

ORDINANCE NO. 2010 -- _____

AN ORDINANCE relating to zoning; amending Section 10.01.020 of the Hoquiam Municipal Code; amending Section 10.01.100 of the Hoquiam Municipal Code; amending Section 10.03.010 of the Hoquiam Municipal Code; amending Section 10.03.020 of the Hoquiam Municipal Code; amending Section 10.03.040 of the Hoquiam Municipal Code; amending Section 10.03.090 of the Hoquiam Municipal Code; amending Section 10.03.100 of the Hoquiam Municipal Code; adding a new Section 10.03.102 to the Hoquiam Municipal Code; adding a new Section 10.03.104 to the Hoquiam Municipal Code; adding a new Section 10.03.106 to the Hoquiam Municipal Code; adding a new Section 10.03.108 to the Hoquiam Municipal Code; adding a new Section 10.03.110 to the Hoquiam Municipal Code; adding a new Section 10.03.112 to the Hoquiam Municipal Code; adding a new Section 10.03.114 to the Hoquiam Municipal Code; adding a new Section 10.03.116 to the Hoquiam Municipal Code; amending the Title to Chapter 10.04 of the Hoquiam Municipal Code; amending Section 10.04.010 of the Hoquiam Municipal Code; amending Section 10.04.020 of the Hoquiam Municipal Code repealing Section 10.04.030 of the Hoquiam Municipal Code; adding a new Section 10.04.032 to the Hoquiam Municipal Code; adding a new Section 10.04.034 to the Hoquiam Municipal Code; amending Section 10.04.040 of the Hoquiam Municipal Code; amending Section 10.04.050 of the Hoquiam Municipal Code; adding a new Section 10.05.008 to the Hoquiam Municipal Code; amending Section 10.05.020 of the Hoquiam Municipal Code; amending Section 10.05.040 of the Hoquiam Municipal Code; amending Section 10.05.060 of the Hoquiam Municipal Code; adding a new Section 10.05.065 to the Hoquiam Municipal Code; adding a new Section 10.05.078 to the Hoquiam Municipal Code; amending Section 10.05.100 of the Hoquiam Municipal Code; adding a new Section 10.05.122 to the Hoquiam Municipal Code; amending Section 10.06.050 of the Hoquiam Municipal Code; amending Section 10.07.140 of the Hoquiam Municipal Code; amending Section 10.09.020 of the Hoquiam Municipal Code; amending Section 10.09.030 of the Hoquiam Municipal Code; amending Section 10.09.040 of the Hoquiam Municipal Code; amending Section 10.09.050 of the Hoquiam Municipal Code; amending Section 10.09.070 of the Hoquiam Municipal Code; amending Section 10.09.080 of the Hoquiam Municipal Code; amending Section 10.09.090 of the Hoquiam Municipal Code; amending Section 10.09.100 of the Hoquiam Municipal Code; amending Section 10.09.130 of the Hoquiam Municipal Code; amending Section 10.09.140 of the Hoquiam Municipal Code; amending Section 10.09.160 of the Hoquiam Municipal Code; amending Section 10.09.170 of the Hoquiam Municipal Code; amending Section 10.09.190 of the Hoquiam Municipal Code; amending Section 10.09.200 of the Hoquiam Municipal Code; amending Section 10.09.210 of the Hoquiam Municipal Code; amending Section 10.09.230 of the Hoquiam Municipal Code; and amending Section 10.09.240 of the Hoquiam Municipal Code.

THE CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1. Section 10.01.020 of the Hoquiam Municipal Code is amended to read as follows:

10.01.020 Purpose.

The purpose of this code is to promote and protect the public health, safety and welfare and implement the comprehensive plan; provide adequate light, air and access; enhance safety from fire and other dangers; facilitate adequate provision for transportation, water, sewerage, renewable energy, schools, parks and other public services; avoid excessive concentration of population; organize the application, review and approval steps for land development in a clear and efficient manner; and generally to strike an appropriate balance between maximum flexibility in the use of land and the need for high quality development for overall community good.

SECTION 2. Section 10.01.100 of the Hoquiam Municipal Code is amended to read as follows:

10.01.100 Nonconforming uses, structures, and lots of record.

(1) Uses, structures and lots legally established prior to the adoption of the ordinance codified in this title may not conform to all of the requirements of this code.

(2) In order not to cause undue economic hardship to owners of property, nonconforming uses and structures are allowed to continue under the following conditions:

(a) An existing nonconforming structure and accessory buildings ~~cannot~~ can be enlarged, ~~or~~ altered or repaired provided the improvements meet minimum setback and lot coverage requirements for the current zone so as to increase its nonconformity.

~~(b) An existing nonconforming structure and its equipment or fixtures may be repaired; provided, however, that the value of the repair does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done.~~

~~(c)~~ (b) An existing nonconforming structure that is destroyed by fire or calamity more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code; provided that reconstruction commences within two years of the damage.

(3) If a nonconforming use, with the exception of qualified historic structures, is discontinued or unoccupied for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this code.

(4) Any nonconforming use, excepting qualified historic structures, which use has been discontinued shall be replaced only by a use which conforms to the regulations of the district in which it is located.

(5) A dwelling unit, with customary accessory buildings, may be erected on a single nonconforming lot of record which is a lot smaller in area or narrower in width than one permitted by this code under the following conditions:

(a) The dwelling unit shall comply with all setbacks, height, and lot coverage requirements.

(b) The lot must have frontage of at least fifteen feet to an improved public street.

(6) If two or more lots, combinations of lots, or portions of lots, with continuous frontage of fifty feet or less and of single ownership are of record at the time of passage of the code, and if all or part of the lots do not meet the requirements of this code, the lot

or combination of lots shall be considered an undivided parcel. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in the code. In the event that two or more lots are combined for a development project the applicant must submit a legal description of lot consolidation affidavit with the development permit to the City.

SECTION 3. Section 10.03.010 of the Hoquiam Municipal Code is amended to read as follows:

10.03.010 Purpose.

The purpose of this chapter is to classify land within the city into various districts as set forth in the 2009 Comprehensive Land Use Plan, each with appropriate district designations, and within each district, limit the use of the land and the height, size, use and locations of structures; identify public health and safety standards; and provide for nonconforming uses to protect property owners from undue economic hardship

SECTION 4. Section 10.03.020 of the Hoquiam Municipal Code is amended to read as follows:

10.03.020 Establishment of land use zoning districts.

(1) In order to classify, segregate, and regulate the use of land, buildings, and structures according to the provisions of this code, the City of Hoquiam is hereby divided into the following regular land use zoning districts:

- (a) Low Density Residential ~~Single-family residential~~ (R-1) district;
- (b) High Density Residential ~~General residential~~ (R-2) district;
- (c) General Commercial ~~Community business~~ (C-1) district;
- (d) Downtown Commercial ~~General commercial~~ (C-2) district;
- (e) Industrial (I) district;
- (f) Natural Resource (NR) district;

(2) In addition to the above land use zoning districts, overlay districts have been established to protect, maintain and enhance the unique physical and cultural resources and character of the city. Property located within an overlay district as described in this title and shown on the official overlay maps of the city is subject both to its zone classification regulations and to the additional requirements imposed for the overlay district. In any case, where the provisions of an overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

- (a) Waterfront (WF-1) district;
- (b) Pedestrian (POD) district;

(3) The purpose of these land use zoning district designations are as follows:

(a) The R-1 district provides for single-family dwelling units along the same traditional development patterns that exist today. The district also contains compatible neighborhood uses and structures that serve the needs of residents. R-1 district comprises the newer residential areas and the areas where larger lots are common.

(b) The R-2 district provides for a variety of single and multifamily dwelling types with compatible neighborhood-related uses and structures.

(c) The C-1 district provides everyday shopping, professional services, and waterfront-related activities, to residents of the city, the surrounding area, and tourists. Uses in this district are within the downtown area or along major streets and arterials.

(d) The C-2 district ~~provides for~~ defines the downtown mixed retail, wholesale, and low intensity light manufacturing activities delivering goods and services to other businesses and the public businesses and city government buildings. Uses in this district depend on access to major streets and arterials for trade and transportation. The C-2 district seeks to maintain historic buildings, promote pedestrian and transit use and limit off street parking lots.

(e) The I district provides for industrial uses and small businesses engaged in the design, development, manufacturing, fabricating, testing, servicing or assembly of manufactured products. The I district also accommodates those general retail uses that do not serve community and neighborhood needs and are not compatible with other commercial land uses allowed in commercial zoning districts elsewhere in the city.

(f) The NR district provides for large open tracts of land for timber production, agricultural use, passive recreation and education.

SECTION 5. Section 10.03.040 of the Hoquiam Municipal Code shall be amended to read as follows:

10.03.040 Official zoning map.

This code establishes an official zoning map, referred to herein as the “Official Zoning Map of the City of Hoquiam.” The map shall show as graphically as possible the regular zoning districts within the city. The map shall be approved by the City Council of Hoquiam and shall contain the signatures of the mayor and finance director as verification of the approval of the City Council. ~~The map shall be on file in the office of the administrator and there shall be only one copy.~~ The City Planning Administrator shall have, maintain and make available to the public the only official current original zoning map as adopted by the City Council. This code and all its terms are to be read and interpreted in light of the contents of this map. In cases where there may be conflicts of interpretation between the map and the text of the code, the text of the code shall prevail.

SECTION 6. Section 10.03.090 of the Hoquiam Municipal Code shall be amended to read as follows:

10.03.090 Table of permitted and conditional uses.

(1) Establishment of Uses. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding thirty days.

(2) Interpreting the Table of Land Uses.

(a) ~~The Land Use Table in subsection (3) of this section determines whether a specific use is allowed in a land use district~~ is divided into two tables: 1.) Residential and 2.) Commercial, Industrial & Natural Resources. The land use district is located on the vertical column and the specific use is located on the horizontal row of these tables. The Table of Permitted and Conditional Uses - Residential is in section 10.03.106 and the

Table of Permitted and Conditional Uses - Commercial, Industrial and Natural Resources are in section 10.03.116.

(b) If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district.

(c) If the letter “P” appears in the box at the intersection of the column and the row, the use is a permitted use, allowed by right in that district and subject to the general requirements of Chapter 10.05 HMC.

(d) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use permit application procedures under HMC 10.07.040 and subject to the general development standards of Chapter 10.05 HMC.

(e) If a number accompanies a letter, the use is allowed in that zone subject to different development limitations or conditions. The development condition with the corresponding number immediately follows the table.

(f) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

(3) Table of Permitted and Conditional Uses:

Land Use	R-1	R-2	C-1	C-2	I
Accessory buildings and uses	P	P	P	P	P
Adult entertainment businesses				C	
Adult family homes	P	P			
Asphalt, rock crushing, and concrete batch plants					P
Assembly halls and community clubs	C	P			
Automobile, heavy maintenance and repair shops			C	P	P
Automobile, RV, boat sales			P	P	
Automobile service stations			P	P	
Automobile wrecking, towing, or junkyards				C	
Bars, cocktail lounges, and taverns		P	P		
Bed and breakfast inns	C	C	P		

Boarding houses	G	G			
Cemeteries, mausoleums, crematoriums	G				
Community facilities	G	G	P	P	P
Contractor yards				P	
Day care centers	G	P	P	P	
Dwellings, accessory	P	P			
Dwellings, duplex		P			
Dwellings, manufactured	P	P			P ¹
Dwellings, manufactured, temporary residence	G	G			
Dwellings, multifamily with five or more units		G	G		
Dwellings, multifamily with four or less units		P	G		
Dwellings, single-family	P	P	P ³	P ¹	P ¹
Family child care providers	P	P	P	P	
Food processing				P	
Freight terminals				P	
Hazardous waste storage and treatment				G	G
Home occupations	P	P			
Hospitals, medical and dental clinics	G	P			
Industry, heavy				P	P

Industry, light and within a structure				P	P
Manufactured home parks	G				
Manufactured office buildings				P	
Marina facilities			P	P	P
Mini-storage facilities				P	P
Motels, hotels, and bed and breakfast inns			P		
Office and business parks				P	
Outdoor storage			G	P	
Parking areas, public and private		P	P	P	
Parks, public	G	G		P	
Personal services		P	P		
Personal services requiring 4 or less off-street parking spaces* in a mixed-use overlay district		G			
Places for religious worship	G	G	P		
Planned unit developments	G	G			
Professional services			P	P	
Professional services requiring 4 or less off-street parking spaces* in a mixed-use overlay district		G			
Public utilities	P ²				
Recreational facilities	G	G	P	P	

Residential care facilities	G	G	P		
Restaurants			P	P	P
Restaurants, drive-in			G	G	G
Retail sales			P	P	
Retail sales requiring 5 or less off-street parking spaces* in a mixed-used overlay district		G			
Small engine sales, service, and repair			P	P	
Schools	G	G	P		
Ship terminals, slips, and repair facilities					P
Truck and heavy equipment sales and services				P	P
Veterinary hospitals and kennels			G	P	
Warehousing				P	P
Wholesale and retail liquefied petroleum sales				P	
Wholesale sales and product distribution centers					P

¹Serving the owner, manager, or caretaker of a permitted or conditional use.

²Public utilities that exceed the height limitations of a district require a conditional use permit.

³Only if located above a ground floor commercial use.

