development plan.
  - 2. The City may authorize reduced or expanded widths of plantings or may waive or require supplementation of some of the landscaping requirements in the following instances:
    - a. When the inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this section;
    - b. When the landscaping would interfere with the adequate flow of stormwater runoff, as determined by the City engineer along drainage easements and/or when the landscaping would interfere with the adequate treatment of stormwater in grassed percolation areas;

- c. Requests for modifications to landscape plans under this subsection are classified in accordance with Type I permits as set forth in Title 14.09 of the Kittitas Permit Review and Approval code.

D. Performance Assurance

- 1. The required landscaping shall be installed prior to occupancy or the issuance of an occupancy permit, whichever occurs first, unless the director determines that a performance assurance device, will adequately protect the interest of the City. In no case may the property owner/developer delay performance for more than one year, unless a time schedule is developed to phase in the landscaping and is approved by the director. Except that, new commercial uses with five (5) or fewer employees shall have a period of three (3) years from the start of the commercial use to fully comply with the provisions of this chapter. As interim provisions during those three (3) years, the areas that will be required for landscaping in accordance with this chapter shall be developed and maintained in a weed-free condition with appropriate ground cover.
- 2. The City may require performance assurance as a warranty of plant survival. Such an assurance shall, if required, be in effect through one complete growing season following planting. If a performance assurance device is required it shall be in a form acceptable to the City Attorney, and in an amount that is 150% of the estimated cost of installation.

**17.44.100 Non-Residential Buildings**

All non-residential buildings and structures must have been originally and specifically constructed for use as a permanent building or structure. Cargo containers, truck vans, converted mobile homes and similar prefabricated containers and structures originally built for other, alternative purposes do not meet these criteria and are prohibited for use as accessory buildings.

**17.44.110 Residential Performance Standards**

All residential dwellings shall meet the following criteria:

- A. Minimum Floor Area: The minimum floor area shall be 900 square feet;
- B. Minimum Width: The minimum width shall be 24 feet at the narrowest point;
- C. Siding Materials: Siding materials shall be wood, masonite, masonry, stucco or other comparable materials. Residential structures shall be completely enclosed between the bottom of the exterior walls and adjacent ground level;
- D. Floor Level/Pit Set: The first finished floor level of a single story residence shall be 15 inches or less above the exterior finished grade adjacent to the residential structure; and
- E. Minimum roof pitch: three feet vertical distance for every 12 feet horizontal distance (3:12), however nothing in this section shall prevent a site-built home from using a roof with less pitch, provided the design, engineering and construction ensure the structure maintains the adopted snow load requirements.
- F. As allowed in Section 17.40.020 District Use Chart, designated manufactured homes located on individual lots, parcels or tracts of land shall be a new manufactured home, which means, for the purposes of this code, any manufactured home required to be

- titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and which is not a “used mobile home” as defined in RCW 82.45.032(2).
- G. Foundation materials shall be masonry, stucco or other comparable materials. Residential structures shall be completely enclosed between the bottom of the exterior walls and adjacent ground level;
  - H. Eaves shall overhang at least one (1) foot from the building front.

**17.44.120 Manufactured Homes Within Manufactured/Mobile Home Parks**

- A. Siding materials shall be wood, masonite, masonry, stucco or other comparable materials. Residential structures shall be completely enclosed between the bottom of the exterior walls and adjacent ground level;
- B. Foundation. Manufactured homes shall have a foundation or skirting that is similar in appearance to the foundations of site built housing.
- C. Manufactured homes may be less than 24’ in width.
- D. Manufactured homes shall be no older than 10 years from the date of construction, as indicated on title, to the time the permit is requested to place the home on said, lot, parcel or tract of land.

**17.44.130 Public Facilities**

- A. All subdivisions and/or new construction and development shall connect with City Water and Sewer.
- B. Stormwater: All development within the City shall make provisions for stormwater runoff to be retained and disposed of on-site, or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties as provided for in the City’s Construction Standards.

**17.44.140 Storage Standards**

It is unlawful and a violation of this title for the owner of any premises in the city, the owner’s agent, or the occupant of any premises in the city to store, keep or accumulate junk and/or junk vehicles on such property, or to allow anyone else to store, keep or accumulate junk and/or junk vehicles on such property. Any violations of these provisions shall be considered a public nuisance and shall be subject to the enforcement procedures.

- A. General. All permitted storage shall be considered accessory.
  - 1. No storage of materials shall be located within any required front yard.
  - 2. Storage of junk, scrap lumber, metals, glass and other material is prohibited within all zoning classifications.
  - 3. The repair of any personal automobile, truck or other vehicle of any kind upon the public streets or alleys in any residential district is prohibited.
  - 4. No vehicle shall be stored on the lot so as to obstruct sidewalks or create a traffic hazard.
  - 5. No shipping or cargo containers shall be permitted.
  - 6. No unlicensed or inoperable vehicles shall be stored for a period of more than 90 days.
- B. Recreational Vehicles. Recreational vehicles, including without limitation boats, motor homes, travel trailers or similar type recreation vehicles, may be parked on public

streets for a period of up to 30 days.

**17.44.150 Public Nuisance**

- A. Noise emanating from any use shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and where use is within or adjoins a residential district. The sound measured at the lot line shall not exceed 50 decibels between the hours of 10:00 p.m. and 6:00 a.m. and 70 decibels at other hours.
- B. Lighting shall not be used in such a manner that produces a glare on public streets and neighboring property.
- C. The emission of obnoxious odors of any kind or any toxic or corrosive fumes or gases shall not be permitted. Dust created by a use shall not be exhausted or wasted directly into the atmosphere.
- D. The emission of smoke or particulate matter of a density greater than the standard permitted by the NWAPCA (Northwest Area Pollution Control Agency) is prohibited at all times, unless a permit is issued by the City of Kittitas.
- E. All mechanical, electrical, and electronic equipment shall be shielded to the extent necessary to prevent electrical, magnetic or radiological interference with the use of any equipment or process on abutting sites.
- F. All hazardous materials shall be stored in strict compliance with all federal, state and local regulations.
- G. Any violation of the provisions of the KMC, including without limitation Title 17, shall constitute a public nuisance.

**17.44.160 Signs**

- A. The following signs are permitted in the R-R and R-I districts:
  - 1. One unlighted sign not exceeding six square feet in area pertaining only to the sale, lease, or rent of only the particular building, property, or premises upon which displayed. For corner lots, one sign for each street frontage is permitted;
  - 2. Nameplates not exceeding two square feet in area bearing only the name and occupation of the occupants;
  - 3. Directional, warning, or safety signs associated with any permitted or conditional use;
  - 4. Temporary signs.
- B. The following signs are permitted in the R-2 district:
  - 1. All signs permitted in R-I district;
  - 2. One unlighted or indirectly lighted sign to identify an apartment complex or building, not to exceed 20 square feet in area and limited to 42 inches in height if freestanding.
- C. The following signs are permitted in the C-B district:
  - 1. Projecting and wall signs shall be limited to one sign per parcel, except that corner and double frontage lots are permitted one sign for each street frontage, not to exceed 25 percent of the wall area excluding windows and doorways;
  - 2. Directional, warning, or safety signs associated with any permitted or conditional use;
  - 3. Temporary signs;

4. Sandwich board signs may be placed on a sidewalk in front of a business during business hours where the sign is no greater than 42 inches in height nor more than 30 inches in width, and the sign does not obstruct pedestrian traffic;
  5. Illuminated signs shall be of constant light intensity and shall not conflict with traffic controls. Flashing signs shall be prohibited.
- D. The following signs are permitted in the C-M and I-G districts:
- I. All signs that are permitted in C-B district except Sandwich board signs.

**17.44.170 Accessory Buildings**

Where authorized by this code, accessory buildings shall meet the following standards:

- A. No accessory building shall be located in any required front yard area.
- B. No accessory building housing livestock or for storage of malodorous substances shall be located within 40 feet of a lot line or principal residential building.
- C. An accessory building must have been originally and specifically constructed for use as a permanent accessory building unless it is to be located in the industrial district. Cargo containers, truck vans, converted mobile homes and similar prefabricated containers and structures originally built for alternative purposes do not meet these criteria and are prohibited for use as accessory buildings.

**17.44.180 “Type A” Home Occupations**

When all of the following criteria are met, home occupations are considered “Type A” home occupations (see Conditional Uses for “Type B” home occupations) and are allowed as accessory uses in the residential districts following a “Type I review” process as identified in the KMC Title 14:

- A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes; and
- B. Only resident family members are involved in the business; and
- C. Customers do not come to the home to receive goods and/or services, except by limited appointment; and
- D. No exterior signs or indications that a business is present in the home; and
- E. No window display and no sample commodities are displayed outside the building; and
- F. Home occupations shall occupy not more than twenty-five (25) percent of the total floor area of the primary residence.

**17.44.190 Day Care Home**

When all of the following criteria are met, day care homes are allowed as accessory uses in the residential districts following a “Type I review” process as identified in the KMC Title 14 to determine that the following minimum criteria are met:

- A. Comply with all building, fire, safety, health code, and business licensing requirements; and
- B. Strict compliance with all regulations and restrictions of the licensing requirements for day care home administered by the state of Washington; and

- C. Conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; and
- D. Provide a safe passenger parking and loading area; and
- E. No exterior signs or indications that a business is present in the home; and
- F. No outward manifestation or change of primary use other than that of a dwelling if located within a residential area.

**17. 44.200 Winery, small-scale and Microbrewery**

Where authorized by this code, small-scale wineries and microbreweries shall meet the following standards:

- A. A complete and detailed analysis of water and wastewater usage shall be conducted to ensure City facilities are adequate to meet peak level demands. To minimize impacts on the existing water system, water recycling within the development is encourage.
- B. All tanks, equipment and supplies shall be kept within an enclosed building/structure(s).
- C. Hours of operations shall be considerate of surrounding uses.