*Consistent with the requirements of HMC 10.05.020.

SECTION 7. Section 10.03.100 of the Hoquiam Municipal Code is amended to read as follows:

10.03.100 Density and dimensional requirements.

(1) Subsection (3) of this section contains a table showing the maximum density and minimum dimensional standards for land use districts.

(2) The table is arranged as a matrix format showing the required standard by land use districts. Development standards are listed down the left side of the table and the zones are delineated across the top. The matrix cells contain the maximum density or minimum dimensional requirements for each land use district. A blank box indicates that there are no specific requirements or the provisions of the International Building Code apply. The presence of a letter accompanying a number means there are special development limitations or conditions. The development limitation with the corresponding letter immediately follows the table.

(3) Table of Maximum Density and Minimum Dimensional Standards for Land Use Districts.

Development Standard	R-1	R-2	C-1	C-2	I
Maximum Density (Units Per Acre)					
Single-Family Dwelling Units	5	9			
Manufactured Homes on Individual Lots	5	9			
Duplex Dwelling Units	10	18			
Multifamily Dwelling Units	15	25			
Manufactured Home Parks		15			
Minimum Lot Area in Square Feet	8,500	5,000	5,000	2,500	20,000
Minimum Lot Frontage in Feet	75	50			
Maximum Lot Coverage	50%	50%	100%	100%	100%
Yard Requirements in Feet					
Minimum Front Yard	10	10			
Minimum Side Yard	5	5			
Minimum Side Yard Adjacent to Street	10	10			
Minimum Rear Yard	5	5			
Maximum Height	35	35	55	55	55*
*Heights greater than 55 feet require a conditional use permit.					

SECTION 8. NEW SECTION. A new Section 10.03.102 is added to the Hoquiam Municipal Code, to read as follows:

10.03.102 Low Density Residential (R-1) district.

Purpose: The general purposes of the Low Density Residential district are to encourage sustainable residential development patterns within the community. The R-1 zone accommodates single family residences including duplexes, triplexes and four-plexes at a density of up to 5 dwelling units per acre. Limited multifamily or higher lot density development could occur with the approval of a planned unit development within this zone.

This zoning district has been applied to the outlying areas away from the downtown, commercial corridor and industrial areas. The district generally maintains slightly lower densities that maintain and promote the small town character of Hoquiam while maintaining the environmentally sensitive areas are not adversely impacted by development densities. Clustering density by means of a PUD to provide open space in environmentally sensitive areas is encouraged. Permitted and Conditional uses are identified in the 10.03.104 Table of Permitted and Conditional Uses – Residential.

SECTION 9. NEW SECTION. A new Section 10.03.104 is added to the Hoquiam Municipal Code, to read as follows:

10.03.104 High Density Residential (R-2) district.

The general purposes of the High Density Residential district is to accommodate single family residences including duplexes, triplexes and four-plexes at a density of 9 per acre and multifamily at 25 per acre. The area corresponds to the portion of town which is currently platted to eight lots per block, includes few developments and have close proximity to public facilities and services. The district includes areas that are along major collectors, arterials and planned transit service. Permitted and Conditional uses are identified in the 10.03.104 Table of Permitted and Conditional Uses – Residential.

SECTION 10. NEW SECTION. A new Section 10.03.106 is added to the Hoquiam Municipal Code, to read as follows:

10.03.106 Table of Permitted and Conditional Uses - Residential

Residential Land Use	R-1	R-2
Accessory buildings and uses	P	P
Adult family homes	P	P
Assembly halls and community clubs	C	P
Bars, cocktail lounges, and taverns		C
Bed and breakfast inns	C	C
Boarding houses	C	C
Cemeteries, mausoleums, crematoriums	C	
Cluster Density Subdivision	C	C
Community facilities	C	C

Day care centers	C	C
Dwellings, duplex	P	P
Dwellings, manufactured	P	P
Dwellings, manufactured, temporary residence	C	C
Dwellings, multifamily with five or more units	C	P
Dwellings, multifamily with four or less units	P	P
Dwellings, single-family	P	P
Family child care providers	P	P
Home occupations	P	P
Hospitals, medical and dental clinics	C	P
Manufactured home parks	C	P
Parking areas, public and private		P
Parks, public	C	C
Personal services		P
Personal services requiring 4 or more off-street parking spaces*		C
Places for religious worship	C	C
Planned unit developments	C	C
Public utilities	P ²	P ²
Recreational facilities	C	C
Restaurants 20 seats or less		P
Residential care facilities	C	C
Retail grocery/ minimart sales requiring 5 or less off-street parking spaces*		C
Schools	C	C
² Public utilities that exceed the height limitations of a district require a Conditional Use Permit.		
³ Only if located above a ground floor commercial use.		

SECTION 11. NEW SECTION. A new Section 10.03.108 is added to the Hoquiam Municipal Code, to read as follows:

10.03.108 General Commercial (C-1) district.

The general purposes of the General Commercial District are to provide appropriate commercial areas for retail and service establishments, neighborhood convenience stores and office uses required by residents of the city in a manner consistent with the Comprehensive Plan. The district provides employment opportunities for residents of the city and adjacent areas, businesses which meet the needs of the local population and attract populations located throughout Western Washington; provide adequate space to meet the needs of commercial development and associated on and off street parking/loading; and to concentrate the commercial development such that the intensity promotes vitality within the commercial areas, facilitates transit and optimizes available infrastructure.

General Commercial accommodates a wide range of commercial uses to serve the local community and region. The businesses are ones that are most heavily dependent on vehicular access and are located adjacent to the major transportation route through the city. Uses allowed with this district include retail businesses, professional offices, hotels, restaurants, and personal service shops. Live work units are permitted outright.

SECTION 12. NEW SECTION. A new Section 10.03.110 is added to the Hoquiam Municipal Code, to read as follows:

10.03.110 Downtown Commercial (C-2) district.

The general purposes of the Downtown Commercial District are to accommodate a mix of uses that have occurred over time in the city's downtown area. This district makes provision for retail uses on the ground floor of structures and promotes a mix of uses on the upper floors of historic buildings including residences, hotels, art studios, and professional offices. The district is intended to permit the development of a scale, type, height, and architectural style that reinforces the historic character of the downtown area. It is designed to promote pedestrian oriented land uses and minimize parking facilities associated with individual businesses off-street. On-street parking characteristic of typical historic areas is promoted and transit and pedestrians are the focus of the area.

SECTION 13. NEW SECTION. A new Section 10.03.112 is added to the Hoquiam Municipal Code, to read as follows:

10.03.112 Industrial (I) district.

The general purposes of the Industrial District are to provide a variety of manufacturing and marine-related uses in limited areas, which if located elsewhere would be unacceptable. The district protects residential and non manufacturing areas from adverse effects associated with industrial activity. The district promotes economic diversification and employment opportunities for present and future residents. Activities within the district may include small scale manufacturing, processing, fabrication and assembly of products and materials, warehousing, storage, and transport facilities. Marine related activities may include boat related haul-out repair and fabrication, painting services, and associated retail sales. The district also accommodates heavy manufacturing activities including processing, assembling of products or bulk storage.

SECTION 14. NEW SECTION. A new Section 10.03.114 is added to the Hoquiam Municipal Code, to read as follows:

10.03.114 Natural Resources (NR) district.

The general purposes of the Natural Resources District are to provide flexibility in the newly annexed area of the city for future development while limiting urban sprawl. The Natural Resource District is primarily used for the commercial production and harvesting of trees. Additionally it is available for passive recreational activities, educational uses and public and private utilities.

This area of the city will provide opportunity for future growth. The city will prepare a buildable lands inventory and analysis of potential street design and utility layout. As development is proposed for these areas it should be compatible with adjacent land use.

SECTION 15. NEW SECTION. A new Section 10.03.116 is added to the Hoquiam Municipal Code, to read as follows:

10.03.116 Table of Permitted and Conditional Uses – Commercial, Industrial and Natural Resources

Commercial, Industrial & Natural Resource Land Use	C-1	C-2	I	NR
Accessory buildings and uses	P	P	P	
Adult entertainment businesses	C			
Asphalt, rock crushing, and concrete batch plants			P	
Assembly halls and community clubs	P	P		
Automobile, heavy maintenance and repair shops	P	C	P	
Automobile, RV, boat sales	P	P		
Automobile service stations	P	P		
Automobile wrecking, towing, or junkyards			P	
Banks and financial services	P	P		
Bars, cocktail lounges, and taverns	P	P		
Bed and breakfast inns	C	P		
Crematoriums	C		C	
Cluster Density Subdivision	C	C	C	
Community facilities	P	P	P ^W	
Contractor yards	P		P	

Day care centers	P	P		
Drive through facilities	P		P	
Dwellings, multifamily with five or more units	C ^W	P ³	P ^W	
Dwellings, multifamily with four or less units	C ^W	P ³	P ^W	
Dwellings, single-family	P ¹	P ¹	P ^W	
Farmers Market	P	P	P	
Food processing	P	P	P	
Freight terminals	P		P	
Hazardous waste storage and treatment	C		C	
Hospitals, medical and dental clinics	P	P	P	
Industry, heavy			P	
Industry, light and within a structure	P		P	
Live work Unit	P	P		
Manufactured office buildings	P		P	
Marina facilities	P ^W	P ^W	P	
Mini-storage facilities	P			
Motels, and hotels	P	P	P ^W	
Office and business parks	P		C	
Outdoor storage	P		P	
Parking areas, public and private	P	C	P	
Parks, public	P	P	P ^W	P
Personal services	P		P ^W	
Places for religious worship	P	P	P ^W	
Planned unit developments	C	C	C	C
Professional services	P	P	P ^W	
Public utilities	P ²	P ²	P ²	P ²
Recreational facilities	P	P	P ^W	C
Residential care facilities	P		C ^W	
Restaurants	P	P	P ^W	
Restaurants, drive-in	P		C ^W	
Retail sales	P	P	P ^W	

Retirement Home	P	P		
Small engine sales, service, and repair	P	P	P	
Ship terminals, slips, and repair facilities			P	
Timberland Production				P
Truck and heavy equipment sales and services	P		P	
Veterinary hospitals and kennels	P	C	P	
Warehousing	P		P	
Wholesale liquefied petroleum sales			P	
Wholesale sales and product distribution centers			P	
¹ Serving the owner, manager, or caretaker of a permitted or conditional use				
² Public utilities that exceed the height limitations of a district require a conditional use permit.				
³ Only if located above a ground floor commercial use.				
^w Waterfront overlay district only as part of a PUD				
*Consistent with the requirements of HMC <u>10.05.020</u> .				

SECTION 16. Amending the Title to Chapter 10.04 to the Hoquiam Municipal Code to read as follows:

Chapter 10.04
~~MIXED-USE OVERLAY DISTRICTS~~

SECTION 17. Section 10.04.010 of the Hoquiam Municipal Code is amended to read as follows:

10.04.010 Purpose.

The purpose of this chapter is to establish a “~~mixed~~ overlay districts” which will designate appropriate and desired land uses that will protect the residential or commercial character of portions of the city while allowing compatible uses.

SECTION 18. Section 10.04.020 of the Hoquiam Municipal Code is amended to read as follows:

10.04.020 Boundaries of district.

The boundaries of the ~~mixed-use~~ overlay district(s) are shown on the official ~~mixed-use overlay~~ zoning district map, which is hereby made a part of this title, just as if such information set forth on the map were fully described and set out herein. The official ~~mixed-use~~ overlay map shall contain the signatures of the mayor and finance director as verification of the approval of the city council. The map shall be on file in the Office of the City Administrator and there shall be only one official copy. This chapter and all its

terms are to be read and interpreted in light of the contents of this map. In cases where there may be conflicts of interpretation between the map and the text of this chapter, the text of the chapter shall prevail.

SECTION 19. Section 10.04.030 of the Hoquiam Municipal Code is hereby repealed.

SECTION 20. NEW SECTION. A new Section 10.04.032 is added to the Hoquiam Municipal Code, to read as follows:

10.04.032 Waterfront Overlay District (WF-1) district.

The Waterfront District is an overlay that recognizes the unique character of the waterfront area in Hoquiam and allows a wide variety of development along the shoreline. The use of waterfront property can range from industrial to residential development in a planned unit development. The city will work towards compatibility among the waterfront development and also to allow public access to the shoreline to the extent possible.

SECTION 21. NEW SECTION. A new Section 10.04.034 is added to the Hoquiam Municipal Code, to read as follows:

10.04.034 Pedestrian Overlay District.

- (1) The purpose of Pedestrian Overlay is to provide for and result in the:
 - (a) Creation of safe, attractive, pedestrian friendly environment where pedestrians can incorporate physical activity, such as walking, into their daily routine.
 - (b) Creation of a district where priority is given to pedestrians over automobiles.
 - (c) Encourage active commercial and services into the ground floor of buildings.
- (2) Pedestrian Overlay District is within the Downtown Commercial (C-2) District.
- (3) Setbacks are critical to defining the street space and creating safe, lively pedestrian friendly access to businesses.
 - (a) Maximum setback from the edge of sidewalk to the building wall is 10 feet. The setback area may be used for landscaping or other small commercial uses catering to pedestrians.
- (4) Building entrances shall allow people to access the building easily by foot with the building facing the street, and being clearly visible from the sidewalk
- (5) Awnings and Canopies are allowed in public Right of Way to protect pedestrians from rain, contribute to overall continuity of buildings within the streetscape to help define the pedestrian zone.
 - (a) Types of material for awnings and canopies must be fabric, metal, tempered or safety glass, or Plexiglas. On registered historic buildings wood may be used.
 - (b) Area of coverage shall be along the street wall or that portion of the street wall that abuts or is parallel to the sidewalk. Maximum depth is defined in the applicable section of the UBC but shall not exceed 2/3 of sidewalk width and be at least 2 feet back from edge of curb.
 - (c) Height of the awning or canopy must be between eight and twelve feet above finished grade. Every attempt should be made to make awnings of like height along any given block.

(6) Parking, including bicycles: surface parking lots are prohibited on lots abutting pedestrian streets except when they are located behind buildings.

SECTION 22. Section 10.04.040 of the Hoquiam Municipal Code is amended to read as follows:

10.04.040 Table of allowed uses.

The table of permitted and conditional uses set forth in HMC ~~10.03.090~~ 10.03.106 and 10.03.116 shall identify land uses which shall be allowed in the ~~mixed-use~~ overlay districts as an outright permitted use or as a conditional use subject to a conditional use permit.

SECTION 23. Section 10.04.050 of the Hoquiam Municipal Code is amended to read as follows:

10.04.050 Application of regulations.

All properties located within ~~the mixed-use~~ an overlay district shall be subject to both its underlying zone classification and to the requirements imposed by the ~~mixed-use~~ overlay district. In any case where the use provisions of the ~~mixed-use~~ overlay district conflict with the use provisions of an underlying zone, the use limitations of the ~~mixed-use~~ district shall apply

SECTION 24. NEW SECTION. A new Section 10.05.008 is added to the Hoquiam Municipal Code, to read as follows:

10.05.008 Accessory Dwelling Unit.

Accessory dwelling units located within or attached to a single family residence or detached accessory dwelling units consistent with single family neighborhood character that fall within the regulations and provisions shall be a permitted use. Only one accessory dwelling unit may be permitted per single family residence. If existing parking is displaced by creation of an accessory dwelling unit new parking must be located on-site. Only one entrance to the entire structure shall be visible from the “front” street. Accessory units must have similar roof pitch, windows and siding as the existing single family residence and meet all the standards set forth in the code. A building permit shall be obtained from the Building Services Division for any new construction in conjunction with an accessory dwelling unit.

A single family home and accessory dwelling unit may share a common side sewer line to the sewer main.

A single family home and accessory dwelling unit shall have a minimum of one water meter.

SECTION 25. Section 10.05.020 of the Hoquiam Municipal Code is amended to read as follows:

10.05.020 Bed and breakfast inns in the R-1 and R-2 districts.

Bed and breakfast inns in the R-1 and R-2 districts shall meet the following provisions:

(1) The ~~owner or renter~~ owner/renter/manager of the inn shall live on the premises;

(2) No more than five bedrooms are rented to transient guests; and

(3) Meals served are limited to guests renting rooms.

(4) The Bed and Breakfast facility may be rented for the purpose of meetings, receptions and special events. The owner/renter/manager of the facility shall provide a parking plan for approval by the Building Official prior to the event. When used for such purposes meals may be served to the participants.

SECTION 26. Section 10.05.040 of the Hoquiam Municipal Code is amended to read as follows

10.05.040 Fences and hedges.

(1) Fence Restrictions.

(a) Fences and hedges in the R-1, R-2, and C-1 districts shall meet the following height restrictions:

(i) Front yard: forty-eight inches; provided, however, fence or hedge may be seventy-two inches if in line with the front of a building and not closer than ten feet to a public street. Building permits are required for all fences exceeding six feet in height in the residential zone.

(ii) Side or rear yards not abutting a public street: seventy-two inches.

(iii) Side or rear yards abutting a public street: seventy-two inches.

(iv) Vision clearance triangle: thirty-six inches.

(b) Fences and hedges in the C-2 and I districts have no height restrictions.

(c) Barbed or razor wire shall be prohibited except in the ~~C-2~~ C-1 and I districts or as security fencing serving a public facility in any district.

(d) Electrified fences shall be prohibited.

(2) Required Fencing. New structures in commercial or industrial districts on property sharing a common property line with a residential district shall erect and maintain a view-obscuring fence, wall, or hedge along the common boundary no less than six feet in height.

SECTION 27. Section 10.05.060 of the Hoquiam Municipal Code is amended to read as follows:

10.05.060 Home occupations.

Home occupations established after the adoption of the ordinance codified in this section shall meet the following requirements:

(1) The occupation is incidental and accessory to the principal residential use of the residential structure dwelling unit;

(2) The area devoted to the home occupation occupies no more than twenty-five percent or more than five hundred square feet of gross floor area of the residential structure dwelling unit including all other buildings serving the home occupation;

(3) The occupation does not create traffic to and from the residential dwelling unit that is disruptive to the residential area where it is located;

(4) There is one off-street parking space in addition to the required parking for the residence dwelling unit;

(5) No nonresident person works within the dwelling unit;

(6) One sign advertising the business may be affixed to the dwelling unit with a surface area no greater than nine hundred square inches; and

(7) There is no display of merchandise outside of the dwelling unit.

(8) No more than 25% of a residential property shall be used for small scale agriculture and shall comply with the provisions of Chapter 3.40.

SECTION 28. NEW SECTION. A new Section 10.05.065 is added to the Hoquiam Municipal Code, to read as follows:

10.05.065 Landscaping and Screening.

A. The purpose of this section is to carry out the objectives and policies of the Comprehensive Plan; to maintain and enhance the urban forest as an important asset to the community as expressed in the Comprehensive Plan; to provide landscaping and screening regulations which will promote a well balanced, healthy, aesthetically pleasing environment for city residents and visitors. Specifically, the regulations contained in this section are intended to accomplish the following:

1. Maintain and enhance property values;
2. Enhance air quality by preserving tree quality and planting new trees;
3. Provide adequate buffers between differing land uses;
4. Mitigate the effects of noise, light, glare, heat, wind and other adverse impacts;
5. Improve the character and appearance of the City;
6. Reduce erosion and stormwater runoff;
7. Increase opportunities to provide a balanced habitat for wildlife which can be maintained in an urban setting;
8. Promote public health, safety and comfort through the retention and planting of trees;
9. Soften the visual impacts of paved surfaces.

B. The provisions of this Chapter shall apply to all new developments within the City of Hoquiam as specified in this Section “Table of Minimum Planting Standards for New Development.”

(1) Landscaping development standards.

(a) The landscape development standards contained in this Chapter shall be administered by the Director. The City Planner shall be responsible for reviewing and approving planting specifications in the implementation of this Chapter. The Director, with the concurrence of the City Planner, is authorized to make modifications when reviewing site plans based on topographical conditions or other factors unique to the site.

(b) Credit may be given against the requirements of this Section “Table of Minimum Planting Standards for New Development” for certain existing trees

that are preserved in accordance with this Section “Preservation and Protection of Existing Trees.”

(c) Ornamental trees at least 6 feet in height may be substituted for no more than 30% of the required deciduous trees.

(d) All required plant materials shall be compatible with the USDA Hardiness Zone for Hoquiam and shall not have characteristics detrimental to the public welfare such as susceptibility to disease and wind damage or a tendency to interfere with utilities or public right-of-ways.

(e) No tree shall be planted where the soil is too poor to ensure growth. An adequate sized hole shall be excavated with the unsuitable soil removed and replaced with suitable soil.

(f) Irrigation systems, root barriers and other mechanical devices may be required to assure planting viability.

(g) Existing trees which will be saved and which meet the minimum specification herein specified, shall count toward meeting the requirements herein, provided they are an acceptable species as to their location.

(2) Table of minimum planting standards for new development.

10.05.065 - Table of Minimum Planting Standards for New Development			
Type of Development (1)	Deciduous Trees Min. 2 in. caliper DBH (at 4.5 ft. above ground)	Evergreen Trees Min. 3 ft. Height	Street Trees (1 per every 50' of frontage) Min. 1 in. caliper
Single-family/Duplex	Not required – on site	Not required – on site	Required
Multi-family/Cluster Housing (3 units or more)	24 in. total caliper per gross acre	24 ft. total height per gross acre	Required
Retail/Service Commercial (excluding Downtown Commercial Zone)	18 in. total caliper per gross acre	18 ft. total height per gross acre	Required
Professional Offices Commercial/Light Industrial	24 in. total caliper per gross acre	24 ft. total height per gross acre	Required
Industrial Development	18 in. total caliper per gross acre	18 ft. total height per gross acre	Required

(1) Does not include parking lots governed by this Section. (“Per gross acre” excludes a parking lot when landscaped under

(2) Standards as applied to all types of new development – Required as provided in this Section. Largest class of tree appropriate to the site shall be planted. Density of planting shall provide 100% canopy coverage of parking strip and adjacent sidewalk at tree maturity.

Example – Deciduous Tree Calculation: Multi-family project in RM Zone / Lot size – 21,000 sq. ft.

Lot Size (21,000 sq. ft.) X 24 in. caliper = 12 in. total caliper (equiv. to six trees @ 2 in. caliper each, for example)

Acre (43,560 sq. ft.) per gross acre

All materials shall be certified nursery stock.

(3) Landscape plans/approval.

(a) A plan of the proposed landscaping and screening shall be provided, which may be incorporated into plans submitted for preliminary plat, site plan or building permit review.

(b) At a minimum, landscaping plans shall identify:

(i) The common name and variety (“Bradford Flowering Pear” for example), the quantity and the location of proposed plant material. Both the common name and the scientific name may be required for larger projects as determined by the Director.

(ii) The location, species and size of all existing trees 6 inches or more in diameter (measured at 4 1/2 feet above ground level) and any such trees proposed to be removed.

(iii) The location, type, size and height of existing or proposed fencing.

(iv) The location of outdoor storage areas and trash receptacles and the type and size of screening.

(v) The location and type of irrigation system.

(vi) In addition to basic site information and tree identification, the City Planner may require the applicant to specify the methods used to preserve existing trees including the means of providing water to and protection of the root system during the construction period. A survey of relevant elevations, before and after, may also be required if development will result in a change of elevation within 10 feet of the drip line of such trees.

(c) No permits are required for normal maintenance or the replacement of dead or diseased plants.

(4) Performance surety.

(a) No Certificate of Occupancy shall be issued until the required landscaping is in place. If, however, landscaping installation is incomplete at the time of formal application for occupancy due to weather related reasons or other unforeseeable circumstance, the City may authorize a Certificate of Occupancy subject to

submitting a bond or other surety acceptable to the City at a value of 150% of the estimated cost of installation.

(b) Upon completion of the landscape installation, the City shall promptly release the performance surety. If the required landscaping improvements are not made within six months of occupancy of the building, the City will use the surety to install the landscaping.

5) Maintenance requirements.

(a) All shrubs, trees and vegetative material used in the screening or landscaping shall be perpetually maintained in a healthy, growing condition. Irrigation systems shall be kept operational. Dead, diseased or dying plant material shall be replaced immediately, and planting areas shall be maintained reasonably free of trash and weeds.

(b) Fences used in screening and landscaping shall be perpetually maintained in an attractive and structurally sound condition.

(c) A maintenance surety in the form of a bond, cash deposit, or other security acceptable to the City covering 20% of the cost of the original plant materials in place may be required for one year following installation to insure compliance with this Code.

(i) If a maintenance surety is required under this Section, the property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any necessary work.

(ii) The maintenance surety may be used by the City to perform any maintenance, and to reimburse the City for documented administrative costs associated with the maintenance activity.

(iii) Upon completion of the one year maintenance period, the City shall promptly release the maintenance surety or any remaining portion thereof.

(6) Landscaping of parking areas.

Landscaping of parking areas shall be as provided for in Section 10.05.100 Off Street Parking Standards, Subsection (9) Required Landscaping for parking areas.

(7) Screening requirements.

(a) At a minimum, all developments except single family residences and duplexes shall provide a sight obscuring fence (6 feet in height minimum) or a dense evergreen hedge designed to constitute a solid planting to a minimum height of 6 feet in the following situations:

(i) On common property lines which abut residential districts.

(ii) On common property lines which abut districts designated for less intensive uses.

(iii) On property lines in commercial or industrial districts, the Director shall evaluate the need for screening between uses, and may require screening on a case by case basis.

(iv) Around the perimeter of any parking area abutting residential districts.

(b) Screening requirements for loading areas for commercial and industrial uses shall be determined on a case by case basis by the Director.

(c) Blank building walls that are forty (40) feet or more in length and not located on a property line, shall be buffered by landscaping including trees planted in front of the wall.

(8) Clear vision triangle.

(a) All screening and landscaping established in association with land development activities shall comply with the height and location requirements for Clear Vision Triangles in Section 10.05.030 Clear vision triangle of this Code.

(9) Street trees.

(b) Street trees shall be provided in all new developments in all zones except the Industrial zone and shall conform to Chapter 6.52 of the Hoquiam Municipal Code. One street tree shall be required for every 50' of street frontage abutting the property. Said trees shall be installed adjacent to the right-of-way subject to the approval of the Public Works Department.