**17. 44.210 Maintenance and Alterations**

All buildings and other structures shall be maintained in satisfactory condition with respect to exterior appearance. All additions to existing buildings, new structures, alterations and major maintenance which affect exterior appearances shall be subject to the same review and approval process as originally followed in approval of the principal structure as per the adopted Building Codes. All landscaped and open space areas shall be kept reasonably free of litter and debris. All plant material shall be kept free of disease, dead material and weeds in landscaped areas.

**17.44.220 Clear View Triangle**

All corner lots at street, alley and/or driveway intersections shall maintain, for safety vision purposes, a vision clearance triangle. No solid or other sight-obstructing fence, sign, utility structure, associated landscaping or other sight obstruction between 36 inches and eight feet in height above the existing road grade shall be placed within the triangle.

- A. For street intersections the vision clearance triangle shall consist of the area bounded by the front property lines, extending along the front property lines a distance of fifteen (15) feet from the point of intersection, and a straight line connecting said points;
- B. Within the central business district, the vision clearance triangle at street intersections shall consist of the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines 50 feet from the point of intersection and a straight line connecting said latter points; and/or
- C. For all alley and driveway intersections, the vision clearance triangle shall consist of the area bounded by the centerline of either the platted alley or the established and/or anticipated driveway location and the front property line, extending along each of these lines a distance of fifteen (15) feet from the point of intersection, and a straight line connecting said points.



## Chapter 17.46 OFF-STREET PARKING REQUIREMENTS

### Sections:

- 17.46.010 Purpose**
- 17.46.020 Applicability**
- 17.46.030 Required Off-Street Parking**
- 17.46.040 Required Off-Street Loading**
- 17.46.050 Off Site Parking Facilities**
- 17.46.060 Performance Standards**
- 17.46.070 Development Standards**
- 17.46.080 Special Considerations**

### **17.46.010 Purpose**

It is the purpose of this Chapter to provide adequate numbers of off-street parking spaces, vehicular ingress, egress and loading facilities in order to reduce on-street parking, increase traffic safety, maintain smooth traffic flow and reduce the visual impact of parking lots.

### **17.46.020 Applicability**

- A. Off street parking and loading facilities shall be available prior to occupancy of a site, commencement of commercial/industrial activities, changes in use or major alteration/enlargement of the site, use or structure. All required parking spaces shall be permanently available and maintained for parking purposes only.
- B. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking spaces or loading berths required by this Chapter by more than (10%) percent of the total number required prior to the alteration or enlargement.
- C. Within the Central Business District (CB) zone the following shall apply:
  - a. All uses shall demonstrate adequate and safe on-street parking areas.
  - b. New buildings, buildings increasing to two or more stories, or hotel/motel uses shall be required to meet all the provisions of this chapter.
  - c. Existing buildings/uses, not listed above (17.46.020 (B)(b)), shall be exempt from this chapter.

### **17.46.030 Required Off-Street Parking**

- A. The total number of off-street parking spaces required shall be calculated based on the total floor area of the proposed use (unless otherwise specified). The total floor area is defined as the gross floor area minus the following spaces:
  - 1. Elevator shafts and stairways;
  - 2. Public restrooms;
  - 3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes; and
  - 4. Permanently designated corridors.

- B. The following categories shall be used in defining various types of land uses and activities:
1. Residential: single family, duplex and multi-family dwelling units.
  2. Community Services: Churches, schools, funeral homes, convalescent/nursing homes, clubs, lodges, grange halls, museums, art museums, municipal buildings etc.
  3. General Retail: Grocery store, pharmacies, hardware, liquor, furniture, department, clothing stores, etc.
  4. General Service: Mini-marts, gas/service stations, beauty salons, espresso stands, eating and drinking establishments, etc.
  5. Transient Services: Hotels, motels, bed and breakfasts, boarding houses, etc.
  6. Professional Office: Law, doctor, real estate, accounting, insurance offices, financial institutions, etc.
  7. Industrial Facilities: Wholesale trade, warehousing, processing and manufacturing plants, big box retail, auto recycling and heavy equipment repair shops, etc.
- C. The required number of parking spaces for each land use/activity category shall be as follows:

<b>Category</b>	<b>Required Spaces</b>
Residential	2 spaces/ unit
Community Services	1 space/200 square feet
General Retail	1 space/300 square feet
General Service	1 space/100 square feet
Transient Services	1 space/room or group of rooms rented as a single unit
Professional Office	1 space/250 square feet
Industrial Facilities	1 space/500 square feet of retail area & 1 space/1000 square feet of gross floor area

1. Off-street parking requirements for uses not specifically defined above shall be determined by the Administrator based upon the requirement for similar uses.
2. In calculating the required number of parking spaces for facilities containing more than one use, the ratio for each use shall be applied to the total square footage for each use and then added together for the required number of parking spaces.

**17.46.040 Required Off-Street Loading**

Off-street loading shall be provided for all commercial/industrial establishments which are engaged in retailing or wholesaling of merchandise requiring frequent loading or unloading from trucks or other large vehicles.

- A. Loading space size: The required space shall be of adequate size to accommodate the maximum size of vehicles loading or unloading at the site.
- B. Loading space location: The required loading and related maneuvering space shall be located on the property served and in no case shall be allowed on public right-of-way.