SECTION 29. NEW SECTION. A new Section 10.05.078 is added to the Hoquiam Municipal Code, to read as follows:

10.05.078 Mixed Use Development.

The mixed use designation is intended to accommodate a compatible mix of residential, commercial, light industrial, public, and institutional land uses. Mixed use development requires that a master plan be developed by the City or by the property owner working with the City to establish appropriate densities, infrastructure requirements and all other required zoning and development standards specific to the mixed use.

(1) Waterfront Mixed Use is intended for waterfront areas where new development is being proposed. The new development will respect the history of the City of Hoquiam's waterfront while implementing the community's vision for the City. These areas will become the showplace for the community where the City will retain its historic character but blend in new development and refurbish important historic structures and landmarks. Waterfront mixed use may include compatible personal, professional, and corporate offices, retail and other services, light and water oriented industrials uses, institutional and public/educational facilities, parks and other public gathering places and areas for public use and enjoyment of the waterfront, entertainment and other cultural uses, and residential uses.

SECTION 30. Section 10.05.100 of the Hoquiam Municipal Code is amended to read as follows:

10.05.100 Off-street parking standards.

(1) Required Spaces.

(a) All land uses, buildings, or structures established after the enactment of the ordinance codified in this section shall provide off-street parking according to the following table:

Land Uses	Number of Required Spaces
Accessory dwelling units, boarding houses, and	1 per dwelling unit

studio apartments	
Adult family homes	2 plus 1 per 4 beds
Automobile sales and services	1 per 600 square feet of gross floor area
Cemeteries, mausoleums, crematoriums, and similar facilities	1 per 75 feet of gross floor area used for assembly
Contractor yards	1 per 5,000 square feet of gross area
Day care centers and nursery schools	1 per employee on the largest shift
Downtown Commercial District	Special conditions apply per 10.03.100
Freight terminals	1 per 2,000 square feet of gross floor area
High schools	1 per 50 students, plus 5 per classroom
Home occupations	1
Manufacturing and assembling activities	1 per 800 square feet of gross floor area
Medical and dental clinics	1 per 400 square feet of gross floor area
Moorage and marina facilities	1 per 3 berths
Motels, hotels, and bed and breakfast inns	1 per unit
Places for religious worship	1 per 40 square feet of gross floor area of principal place of assembly
Professional, financial, and business offices not providing on-site customer service	1 per 800 square feet of gross floor area
Professional, financial, and business offices with on-site customer service	1 per 400 square feet of gross floor area
Public utility facilities	None required
Residential care facilities	1 per 4 beds
Restaurants, nightclubs, taverns, and lounges	1 per 125 feet of gross floor area
Retail businesses	1 per 300 square feet of gross floor area
Schools, elementary, and middle schools	10 spaces plus 1 per classroom
Senior citizen housing	0.5 per dwelling unit
Single-family, duplex, manufactured housing, and multifamily dwellings	2 for each dwelling unit
Truck and heavy equipment sales and services	1 per 800 square feet of gross floor

	area
Veterinary clinics, kennels, animal hospitals	1 per 800 feet of gross floor area
Warehouses and storage yards	1 per 2,000 square feet of gross floor area
Wholesale businesses	1 per 2,000 square feet of gross floor area

(b) If subsection (1)(a) of this section does not specifically mention a use, the building official shall determine the requirements for off-street parking by evaluating documentation supplied by the applicant describing proposed activities for the site and projected parking demand.

(c) If the requirements in subsection (1)(a) of this section result in a requirement for a fractional parking space, any fraction less than one-half shall be disregarded and fractions of one-half or greater shall require one parking space.

(d) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(2) Location of Required Off-Street Parking. All off-street parking required by subsection (1)(a) of this section shall be on the same parcel for the use it serves. The building official, however, may authorize the location of required parking spaces other than on the site of the use if:

(a) The alternate site does not serve as parking for any single-family, duplex, or multifamily dwelling unit;

(b) The alternate site is within the same district;

(c) The alternate site is within two hundred fifty feet of the use;

(d) There is a safe and convenient route for pedestrians between the parking area and the use; and

(e) There is assurance in the form of a deed, lease, contract, or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(3) Joint Use Parking. The building official may approve the owners of two or more uses, structures, or parcels of land to jointly use the same parking or loading area provided that:

(a) The joint parking does not serve as parking for any single-family, duplex, or multifamily dwelling unit;

(b) The hours of operation do not overlap; and

(c) Satisfactory legal evidence exists in the form of a deed, lease, contract, or similar document that secures full access to such parking or loading areas for all parties jointly using them.

(4) Expansion and Change of Use.

(a) Any change in the use of any existing parcel or structure shall comply fully with the appropriate number of parking spaces as provided in subsection (1) of this section.

(b) Any expansion of an existing structure or parcel shall provide for the number of parking spaces required in subsection (1) of this section only for the total area involved in the expansion.

(5) Downtown Commercial District Exclusion: Existing and new uses are exempt from parking requirements, except for hotels and motels, which shall provide the number of spaces required in HMC 10.05.100(1)(a). If any new parking is constructed the parking facility shall meet the design standards contained in this chapter. ~~Downtown Exclusion. Structures in Blocks 7, 19—23, 35—40, and 46—51 of the Hoquiam Corrected Plat that were existing at the time of the adoption of the ordinance codified in this section are exempt from the provisions of subsection (1) of this section; except under the following provisions:~~

(a) Any expansion of an existing structure shall provide for the number of parking spaces required in subsection (1)(a) of this section only for the total area involved in the expansion; and

(b) No structure with existing public or private off-street parking may reduce the number of spaces it has available.

(6) Off-Street Parking Design Standards. The following design standards shall apply to all parking areas except those serving single-family or duplex residential dwelling units.

(a) All parking areas shall provide for the turning, maneuvering, and parking of all vehicles on the lot. It shall be unlawful to locate or construct any parking area so that use of the space requires a vehicle to back into a public street.

(b) Parking spaces shall meet the following requirements:

(i) At least seventy percent of the required off-street parking spaces shall have a minimum width of nine feet and a minimum length of eighteen feet.

(ii) Up to thirty percent of the required off-street parking spaces may have a minimum width of eight feet and a minimum length of fifteen feet.

(iii) The minimum length of a parallel parking space shall be twenty-three feet.

(iv) Space dimensions shall be exclusive of access drives, aisles, ramps, or columns.

(v) No parking spaces shall be within the clear vision triangle.

(c) Aisle width shall be not less than:

(i) Twenty-five feet for ninety-degree parking;

(ii) Twenty feet for less than ninety-degree parking; and

(iii) Twelve feet for parallel parking;

(iv) The angle of the parking space is measured from the centerline of the parking space and the centerline of the aisle.

(d) All parking spaces shall be clearly striped. Compact spaces shall be clearly marked "COMPACT."

(e) Parking facilities shall have an all-weather, hard surface such as asphalt, concrete or turfstone that meets the approval of the Administrator. Pervious pavement is encouraged. Parks shall be exempt form this requirement provided that the facility is surfaced with no less than 3" of crushed gravel over a 6" gravel base and is maintained to be dust free.

(f) Off-street parking areas sharing a common boundary with a residential property shall erect a sight-obscuring barrier no less than five feet in height to stop the glare of automobile or truck headlights.

(g) The lighting for off-street parking areas shall be no greater than twenty feet in height and directed, hooded or shielded so that the lamp is not visible from adjacent residential properties or public streets

(7) On-site vehicle stacking for drive-through use.

(a) All uses providing drive-through services as defined by this Chapter shall provide a stacking lane on the same site for inbound vehicles. Stacking lane requirements shall be determined through the review process.

Stacking Lane Guidelines for Uses with Drive through windows

<u>Use</u>	<u>Number of Stacking Lane Spaces</u>
<u>Drive-in banks</u>	<u>5 spaces per service terminal</u>
<u>Automated teller</u>	<u>50' / service terminal machine</u>
<u>Drive-in cleaners, repair services</u>	<u>50'</u>
<u>Drive-in restaurants</u>	<u>6 spaces per lane</u>
<u>Drive-up stands (espresso, etc.)</u>	<u>3 spaces per lane</u>
<u>Mechanical car washes</u>	<u>3 spaces per washing unit</u>
<u>Vehicle fuel sales</u>	<u>3 spaces per pump</u>

Minimum length of one stacking space = 18 feet

(8) Bicycle parking standards. Bicycle parking standards shall only apply to new development and shall consist of:

(a) a stationary rack that supports the bicycle with at least one point to which the user can lock the bicycle and both wheels and frame with a high security U-shaped lock or cable lock.

(b) spaces should be two (2) feet by six (6) feet with no less than five (5) foot space for maneuvering behind the bike.

(c) bicycle spaces should be separated from motor vehicle parking area by a barrier, post or bollard, or by at least five (5) feet of open space behind the maneuvering area.

(9) Required Landscaping of parking areas

(a) The standard for landscaping of parking lots with more than five (5) spaces shall be five (5%) percent of the total parking area, in addition to the specific screening requirements of Section 10.05.065 – (7) Screening requirements

(b) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(c) Every parking area that abuts property in any residential district shall be separated from such property by a solid wall, view obscuring fence, or compact evergreen hedge at least six feet in height.

(d) No parking stall shall be located more than fifty (50) feet from a landscaped area.

(e) Landscaping of parking lots which border directly on a street shall include a five (5) foot wide planting area along the entire street frontage (except for driveways)

between the property line and the parking area. This requirement is in addition to the five (5 %) percent requirement of subsection (a).

(f) Landscaping shall be proportionately distributed throughout the parking area in a manner which best fulfills the objectives of the Chapter.

(g) Wherever possible, landscaping of paved parking areas shall include deciduous trees in order to provide shade for up to at least 20% of the vehicle accommodation area.

(h) Trees retained on the lot as allowed by Section 10.05.065 – (7) Screening requirements may reduce the number of required spaces.

(i) All site plans shall specifically demonstrate how each of the requirements of this section are met.

(j) A bond shall be filed with the City to secure completion of all landscaping required in this section prior to occupancy, and its survival in a healthy condition or replacement for a minimum period of 12 months from the date of completion.

(k) All landscaping shall be installed prior to occupancy unless seasonally impractical, in which case the Director may grant an extension to a specified date when such installation will be practical, subject to the bonding requirements of this Section.

SECTION 31. NEW SECTION. A new Section 10.05.122 is added to the Hoquiam Municipal Code, to read as follows:

10.05.122 Renewable Energy.

(1) Renewable energy in all districts shall meet the requirements set forth by the City of Hoquiam to provide for the safety and minimize the impacts on scenic, natural and historic resources within the city and regionally. No renewable energy facility shall be erected, installed, constructed or operated without first obtaining a building permit from City of Hoquiam. Renewable energy production can take many forms including but not necessarily limited to, solar, wind, wave, or tidal and can either be for private individual or commercial uses. The City has determined that Renewable Energy projects are a permitted use in all Districts and are exempt from height restrictions triggering the need for a conditional use permit as defined in HMC 10.07.130 so long as said projects meet the conditions and standards as set below.

(2) The proposed facility must meet all applicable local, state and federal requirements and must be submitted with a building permit application, site plan showing parcel boundary, setbacks and technical information regarding size and operation of the facility.

(3) No more than one wind turbine and related support structures and other improvements per parcel for private use; provided the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one foot for every foot in height of the wind turbine. (4) One wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(a) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(b) No wind turbine (s) height exceeds three hundred and fifty (350) feet;

(c) All wind turbine tower bases must be set back from all dwellings not located on the same parcel by at least one thousand (1000) feet;

(d) All wind turbine tower bases must be set back from all property lines a distance equal to twice the associated wind turbine height;

(e) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way a distance equal to twice the wind turbine height;

(f) All wind turbine (s) proposed to be located within four(4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(g) All wind turbine (s) must comply with the Federal Aviation Regulation part 77, Objects Affecting Navigable Airspace, including but not limited to, providing such notices to the FAA as required there under and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal; and

(h) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more; the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety day the City may refer the issue to the code enforcement officer for appropriate action.

SECTION 32. Section 10.05.130 of the Hoquiam Municipal Code is amended to read as follows:

10.05.130 Signs.

~~Signs in all districts shall meet the requirements of Chapter 2.28. HMC. The total area of all signs on any parcel in the C 1, C 2 and I districts shall not exceed two hundred square feet.~~

The intent of this section is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the city as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information but to prevent excessive and confusing signing displays.

(1) Permits and fees required. No sign permit shall be issued unless the sign installer has a valid Washington State sign contractor's license; provided, however, an applicant may obtain a permit to install a sign on his own property without a state license.

(2) Installation requirements.

(a) Structural requirements. The structure and erection of signs or flag poles within the city shall be governed by the city's adopted Building Code. Compliance with the Building Code shall be a prerequisite to issuance of a sign permit under this code.

(b.). Electrical requirements. Electrical requirements for signs within the city shall be governed by the National Electrical Code. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.

(c.) Illumination requirements. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection

of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Illumination, if used, shall be what is known as white or yellow and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.

(d) Maintenance. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the sign code administrator. The premises surrounding a free-standing sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner.

(e.) Landscaping for free-standing and monument signs. All free-standing and monument signs shall include as part of their design landscaping about their base so as to prevent vehicles from hitting the sign and to improve the overall appearance of the installation.

(f.) Inspection. All sign users shall permit the periodic inspection of their signs by the city upon city request.

(g.) Location. All monument and temporary freestanding signs (such as construction signs and property "for sale" signs) must be set back a minimum of five feet from any property lines, or outside the sight triangle established by the vision clearance ordinance, whichever is greater.

(3.) More restrictive provision to apply. Whenever two provisions of this code overlap or conflict with regard to the size or placement of a sign, the more restrictive provision shall apply.

(4) Permit--Requirements. No sign governed by the provisions of this code of more than four square feet in sign area shall be erected, structurally altered or relocated by any person, firm or corporation after the date of adoption of this code without a permit issued by the city (with the exceptions as noted). No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated.

(5) Permit--Applications. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement and such other pertinent information as the administrator of this code may require to insure compliance with this code and other applicable ordinances. Permit applications shall be available for inspection by the public upon request. Upon completion of a permit application, the application shall be acted on within two weeks unless there is a requirement for further time under SEPA.

(6) Fee schedule. Fees for sign permits shall be established by resolution of the city council.

(7) Prohibited signs. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner's or user's expense. The following signs or displays are prohibited:

- (a) Roof signs;
- (b) Animated signs, including so-called digital signs or digital billboards ;
- (c) Flashing signs;
- (d) Portable signs
- (e) Advertising vehicles;
- (f) Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;
- (g) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device;
- (h) Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way except as provided for awnings and marquees in Subsection (9)(b)(i) sandwich board signs in Subsection (9)(a)(viii) and off-premises directional signs as provided in Subsection (8) (l);
- (i) Signs attached to utility poles;
- (j) Off-premises signs, except by conditional use permit pursuant to HMC Title 10;
- (k) Strings of banners, pennants, and other graffiti-like material;
- (l) Freestanding signs;
- (m) Billboards.

(8) Exemptions. The following signs do not require a sign permit (unless noted), nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance:

- a. The flag, emblem or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent. Flag poles require a sign permit for structural review.
- b. Memorial signs or tablets, names of buildings, stained glass windows and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.
- c. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary, or non-advertising signs as are authorized under policy approved by the city council.
- d. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- e. Flush mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.

f. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.

g. One bulletin board not over fifty square feet in sign area for each public, charitable or religious institution where the same are located on the premises of said institution. A sign permit is required.

h. Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.

i. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.

j. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification.

k. "No trespassing", "no dumping", "no parking", "private", signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

l. Directional signs erected by the city on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to city design guidelines. In addition, with the approval the Director of Public Works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the city..

m. Signs erected by the City along the Riverside Dike.

(9) Permitted signs. The following signs are permitted subject to the applicable limitations as noted.

(a.). Temporary signs. The following signs are classified as temporary (non-permanent). Temporary signs are permitted subject to the applicable limitations:

(i.) Construction signs. A sign permit is required. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:

a. In all zones other than single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line or closer than thirty feet from the property line of the abutting owner.

b. In single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line of the abutting owner.

(ii.) Grand opening displays. No sign permit is required. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights are permitted for a period of seven days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of seven days. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business or enterprise provided

the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

(iii.) Special event signs. No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet. Said signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

(iv.) Real estate signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

a. Residential "for sale" and "sold" signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

b. Residential directional "open house" signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area.

c. Undeveloped commercial and industrial property "for sale or rent" signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven feet in height.

d. Developed commercial and industrial property "for sale or rent" signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height and, if free-standing, shall be located more than fifteen feet from any abutting property line or a public right-of-way line. Said sign shall not exceed thirty-two square feet in sign area.

e. Undeveloped residential property "for sale" signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Said sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

f. Subdivisions approved after the effective date of this ordinance are permitted one cluster of flagpoles (not to exceed five flagpoles) in front of sales offices to advertise the new development.

- (v.). Political signs. No sign permit is required. Political signs, banners or posters shall not be larger than ten square feet of sign area and shall not be posted or attached to curbstones, lampposts, street signs, hydrants, bridges, trees located in planting strips or parks, telephone poles, power poles or other public utility facilities or other thing situated upon any public street or highway or any publicly owned property within the City. Provided further that Political signs may be placed in planting strips but must have the permission for such placement of the abutting property owner. No Political sign shall placed upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property, no Political sign shall be placed thereon without the written permission of the owner of the property. Such Political signs must be removed fourteen days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until the final election, but shall be removed within fourteen days after the election. The candidate or committee for whom the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.
- (vi.). Community Banners or cloth signs. Such signs may be permitted and extend across a public street by permission of the city administrator or appointed representative. Such signs may only be placed at city designated locations and erected by city personnel.
- (vii.) Banners. Such signs may be permitted on private property. Banners may be used to advertise a sale, other special events, or for new businesses waiting for a permanent sign. Notification to the city is required prior to hanging the banner. This notification shall include acknowledgement of the banner requirements, the dates the banner will be used and location of the banner. Businesses are only allowed one banner per wall with a maximum of two banners per business at any one time. All banners must comply with the following:
- a. Maintenance standards. All banners must be legible, made of durable materials, and must be well maintained.
 - b. Time limitation. Banners are limited to two, thirty-day placements per calendar year.
 - c. Location on property. Banners must be located completely on a wall, and tacked down on four corners. Banner size shall be regulated to a maximum of ten percent of the architectural elevation per wall.
- (viii.) Sandwich Board Signs. Only businesses that cater to pedestrians such as: restaurants, retail businesses that sell clothing, gifts, accessories, small markets, or other similar uses as determined by the Director of Community Development shall be allowed to have sandwich board signs. Such signs shall only be pedestrian oriented in nature and businesses will only be allowed a maximum of one sandwich board sign. These signs are subject to the following conditions:
- a. Notification. Notification to the city is required prior to displaying a sandwich board sign. This notification shall include acknowledgement of the sandwich board sign requirements, list of materials used, and rendering of the sign, including the dimensions. Prior to the issuance of the permit, the applicant shall furnish proof to the city that the applicant is covered by liability insurance

in the minimum aggregate sum of \$500,000.00 and that the city of Hoquiam is named as an additional insured on such policy.

b. Size. The area of the sign shall not exceed six square feet per side in size and shall not be wider than two feet.

c. Maintenance Standards. Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well maintained manner.

d. Display Time. Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.

e. Location. Signs may be located no further than twelve feet from the entrance to the business. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

(ix.). Garage sale (yard sales, moving sales, patio sales). No sign permit is required. Such sign shall be limited to one sign on the premises and three off-premises signs. No such sign shall exceed four square feet in sign area. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for whom the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

(x.) Seasonal sales. No sign permit is required. Vendors who receive a temporary business license as defined in Section XX for seasonal or temporary sales activities (e.g. Christmas trees or fireworks) are permitted one sign not to exceed twenty square feet in sign area. This sign shall be mounted to the booth or trailer used for temporary sales.

(b.). Permanent signs.

(i) Signage on awnings and marquees. Signage will be allowed on awnings and marquees in commercial and industrial zones of the city. Such signage shall be limited to thirty percent coverage of the face of the marquee or the exposed surface of the awning. The signage area shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculations shall include the areas between letters and lines as well as the areas of any devices which are intended to attract attention.

(ii) Freestanding signs. Freestanding signs are permitted only where it can be demonstrated that monument signs are not effective due to topography, landscaping and/or natural vegetation, building locations/setbacks, adjacent land uses, or other physical restraints not created by acts of the property owner. In such cases, such sign shall not exceed fifteen feet in height, shall not exceed the size standards of Section XX, and shall be subject to design approval by the city. It shall be incumbent upon the owner/operator of such facility to establish the need for such sign based upon the above criteria.

- (iii) Wall signs.
- (iv) Monument signs. Monument signs shall be permitted subject to **Table 10.05.130A & Table 10.05.130B.**
- (v) Low profile monument signs. Low profile monument signs shall be permitted, subject to the following criteria:
 - a. Shall not exceed five feet in height as measured from the average ground elevation at the base of the sign, provided there is no sight obstruction.
 - b. Sign area shall not exceed eighteen square feet.
 - c. Two signs per entrance to the parcel are permitted, with a maximum of four signs total.
- (vi) Informational signs. As defined in Section 10.09 are permitted for the uses identified in **Table 10.05.130A & Table 10.05.130B.**
- (vii) Internal circulation signs. As defined in Section XX are permitted for the uses identified in **Table 10.05.130A.**
- (viii) Public service signs in the form of changing message center signs may be permitted. However, the changing message center signs shall not be used for commercial purposes, such as to advertise a product, service, or use. Messages will be strictly limited to public information regarding activities, events, time, date, temperature, atmospheric condition and news of interest to the general public. Said signs shall be limited to the type, size, shape, and location specified for the zoning district in which said signs are located.
- (10) District regulations. This section shall apply to all zones designated in the zoning ordinance.
 - (a.) Residential districts.
 - (i) Nonresidential uses within residential districts. Each use is permitted one monument sign as described in **Table 10.01.130A & Table 10.05.130B.**
 - (ii) Home occupations. Home occupation signs relate to home occupation as defined in the zoning ordinance Section 10.05.060.
 - (iii) Single-family subdivisions and mobile or manufactured home parks or subdivisions. Two signs may be permitted per entrance from an access street, provided said signs do not exceed eighteen square feet in sign area each and five feet in height. Such signs can be low profile monument or fence mounted, and can be placed anywhere on the property along access streets, not necessarily at entrances.
 - (iv) Multi-family complex. Each multi-family complex is permitted two signs per entrance from an access street provided said signs do not exceed eighteen square feet in sign area each and five feet in height. Rental information such as contact name and phone number can be included as a subservient portion of this sign. Such signs can be low profile monument or fence mounted, and can be placed anywhere on the property along access streets, not necessarily at entrances.
 - (b.) Commercial, industrial and open space/institutional districts.
 - (i) Each single occupancy building not in a multiple building complex is permitted signs as described in **Table 10.01.130A & Table 10.05.130B** of this code.
 - (ii) Each multiple occupancy building is permitted signs as described in **Table 10.01.130A & Table 10.05.130B** of this code.
 - (iii) Each multiple building complex is permitted signs as described in **Table 10.01.130A & Table 10.05.130B** of this code.

(iv) A shopping center or other large commercial complex constituting a commercial subdivision or subject to a binding site plan and being more than thirty acres in size and more than three hundred fifty thousand square feet in gross floor area of buildings is permitted one shopping center or commercial complex sign not exceeding thirty feet in height and three hundred square feet in sign area. If the site has a freeway oriented sign as permitted in Section 16.75.120.D that can be seen and provides reasonable identification from all arterial frontages adjacent to the site, that sign shall count as the shopping center or commercial complex sign and no such additional signs shall be permitted. Provided, however, if the Site Plan Review Committee determines that the freeway oriented sign does not provide reasonable identification from other arterial streets, both a shopping center or commercial complex sign and a freeway oriented sign may be permitted. Signs under this provision will have a monument style. Provided, the Site Plan Review Committee shall have the authority to approve a modified sign design if due to height or other design considerations such a monument sign would be impractical or inappropriate. All such signs must be located at least twenty feet from all property lines and rights-of-way.

(v) Businesses which conform to the standards in this Chapter may have an off-premises directional sign.

(c.) Commercial subdivision, planned industrial development, planned community and business park. Each commercial subdivision, planned industrial development, planned community and business park is permitted monument signs as described in **Table 10.01.130A** & **Table 10.05.130B** of this code. Each use within a planned community or business park, and each use within a commercial subdivision which cannot be described as a multiple building complex, is permitted inclusion on an informational sign. One informational sign per entrance may be located along any internal street, generally at intersections with other internal streets. Such signs may be low profile monument signs subject to **Table 10.05.130A**, or a maximum five foot high freestanding sign subject to design review.

Each separate parcel within a business park zone is permitted monument signs as described in **Table 10.05.130A** of this code.

(11.) Variances. Variances from provisions of this chapter may be granted by the City of Hoquiam in accordance with Section 10.07.120 of the Hoquiam Municipal Code.

(12.) Legal nonconforming signs.

(a.) Continuance. Subject to the abatement requirements of subsection B. of this section, legal nonconforming signs may remain in use under the following conditions:

(i) No such sign shall be changed in any manner that increases the noncompliance of such sign with the provision of ordinance codified in this chapter established for signs in the district in which the sign is located.

(ii) The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.

(iii) "Structural alteration" means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign. When a sign is structurally altered, it ceases to be a legal nonconforming sign and must conform to the provisions of this chapter.

(iv)When a business or activity containing a legal nonconforming sign is enlarged or remodeled to a value of fifty percent or more of existing value of real property improvements, then such sign must be brought into conformity with this chapter.

(v)When a business or activity containing a legal nonconforming sign changes the type of the business, then such sign must be brought into conformance with this chapter.

(vi)Violations. Any violation of this chapter shall terminate immediately the right to maintain a nonconforming sign.

(13.) Illegal Signs.

(a.) Termination of illegal signs. The right to maintain any sign shall terminate and shall cease to exist whenever the sign is:

(i) Abandoned. No persons shall maintain or permit to be maintained on any premises owned or controlled by him any sign which has been abandoned.

(ii) Damaged or destroyed beyond fifty percent. The determination whether a sign is damaged or destroyed beyond fifty percent shall rest with the code administrator and shall be based upon the actual cost of replacing said sign; and/or

(iii) Structurally substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.