#### **17.46.050 Off-Site Parking Facilities**

If the required off-street parking is proposed off-site, the applicant shall provide a written contract with affected landowners stating that required off-street parking will be provided in a manner consistent with the provisions of this Chapter. All contracts shall be approved by the City and then recorded with the Kittitas County Auditor as a deed restriction encumbering the title(s) of all properties involved.

#### **17.46.060 Performance Standards**

Parking areas associated with single-family dwellings shall be exempt from the provisions of this Chapter, except as provided in Section 17.46.030 above.

- A. Lighting: Lighting shall illuminate any off-street parking or loading spaces used at night. When provided, lighting shall be directed toward the property only.
- B. Barrier Free Parking: Accessible parking shall be provided, in accordance with the Washington State Barrier Free Code.
- C. Maintenance: The owner of a required parking area shall maintain the paved surface and any required landscaping, irrigation and drainage facilities in a manner complying with this Chapter and the approved site plan.

#### **17.46.070 Development Standards**

All off-street parking areas shall be constructed in the following manner:

- A. Surfacing: Off-street parking areas shall be surfaced with asphalt, concrete or similar pavement.
- B. Parking Space Dimension: Nine (9) feet in width by eighteen (18) feet in length.
- C. Minimum Area Per Space: The minimum area requirement for each parking space, together with access and maneuvering areas shall not be less than three hundred and sixty (360) square feet per parking space or stall.
- D. Stormwater Drainage: All stormwater shall be accommodated on-site in a system approved by the City of Kittitas.
- E. Border/barricades: Each parking space adjacent to buildings, walls, landscaped areas, street rights-of-way and/or sidewalks shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two (2) feet of the front of such space.
- F. Striping: All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official to indicate individual parking stalls. Directional arrows shall be clearly drawn on paved surfaces in order to provide a safe pattern of traffic movement.
- G. Entrances and Exits: All points of ingress and egress to parking areas shall have a minimum separation of one hundred (100) feet and are subject to approval by the City Engineer.
- H. Backing onto Public Right-of-way: In all commercial, industrial and multifamily developments, parking areas shall be arranged to avoid any vehicles from backing onto any street or public right-of-way.
- I. Mixed Use: In the case of mixed uses, the requirements of off-street parking shall be the sum of those required for the multiple uses computed separately. Off-street parking

provided for one use shall not be considered as providing required parking for any other uses.

- J. **Yard Areas/Setbacks:** Off-street parking areas shall be located outside of required yard areas, except that, within the commercial and industrial zoning districts, required parking may be permitted within that portion of the front yard area that is more than ten (10) feet from the front property line when consistent with all other provisions of this title.

**17.46.080 Special Considerations**

Any development that dedicates additional right-of-way for transit facilities, or provides transit facilities on site, may reduce the off-street parking requirements by ten (10) percent. Local transit improvements may include, but are not limited to, shelters, benches, bus turnouts and similar improvements that directly benefit the users of the development. All improvements, including any dedication of right-of-way, shall be approved by the local transit authority prior to receiving a reduction in parking requirements

## Chapter 17.52 CONDITIONAL USES

### Sections:

<b>17.52.010</b>	<b>Purpose</b>
<b>17.52.020</b>	<b>Permit Required</b>
<b>17.52.030</b>	<b>Conditions Imposed</b>
<b>17.52.040</b>	<b>Required Findings</b>
<b>17.52.050</b>	<b>General Requirements</b>
<b>17.52.070</b>	<b>Recreational Vehicle Parks</b>
<b>17.52.080</b>	<b>Day Care Center</b>
<b>17.52.090</b>	<b>Bed and Breakfast</b>
<b>17.52.100</b>	<b>Type B Home Occupation</b>
<b>17.52.110</b>	<b>Mini Storage</b>
<b>17.52.120</b>	<b>Pet Services</b>
<b>17.52.130</b>	<b>Accessory Dwelling</b>
<b>17.52.140</b>	<b>Winery/Brewery</b>
<b>17.52.150</b>	<b>Utility Uses / Structures</b>

### **17.52.010 Purpose**

Conditional uses, because of public convenience and necessity and their effect upon the neighborhood, shall be permitted only upon the approval of the hearing examiner, after due notice and public hearing, and a finding that they will not be detrimental to the general comprehensive plan or to adjacent and surrounding property. The purpose of this chapter is to establish the minimum criteria for evaluating conditional use permit applications, and to establish general as well as specific standards that must be met by conditional use permit proposals.

### **17.52.020 Permit Required**

A conditional use may be approved when authorized by this title when findings required by this title are made. All approved conditional uses shall be authorized by a permit which states the required findings and reasons therefore, the conditions imposed on the use/structure, the location of the conditional use and the time limit, if any.

### **17.52.030 Conditions Imposed**

In addition to the other requirements of the title, any condition reasonably required to allow the proposed use or activity to meet the standards of the required findings below may be imposed. Such conditions may include but are not limited to:

- A. Requirements for environmental protection;
- B. Landscaping, clearing, planting, fencing and screening requirements;
- C. Requirements of site restoration, reforestation or re-grading after use of the land;
- D. Setbacks, height and bulk requirements; refer to section describing; and
- E. Safety requirements, such as time of operations, traffic routing, limitations on processes, etc.