(iv) Signs affixed to defunct or closed businesses. All signs affixed to a building or on the premises of a business which is defunct, or which has been closed for more than sixty days, including frames, posts, poles and other hardware, shall be removed by the owner of the premises. If not removed, the city shall cause the removal of the signs and place a lien upon the property for the cost of removal

(b) Removal of unlawful signs.

(i) Any unlawful permanent type sign which has not been removed within thirty days after conviction of violation or imposition of civil penalty may be removed by the city and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty days of its removal by the city, the city may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs of removal shall be paid to the owner of the sign.

(ii) Signs which the administrator finds upon public streets, sidewalks, right-of-way or other public property or which wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the administrator without prior notice.

(iii) Any unlawful temporary or portable type sign located on private property which has not been removed after twenty-four hours from notification may be removed by the city. The sign may be reclaimed by the owner after a civil penalty of \$100 has been paid. If the sign has not been reclaimed within thirty days of its removal by the city, the city may sell or otherwise dispose of the sign and apply the proceeds toward costs of the removal. Any proceeds in excess of costs of the removal shall be paid to the owner of the sign.

(iv) Neither the city nor any of its agents shall be liable for any damage to the sign when removed under this section.

(c.) Violation--Penalty.

(i) Violation of the provisions of this code or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as

provided by the statutes of the state of Washington for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.

(ii) The erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located and who maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(14.) Administrator.

(a.) Appointment--Powers and duties generally. The administrator of this code shall be appointed and removed by the city administrator. The administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the administrator is authorized to formulate procedures consistent with the purposes of this code. The administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this code. As used in this code, "administrator of this code" or "administrator" shall include his authorized representative.

(b.) Inspection authority. The administrator is empowered to enter or inspect any building, structure or premises in the city upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

(15) Conflict and severability. If any provision of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.

(16.) Visual quality. The administrator is empowered to prepare graphic materials such as photographs and drawings of sign types and styles acceptable to the city, and to disallow proposed signs that do not comply with the general types and styles represented by these graphic materials. Appeals of such administrator decisions shall be to the XXX in accordance with the City of Hoquiam Development Guidelines and Public Works Standards.

Table 10.05.130A Permitted Sign Categories by Land Use Zone

Zones & Land Use Type	Monument	Wall	Low Profile Monument	Awning	Info	Internal Circulation
Residential						
1. Single Family Subdivision		P	P			
2. Multi-Family Complex		P	P			
3. Home Occupations		P*				
4. Non-	P	P				

Residential Use						
5. (i.e. church)						
6. Mobile Home Subdivisions & Parks		P	P			
Commercial, Retail, Industrial uses						
1. Single occupancy building	P	P	P**	P		P
2. Multiple-occupancy building	P	P	P**	P		P
3. Multiple-building complex	P		P**			P
4. Uses within multiple-bldg. complex		P		P		
Regional Shopping Center	P**					
Commercial Subdivisions, business parks & PUD -Industrial	P				P	
Uses within Com. Subdiv. Business Parks, PUD -Industrial	P	P		P		P

* Non-residential uses in residential zones are permitted one monument sign-Maximum 32 SF max. 5 feet high

** Either a monument sign or a low profile monument sign – not both

Table 10. 05.130B Permitted Sign Sizes – Monument Signs

Total ROW Frontage of Parcel	Allowable Sign Area Sq. Ft.	Allowable Sign Structure Size Sq. Ft.	Maximum Height Feet	Number Permitted
< 200 feet	24	40	5	1
200-399 feet	36	54	6	1
400-599 feet	50	70	7	1

600-799 feet	60	80	7	2 max
800-999 feet	66	88	8	2 max
1000 feet and >	72	96	8	2 max

Monument Sign Notes:

1. Monument signs shall not exceed 15 feet.
2. If a corner parcel with two arterial streets as frontage and there are entrances on both streets
 - a. A two or three faced sign may be placed on the corner of the property or
 - b. Regular monument signs are permitted at each entrance.
3. Setback = greater of five feet from property lines or minimum sight distance requirements
4. Single or multiple occupancy buildings whose premises extend through a block to face on two parallel streets with customer entrances on each street are permitted provided that each sign is located on different street frontages and are separated by more than 100 feet measured in a straight line between signs.

SECTION 33. Section 10.06.050 of the Hoquiam Municipal Code is amended to read as follows:

10.06.050 Hoquiam register of historic places.

(1) Criteria for Determining Designation in the Register. Any building, structure, site, or object may be designated for inclusion in the Hoquiam register of historic places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community, is at least fifty years old, or is of lesser age and has exceptional importance, and if it falls in at least one of the following categories:

- (a) Is associated with events that have made a significant contribution to national, state, or local history;
- (b) Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction;
- (c) Is the work of a designer, builder, or architect significant in national, state or local history;
- (d) Exemplifies or reflects special elements of Hoquiam’s cultural, economic, political, aesthetic, engineering, or architectural history;
- (e) Is associated with the lives of persons significant in national, state, or local history;
- (f) Has yielded or is likely to yield important archaeological information;
- (g) Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;
- (h) Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person; or
- (i) Is a reconstructed building that has been executed in an historically accurate manner on the original site.

(2) Process for Designating Properties or Districts to the Hoquiam Register of Historic Places.

(a) Any person may nominate a building, structure, site, or object for inclusion in the Hoquiam register of historic places. Members of the Hoquiam historic preservation commission or the commission as a whole may generate nominations. All nominations shall include the written consent or approval of the property owner(s) or his or her agent. In its designation decision, the commission shall consider the Hoquiam historic inventory and the city of Hoquiam comprehensive plan.

(b) The nomination shall include all features – interior and exterior – and outbuildings that contribute to its designation.

(c) The nomination shall include a legal description of the property wherein a building or structure is located, or of the site in the case of a site. In the case of an object, the location shall be described with sufficient specificity to identify the object's physical location.

(d) The Hoquiam historic preservation commission shall consider the merits of the nomination in accordance with the criteria set forth in this chapter. The application and documentary materials may be provided to the commission members in advance; consideration of the merits of the application and the commission's recommendation shall occur at a public meeting or meetings. Notice will be given to the public, owner(s) and the nominator, and any occupants of an occupied building or structure prior to all public meetings. Notice shall include publication at least once in a newspaper of general circulation in Hoquiam, posting at the property, and by mail to the nominator and the property owner(s) of record, if different. Substantial compliance with these notice provisions or actual notice of the nominator, the owner(s) of record, and any occupants shall be deemed to be adequate notice. If the commission finds that the nominated property is eligible for the Hoquiam register of historic places, the commission shall make a recommendation to the Hoquiam city council that the property be listed in the register. If the city council shall agree that the property should be listed in the register, it shall adopt a resolution to that effect. The property owner(s) of record and the nominator, if different, and building occupants, if any, shall be notified of the listing. Notice of the listing to the property owner(s) of record and nominator shall be by mail. Building occupants may be notified by posting at the building.

(e) Properties listed on the Hoquiam register of historic places shall be recorded on official zoning records with an "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification.

(3) Removal of Properties from the Register. The commission may initiate removal of a property from designation to the register by the same procedure as provided for in establishing the designation and remove the property upon a finding it no longer qualifies with the listing criteria in effect at the time of the listing by reasons of changes to the property or failure to rehabilitate the property in violation of the criteria established hereunder. A property may be removed from the Hoquiam register of historic places without the owner's consent.

(4) Effects of Listing on the Register.

(a) Listing on the Hoquiam register of historic places is a designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually.

(b) Prior to the commencement of any work on a registered property, excluding ordinary repair and maintenance and emergency measures defined in this chapter, or

changes in color of a building or structure, the owner must request and receive a certificate of appropriateness from the commission for the proposed work. Violation of this requirement shall be grounds for the commission to review the property for removal from the register.

(c) Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.

(d) Once the city of Hoquiam is certified as a certified local government (CLG), all properties listed on the Hoquiam register of historic places may be eligible for special tax valuation on their rehabilitation.

SECTION 26. Section 10.07.140 of the Hoquiam Municipal Code is amended read as follows:

10.07.140 Comprehensive Plan amendment or Code amendment.

(1) The city may amend the text and official zoning map to this code whenever public necessity, convenience, and general welfare require such action.

(2) An ~~code~~ amendment may be initiated by:

(a) Application by one or more owners of property within the corporate boundaries of the city of Hoquiam;

(b) Resolution of the city council requesting the land use hearing examiner to set the matter for hearing; or

(c) Motion of the planning commission.

(3) Land Use Hearing Examiner Review.

(a) The land use hearing examiner shall hold an open public meeting on a comprehensive plan or code amendment within forty-five days of the passage of a resolution by the city council or the receipt of a completed application by the administrator. The city shall provide public notice as provided in HMC 10.07.070(1). A

(b) The land use hearing examiner shall review the application for an amendment, take public testimony, review written testimony, and forward a recommendation for approval or denial to the city council within fourteen days of completing the open public meeting.

(4) City Council Review. The city council shall schedule at their next public meeting a date for an open record public hearing to consider the land use hearing examiner's recommendation. Upon closing the open record public hearing, the city council shall issue the notice of decision to approve, disapprove, or refer back to the land use hearing examiner within fourteen days.

(5) Appeal. The decision of the city council shall be final and conclusive after twenty-one days of the notice of decision unless appealed to superior court.

SECTION 27. Section 10.09.020 of the Hoquiam Municipal Code is amended to read as follows:

10.09.020 "A" definitions.

(1) "Abandoned sign" means any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which relates to

any occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event, or purpose which no longer applies.

(2) “Accessory building” means a detached building incidental to a primary building or use. An accessory building shall be on the same lot as the primary building or use. A building shall not be accessory and shall be considered part of the primary building when joined to the principal building by a common wall at least four feet long or when connected to the principal building by a breezeway that is eight feet or less in length.

(3) “Accessory use” means a use incidental and subordinate to the main use and located on the same lot as the principal use.

(4) “Administrator” means the ~~director of public works~~ city administrator, or his/her designee.

(5) “Adult entertainment” means any business which, as a substantial portion of its operations, offers for sale or viewing for any consideration any photographic or film depictions or devices or paraphernalia that depict or are characterized by an emphasis on the depiction, description, or engagement in specified sexual activities or anatomical areas including male or female sexual organs, buttocks, or female’s breasts. For the purposes of this definition, the term “paraphernalia” shall not be deemed to include condoms or other birth control measures.

(6) “Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board to no more than four adults not related by blood or marriage to the person or persons providing the services. An adult family home may have a maximum of six adults if licensed pursuant to Chapter 70.128 RCW by the Washington State Department of Social and Health Services.

(7) “Advertising vehicles” means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business. Franchised buses or taxis are exempt from this chapter.

(8) “Affordable housing,” for renter-occupied housing, is when monthly housing costs are thirty-three percent or less of a low- and moderate-income household’s total monthly income. For owner-occupied housing, the cost of an affordable home is three times the annual income of a low- or moderate-income household. The U.S. Department of Housing and Urban Development (HUD) annually establishes “low- and moderate-income” levels for households in Grays Harbor County.

(9) “Alley” means a public thoroughfare or way which affords only a secondary means of access to abutting property.

(10) “Alteration” or “alter” means a change or rearrangement of the structural components of an existing building, or an enlargement by extending sides or increasing the height or depth or the moving from one location to another. In buildings for business, commercial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

(11) “Animated sign” means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing,

requiring electrical energy, or set in motion by movement of the atmosphere. Excluded from the definition are public service signs, searchlights and flags.

(12) “Apartment.” See HMC 10.09.050(8), “Dwelling, multifamily.”

(13) “Approval” means an official action of the city council, planning commission, board of adjustment or administrator, as specified by this code, clearly indicating permission or ratification.

(14) “Arterial” means any street which has been designed to carry large volumes of traffic and designated as an arterial in the city of Hoquiam comprehensive plan.

(15) “Assembly hall and Community Clubs” a hall where many people can congregate for meetings, events or community functions.

(16) “Asphalt, rock crushing, and batch plant” means a mixing plant that produces batches of concrete or aggregate-asphalt mixture, offsite or at the site of another plant.

(17) “Automobile, boat, trailer, and recreational vehicle sales area” means an open area, other than a street, used for the display, sale or rental of new or used automobiles, boats, trailers, or recreational vehicles, and where no repair work is done except minor incidental repair of automobiles, boats, trailers, or recreational vehicles to be sold, displayed, or rented on the premises.

(18) “Automobile heavy maintenance and repair shop” means any premises for conducting heavy automobile maintenance activities such as engine overhauls, transmission work, automobile painting, and body fender work.

(19) “Automobile service station” means a retail place of business engaged in the sale of motor fuels and petroleum products, and/or conducts light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning. Service stations shall not include premises for conducting heavy automobile maintenance, activities such as engine overhauls, transmission work, automobile painting, and body fender work.

(20) “Automobile wrecking, towing, or junkyard” means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts

(21) “Awning” is a temporary shelter supported entirely from the exterior wall of a building.

SECTION 28. Section 10.09.030 of the Hoquiam Municipal Code is amended to read as follows:

10.09.030 “B” definitions.

(1) “Banks and financial services” means establishments that engage in providing services in accounting, finance and securities, investments, estate, and any similar type of business.