#### **17.52.040 Required Findings**

The following findings, at a minimum, shall be made in order to authorize a conditional use:

- A. The proposed use, at the proposed location, is consistent with the purposes on the comprehensive plan, the zoning code and the zone district in which it is to be located, and that the proposed use will meet all applicable requirements of the title.
- B. The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.

#### **17.52.050 General Requirements**

- A. The City shall determine whether the conditional use permit will run with the land or be personal. If the conditional use is personal, the permit is nontransferable to other persons. The City may require the permit to be recorded with the county auditor as a covenant on the property.
- B. The conditional use permit must be acted upon within one year from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the administrator may grant one extension of time of up to one year past the original expiration date.
- C. The conditional use permit, even if issued to the person, applies only to the property on which it was issued and may not be transferred to any other property.
- D. A conditional use permit may be denied if the City finds the proposed use cannot be conditioned so that the required findings can be made.

#### **17.52.070 Recreational Vehicle Parks**

Recreational vehicle parks may be allowed as provided for in KMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. Park and Lot Requirements.
  - 1. Minimum Lot Size. 40,000 square feet.
  - 2. Maximum Density. The maximum gross density allowed shall be one recreational vehicle space per 1,000 square feet of land area per recreational vehicle campground.
  - 3. Minimum Yard Requirements. All recreational vehicles or accessory buildings shall be located no closer than 25 feet from all public road rights-of-way, nor 15 feet from any side or rear property line.
  - 4. Recreational Vehicle Spaces. Each recreational vehicle space shall have a minimum width of 20 feet. Each recreational vehicle shall be so positioned to provide 10 feet between all other recreational vehicles and with all accessory buildings. Each recreational vehicle space shall be well marked and numbered.
  - 5. Open Space. There shall be a minimum of 10 percent of the total park area exclusive of roads, parking areas and yard setbacks, accessory buildings, and recreational vehicle park spaces set aside for recreational open space. This area shall be improved and maintained so as to provide recreational facilities for the residents of the park.
  - 6. Accessory Buildings. Accessory buildings permitted in recreational vehicle parks

include structures for park offices, restrooms and shower facilities, recreation structures and facilities, and other uses incidental and necessary for park purposes.

7. Limitations on Stay. No recreational vehicle shall remain in place in a recreational vehicle park for more than 120 days in any one-year period.

B. Utilities and Sanitation.

1. Water Supply. An accessible, adequate, safe, and potable water supply system complying with all state and local regulations shall be provided in the recreational vehicle park. Individual water service connections to individual recreational vehicle spaces are encouraged; where not provided to individual spaces water shall be available within 200 feet of every recreational vehicle space.
2. Sewage Disposal. An adequate and safe sewage disposal system complying with all state and local regulations shall be provided in the recreational vehicle park and it shall be designed to accommodate convenient use by the campground users. The sewage disposal system shall be connected to a public sewerage system, where available.
3. Sanitary Dumping Stations. Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every 100 recreational vehicle spaces. Sanitary stations shall be so constructed and maintained so as to comply with all state and local regulations. Sanitary stations shall be properly signed and separated from all recreational vehicle spaces by a distance of not less than 50 feet.
4. Solid Waste Disposal. The storage, collection, and disposal of solid waste in recreational vehicle parks shall be approved by the appropriate state or local health agency and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards.
5. Electrical Supply System. Each recreational vehicle park shall be provided with an electrical supply system adequate to supply electricity to provide lighting to all streets, walkways, and service buildings within the campground. If electrical service is provided to individual recreational vehicle spaces, the electrical supply system shall be installed and maintained in accordance with all applicable state and local codes and regulations.
6. All utilities such as water, fire protection, power, etc. shall be installed and maintained in accordance to all applicable state and/or local guidelines.

C. Recreational Park Road System and Parking.

1. Streets. Interior private streets shall provide for continuous forward movement so as to prevent dead ends, cul-de-sacs, or barriers. Minimum interior road widths shall be 12 feet.
2. All recreational vehicle park roads shall be on an adequate base, graded and surfaced to provide a dust free, all weather surface.
3. All internal recreational vehicle park roads shall be privately owned, constructed, and maintained.
4. Parking. At least one off-street parking space shall be provided per recreational vehicle space. There shall be at least four off-street parking spaces provided for the recreational vehicle park office. Recreational unit check-in parking shall be provided as needed so as to prevent park access obstruction.