(2) “Banner” is a sign made of flexible material designed to be displayed against a wall.

(3) “Bars” and/or “cocktail lounges” means any premises that sells alcoholic beverages for consumption on the premises. It shall not mean a premises that sells beverages in conjunction with the sale of food for consumption on the premises.

(4) “Bed and breakfast inn” means a residence with five or less guest rooms where lodging is provided with or without meals for compensation.

(5) “Binding site plan” means a drawing at a scale of no less than one inch equals one hundred feet that (a) identifies and shows the locations of all streets, improvements, utilities, open spaces, and manufactured home spaces; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by the board of adjustment; and (c) contains provisions requiring that all development occurring within the proposal’s boundaries be in conformity with the site plan.

(6) “Block” means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

(7) “Board” means the board of adjustment of the city of Hoquiam, created pursuant to the requirements of this code.

(8) “Boarding house” means an establishment that provides long-term lodging for four or more persons where meals are regularly prepared and served for compensation.

(9) “Buffer” means a horizontal distance, measured perpendicularly from a property line, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features.

(10) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Building area” means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point two feet in from the outside edge of a cantilevered roof, whichever covers the greatest area.

(12) “Building, detached” means a building surrounded on all sides by open space and not connected to another building or structure except by utilities.

(13) “Building height” means the vertical distance measured from the highest elevation of the natural grade of the property where the footprint of the building will be located to the highest point of the roof, excluding chimneys and antennas.

(14) “Building line” means the line of face or corner of a part of a building nearest and parallel to the property line.

(15) “Building, primary” means the principal building(s) or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

(16) “Building setback” means the distance between the building line and the nearest boundary to the site or lot measured at right angles to the boundary.

(17) “Bulletin board (readerboard)” means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.

(18) “Business” or “commerce” means the purchase, sale, offering for sale, or other transaction involving the handling, disposition of any article, service, substance, or commodity for livelihood or profit.

SECTION 29. Section 10.09.040 of the Hoquiam Municipal Code is amended to read as follows:

10.09.040 “C” definitions.

(1) "Carport" means an accessory structure intended to house or protect vehicles that has at least forty percent of the total area of its sides open to the weather.

(2) "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

(3) "Changing message center signs" means an electronically or electrically controlled sign where different automatic changing messages are shown on the same lamp bank.

(4) "Clinic" means a building designed or used for the medical, dental or surgical diagnosis or treatment of patients under the care of a qualified professional.

(5) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record public hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(6) "Cluster Development" shall refer to a lot or lots that are may have less site area than that which would otherwise be required but which maintains the same overall density due to the provision of common open space.

(7) "Commission" or "planning commission" means the Hoquiam planning commission.

(8) "Community building" means a meeting place used by members of the community for social, cultural and recreational purposes.

(9) "Community facilities" means any use of land, water, or building by the city of Hoquiam or other governmental entity for providing services to the public including, but not limited to, administrative offices, police stations, fire stations, community centers, parks, libraries, and the like.

(10) "Concurrency" means that adequate public facilities are available when the impacts of development occur.

(11) "Conditional use" means a use which may be permitted in one or more districts but which, because of special characteristics peculiar to such use, requires a special degree of control over its location, the extent of activity, and/or the provision of amenities in order to make such uses consistent with or compatible to existing or permitted uses in the same district.

(12) "Conditional use permit" means the documentary evidence that a conditional use has been reviewed and approved by the board of adjustment, pursuant to the requirements of this code, for location on a specified parcel and under specified conditions.

(13) "Condominium" means a building in which the owner of one or more dwelling unit(s) is entitled to the exclusive right to share, with other unit owners, the common areas and facilities or which is governed by the Horizontal Property Regimes Act (Chapter 64.32 RCW). Condominiums shall be located and treated in the same manner as two-family, three-family, and multifamily dwelling units.

(14) "Conservation areas" means lands within the city of Hoquiam that consist of critical areas, undeveloped areas, land used for agricultural purposes, undeveloped shorelines to water bodies, and places of cultural or aesthetic importance with or without buildings.

(15) "Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended.

(16) "Contractor yard" is a premise on which a contractor can store pieces of machinery and equipment that are operational on a temporary basis.

(17) "Crematorium" means a facility that operates a furnace or incinerator for the incineration of remains, human or animal.

(18) "Critical areas" includes the following areas and ecosystems as defined in RCW 36.70A.030 and WAC 365-195-200:

- (a) Wetlands;
- (b) Areas with a critical recharging effect on aquifers used for potable water;
- (c) Fish and wildlife habitat conservation areas;
- (d) Frequently flooded areas; and
- (e) Geologically hazardous areas.

SECTION 30. Section 10.09.050 of the Hoquiam Municipal Code is amended to read as follows:

10.09.050 "D" definitions.

(1) "Day care center" means a child care agency that regularly provides care for a group of children consisting of thirteen children or more outside the provider's home for periods of less than twenty-four hours each day.

(2) "Dedication" means the deliberate appropriation of land by an owner for any general public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner filing a final plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the city of Hoquiam.

(3) "Density" means the number of dwelling units allowed per acre under the terms of this code

(4) "Detached" means surrounded on all sides by open space.

(5) "Development" means all activities for which this code requires a permit.

(6) "Directional sign" means signs erected by the city on arterial streets directing the public to public, civic or nonprofit facilities.

(7) "Drive through facilities" means any business where a customer can obtain services while still in his vehicle. The business will have one way traffic flow through the facility and adequate vehicle queuing space.

(8) "Dwelling" means a building designed exclusively for residential purposes and not including mobile homes, recreational vehicles or houses.

(9) "Dwelling, duplex" means a building designed exclusively for occupancy by two families living independently of each other and containing two dwelling units.

(10) "Dwelling, multifamily" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

(11) "Dwelling, single-family" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

(12) "Dwelling unit" means one or more rooms occupied by one family and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

(13) "Dwelling unit, accessory" means a second dwelling unit in an existing single-family dwelling for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the principal one.

SECTION 31. Section 10.09.070 of the Hoquiam Municipal Code is amended to read as follows:

10.09.070 "F" definitions.

(1) "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than six persons who are not related by blood or marriage.

(2) "Family child care provider" means a person or agency that regularly provides child care for not more than twelve children in the provider's home as defined in RCW 74.15.020.

(3) "Farmers Market" a public market where vendors sell produce and other hand crafted objects directly to consumers at an established location on specific days of the week oftentimes based on seasons.

(4) "Fence" means a wall or barrier for enclosing space or separating parcels of land.

(5) "Fence height" means the distance measured vertically from the topmost portion of a fence at any one point to the ground immediately below; provided, that within a front yard the height shall be measured from the level of the topmost portion of the fence to the level of the closest point on the curb or edge of the driving surface, measured vertically.

(6) "Final plat" means the final drawing of the subdivision and dedication that is filed for the record with the county auditor and containing all elements and requirements set forth in RCW 58.17.160 and in HMC Title 9.

(7) "Fish and wildlife habitat conservation area" means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state. Fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; waters of the state; state natural area preserves and natural conservation areas; and streams and rivers planted with game fish by a governmental agency.

(8) "Flashing sign" means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of

animation or an externally mounted intermittent light source. Excluded from the definition are public service signs.

(9) "Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. Accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces shall not be counted.

(10) "Food Processing" a facility where food is preserved and or packaged for sale.

(11) "Free-standing sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground.

(12) "Freight Terminals" pertaining to a railroad or truck terminal; connected with the receipt or delivery of freight.

(13) "Frequently flooded areas" are lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. The one-hundred-year floodplain designations of the National Flood Insurance Program shall delineate the presence of frequently flooded areas.

SECTION 32. Section 10.09.080 of the Hoquiam Municipal Code is amended to read as follows:

10.09.080 "G" definitions.

(1) "Garage, private" means an accessory building, or a portion of the main building, designed or used only for the shelter or storage of vehicles owned by or operated only by the occupants of the main building or buildings.

(2) "Garage sales" includes all general sales, open to the public, conducted from or on a premises or dwelling in the R-1 or R-2 districts for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage sale." This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold. A garage sale is not a home occupation.

(3) "Garage sale signs," i.e., yard sales, moving sales, patio sales, means temporary signs used to announce a sale of used items.

(4) "Geologically hazardous areas" are areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events are not generally suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas are characterized by slopes greater than fifteen percent and known erosion, landslides, settling, rock slide, debris flow and/or seismic hazards as defined by the U.S. Department of Agriculture Soil Conservation Service.

(5) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or

when the property line is more than five feet from the building, between the building and a line five feet from the building.

(6) "Grand opening displays" means temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

(7) "Group care home" means any home or private institution maintained and operated for the care, boarding, housing and training of four or more physically, mentally or socially handicapped persons, or delinquent or dependent persons, by any person who is not related by blood, marriage or legal adoption of such persons.

SECTION 33. Section 10.09.090 of the Hoquiam Municipal Code is amended to read as follows:

10.09.090 "H" definitions.

(1) "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.

(2) "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.

(3) "Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous 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.

(4) "Hazardous waste treatment and storage facility – offsite" means a facility that treats and stores hazardous wastes generated at a structure on a non-adjointing lot or parcel.

(5) "Hazardous waste treatment and storage facility – onsite" means a hazardous waste treatment facility that treats and stores hazardous wastes generated on the same lot or parcel.

(6) "Height." See HMC 10.09.030(13), "Building height."

(7) "Height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

(8) "Home occupation" means an occupation or profession carried on by a member of the family residing within any dwelling that is clearly incidental and secondary to the use of the dwelling for residential purposes.

(9) "Hospital" means an institution devoted primarily to the rendering of healing, curing and/or nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding twenty-four hours.

(10) "Hospital, veterinary" means an establishment in which veterinary medical services, clipping, bathing and similar services are rendered to dogs, cats and other small domestic animals and pets. The term includes veterinary clinics.

(11) "Hotel" and "motel" means a building or buildings, or portions thereof, containing individual units which are designed and/or used primarily for the accommodation of tourists or travelers for compensation. The term includes motor lodge and motor inn.

SECTION 34. Section 10.09.100 of the Hoquiam Municipal Code is amended to read as follows:

10.09.100 "I" definitions.

(1) "Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions.

(2) "Industry, light" means a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, and sales, and distribution of such products, but excluding basic industrial processing

(3) "Informational sign" means a sign within a business park or commercial subdivision indicating only the name of a particular use and the direction in which it is located. Such sign shall be used for informational purposes only, and not for advertising copy. Such signs may be a maximum four feet high, and must be designed in a uniform manner using a single background color and a single color and typeface for wording.

(4) "Internal circulation sign" means a sign used to aid customers in circulation within parking lots of commercial uses. Such signs may also be used to indicate entrances, exits or customer drive-thru's, but may not contain advertising or logos. Maximum two and one-half feet high, maximum two feet width, maximum six inch high lettering size and these signs may also be designed to be on poles

SECTION 35. Section 10.09.130 of the Hoquiam Municipal Code is amended to read as follows:

10.09.130 "L" definitions.

(1) "Landscaping" means any material used as a decorative feature, such as shrubbery or planting materials, planter boxes, concrete bases, brick work, decorative framing or pole covers, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy.

(2) "Legal nonconforming sign" means a sign which on the effective date of the ordinance codified in this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code but which sign does not conform to the applicable limitations established by this chapter; or on or after the effective date of the ordinance codified in this chapter was lawfully maintained and erected in accordance with the provisions of this chapter but which sign, by reason of amendment of the ordinance codified in this chapter after the effective date thereof, does not conform to the applicable limitations established by the amendment of this chapter.

(3) “Live work units” is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

(4) “Loading space” means a space on the same site with the use served which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials, or passengers.

(5) “Lot” means a fractional part of divided lands having fixed boundaries that meets the minimum general provisions of a district. The term shall include tracts or parcels.

(6) “Lot area” means the total horizontal area within the boundary lines of a lot, tract, or parcel.

(7) “Lot, corner” means a lot situated at the intersection of two or more streets, the street frontages of which form an angle no greater than one hundred twenty-eight degrees, and not less than forty-five degrees.

(8) “Lot coverage” means that percentage of the lot area covered by all buildings including accessory buildings and uses, excluding driveway and outside parking areas. Coverage is determined by measuring from a horizontal plane from the building footprint as set forth in the International Building Code.

(9) “Lot line” means a portion of the boundary of a lot dividing it from other lots or parcels of land.

(10) “Lot line, front.” For an interior lot, the front lot line is adjacent to a public street. For corner lots, the front lot line is the shorter lot line adjacent to a public street; the longer lot line adjacent to a public street is a side lot line. However, if both corner lot lines adjacent to a public street are of equal length, then the front lot line shall be that lot line parallel to the front entrance of the building or structure.

(11) “Lot line, rear” means the lot line opposite and most distant from the front lot line, and in the case of an irregularly, triangularly or triangular-shaped lot, the rear lot line will be determined by the administrator.

(12) “Lot line, side” means any lot line that is not the front lot line or the rear lot line.

(13) “Lot, through” means a lot having frontage on two streets, including a lot at the intersection of two streets when the side streets of such lot form an internal angle of less than forty-five degrees.

SECTION 36. Section 10.09.140 of the Hoquiam Municipal Code is amended to read as follows:

10.09.140 “M” definitions.