5. All recreational park security systems shall be reviewed by local emergency response officials.

**17.52.080 Day Care Center**

Day care centers may be allowed as provided for in KMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. Strict compliance with all regulations and restrictions of the licensing requirements for day-care centers administered by the state of Washington;
- B. Sixty-foot frontage on a public street;
- C. Nine hundred sixty square feet of outdoor play space plus an additional 80 square feet of outdoor play space per child over 12 children, exclusive of garage;
- D. All play areas shall be fenced and screened in a manner approved by the hearing examiner so as to minimize noise and visual interference with the adjoining neighborhood;
- E. Thirty-five square feet per student of room space for use by students;
- F. Prior to final approval of the conditional use permit the applicant must submit a certificate of compliance with all applicable code requirements from the building inspector of the city and the fire chief of the city;
- G. An on-site vehicle turnaround or separate entrance and exit points and passenger loading area must be provided. The city shall specifically consider the location and appearance of the proposed turnaround or access in determining the compatibility with the surrounding uses. The hearing examiner shall consider the traffic safety of the location for pickup and delivery of children.

**17.52.090 Bed and Breakfast**

Bed and Breakfast facilities may be allowed as provided for in KMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The bed and breakfast facility shall be the principal residence of the owner;
- B. A bed and breakfast facility shall be compatible with the residential character of the neighborhood and the owners shall provide screening with shrubs, fencing and other suitable materials to minimize the impact upon the residential character of the neighborhood;
- C. The applicant for a conditional use permit for a bed and breakfast guest house shall at the time of filing the application provide evidence to the hearing examiner of compliance with all health, building and fire regulations;
- D. Off-street parking as required in KMC Chapter 17.44 shall be behind the front yard setback line and shall be screened so as to minimize the visual and audio impact upon the residential character of the neighborhood;
- E. One non-illuminated sign bearing the name of the bed and breakfast facility is permitted, provided that the sign is not more than four (4) square feet in area and is attached flush against the wall of the dwelling;
- F. Guests shall limit their length of stay to not more than 14 consecutive days;
- G. All applications for bed and breakfast guest house conditional use permits shall be accompanied with a floor plan and lot plan setting forth bathrooms and bedrooms to be

used for bed and breakfast guest house facilities, their size, location and the lot plan showing the location of off-street parking, its size and any additions to premises and screening;

- H. Meals shall only be served to paying guests, not the general public;

#### **17.52.100 Type B Home Occupations**

Type B home occupations may be allowed as provided for in KMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes; and
- B. Any member of the household and only one non-resident person may be employed in the business; and
- C. One non-illuminated sign bearing the name and home occupation of the resident is permitted, provided that the sign is not more than four (4) square feet in area and is attached flush against the wall of the dwelling.
- D. Parking facilities for customers and/or the non-resident employee shall be addressed as appropriate during the permit review process; and
- E. No window display and no sample commodities are displayed outside the building; and
- F. Home occupations shall occupy not more than twenty-five (25) percent of the total floor area of the primary residence, or not more than 500 square feet of an accessory storage building; and
- G. Stock in trade stored or for sale shall not exceed 25 percent of the total home occupation area; and
- H. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.

#### **17.52.110 Mini Storage**

Mini storage facilities may be allowed as provided for in KMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The minimum site size for a mini storage facility shall be 30,000 square feet;
- B. A minimum 10-foot-wide buffer yard area, shall be established along that portion of the mini storage facility which adjoins a public street right-of-way and a five-foot-wide rear and side yard buffer area shall be established along all other rear and side property lines. All buffer yard areas shall be landscaped in accordance with the provisions in KMC Chapter 17.44 General Regulations;
- C. In addition to the required landscaped buffer yard area, a 6-foot sight-obscuring fence shall be installed along all property lines that adjoin a residential use and/or zone;

#### **17.52.120 Pet Services**

Pet grooming occupations may be allowed as provided for in Chapter 17.40 KMC, District Use Chart, by conditional use permit with the following minimum provisions:

- A. Domesticated animals are animals that are kept by humans as pets,

- B. Only domesticated dogs and cats will be groomed in the facility.
- C. All grooming shall take place within the residential structure or accessory structure.
- D. No more than four animals shall be on-site at any one time.
- E. All business related materials shall be stored within the primary or accessory structure at the place of business.
- F. All pets must be secured in kennels, cages, leashes or in a manner that will protect and maintain a safe residential atmosphere.

**17.52.130 Accessory Dwelling**

Accessory dwelling units shall be on the same property as the primary residence and shall meet the following provisions:

- A. Only one accessory dwelling unit per lot;
- B. The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence;
- C. At least one additional off-street parking space shall be provided for use by the owner-occupants and/or tenant;
- D. The accessory housing unit shall meet all building and health and safety requirements;
- E. General provisions that apply include access, building setbacks, lot coverage, and road improvements;
- F. Attached accessory dwelling units or accessory dwelling units built as part of a detached accessory structure such as a garage, shall meet the following provisions:
  - 1. The accessory dwelling unit size shall not exceed the gross floor area of the primary dwelling unit, and
  - 2. The accessory dwelling unit shall be allowed on any legal lot of record, provided the lot coverage requirements of the underlying zoning district can be met.
- G. Detached accessory dwelling units shall meet the following provisions:
  - 1. The minimum lot area shall be equal to or greater than sixteen thousand square feet, and
  - 2. The accessory dwelling unit shall not exceed one thousand two hundred square feet in area;
- H. The recording of title notices as appropriate to disclose the circumstances and conditions of authorized accessory residential use, may be required.

**17.52.140 Winery/Brewery**

Wineries and/or Breweries shall meet the following provisions for development:

- A. A complete and detailed analysis of water and wastewater usage shall be conducted to ensure City facilities are adequate to meet peak level demands. To minimize impacts on the existing water system, water recycling within the development is encourage.
- B. All tanks, equipment and supplies shall be kept within an enclosed building/structure(s).
- C. Hours of operations shall be considerate of surrounding uses.

- D. Event rooms/halls/outside areas and tasting rooms shall be clearly defined on the site plan, including parking requirements shall be considered “general service” under Chapter 17.46.
- E. Odor and pest management shall limit the impact to surrounding property owners and land uses.

**17.52.150 Utility Uses / Structures**

Utility uses and structures shall meet the following Minimum conditions:

- A. In residential districts, any proposed buildings shall be designed to harmonize with the residential structures of the neighborhood.
- B. All setback requirements of the district shall be observed.
- C. If the facility is of an outdoor nature, it shall be completely enclosed by a view obscuring fence or hedge at least six (6) feet in height and shall observe the restrictions that apply to fences in the district.
- D. Proposed enclosures that exceed a height of six (6) feet shall observe the minimum setback requirements that apply to primary structures in the district.

## Chapter 17.56 VARIANCES

### Sections:

<b>17.56.010</b>	<b>Purpose</b>
<b>17.56.020</b>	<b>Required Findings</b>
<b>17.56.030</b>	<b>Time Limits</b>
<b>17.56.040</b>	<b>Applicability</b>

### **17.56.010 Purpose**

A variance is an official permit, obtained from the hearing examiner, to do something normally forbidden by regulations. As used in this title, a variance is authorized only for height, setbacks, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district.

### **17.56.020 Required Findings**

A variance to any requirement of this title, except use and procedural requirements, may only be granted when all of the following required findings are made:

- A. Special Circumstances. Because of special circumstances related to the property, the strict enforcement of the zoning code would deprive the owner of use rights and privileges permitted to the other properties in the vicinity with the same zoning.
  1. Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses, and protection of environmental features such as vegetation, streams, ponds and wildlife habitat.
  2. Special circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning code, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property
- B. Special Privilege. The approval of the variance will not grant special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
- C. Zoning Code. Approval of the variance will be consistent with the purposes of the zoning code and the zone district in which the property is located.
- D. Not Detrimental. The variance as approved or conditionally approved will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity.
- E. Minimum Variance. The approved variance is the minimum necessary to allow the owner the rights enjoyed by other property owners in the vicinity with the same zoning.

**17.56.030 Time Limits**

The variance must be acted upon within one year from the date of approval or the variance shall expire. The holder of the variance may request an extension of time before the expiration of the variance and the administrator may grant one extension of time up to six months past the original date of expiration.

**17.56.040 Applicability**

The variance applies only to the specific property and/or situation for which it was granted.

**Chapter 17.60**  
**NONCONFORMING USES, STRUCTURES AND LOTS**

**Sections:**

- 17.60.010 Purpose and Intent**
- 17.60.020 Nonconforming Uses**
- 17.60.030 Changes to a nonconforming use**
- 17.60.040 Nonconforming Structures**
- 17.60.050 Nonconforming Lots**
- 17.60.060 Establishment**

**17.60.010 Purpose and Intent**

Within the districts established by this title or amendments that may later be adopted, there may exist lots, uses and structures which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures, or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Ultimately it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building, or lot.

**17.60.020 Nonconforming Uses**

- A. Expansion of a nonconforming use shall be prohibited. Nonconforming uses may be continued if:
  - 1. The use was lawful at the time it was established;
  - 2. The use has not been discontinued for a period of 12 consecutive months since the nonconformity was established; and
  - 3. The use has not been enlarged in scope or size in any way, except as required to meet state or federal standards.
  
- B. Restoration of Damage. A nonconforming use may be restored, if damaged less than 75 percent of its value by fire or other hazard, in the same location and dimensions as existed before the damage occurred if restoration begins within six months of the date the damage occurred. Upon a showing of hardship or conditions causing delay which are beyond the control of the applicant, the mayor may grant an extension of time for up to six additional months.

**17.60.030 Changes to a nonconforming use**

A nonconforming use shall not be changed to another nonconforming use. A nonconforming use changed to a conforming use may not thereafter be changed back to a nonconforming use.

### **17.60.040 Nonconforming Structures**

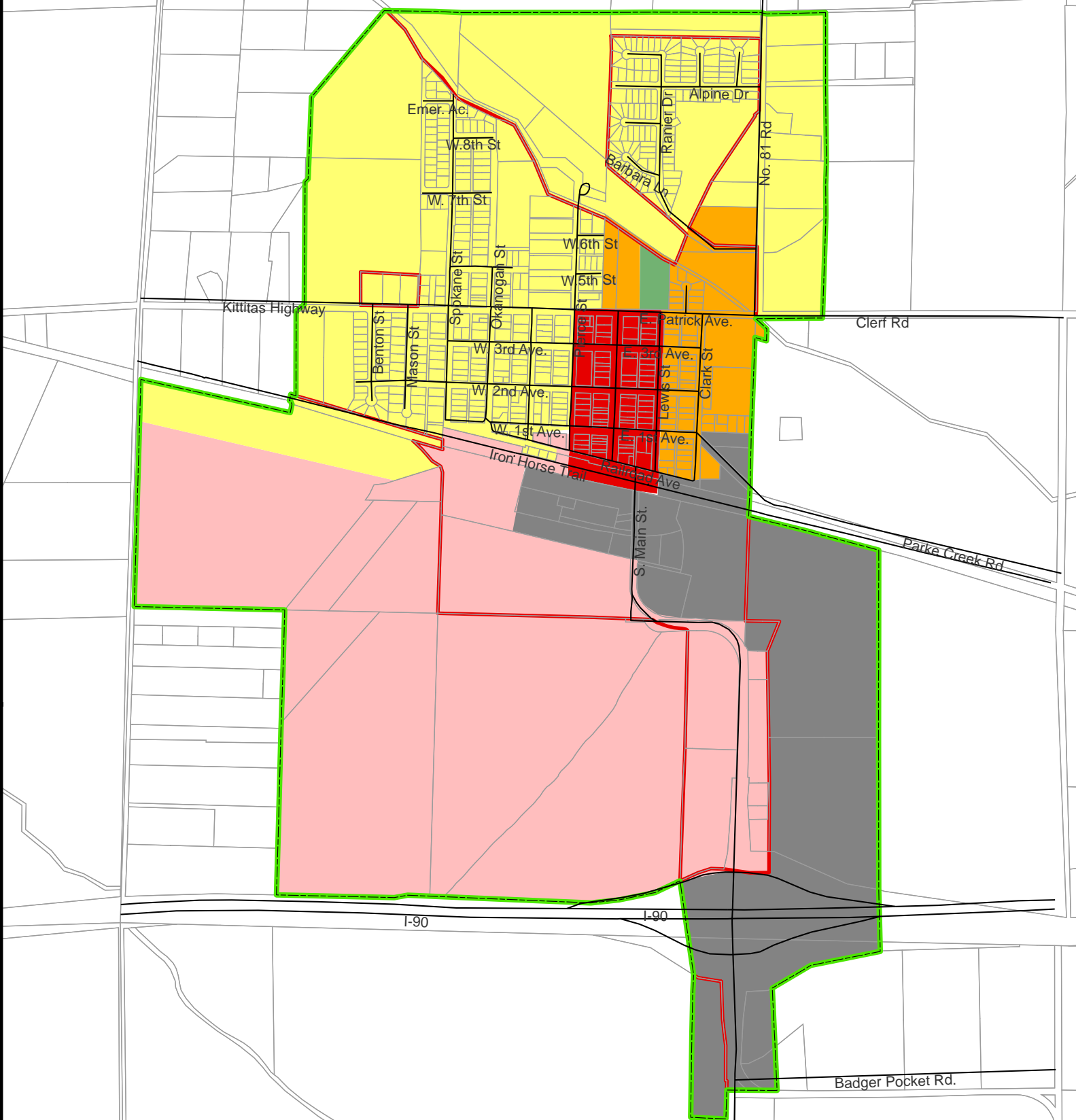
- A. Alterations. A nonconforming structure may be altered or enlarged, if:
1. Alterations to the structure do not increase the nonconformity in any way;
  2. Alterations are necessary to meet City, state, or federal requirements; or
  3. Alterations meet the existing requirements of the zone in which the structure is located
- B. Restoration of Damage. A nonconforming structure may be restored, if damaged less than 75 percent of its value by fire or other hazard, in the same location and dimensions as existed before the damage occurred if restoration begins within six months of the date the damage occurred. Upon a showing of hardship or conditions causing delay which are beyond the control of the applicant, the mayor may grant an extension of time for up to six additional months

### **17.60.050 Nonconforming Lots**

A structure and its customary accessory buildings may be erected on any legal lot created before the effective date of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the minimum dimensional requirements of the underlying zoning district; provided that such structure is allowed within that zoning district and all uses of the nonconforming lot shall comply with all other provisions of this title including setbacks, dimensional standards and lot coverage requirements.

### **17.60.060 Establishment**

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the City. Determination of the nonconforming status of a lot, use, building or structure is an administrative function of the administrator. Property owners asserting existing nonconforming status shall submit such information as the administrator deems necessary to substantiate or document the claim to the existing nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of existing nonconforming status.



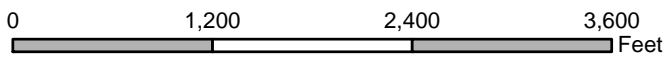
City of Kittitas, Washington Official Zoning Map

**Zoning**

- Central Business
- Industrial
- Mixed Commercial Industrial

- Residential 1
- Residential 2
- Rural Residential

- Urban Growth Area
- City Limits



Disclaimer:  
 This map is intended for general information only. Data is subject to change.  
 It is not meant as an accurate measurement. Contact the City of Kittitas  
 for more information. July 10, 2007



Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_

Ordinance Number \_\_\_\_\_

Affective Date \_\_\_\_\_