(1) “Mansard roof” means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

(2) “Manufactured home” means a dwelling on one or more chassis for towing to the point of use and designed to be used with a permanent foundation as a residence on a year-round basis and which bears an insignia issued by a state or federal regulatory agency indicating that the mobile manufactured home complies with all applicable construction standards. A recreational vehicle is not a mobile/manufactured home.

(3) “Manufactured dwelling, temporary residence” means a manufactured dwelling that is provided to serve as residence for a short period of time as a response to an emergency need or a workforce that is not permanent.

(4) “Manufactured home park” means a site containing space with required improvements and utilities that is leased for the long-term placement of mobile/manufactured homes and that may include services and facilities for residents.

(5) “Marina facilities” means a facility that provides launching, storage, supplies, moorage, and other accessory service for six or more pleasure and/or commercial watercraft.

(6) “Marquee” is a permanent roofed structure attached and supported by the building.

(7) “Mausoleum” is a burial place for the bodies or remains of many individuals, often of a single family, usually in the form of a small building.

(8) “Medical clinic” means a facility specializing in providing clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services.

(9) “Mineral resource land” means lands that include gravel, sand, and valuable metallic substances.

(10) “Mini-warehouse” means a building or group of buildings consisting of individual storage units not exceeding four hundred square feet per storage unit that are leased or owned for the storage of business and household goods or contractor’s supplies. These facilities shall not be used for any wholesale or retail activities.

(11) “Mini-warehouse, walk-in” means a building consisting of individual storage units, with access from the interior of the building only, not exceeding four hundred square feet per storage unit that are leased or owned for storage. These facilities shall not be used for any wholesale or retail activities. Entrances or exits to the building cannot exceed six feet in width or eight feet in height.

(12) “Mini-storage facility” commercial facility in which customers can rent space to store possessions: a self-storage.

(13) “Mixed use development” is new development which accommodates a compatible mix of residential, commercial, light industrial, public and institutional uses.

(14) “Modular home” means a structure constructed of factory-assembled parts that are transported to the building site and assembled at the site. The completed structure is not a mobile/manufactured home.

(15) “Monument sign” is a ground-mounted sign which is higher than three feet above the average ground elevation and which is attached to the ground by means of a wide base of solid appearance.

(16) “Moorage” means a space occupied by a vessel or boat when secured in place by anchors or lines to shore, dock or float.

(17) “Motel” means a building that has more than five guest rooms where lodging with or without meals is provided for compensation. The building may include one apartment for use of the resident manager.

(18) “Municipal court” means the municipal court of the city of Hoquiam as provided under Chapter 1.34 HMC.

(19) "Multiple building complex" means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.

(20) "Multiple occupancy building" means a single structure housing more than one retail business, office or commercial venture.

SECTION 37. Section 10.09.160 of the Hoquiam Municipal Code is amended to read as follows:

10.09.160 "O" definitions.

(1) "Off-Premises Sign" means a permanent sign not located on the premises of the use or activity to which the sign pertains.

(2) "Off-Premises Directional Sign" means an off-premises sign designed to guide the public to an area, place, business or service without arterial or collector frontage within the city and is consistent with standards in Section 10.05.130.

(3) "Office and business park" means a large tract of land planned, developed, and operated as an integral facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

(4) "Open record public hearing" means a hearing conducted by a single hearing body or officer authorized by the city of Hoquiam. The purpose of the hearing is to create a record through testimony, submission of evidence, and information under procedures prescribed by ordinance or resolution

(5) "Outdoor storage" a defined area rented to individuals where equipment or machinery is stored in a secured fenced area.

SECTION 38. Section 10.09.170 of the Hoquiam Municipal Code is amended to read as follows:

10.09.170 "P" definitions.

(1) "Parcel" means a tract or plat of land of any size which may or may not be subdivided or improved.

(2) "Parking area, private" means an open area other than a street, alley, or other public property, limited to the parking of automobiles of occupants' or employees' uses to which these facilities are appurtenant.

(3) "Parking area, public" means an open area or structure, whether publicly or privately owned, providing parking for four or more automobiles and is available to the public.

(4) "Parking, off-street" means parking facilities for motor vehicles on other than a public street or alley and intended to meet the requirements for said facilities established by this code.

(5) "Parking space" means an area that is improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

(6) "Parks" are land owned by and open to the public

(7) “Permitted use” means any use authorized or allowed, alone or in conjunction with another use, in a zoning district and subject to the limitations of the regulations of such use district.

(8) “Personal services” means establishments that may include beauty parlors, shops or salons; barbershops; health clubs; martial arts studios; electrolysis services; manicurists; and the like.

(9) “Place of religious worship” means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship. Accessory uses in the main building or in separate buildings or structures include: meeting rooms and religious education classrooms, assembly rooms, kitchens, library or reading room, recreational hall, and/or a single-family dwelling unit.

(10) “Planned unit development” a type of residential, commercial, or industrial land development that provides more planning flexibility than traditional zoning and lot layout. Buildings are often clustered on smaller lots, permitting the preservation of natural features in common areas or open park-like areas. The development maintains the same or slightly greater density than is permitted by conventional zoning methods.

(11) “Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

(12) “Portable (mobile) sign” means a sign made of any material which by its design is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building. (Also includes signs mounted upon the tops of vehicles.

(13) “Professional offices” means establishments that engage in providing services in accounting, advertising, architecture, art, banking, dentistry, engineering, finance and securities investments, interior design, insurance, landscape architecture, law, medicine, music, planning, real estate, and any similar type of business.

(14) “Project permit” or “project permit application” means any permit or license required from this code for a project action, including but not limited to variance permits and conditional use permits but excluding the adoption or amendment of development regulations.

(15) “Public meeting” means an informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit before a decision by the city of Hoquiam on the permit. A public meeting does not include an open record hearing. The proceeding at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

(16) “Public service signs” means an electronically or electrically controlled public service sign or portion of a larger sign which conveys only information such as activities, events, time, date, temperature, atmospheric condition or news of interest to the general public where different alternating copy changes are shown on the same lamp bank matrix.

(17) “Public utilities” means facilities that serve the public including streets, roads, sidewalks, street lighting systems, telecommunications, traffic signals, water

systems, storm water systems, sewer systems, natural gas delivery systems, and electrical systems.

SECTION 39. Section 10.09.190 of the Hoquiam Municipal Code is amended to read as follows:

10.09.190 “R” definitions.

(1) "Real estate or property for sale, rental or lease sign" means any sign pertaining to the sale, lease or rental of land or buildings.

(2) “Recreational facilities, indoor” means an enclosed structure used as a facility for indoor recreational activities and entertainment, including commercial fitness centers, dance studios, arcades, museums, theaters, and other cultural activities.

(3) “Recreational facilities, outdoor” means facilities such as boat or yacht clubs, swimming pools, athletic clubs, and golf, recreational vehicle parks, and country clubs.

(4) “Recreational vehicle” means a vehicle or portable unit that is either self-propelled, towed or carried by a motor vehicle and intended for temporary human occupancy and designed for recreational use. This definition includes vehicles such as travel trailers, truck campers, commercial coaches, and motor homes. A recreational vehicle is not a mobile/manufactured home.

(5) “Recreational vehicle park” means a lot or series of lots designed to provide safe and sanitary temporary housing or storage of recreational vehicles for limited periods of time but which are not intended for use as a manufactured housing park.

(6) “Residence” means a building or structure, or portion thereof, designed for and used to provide an abode for human beings.

(7) “Residential care facility” means a facility licensed by the state of Washington that cares for at least five people with functional disabilities and is not an adult family home.

(8) “Restaurant” means an establishment where food and drink are prepared and served to customers.

(9) “Restaurant-drive in” means an establishment where food and drink are prepared for customers who receive service while still in their vehicle.

(10) “Retail sales” means a business primarily engaged in selling finished products to individual consumers, such as apparel, book, grocery, gift, and video rental stores.

(11) “Retirement home” means a structure or building containing apartment-like quarters, rented, cooperative or condominium, which provides services to retired persons, such as limited nursing facilities, minimum maintenance living accommodations, and recreation programs and facilities.

(12) “Roof” means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure.

(13) "Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SECTION 40. Section 10.09.200 of the Hoquiam Municipal Code is amended to read as follows:

10.09.200 “S” definitions.

(1) “Sandwich Board Sign” means a temporary sign made of metal, wood, chalkboard, or white board that is not permanently attached to the ground, is consistent with the standards set forth in Section 10.05.130, and is designed for and oriented to pedestrians.

(2) “Schools” means public and private institutions of learning offering instruction in the several branches of learning and study required by the Educational Code of the State of Washington.

(3) “Screen” means a vertical barrier located in a limited space intended to provide a buffering effect, particularly for noise reduction or visual separation. Screens may consist of existing or planted vegetation, attractive sight-obscuring fencing, hedges, walls or earth berms, or similar techniques.

(4) “Seasonal sales sign” means any sign used to advertise a sale of merchandise or other items during a particular holiday season including seasonal fireworks or Christmas holiday sales.

(5) “Searchlight” means an apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.

(6) “Ship terminals, slips and repair facilities” is a place on a waterway with facilities for loading and unloading ships, providing moorage and repairs for ships and/or boats.

(7) “Sign” means any means of visual communication seen from a public right-of-way, although for the purposes of this code, traffic signs and other official messages displayed within the public right-of-way are excluded. Signs shall include, but are not limited to, billboards, banners, store fronts, marquees, and canopies used for visual communication.

(8). “Sign area” means the entire area of a sign on which copy is to be placed. Only one side of a double-faced or three-faced sign shall be included. The area of painted signs, individual letter signs, and other indirectly illuminated signs shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, which are intended to attract attention

(9) “Small engine repair” a business that involves the maintenance and repair of low-power internal combustion engines (gasoline/petroleum).

(10) “Solar power generator” means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries.

(11) “Special event signs” means temporary signs used to announce a circus, a carnival, festivals or other similar events.

(12) “State Environmental Policy Act (SEPA)” means the environmental review process as provided by Chapter 43.21C RCW and Chapter 197-11 WAC.

(13) “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. If the

finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

(14) "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.

(15) "Street line" means the boundary line between a street and the abutting property.

(16) "Structural alterations" means any change in the supporting members of a building or structure.

(17) "Structure" means anything constructed in the ground, or anything erected which requires location in the ground, but not including something having location on or in the supporting members of fences less than six feet in height or paved areas.

SECTION 41. Section 10.09.210 of the Hoquiam Municipal Code is amended to read as follows:

10.09.210 "T" definitions.

(1) "Tavern" means any establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

(2) "Temporary building" means a building or structure, except a mobile/manufactured home or recreational vehicle, that is not permanently attached to the ground per the requirements of the International Building Code, or which is specified as being intended for occupancy only for a limited specified time.

(3) "Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency or non-profit organization), searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Different types of temporary signs and banners included in this category are: construction, grand opening displays, real estate, special event, political, sandwich board, and garage sale.

(4) "Timberland production" those areas dedicated to the growing, conserving and production of timber in areas of sufficient size to be economically feasible.

(5) "Truck and heavy equipment sales and services" refers to heavy-duty vehicles, specially designed for executing construction tasks, most frequently, ones involving earth moving.

SECTION 42. Section 10.09.230 of the Hoquiam Municipal Code is amended to read as follows:

10.09.230 "V" definitions.

(1) "Variance" means an adjustment in the specific regulations of this code regarding a particular piece of property because it is deprived of the privileges commonly enjoyed by other properties in the same vicinity. This adjustment remedies disparity in privileges.

(2) “Veterinary hospital and kennels” a facility pertaining to the health care of boarding of animals.

SECTION 43 Section 10.09.240 of the Hoquiam Municipal Code is amended to read as follows:

10.09.240 “W” definitions.

(1) “Wall” means any member or group of members, which defines the exterior boundaries of a building and which has a slope of sixty degrees or greater with the horizontal plane. The height of a wall shall be measured as the two-dimensional height from the average finish grade of the particular architectural building elevation adjacent to the wall to the finish roof plane.

(2). “Wall sign” means any sign attached to or painted directly on the wall, or erected against the wall of a building being parallel or approximately parallel to said wall; and does not exceed a distance of fifteen inches from said wall

(3) “Warehouse/warehousing” means a facility generally dealing with the active reception and dispersal of goods that are oriented to manufactured products and household goods. A warehouse usually consist of a large multistoried building with loading docks. “Warehouse/warehousing” includes distribution and transfer such as rail to truck and truck to truck transfer facilities.

(4) “Wholesale sales” means the sale of goods or commodities, usually in bulk or large quantities and usually at lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or businesses.

(5) “Wholesale liquefied petroleum sales” a facility that sells a substance used as a gas for fuel. The product is stored in the liquid state at the facility.

(6) “Wholesale sales and production distribution centers” commodities stored for sale to businesses or brokers.

(7) “Wind turbine” means a machine with turbine apparatus (rotor blades, nacelle and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution of transmission lines, or electrical substations.

(8) “Wind turbine farm” means two or more wind turbines on one parcel.

(9) “Wind turbine height” means the distance measured from the ground level to the highest point on a wind turbine , including the rotor blades.

ADOPTED by the Mayor and City Council on _____,
2010.

JACK DURNEY – MAYOR

ATTEST:

MIKE FOLKERS – FINANCE DIRECTOR

PUBLISHED: