

Title 108 DEVELOPMENT STANDARDS

CHAPTER 108.30. CITY-WIDE APPLICABILITY

108.30.010. Purpose.

- A. This section, in conjunction with other chapters and sections of the development code provides specific minimal development standards and methodologies for applying development standards.
- B. These development standards are applicable to all land development and uses, including improvements, intensification, changes in use, or building and development permits and land use approvals and actions.

(Ord. No. 710, § 18B.30.010, 4-26-2004)

108.30.020. Concurrency.

- A. All new development, improvements, expansion, or intensifications of existing uses shall be connected at applicant expense, to a primary infrastructure system to support the use.
- B. If primary infrastructure is not available to the site or the existing infrastructure does not contain sufficient capacity to support the proposed development, the city may not:
 - 1. Issue development permits which would allow for an increase in the amount of infrastructure demand generated from the site; or
 - 2. Permit subdivision of the property that requires the increased potential development or demand for infrastructure.
- C. Primary infrastructure includes, but is not limited to:
 - 1. Stormwater;
 - 2. Police, fire, and emergency medical service;
 - 3. Water;
 - 4. Transportation and transit facilities;
 - 5. Electrical;
 - 6. Septic systems or, when available, sanitary sewers;
 - 7. Schools; and
 - 8. Parks.

(Ord. No. 710, § 18B.30.020, 4-26-2004)

108.30.030. Density standards.

- A. The maximum density of each zoning district is the maximum number of dwelling units allowed per net buildable area of an acre, and is expressed as a ratio, i.e., one dwelling unit per net buildable acre. The minimum lot size does not determine maximum density.
- B. Gross area is the total sum area of the lot. The required critical area buffers and all legally recorded private access easements shall not be subtracted from the gross area.
- C. The buildable area is the area of a lot remaining after public and/or private rights-of-way and critical area/buffers is subtracted from the gross area (see figure 108.30-1).
- D. Also see LDR 112.20.060, transfer of development rights, density transfer program.



Figure 108.30-1. Gross Area

TABLE 108.30.010
MINIMUM LOT WIDTHS AND DEPTHS FOR EACH ZONING DISTRICT IN FEET

Zone Classification	SF-ES	SF	SF-D	MF	MU	*C-1	C-2	I-1, I-2	Public
Minimum lot width	75	50	50	50	50	24	NA	NA	NA
Minimum lot depth	90	75	60	55	50	24	NA	NA	NA

(Ord. No. 710, § 18B.30.010, 4-26-2004; Ord. No. 755, § 2, 1-27-2009; Ord. No. 810, § 3, 2-28-2012; Ord. No. 823, § 11, 11-13-2012)

108.30.040. Setbacks, projection exceptions, heights and widths.

- A. *Setback measurement.* The minimum required distance between any structure and a specified line such as a property line, easement, critical area and/or buffer, or an established public or private street right-of-way or any other private or public space that is required to remain free of structures unless otherwise provided herein. Setbacks are also measured from any future rights-of-way based on that road classification width.
- B. *Designation of required setbacks.* All lots must contain at least one front yard setback except pipestem lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior yard setbacks.
- C. *Corner lot exception.* A lot that abuts the intersection of two or more rights-of-way is allowed to have one of the front yard setbacks reduced to 15 feet, provided the reduced yard does not abut a state highway or major arterial.

- D. *Through lots.* If a lot abuts two or more rights-of-way, the front yard setback for the frontage not providing primary access may be reduced to 15 feet, provided the reduced yard does not abut a state highway or major arterial.
- E. *Pipestem or flag lots.*
 1. Flag lots in residential zones (SF-ES, SF, SF-D, and MF) shall have a minimum frontage of 20 feet on a public road or street from which access is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of 20 feet in width.

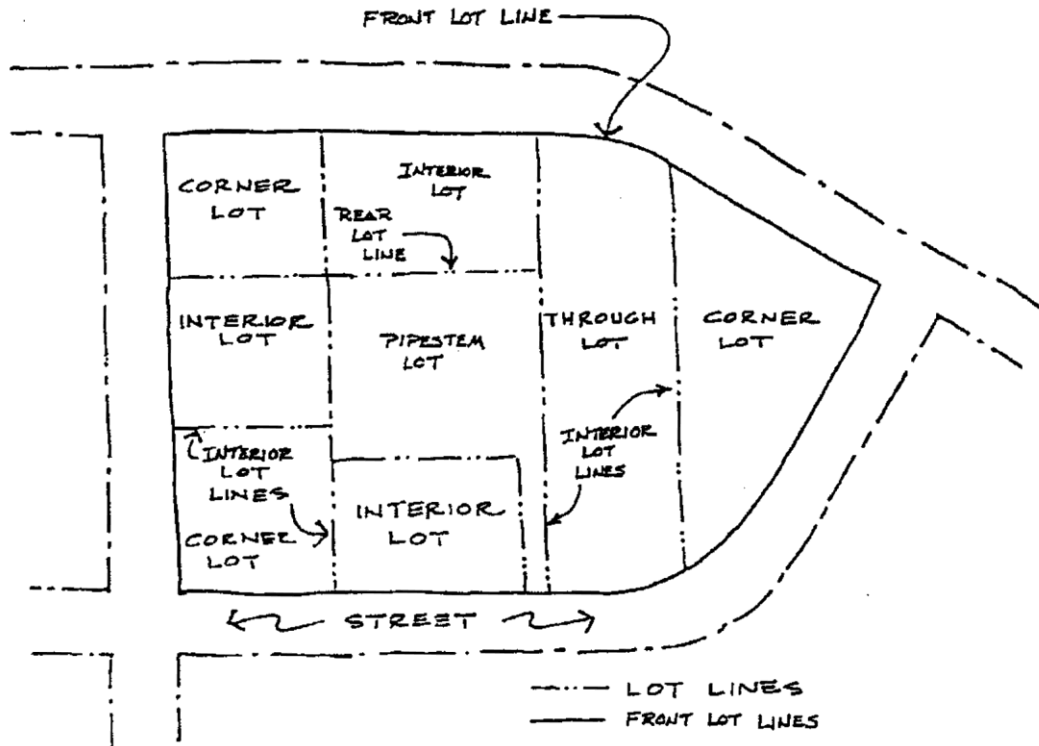


Figure 108.30-2. Required Setback Designations

2. Flag lots in nonresidential zones (MU, C-1, C-2, I, and P) shall have a minimum frontage of 24 feet on a public road or street from which an access way is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of 24 feet in width.
- F. *Front yard setback averaging.* Averaging may be used to reduce a front yard setback requirement when a principal building has been established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:
 1. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by two.
 2. In the case of a corner lot or when an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two.

- G. *Slopes.* If the topography of a lot is such that the minimum front yard setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet back from the right-of-way.
- H. *Accessory structures, interior yard exception.* Detached, one-story accessory structures may occupy 25 percent of the total area of an interior yard and shall maintain a minimum three-foot setback, including any projections for the accessory structure (see LDR 106.10.120, accessory uses, for additional requirements).
- I. *Accessory structures, rear yard exception.* Detached, one-story accessory structures may occupy 50 percent of the total area of a rear yard and must maintain a three-foot setback, including any projections for the accessory structure (see LDR 106.10.120, accessory uses, for additional requirements).

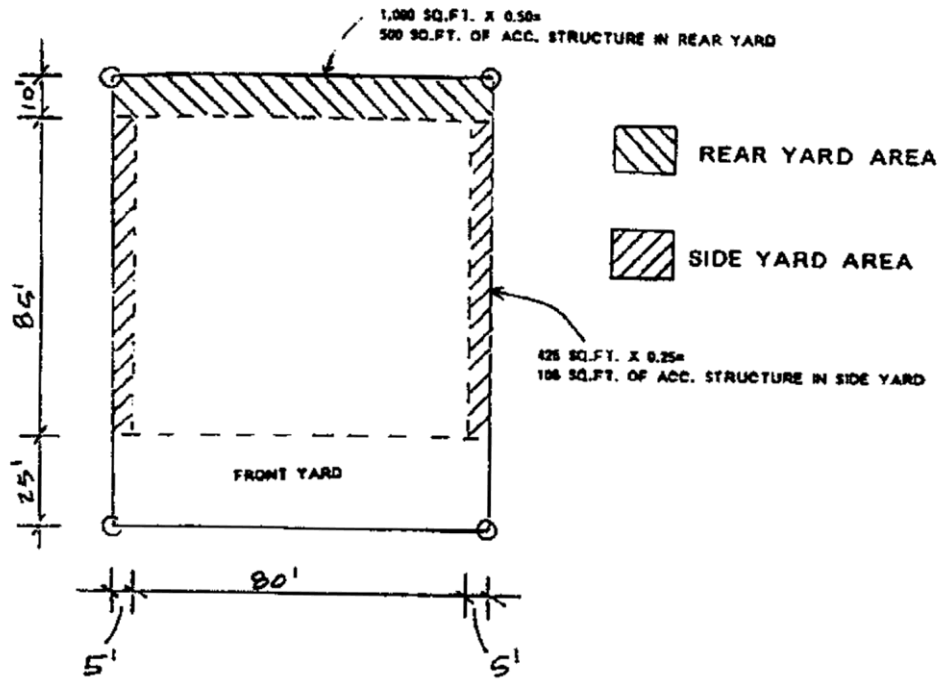


Figure 108.30-3. Accessory Use Setback Exception

- J. *Bus shelters.* Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height, provided that all applicable site distance requirements of the currently adopted site development regulations are met.
- K. *Projection exception.* For principle building and accessory dwelling unit's not located in the SF-ES, SF, or SF-D districts, fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback, provided such projections are:
1. Limited to two per required yard.
 2. Not wider than ten feet.
 3. Not more than two feet into an interior or rear yard setback.
 4. Not more than three feet into a front yard setback.

5. Uncovered porches and decks which do not exceed 30 inches from finished lot grade may project into any setback, provided such projections do not extend more than five feet into a front yard setback.
6. Wheelchair ramps may project into any required setback, including the SF-ES, SF, and SF-D districts.
7. Eave overhangs may project two feet into any required setback.

L. *Rear yards, exception.*

1. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line, may be considered the "rear lot line" at the owner's discretion (figure 108.30-4).

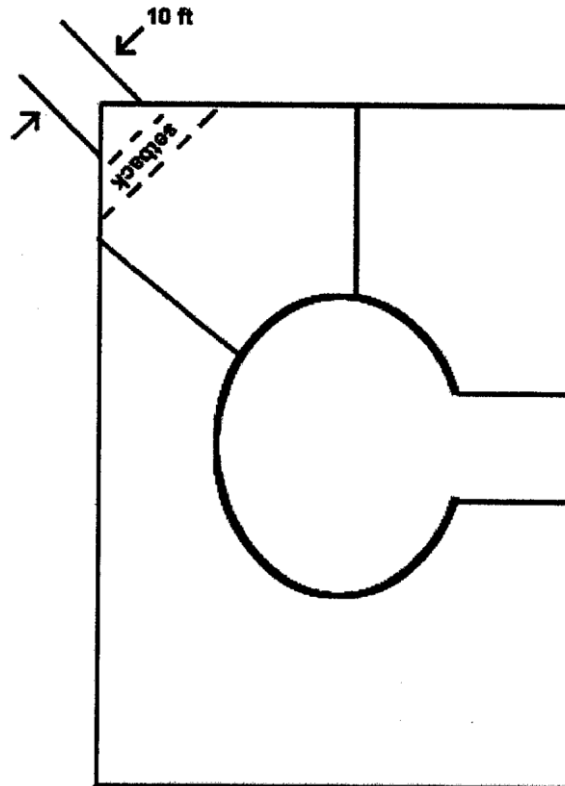


Figure 108.30-4. Rear Yard Exceptions

2. For lots abutting a shoreline pursuant to the shoreline management regulations, the ordinary high-water mark may be considered the rear lot line for purposes of setbacks.
- M. *Interior yards, exception.* Lots located in a SF-ES classification that are 100 feet or less in width may reduce each interior yard setback to ten percent of the lot width. In no case shall the setback be less than three feet unless a variance is approved.
- N. *Height standards.*
1. *Building height.* The height of a building is the vertical distance from the average elevation of the finished grade on each corner of a building to the top of a flat or shed roof, or the deck level on a mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof.

2. *Structure height.* The height of all structures (except buildings) is the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. Flagpoles shall not exceed 45 feet in height from the average grade. All such poles shall be placed so as to neither obstruct nor obscure adjacent property owners' lines of vision. Such poles shall not display more than three flags at any one time. All structures, greater than six feet in height, require a building permit.

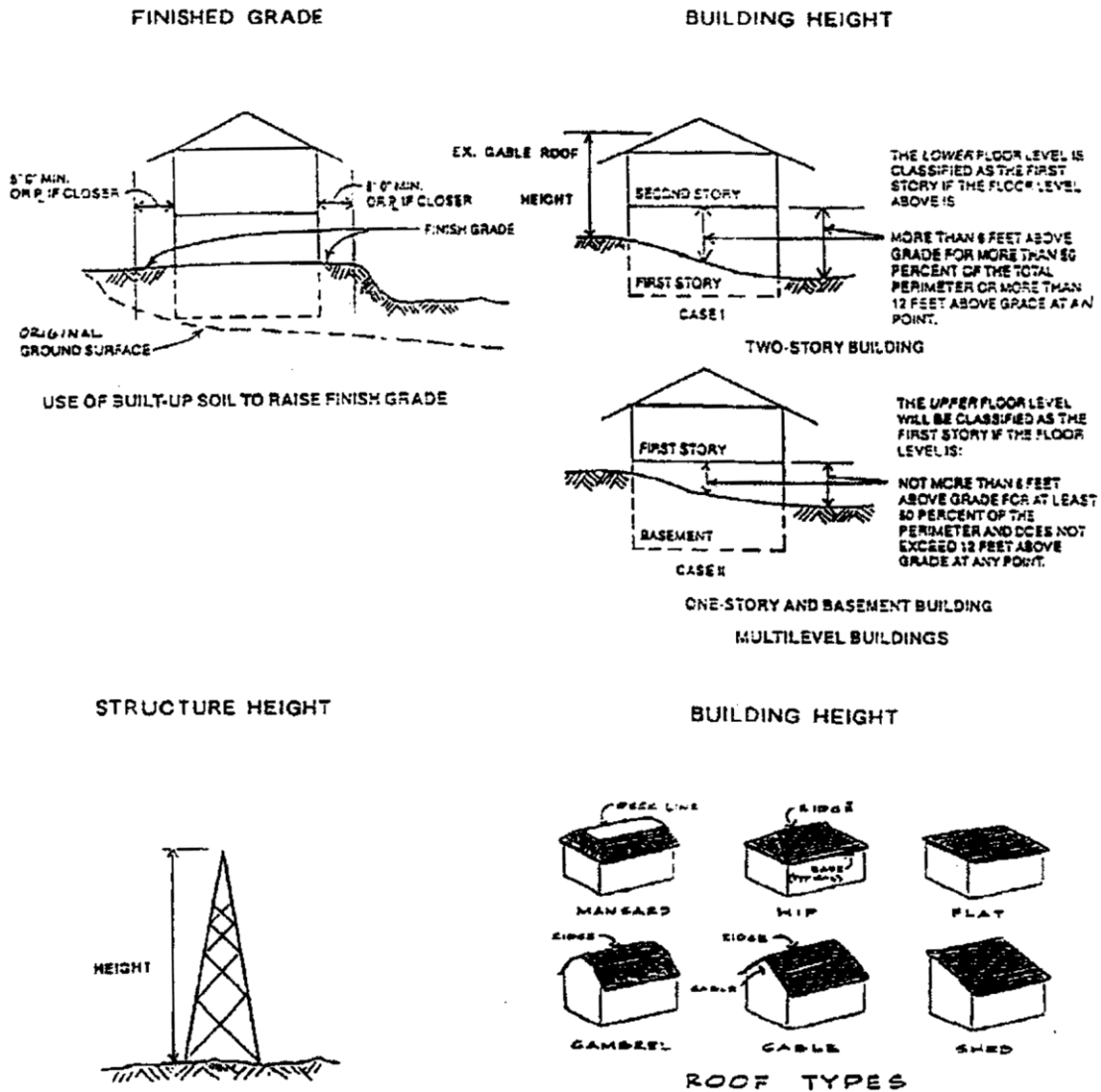


Figure 108.30-5. Building Heights

3. *Measurement; height of a fence/retaining wall.* The height of a fence shall be measured from a point on the ground immediately adjacent to the fence to the top of the fence. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the ground on the high side of the rockery, retaining wall, or berm to the top of the fence. Net fences, such as those as used on golf courses and/or driving ranges shall not be higher than 35 feet and shall meet the setbacks required for structures. The top of a fence shall include all attachments, ornamentation, and security devices such as barbed wire. All structures, greater in height than six feet, require a building permit. Fences are

limited to no more than four-feet in height beyond the front of the principle building or structure in front yards and may be built to the property lines unless otherwise provided.

Fence on Retaining Wall

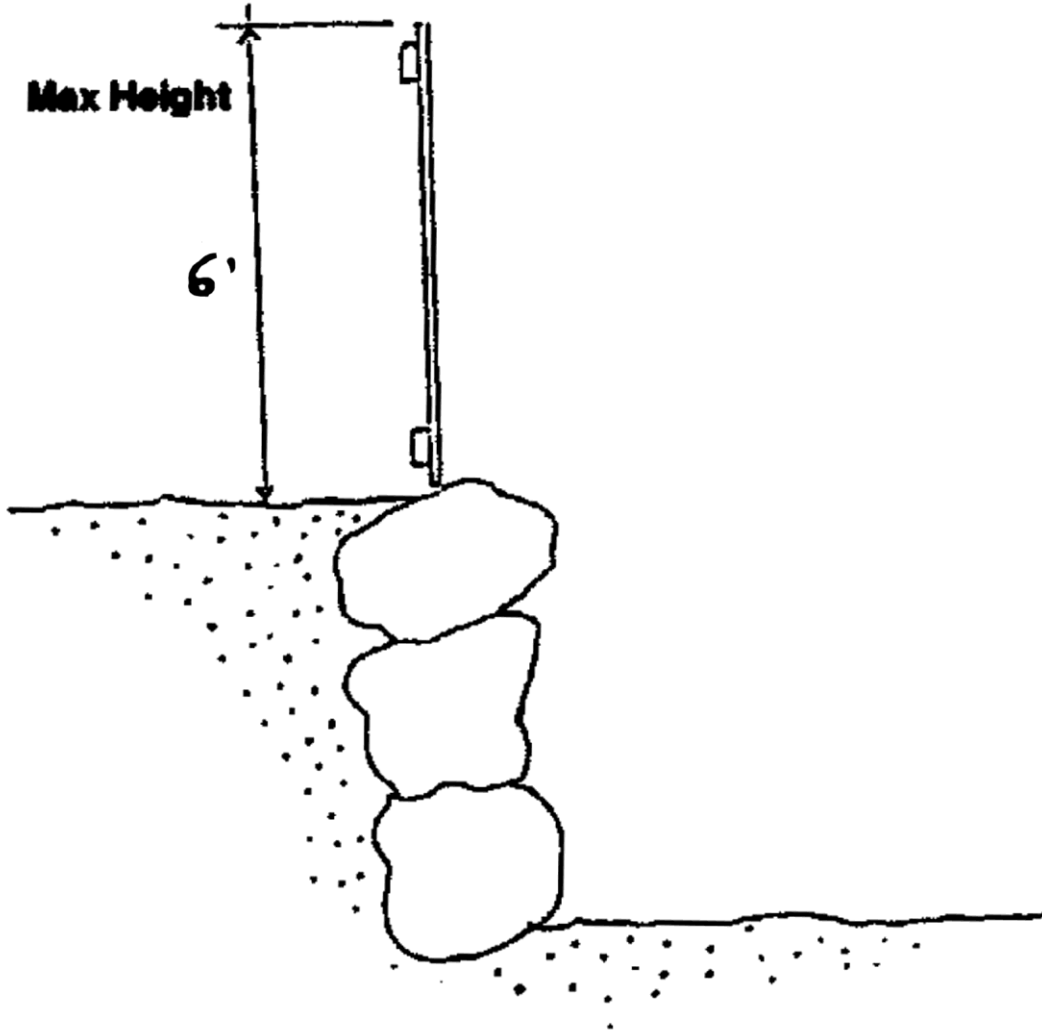


Figure 108.30-6. Fence Height

4. *Exceptions.* Height standards shall not apply to the following:
 - a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures, provided the structure is set back one additional foot for every foot said structure exceeds the height limitation in the underlying zone classification.
 - b. Rooftop mechanical equipment. All rooftop mechanical equipment may extend ten feet above the height limit of the zone, provided all equipment is set back ten feet from the edge of the roof.
 - c. These exceptions still require a building permit.

O. *Lot width measurement.*

1. When a lot has four sides or has more than four sides and has an essentially rectangular, or pie shape, the lot width shall be the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front and the lot rear line.
2. For pipestem or flag lots, the access easement or lot extension shall not be included in determining the width or depth of the lot.
3. For lots with more than four sides that are irregular in shape, lot width shall be measured at the widest portion of the lot between the side lot lines.

(Ord. No. 710, § 18B.30.040, 4-26-2004; Ord. No. 755, § 3, 1-27-2009; Ord. No. 810, § 4, 2-28-2012)

108.30.050. Accessory buildings.

- A. Residential detached accessory structures which are less than 120 square feet in size and not higher than ten feet, including garden sheds or greenhouses or combination of both; children's play equipment; arbors; and gazebos, placed in a rear half of a lot shall have a minimum three-foot setback. Attached accessory structures must meet the same setbacks as the main building.
- B. In the single-family (SF-ES/SF/SF-D) and multifamily residential (MF) zoning districts, garages or other accessory buildings greater than 120 square feet but not exceeding 1,000 square feet, which do not exceed 14 feet in height, may be placed within the rear or interior yard.
 1. The structure must maintain a minimum five-foot setback, unless the zoning district allows a lesser setback; and
 2. Be located at least six feet from a primary structure located on an adjacent property.
- C. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.
- D. Areas for automobiles shall be designed in such a manner that adequate visibility is ensured for ingress and egress.
- E. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing and provide for required off-street parking.
- F. Parking areas shall have a durable surface.

(Ord. No. 710, § 18B.30.050, 4-26-2004)

108.30.060. Reserved.

Editor's note(s)—Ord. No. 881, § 33, adopted September 26, 2017, repealed § 108.30.060, which pertained to outdoor storage and storage containers. See Code Comparative Table for complete derivation.

108.30.070. Nonconformities.

- A. Within the zoning districts established by this title, or as amended, lots, uses, and structures may exist that were lawfully when established but no longer conform to the provisions and standards of the zoning district in which they are located.

Nonconformities may adversely affect the development and redevelopment of the city consistent with the provisions of the comprehensive plan. This section provides for the regulation of these legally existing

nonconformities and attempts to balance the rights of property owners to continue the use of their properties and the perpetuation of uses envisioned under the city's comprehensive plan and this title. These standards specify the circumstances, conditions, and procedures under which such nonconformities are permitted to endure.

- B. This section shall apply to legally existing nonconformities, except the following:
1. Nonconforming sexually oriented businesses as defined in LDR 108.40.100, sexually oriented businesses, which shall instead be governed by standards set forth in that section.
 2. Nonconforming signs as defined in LDR 108.30.130, signs, which shall instead be governed by standards set forth in that section.
 3. Nonconforming personal wireless telecommunications facilities as defined in LDR 108.40.110, wireless telecommunications facilities, which shall instead be governed by standards set forth in that section.
 4. Permit applications at the time of this title's passage that constitute vested development shall instead be governed by existing standards. Future plans to further develop property shall not constitute a basis for nonconformity status, whether or not documented in public record, except when they constitute a vesting. Nothing in this section shall be construed to require a change in plans, construction, or intended use related to vested development, though it may thereafter be regulated as nonconformity.
 5. Single-family residences within a Commercial-1 (C-1) Zoning District may rebuild to no more than 125 percent of the home's square footage due to damage or destruction, based on assessor records of the prior square footage. Restoration or replacement of the single-family home shall commence within one-year from the date of the damage. Setbacks and other site development standards for restoration or replacement of a damaged or destroyed single-family home shall be based on criteria of LDR 106.20.040 SF-D zoning district, but in no case closer to the property lines than the existing footprint. If the existing footprint is used and is within the setback standards prescribed in LDR 106.20.040 SF-D zoning district, no projection exceptions pursuant to LDR 108.30.040 shall be allowed within this encroachment to the SF-D setback standards.
- C. The provisions of this section apply only to nonconformities that were lawful, either by right or by discretionary permit, when initially established and these provisions may not be used as an alternative to removal or cessation of activities, structures, and uses which were illegal at the time of their establishment. This provision shall not apply to dwelling units located in residential zones or in established mobile home parks, which may be reconstructed or replaced with no substantial change in floor area or other nonconforming feature.
- D. The entire contiguous ownership of land shall be considered as a single parcel of land for determination of nonconformance as a consideration of development. A record of separate lot or parcel boundaries shall be disregarded. It is recognized that the dimensions of some nonconforming lots of record are so constrained that meeting some development regulations such as setbacks would render such lots essentially unbuildable. The city will consider unusual hardships in reviewing applications for such development. Pursuant to LDR 100.50.080, variances, variances may be granted in such instances based on individual circumstances and may conditioned negative effects on the surrounding area are mitigated.
- E. Nonconforming lots may not be altered in any way that would increase the degree of nonconformity; provided, this does not preclude acquisition or dedication of additional public rights-of-way when deemed necessary by the designee.
- F. Nonconforming uses. The following nonconforming uses may continue to operate provided:
1. Routine maintenance and repairs may be performed on land or structures containing a nonconforming use.
 2. A nonconforming use shall not be changed to another nonconforming use.

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3. Nonconforming uses outside of a structure, which occupy only a portion of a lot, may not be expanded to any other portion of the property.
 4. Nonconforming uses may not be materially expanded unless such expansion is required by law or a public agency in order to comply with public health, safety or welfare regulations.
 5. All applicable construction permits must first be obtained for any such work.
- G. Nonconforming structures. Maintenance, minor improvements and minor alterations to nonconforming structures are allowed to prevent them from becoming blighted and having detrimental impacts on the surrounding neighborhood.
- H. Nothing in this section shall be construed to prevent the strengthening or restoring to a safe condition any nonconforming structure or part thereof declared to be unsafe by the building official or other proper authority. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. Alterations or expansions of nonconforming structures which are required by law or a public agency in order to comply with public health, safety or welfare regulations are allowable, even if in conflict with other provisions of this title. All applicable construction permits must first be obtained for any such work.
- I. The burden of demonstrating that nonconformity is lawful under this title rests with the property or business owner. Some examples of evidence that may indicate legal nonconforming status include: tax assessment records, construction or other permit records, personal or business income tax records, business license records, dated past advertising, dated business receipts to customers, dated rent receipts, affidavits from neighbors or tenants, testamentary documents, photographs whose date may be clearly ascertained, and other such information which is competent and factual. The city may, at its discretion, request such records from a property or business owner as a basis for determining whether nonconformity was legally established and preexisting.
- J. Termination of nonconforming status. A nonconforming development or use shall terminate under the following conditions:
1. When the use has been abandoned for a period of six or more months.
 2. When the structure, which is nonconforming, has been damaged or destroyed to an extent exceeding 50 percent or more of its fair market value as indicated by the records of the county assessor.
- K. Provided that damaged uses that are allowed to reestablish, as provided in LDR 108.30.070L, nonconformities, shall not be considered to be terminated. Once terminated, the use shall not be reestablished, and any subsequent use must comply with the regulations of the zoning district in which it is located.
- L. Damage or destruction.
1. If a nonconforming use or structure is damaged or destroyed by any means to the extent of 50 percent or more of last assessed value, it may not be reestablished except in compliance with the regulations of the zoning district in which it is located.
 2. If a nonconforming use or structure is damaged due to an involuntary event of fire, natural disaster or other casualty, to the extent of less than 50 percent of fair market value, it may be restored to substantially the same extent of nonconformance as preexisted the damage, provided that all applicable construction permits are obtained prior to commencement of demolition and reconstruction. This provision shall not be construed as reducing any requirements of construction standards in effect for rebuilt structures. Restoration or replacement shall commence within one year from the date of damage.

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- M. The transfer of ownership of a nonconforming lot, use, or structure will not alter its legal nonconforming status.
 - N. By their nature, nonconformities can be unique and difficult to identify and equitably regulate. If questions arise with regard to nonconforming status or replacement when abandonment, damage, or destruction has occurred, the designee is hereby empowered to issue case-by-case determinations based on individual circumstances. Such determinations will constitute administrative determinations as set forth in LDR 100.50.020, administrative interpretation, and shall be appealed pursuant to LDR 100.40.090, process II, administrative action.

(Ord. No. 710, § 18B.30.070, 4-26-2004; Ord. No. 731, § 1, 2007)

108.30.080. Reserved.

Editor's note(s)—Ord. No. 881, § 34, adopted September 26, 2017, repealed § 108.30.080, which pertained to performance standards. See Code Comparative Table for complete derivation.

108.30.090. Reserved.

Editor's note(s)—Ord. No. 881, § 35, adopted September 26, 2017, repealed § 108.30.090, which pertained to parking. See Code Comparative Table for complete derivation.

108.30.100. Reserved.

Editor's note(s)—Ord. No. 851, § 2, adopted December 9, 2014, repealed § 108.30.100, which pertained to landscaping and derived from Ord. No. 710, 4-26-2004; Ord. No. 755, § 4, 1-27-2009; Ord. No. 763, § 2, 9-8-2009.

108.30.110. Reserved.

Editor's note(s)—Ord. No. 851, § 3, adopted December 9, 2014, repealed § 108.30.110, which pertained to streetscapes and derived from Ord. No. 710, 4-26-2004.

108.30.120. Tree preservation.

- A. *Purpose.* The purpose of this section is to:
 - 1. Regulate the removal of trees from property within the city in order to preserve, protect and enhance a valuable natural resource;
 - 2. Establish standards to limit the removal of and ensure the replacement of trees sufficient to safeguard the ecological and aesthetic environment of a community;
 - 3. Discourage the unnecessary clearing and disturbance of land so as to preserve the natural and existing growth of vegetation; and
 - 4. Maintain a minimum number of significant trees.
- B. *Intent.* This section establishes significant tree preservation for any development action or land use development to protect the treed environment within the city by regulating the removal of significant trees and providing incentives to preserve trees that, because of their size, species, or location, provide special benefits. Tree preservation protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and stormwater runoff and helps to define public and private open spaces.

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- C. *Exemption.* Applications for single-family detached dwelling building or construction permits are exempt from the provisions of this section.
- D. *Applicability.* The requirements for tree preservation are applicable to all zoning districts and shall be provided in accordance with the requirements of each individual zoning district and the provisions of this section. In the event a permit is not required for the establishment of a use, the standards of this section still apply.
- E. *Standards.* Significant tree preservation standards shall be required for any development action or land use development permit.
1. A significant tree is an existing tree, which:
 - a. Is measured at average breast height above grade and is 15 inches in diameter;
 - b. Must be in good health;
 - c. Is not detrimental to the community (e.g., is not diseased, dying, or likely of falling into public open space or right-of-way, etc.) or obscuring safe sight distance requirements;
 - d. Is not an identified species pursuant to LDR title 112 critical areas and natural resource lands; and
 - e. Is not one of the following species:
 - 1) Cottonwood;
 - 2) Alder;
 - 3) Poplar; or
 - 4) Big-leaf Maple.
 2. In addition, trees will not be considered significant if, following an inspection and concurrence by the city, the tree is determined to be:
 - a. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation;
 - b. At the discretion of the city, damaged or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees;
 - c. Authorization by the city is required for the removal of any significant tree or street tree as defined herein or trees removed pursuant to a tree retention plan unless specifically exempted within this section;
 - d. All significant trees shall be preserved according to the following criteria:
 - 1) All significant trees within 15 feet of the lot perimeter or required buffer or setback, whichever is greater, shall be preserved.
 - 2) At the discretion of the designee, significant trees may be removed for access, buildings, sight areas, required roads, utilities, sidewalks, trails, or storm drainage improvements provided they are replaced in accordance with subsection J of this section.
 - e. Tree preservation criteria listed subsection E.4.b of this section shall exclude sensitive/critical areas and their buffers, and designated open space areas and tracts. All trees within such areas shall be retained except as may be specifically indicated in a discretionary land use permit or tree removal plan.
 - f. State Environmental Policy Act requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

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- F. *Retention required.* Significant trees shall be retained on the subject property to the maximum extent possible in all residential, commercial, industrial, or institutional developments as follows:
1. If the approved development on the subject property will require the removal of more than 75 percent of the significant trees on the subject property, significant trees shall be replaced in amount equal to 25 percent of the significant trees which existed on the subject property prior to commencing any development activity.
 2. All significant trees located within any required perimeter landscaping area shall be retained, provided that this requirement shall not apply to commercial zoning districts.
 3. Significant trees required to be retained within on-site sensitive areas can be used toward satisfying the 25 percent on-site significant tree retention regulations.
 4. All significant trees located within required on-site recreation or open spaces shall be retained, provided they do not conflict with on-site active recreation areas.
 5. The significant tree retention requirements of this chapter shall not apply to the city center zoning district.
 6. There shall be no cutting of significant trees without authorization from the city for the purpose of preparing that site for future development.
 7. Up to one-half of the 25 percent significant tree replacement requirement may be satisfied by planting larger trees in required landscape areas such as landscape islands, buffers, and perimeter landscaped areas. Such trees shall be a minimum 12 feet in height for evergreen and 3½-inch caliper for deciduous or broadleaf trees. Example: 100 on-site significant trees requires 25 to be retained or replaced. Applicant may plant 13 larger trees within required landscape areas which meet size requirements mentioned herein.
- G. *Permit required.* A class IV forest practice permit is required by the department of natural resources under provisions of RCW 76.09 unless exempt. The applicant shall submit a tree retention plan concurrent with the first permit application for that development. The tree retention plan shall consist of the following:
1. A tree survey or cluster survey that identifies the location, size, number and species of all significant trees on the site.
 2. A development plan identifying the significant trees that are proposed to be retained, removed, transplanted, or replaced, including a final report on percentage retained and shall contain:
 - a. A tree survey that identifies the location, size and species of all significant trees on a site.
 - 1) The tree survey may be conducted by a method that locates individual significant trees; or
 - 2) Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.
 - b. If tree retention and/or landscape plans are required, no clearing shall be allowed on a site until approval of such plans.
 - c. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.
 - d. Each significant tree that is located outside of the perimeter area and is retained may be credited as two trees for complying with the retention requirements in subsection G.2.c of this section, provided it meets one or more of the following criteria:

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- 1) The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees, or 30 inches in diameter for deciduous trees;
 - 2) The tree is located in a grouping of at least five other significant trees with canopies that touch or overlap;
 - 3) The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings;
 - 4) The tree belongs to a unique or unusual species;
 - 5) The tree is located within 25 feet of any critical area or required critical area buffers; or
 - 6) The tree is 18 inches in diameter or greater and is identified as providing valuable wildlife habitat.
- e. In any required perimeter landscaping area as defined in this section, the applicant shall retain all significant trees, except as provided in this section.
 - f. An area free of disturbance, corresponding to the drip line of the significant tree's canopy shall be identified and protected during the construction stage with a temporary three-foot high chainlink or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, operations or parking of vehicles shall be permitted within the area defined by such fencing or stakes.
 - g. A protective tree well may be required to be constructed if the grade level around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least five feet of additional diameter.
 - h. The designee may approve use of tree protection techniques other than those listed in subsection G.2.f and g of this section if the trees will be protected to an equal or greater degree than by the techniques listed subsection G.2.f and g of this section.
 - i. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized and approved by the designee during land alteration and construction in order to provide for the continual healthy life of retained significant trees.
 - j. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies within three years of the development of the site, then the significant tree or replacement shall be replaced at the specified rate.
- H. *Criteria significant tree not located in perimeter landscaping.* Each retained significant tree not located within perimeter landscaping may be credited as two trees for purposes of complying with the retention requirements of subsection F.1 of this section, provided the tree meets at least one of the following criteria:
1. The tree is located in a grouping of at least five trees with canopies that touch or overlap;
 2. The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to proposed buildings; or
 3. The tree belongs to a unique or unusual species of native or nonnative tree not usually found locally.
- I. *Site specific tree plan needed for not retaining significant trees.* Where it is not feasible to retain required significant trees due to site constraints including, but not limited to, topography, ingress/egress requirements, existing and proposed utility locations, trails, storm drainage improvements, a site specific tree plan, drawn to scale, shall be prepared. The tree plan shall show the precise location of all significant trees on the site, in relation to the proposed buildings, streets, parking areas, required landscaped areas, surface water facilities, and utilities. The director of community development shall review the plan in relation

to the proposed development to ensure tree removal is the minimum amount necessary to comply with the proposed development and meet the purposes of this chapter.

- J. *Replacement of trees.* When required significant trees cannot be retained (see subsection K.7 of this section), significant trees that are removed shall be replaced with:
1. Transplanted or retained on-site trees four-inch caliper or larger, which meet the definition of significant tree in all manner except size, and approved by the community development director, based upon the director's assessment of the location of the tree in relation to the proposed site development;
 2. New evergreen trees that are a minimum ten feet in height, or deciduous trees that are a minimum three-inch caliper; or
 3. The number of replacement trees, combined with the number of retained significant trees, shall equal 25 percent of the amount of on-site significant trees which existed prior to development.
- K. *Management practices.* The following management practices shall be observed on-sites containing significant trees, to provide the best protection for significant trees:
1. No clearing shall be allowed on a proposed development site until the tree retention and landscape plans have been approved by the city;
 2. A no disturbance area, which shall be defined to be to the drip line of the significant tree, shall be identified during the construction stage with either:
 - a. A temporary five-foot chainlink fence.
 - b. A line of five-foot high, orange-colored two-by-four-inch stakes placed no more than ten feet apart connected by highly visible surveyor's ribbon;
 3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the no disturbance area;
 4. If the grade level around the tree is to be raised by more than one foot, a rock well shall be constructed. The inside diameter of the rock well shall be equal to the diameter of the tree trunk plus ten feet. Proper drainage, and irrigation if necessary, shall be provided in all rock wells;
 5. The grade level shall not be lowered within the larger of the two areas defined as follows;
 6. The drip line of the trees; or
 7. An area around the tree equal to one foot in diameter of each inch of tree trunk diameter measured four feet above the ground;
 8. Alternative protection methods may be used if accepted by the director of community development department to provide equal or greater tree protection;
 9. Encroachment into the no disturbance area may be allowed where the director determines encroachment would not be detrimental to the health of the tree.

(Ord. No. 710, § 18B.30.120, 4-26-2004)

108.30.125. Animals and urban agriculture.

- A. *Purpose.* The purpose of these provisions is to promote local food production through the allowance of certain farm animals and the growth of food crops within the City of Tenino. These provisions are meant to allow landowners flexibility to grow or raise their own food, while ensuring that nuisance situations do not arise. The provisions of TMC Title 4, Animals also applies.

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- B. *Allowed animals.* The following animals are allowed in the City of Tenino.
1. *Household pets.* Household pets are permitted in all zones.
 2. *Chickens or rabbits.* One chicken or rabbit is allowed per every 1,000 square feet of a lot.
 3. *Goats, sheep, miniature pot-bellied pigs.* One goat, sheep, or miniature pot-bellied pig is allowed per every quarter acre of a lot.
 4. *Horses, emus, alpacas.* Horses, emu, and alpaca are allowed on lots over one (1) acre in size.
 5. *Cattle.* Cattle are allowed on lots over one acre in size in the SF-ES and WT zones.
- C. *Structure setbacks.* The following setbacks are required for animal structures.
1. *Chickens and rabbits.* A minimum of ten feet is required from the adjacent property line.
 2. *All other animals.* A minimum of 25 feet is required from the adjacent property line.
 3. *Reduction allowed.* The setbacks listed above may be reduced by 50 percent when measured from a publicly-owned alley located at the rear of a lot.
- D. *Variation from stocking rates, allowed animals and setback standards permitted with approval of farm plan.* Stocking rates, allowed animals and setback standards may be altered from the requirements shown above in cases where a landowner has submitted and received approval for a farm plan from the Thurston County Conservation District.
1. *Farm plan standards.* The farm plan must show that additional animals will be sustainable (i.e. able to graze given stocking rates, not likely to pollute groundwater, etc.), and will not be a nuisance or noxious to neighboring residents. Allowed rates, setbacks and types of animals will be subject to the specifications in the approved plan.
 2. The following animals may be allowed throughout the City of Tenino when a farm plan has been reviewed and approved by the Thurston County Conservation District.
 - a. Cattle.
 - b. Roosters.
 - c. Turkeys.
 - d. Other animals as determined by the planning official.
- E. *Prohibited farm animals.* The following animals are not allowed to be kept as farm animals in the City of Tenino:
1. Peafowl.
 2. Ferrets.
 3. Geese.
 4. Ostriches.
 5. Other animals, as determined by the planning official.
- F. *Performance standards.*
1. *Farm animals.* The following performance standards apply to farm animals:
 - a. *No roaming allowed.* No animals are permitted to roam on public rights-of-way or another person's property.

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- b. *Prevention of rodents.* Structures to house chickens or rabbits must be designed to prevent rodents through the incorporation of at least one of the following:
 - i. Raising the floor area eight to 12 inches above the grade of the ground.
 - ii. Utilizing a portable pen that can be moved every few days to allow clean-up of the ground.
 - iii. Utilizing similar techniques that produce similar results.
 - c. *Compliance with food and health standards.* Sales of goods associated with any raising of animals requires compliance with the FDA Food Code, and any applicable Department of Health standards.
 - d. *Keeping of animals that results in a nuisance.* Livestock, small animals or chickens (and their associated waste) shall not be kept in a manner that constitutes a nuisance, as defined in TMC Chapter 8.08.
 - e. *Slaughtering.* Farm animals such as cows, sheep, goats, and other livestock are permitted to be slaughtered in any zoning district (except public) provided that if a firearm is to be used for dispatch of farm animals within the city limits, and prior to the use of a firearm, the city police department shall be notified.
2. *Agricultural crops.* To ensure that pesticides and fertilizers do not enter the water source, the production of more than half an acre of crops in a critical aquifer recharge area or wellhead protection area requires a farm management plan in accordance with TMC 112.50.060.
3. *Electric fences.* Electric fences for the purposes of keeping of animals or the growing of food must meet the following performance standards:
- a. *Commercial vendor.* All electrical fences must be obtained from a commercial vendor.
 - b. *Installed per instructions.* All electrical fences must be installed per the manufacturer's instructions.
 - c. *Only for agricultural purposes.* All electrical fences must be utilized solely for agricultural purposes or domestic animal control. No fences that would prohibit an individual such as a police officer from entering a property are permitted.
 - d. *Listed product.* All electric fences shall meet the listed standards of a recognized testing lab (UL, ETL, or other as allowed by statute).
 - e. *Hazardous electrical fence.* In addition to the items listed in TMC Chapter 8.08, the Tenino Code Enforcement Officer may declare a nuisance for an electrical fence that is improperly functioning or installed, or does not meet one of the standards listed above.

(Ord. No. 830, § 2, 10-8-2013; Ord. No. 881, § 36, 9-26-2017)

108.30.130. Signs.

- A. *Purpose.* This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes and goals set forth in section 100.10.020. The purposes of this section are to:
- 1. Encourage the effective use of signs as a means of communication in the city;
 - 2. Maintain and enhance the aesthetic environment and the city of Tenino's ability to attract sources of economic development and growth;
 - 3. Improve pedestrian and traffic safety;

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4. Minimize the possible adverse effect of signs on nearby public and private property; and
 5. Allow for fair and consistent enforcement of these sign restrictions.

B. *Definitions.*

1. For words and phrases that are not defined here, chapter 100.20, general provision definitions apply.
2. All other words and phrases will be given their common, ordinary meanings, unless the context clearly requires otherwise.
3. The section headings or captions are for reference purposes only and will not be used in the interpretation of this section.

Beacon means any light with one or more beams that rotate or move, directed into the atmosphere, or directed at one or more points on a lot.

Building face means that portion of any exterior elevation of a building or other structure extending from grade to the top of a wall and the entire width of that particular building or structure elevation.

Building marker means any sign cut into a masonry surface or made of bronze or other permanent material indicating:

- The name of a building;
- The date; and
- Incidental information about its construction.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a:

- Business;
- Product;
- Service; or
- Other commercial activity.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, business or other similar entity.

Furniture zone means the area of sidewalk between the curb and the clear mobility area of the sidewalk.

Lot. See section 114.10.040, definition of lot.

Marquee means any permanent roof-like structure projecting:

- Beyond a building; or
- Extending along and projecting from the wall of the building.

Note: Marquees are generally designed and constructed to provide protection from the weather.

Mural means a work of graphic art painted or applied to a wall of a building or other structure which contains no advertising or logos. When a work of graphic art that is painted or applied to a wall of a building contains a commercial message, the portion of the mural that contains the commercial message is considered a wall sign.

Pennant means any material, other than a banner, that is suspended from a rope, wire, or string and designed to move in the wind.

Note: A pennant does not need to contain a message of any kind.

Scoreboard means a sign that is associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and also includes any sponsor or identification panels.

Shielded light source shall have the meaning associated with the nature of the light source, as follows: (1) for an artificial light source directing light upon a sign, "shield light source" shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger; (2) for light source located within a sign, "shielded light source" shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source; (3) for a light source designed to directly display a message (e.g., LED and neon lighting), "shielded light source" means a light source specifically designed by its manufacturer for outdoor use.

Sign means any device, fixture, placard, lighting, writing, or structure that uses any color, form, graphic, illumination, symbols, and/or written copy for the primary purpose of:

- Advertising any establishment, product, goods, services, or events;
- Announcing or identifying the purpose of a person or entity;
- Providing directions; or
- Communicating information to the public.

Sign, animated means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types (also see and note difference from changeable sign):

- *Naturally energized.* Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include: flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- *Mechanically energized.* Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- *Electrically energized.* Illuminated signs whose motions or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
 - *Flashing signs.* Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
 - *Illusionary movement signs.* Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion, characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Sign, area of.

- *Projecting and freestanding.* The area shall be within a single, continuous perimeter of the sign face. The area of any double-faced signs shall be calculated by determining the area of one face or side of the sign.
- *Wall sign.* The area shall be within a single, continuous perimeter composed of any rectilinear geometric figure that encloses the extreme limits of the sign.
- *Changeable copy signs.* The area shall be within a single, continuous perimeter of the sign face. The area of any double-faced signs shall be calculated by determining the area of one face or side of the sign.

Sign area total means the total area allowed for all freestanding, projecting, suspended, marquee and canopy signs, and flags with commercial messages on a project site. The sign area total is found by adding the area of each of the different signs together. Wall signs, banners, portable signs, building markers, identification signs, and integral roof signs are not subject to the sign area total, but are subject to other standards.

Sign, banner means a sign made of heavy fabric, canvas or non-rigid plastic (typically with grommets at the corners) that is affixed to a building or other support. "Sign, canopy" means any sign that is a part of, or attached to:

- An awning;
- Canopy; or
- Other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Note: A marquee is not a canopy.

Sign, changeable copy means a sign with informational content of characters, letters, graphics or illustrations that can be changed or altered by manual or electric, electromechanical, or electronic means that can be changed or rearranged without altering the surface of the sign. Changeable copy signs include:

- *Manually activated.* Sign with alphabetic, pictographic or symbolic informational content that can be changed or altered by manual means.
- *Electrically activated.* Sign with alphabetic, pictographic, or symbolic informational content that can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. This includes the following two types:
 - *Fixed message electronic sign.* Not an animated sign.
 - *Computer controlled variable message electronic signs.* Signs with informational content that can be changed or altered by means of computer driven electronic impulses. Minimum delay shall be set at two seconds.

Sign, directional means a sign that directs individuals to a site other than the location on which the sign is placed.

Sign, dynamic means a sign or portion thereof that appears to have movement or that appears to change using any method other than a person physically removing and replacing the sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Sign, electrical means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

Sign, electric awning means an internally illuminated fixed space-frame structure with translucent, flexible, reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Sign, flashing. (See "Sign, animated, electrically energized.")

Sign, freestanding means any sign supported by structures or supports that are placed on, or anchored in, the ground and independent from any building or other structure.

Sign, identification means a sign that is used to identify the tenant of a residential building for visitors. Identification signs typically consist of an individual's last name and have no commercial message. When a commercial message is included, the sign is classified under the relevant sign type and is subject to the provisions of that sign type under this code.

Sign, incidental means a sign that assists visitors to a land use in matters such as parking and navigation of the site, once they are on the site of the land use. Examples include "no parking," "entrance," "loading only," "telephone." Note: A sign with a commercial message legible from an area off the lot on where the sign is located will not be considered incidental.

Sign, illuminated means a sign or portion thereof that:

- Incorporates an artificial light source as part of the sign including, but not limited to, a sign with LED lights, neon lights or an interior light.
- A sign that has an artificial light source directed upon it.

Sign, marque" means any sign permanently attached to or made a part of a marquee.

"Sign, nonconforming means any sign that does not meet the requirements of this section.

Sign, political means a temporary sign used in connection with a local, state, or national election or referendum.

Sign, portable means any sign:

- Not permanently attached to the ground or other permanent structure; or
- Designed to be transported. This includes, but is not limited to:
 - Signs designed to be transported by wheels (reader boards);
 - Signs converted to A- or T-frames;
 - Menu and sandwich board signs;
 - Balloons used as signs; and
 - Umbrellas used for advertising.

Sign, projecting means any sign attached to a building or wall where its leading edge extends more than six inches beyond the building or wall surface.

Sign, residential means any sign:

- Located in a district zoned for residential uses; and
- Doesn't contain a commercial message except for advertising for goods or services legally offered on the premises where the sign is located; and
- The sign conforms to requirements of Title 106 - Zoning and Shoreline Master Program Designations and Title 108 - Development Standards of the Tenino Municipal Code.

Sign, roof means any sign:

- Erected and constructed wholly on and over the roof of a building; and
- Supported by the roof structure.

Sign, roof, integral means any sign erected or constructed as an integral or essentially integral part of a normal roof structure where no part of the sign is:

- Extending vertically above the highest portion of the roof; and
- Separated from the rest of the roof by more than six inches.

Sign, snipe means a temporary sign or poster affixed to a tree, fence, telephone pole, public bench, streetlight, public property, or public right-of-way, except government signs.

Sign, suspended means a sign that is:

- Suspended from the underside of a horizontal plane surface; and
- Supported by that surface.

Sign, temporary means any sign that is not permanently mounted and is used for ten days or less.

Sign, time and temperature means any sign that displays the current time and temperature.

Sign, wall means any sign that is:

- Displaying only one sign surface; and
- Supported by a wall or building where it is:
 - Attached 12 inches or less away from and parallel to a wall;
 - Painted on the wall surface; or
 - Erected and confined within the limits of an outside wall of any building or structure.

Sign, window means any sign, pictures, symbol, or combination of these that is:

- Designed to communicate information about the activity, business, commodity, event, sale, or service;
- Placed inside a window, or on the windowpanes or glass; and
- Visible from the exterior of the window.

Streets. See section 100.20.220, street definition.

Street frontage. See section 100.20.090, frontage definition.

C. *Scope and effect*. This section applies to erecting, placing, establishing, painting, creating, or maintaining a sign in the city of Tenino. The effect of this section is to:

1. Establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and permit procedures of this section.
2. Provide for the enforcement of the provisions of this section.

D. *Prohibited signs, signs allowed without a permit, and signs allowed subject to a permit*.

1. *Prohibited signs*. The following types of signs are prohibited in all zones:
 - a. Abandoned signs;
 - b. Beacons or searchlights (except by permit for a limited time during a once-per-year event);
 - c. Pennants, balloons with commercial messages, and inflatable advertising devices (except as allowed in subsection (D)(2)(s) of this section);
 - d. Signs imitating or resembling official traffic or government signs or signals;
 - e. Snipe signs;
 - f. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business and excludes signs to advertise the sale of said vehicle);
 - g. Signs placed on a site other than the property that contains the use or activity that the sign is advertising, except in those instances when the sign is a directional sign placed by the City of Tenino to point to sites of historic or community significance;

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- h. Flashing signs not conforming to subsection (F)(3) and (F)(4) of this section;
 - i. Illusionary movement signs not conforming to subsection (F)(3) and (F)(4) of this section;
 - j. Any sign or advertising structure or supporting structure that is torn, damaged, defaced, or destroyed (see subsection (F)(3) of this section);
 - k. Illuminated business signs in residential zones;
 - l. Illuminated temporary signs;
 - m. Any signs that exceed the maximum sign quantity and size per business specified in Table 108.30.130-2; and
 - n. Signs not permitted under this regulation.
2. *Signs not requiring permits or exempt from this regulation.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:
- a. Construction signs of 32 square feet or less so long as the signs are removed within ten days of final project completion;
 - b. On-site directional/informational signs of two square feet or less in sign area;
 - c. Signs on private property that are:
 - 1) Less than 16 square feet in size; and
 - 2) Not installed more than ten days in any 30-day period.
 - d. Seasonal or special events decorations, and holiday lights, so long as the long as any signs located in the public right-of-way meet the requirements of subsection (F)(6) of this section;
 - e. Works of art that do not include a commercial message;
 - f. Nameplates of two square feet or less in sign area, which are fastened directly to the building or structure;
 - g. Political signs not to exceed 16 square feet in sign area;
 - h. Any public notice or warning sign required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - i. Real estate signs not to exceed 16 square feet in sign area so long as the signs are removed within ten days of final closing;
 - j. Window signs;
 - k. Canopies that do not contain a commercial message;
 - l. Incidental signs;
 - m. Any sign not legible from more than three feet beyond the lot line of the lot or parcel where the sign is located;
 - n. Address identification signs with numbers and/or letters no greater than ten inches in height, and/or conforming to fire department regulations;
 - o. Historical plaques on sites designated by a governmental agency;
 - p. Government signs, including government installed directional signs;
 - q. Scoreboards, as long as they are consistent with the building and electric code and the provisions of subsection (F)(3) of this section;

- r. Building markers;
 - s. Portable signs, as long as the signage does not exceed the maximum number and size per business shown in Table 108.30.130-2;
 - t. Identification signs;
 - u. Kiosks on governmental property that display historic information, maps or similar information;
 - v. Signs designated by the Tenino city council as a sign of potential community significance, which do not meet the standards of this code, but constitute a high quality of new signage due to the use of sandstone or the quality of construction used in the design, so long as the sign is consistent with the building and electric code and the provisions in subsection (F)(3) of this section;
 - w. Flags, so long as the flag does not contain a commercial message. Note: Any pole over six feet in height must obtain a building permit;
 - x. Signs located along a fence or grandstand at a community sports facility so long as the signs are: consistent with the building and electric code and the provisions of subsection (F)(3) of this section; and are primarily targeted to the spectators at the sports facility and not passing pedestrians or motorists.
3. *Signs allowed on private property subject to permit process.*
- a. Signs are allowed on private property subject to the permit approval type within Table 108.30.130-1, unless otherwise noted within this section:

Table 108.30.130-1 Permitted Signs by Type and Zoning District

Sign Type	All Residential	Institutional Uses Permitted in Residential Zones	Commercial/Industrial	Public/Semi-Public
Canopy			P	P
Integral roof			P	
Flag (with commercial message)	P	P	P	P
Freestanding	P	P	P	P
Marquee			P	P
Projecting			P	P
Roof			P	
Suspended	P	P	P	
Wall	P	P	P	P
Blank cell = Not allowed	P = Permit required			

Note: Column labeled "Institutional Uses Permitted in Residential Zones" applies to institutional or commercial uses allowed within residential zones. Uses may include, but are not limited to, group homes, hospice care centers, nursing homes, assisted living facilities, daycare facilities, home occupations, religious assembly uses, funeral homes, and cemeteries.

- b. If the letter "P" appears for a sign type in a column, the sign is allowed with prior permit approval in the zoning districts represented by that column subject to the standards in subsection (F) and Table 108.30.130-2. Special conditions may apply in certain cases.

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- c. If cell is blank, the sign is not allowed under any circumstances in the zoning districts represented by that column.

Sign Permit Process

1. Sign permits.
 - a. If a sign requiring a permit under the provisions of this section is placed, constructed, erected, or modified on a lot, the lot owner must secure a sign permit prior to the construction, placement, erection, or modification of the sign in accordance with the requirements of subsection (F) of this section.
 - b. No signs will be erected in the public right-of-way except in accordance with the relevant permit requirements of subsection (E) of this section and subsection (F)(6) of this section.
 - c. No sign permit of any kind will be issued for an existing or proposed sign unless the proposed sign meets the requirements of this section.
 - d. Prior to issuance of an illuminated sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in subsection (F)(3)(d) and (F)(4) of this section.
2. General permit procedures. The following will govern the application for, and issuance of, all sign permits under this regulation.
 - a. Applications. All applications for sign permits of any kind must be submitted to the city in accordance with the application requirements specified by the designee.
 - b. Fees. Each application for a sign permit will be accompanied by applicable fees established by the most currently adopted fee schedule.
 - c. Permit action. The designee will either issue a permit, request additional information, or request application modification to meet requirements of this section.
 - d. Lapse of sign permit. A sign permit will lapse automatically if:
 - 1) The business license for the premises lapses, is revoked, or is not renewed; or
 - 2) The business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the city to the last permit holder, sent to the premises, that the sign permit will lapse if the activity is not renewed.
 - e. Assignment of sign permits. A current and valid sign permit is freely assignable to a successor as owner of the property or holder of a business license for the same premises. The assignment must be accomplished by filing for a business license.
3. Permits to construct or modify signs. Sign permits will be issued in accordance with the following requirements and procedures:
 - a. Permit for new sign or for sign modification. The permit shall include three sets of plans drawn to scale that show in sufficient detail the following:
 - 1) The proposed location and its relationship to the other principal buildings on the lot and on adjacent properties.
 - 2) The size and height of the sign, including any height associated with the base of the sign.
 - 3) The elevation of the centerline of the roadway upon which the sign is oriented, when applicable.
 - 4) The material of the sign and supporting pole or structure.

- 5) A drawing of any landscaping or other base upon which the sign will be placed.
 - 6) Any other information required by the building official to accurately review the application for conformance to the code, including but not limited to a review by a certified land surveyor and/or professional engineer.
- b. Inspection. If construction is complete and in full compliance with this section and the building and electrical codes, the sign(s) will be permitted by the city.

F. *Standards for signage.*

1. *Sign area and height.* The following requirements apply when determining sign area and sign height.
- a. *Area of individual signs.* The area of individual signs is determined using the method found in the definition "Sign, area of."
 - b. *Sign height.* The height of a sign is determined as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the lower of:
 - 1) The existing grade prior to construction; or
 - 2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for locating the sign.

When the normal grade cannot reasonably be determined, sign height must be computed by assuming the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

For roof signs, sign height is measured from the normal grade of the building, not the roof.

2. *Number, dimensions, and location of signs.*

- a. Signs are allowed subject to the standards listed in Table 108.30.130-2.

Table 108.30.130-2 Dimensions of Individual Signs by Zone District

Sign Type	All Residential	Institutional Uses Permitted in Residential Zones	C-1	C-2	C-3	Industrial	Public/Semi-Public
Total Allowed Sign Area per Storefront¹- Applies to freestanding, projecting, suspended, roof, marquee and canopy signs, and flags with	8 ⁽²⁾	20 ⁽²⁾	100 ⁽²⁾⁽³⁾	100 ⁽²⁾⁽³⁾	100 ⁽²⁾⁽³⁾	100 ⁽²⁾⁽³⁾	64 ⁽²⁾

commercial messages							
Maximum sign height	5	10	20 ⁽³⁾	25 ⁽³⁾	16 ⁽³⁾	12	12
Standards for Signs That Are Not Subject to the Allowed Sign Area Total							
Banner							
Maximum sign area (square feet)	8	8	20	20	20	20	20
Number permitted							
Per lot	1	1	-	-	-	-	-
Per storefront along each street frontage ¹	-	-	1	1	1	1	1
Building Marker							
Maximum sign area (square feet)	4	4	4	4	4	4	4
Number permitted (per building)	1	1	1	1	1	1	1
Identification							
Number permitted (per residence)	1	1	1 (for residential uses)				
Portable							
Maximum sign area (square feet)	6	6	8	8	8	8	8
Number permitted (per business storefront along each street frontage)	1	1	1	1	1	1	1
Roof, Integral							

Number permitted (per building)	NP	NP	2	2	2	2	2
Wall							
Maximum sign area (square feet)	2	10	-	-	-	-	-
Maximum wall area (in percent)	-	-	10% ⁽³⁾⁽⁴⁾	10% ⁽³⁾⁽⁴⁾	10% ⁽³⁾⁽⁴⁾	5% ⁽³⁾⁽⁴⁾	5% ⁽³⁾
Additional Standards	No illumination of business signs is allowed in residential zones (per subsection (D)(1)(k) of this section).						

Note: Column labeled "Institutional Uses Permitted in Residential Zones" applies to institutional or commercial uses allowed within residential zones. Uses may include, but are not limited to, group homes, hospice care centers, nursing homes, assisted living facilities, daycare facilities, home occupations, religious assembly uses, funeral homes, and cemeteries.

⁽¹⁾ When a building contains more than one enterprise, each separate entrance to an enterprise from the street shall constitute a storefront. This does not mean, however, that two doorways to an individual business or group of businesses that share the same commercial space are allowed twice the signage. Where a doorway serves an internal hall that provides access to more than two distinct business spaces, 125 percent of the total sign area may be used for all the businesses served by that hall.

⁽²⁾ This number represents the total sign area allowed per business. This total is achieved through the addition of the area of every sign on a project site, except for those signs that are not subject to the sign area total.

⁽³⁾ This dimension standard is not intended to render an existing sign non-conforming. Where a sign that was installed prior to the date of this ordinance is rendered non-conforming as a result of this sign dimension standard, the sign shall not be considered non-conforming and shall be allowed to maintain the size of the sign into the future. Other provisions of this code may however render a sign non-conforming.

⁽⁴⁾ The percentage figure means the percentage of the area of the wall where the sign is located or where the sign is most nearly parallel.

- b. Signs must be located to allow a clear view at every intersection between heights of three feet and ten feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.
3. *Sign construction and maintenance.* All signs must be designed, constructed, and maintained in accordance with the following standards:
- a. All signs must comply with applicable provisions of adopted building and electrical codes of the city at all times;
 - b. All signs must be constructed of permanent materials and must be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. Banners, flags, pennants, political signs, temporary signs, and certain window signs, conforming in all respects with the requirements of this section, are exempt from this requirement;

-
- c. All signs must be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times. Banners, pennants, flags or temporary signs that have been torn, damaged, or destroyed are not considered to be in good structural condition;
 - d. All illuminated signs shall:
 - 1) Have a shielded light source;
 - 2) Not exceed a maximum light intensity of 5,000 nits (candelas per square meter) during daylight hours and a maximum light intensity of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness; and
 - 3) Be equipped with:
 - a) An automatic dimmer control to produce the illumination change required by subsection (F)(3)(d)(2) of this section; and
 - b) A means to immediately turn off the display or lighting if the illuminated sign malfunctions.
4. *Lighting.* All lighting shall be in accordance to the current edition of the National Electrical Code. Unless otherwise prohibited by this section, all signs may be illuminated by one of the following methods:
- a. Internal lighting;
 - b. External direct lighting that is pointed downward when possible; and
 - c. Neon:
 - 1) Signs containing neon lettering and graphics shall be limited to the same size and height limitation as other commercial signs in that zone. If a neon element is proposed to occur on a wall sign or other sign that is not subject to the sign area total, the area around the neon portion of the sign cannot exceed 64 square feet in size.
 - 2) Neon may be used to outline a sign or as a graphic within a sign. Lettering height shall be limited by the ability of the lettering to be contained within the sign's size constraints.
 - 3) Flashing or animated neon signs are not allowed.
 - 4) Neon signs are only allowed in commercial and industrial zones.
5. *Changeable copy.* Unless otherwise specified by this section, any sign herein allowed may use manually, automatically, electrically, or mechanically activated changeable copy. No permit is required to change copy on a legally permitted sign.
6. *Signs in the public right-of-way.* No signs will be allowed in the public right-of-way, except:
- a. *Permanent signs.* The following permanent signs may be allowed in the public right-of-way.
 - 1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - 2) Bus stop signs erected by a public transit company;
 - 3) Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
 - 4) Awning, projecting, and suspended signs projecting over a public right-of-way meeting the requirements of Table 108.30.130-3. When these signs are suspended or project above a public right-of-way, the issuance and continuation of a sign permit will be conditioned on

the sign owner obtaining and maintaining liability insurance of at least \$1,000,000.00 per occurrence per sign.

- b. *Seasonal and portable signs.* A seasonal sign or a portable sign may be placed in the right-of-way when the sign:
- 1) Meets the requirements of Tables 108.30.130-2 and 108.30.130-3; and
 - 2) Is for one of the following two types of signs:
 - a) A sign or banner for a seasonal community event, such as a fair or farmers' market, that has been approved for a fixed period of time by the city council and contains less than 20 percent of the sign as a commercial message for the sponsors of the event; or
 - b) A portable sign for a business that meets the requirements of Table 108.30.130-2 and provides no less than four feet in width of open sidewalk area to maintain ADA accessibility requirements.

Table 108.30.130-3 Minimum Clearance for Permanent and Temporary Signs That Project over a Public Right-of-Way

Minimum Clearance Required for Signs That Project Over a Right-of-Way	
Clearance required over a sidewalk	9 feet
Clearance required over a street	12 feet

- c. *Emergency signs.* Emergency warning signs may be allowed in the public right-of-way when they are erected by:
- 1) A government agency;
 - 2) A public utility company; or
 - 3) A contractor doing authorized or permitted work.
- d. *Other signs.* Any sign installed or placed on public property, except in conformance with the requirements of this section, will be forfeited to the public and subject to confiscation. In addition to other remedies in subsection (G)(2) of this section, the city will have the right to recover from the owner or person placing the sign the full costs of removal and disposal of the sign.
7. *Abandoned and obsolete signs.*
- a. Legal conforming structural supports for obsolete signs may remain if they are installed with a blank sign face and the supporting structures are maintained.
 - b. Signs abandoned for 30 days without the installation of a blank sign face and/or the maintenance of supporting structures are not allowed. The city shall notify the sign owner and allow 30 days to bring the sign into compliance or remove the sign and its support structure.
8. *Signs existing on the effective date.* For any sign existing in the city after the adoption of this section, the sign will be considered an existing conforming or nonconforming sign.
- a. *Nonconforming existing signs.* Signs will be considered a nonconforming sign when:
 - 1) The sign was in existence on or before November 13, 2012, or a later date when a property is annexed to the city; and

-
- 2) The sign was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but does not meet these requirements because of its size, height, location, design, or construction;
 - 3) A nonconforming sign that existed at the time of the adoption of the ordinance codified in this section is allowed to remain in place until the sign is replaced or the cost of maintenance for the sign exceeds 50 percent of its value. The degree or extent of the nonconformity shall not be increased;
 - 4) Any nonconforming sign will either be eliminated or made to conform to requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than 50 percent of the lesser of the original value or replacement value of the sign;
 - 5) This section does not apply to changing information on the face of an existing nonconforming sign.
- b. *Conforming existing signs.* A conforming sign that existed at the time of the adoption of the ordinance codified in this section and meets the requirements of this code is allowed to remain in place without a permit until the sign is replaced or the cost of maintenance for the sign exceeds 50 percent of its value. A permit is required once the maintenance of the sign exceeds this 50 percent threshold.
- G. *Additional administrative provisions.*
1. *Variances.*
 - a. Any person may apply to the designee for a variance from the requirements of this section. The sign variance shall be processed pursuant to section 100.50.080 and shall also base the findings and conclusions on the following criteria:
 - 1) The variance does not conflict with the purpose and intent of the sign regulations.
 - 2) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this section.
 - 3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that are not contemplated or provided for by this section.
 - 4) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
 - 5) Alternative signage concepts that comply with the provision to which the variance is requested have been evaluated, and an undue hardship would result if the strict adherence to the provision were required.
 - b. Conditions may be imposed upon the application as deemed necessary by the designee. No variance may be granted that would increase the number of signs allowed by this section or allow a type of sign that is prohibited by this section. The fee for an administrative variance is based on the adopted fee schedule.
 2. *Enforcement.*
 - a. *Sign removal required.* A sign that was constructed, painted, installed, or maintained in conformance with a permit under this section will be required to be removed within 30 days' notice from the city when:

-
- 1) The permit has lapsed subject to subsection (F)(E)(2)(d) of this section.
 - 2) The sign is no longer in good structural condition or in compliance with all building and electrical codes.
- b. *Lapse of nonconforming sign status.* Allowance of a nonconforming sign will lapse and become void under the same process as any other sign permit that may lapse and become void.
- c. *Violations.* The following are violations of this section and subject to enforcement provisions of section 100.30.130:
- 1) To install, create, erect, or maintain any sign:
 - a) Without a permit, if a permit is required; or
 - b) In a way that is inconsistent with any permit governing the sign or lot where the sign is located.
 - 2) To fail to remove any sign that:
 - a) Is installed, created, erected, or maintained in violation of this regulation; or
 - b) Has a lapsed permit.

Each day of continued violation will be considered a separate violation for each sign installed, created, erected, or maintained when applying penalty portions of this regulation.

(Ord. No. 822, § 1, 11-13-2012)

Editor's note(s)—Ord. No. 822, § 1, adopted November 13, 2012, amended section 108.30.130.1—108.30.125 in its entirety to read as herein set out as § 108.30.130. Former §§ 108.30.130.1—108.30.125 pertained to similar subject matter. See Code Comparative for complete derivation.

108.30.140. Design standards.

A. *Context for design standards.* Tenino is unique because of its history, and because of the fact that much of that history remains intact. Sure some windows have been filled in and some new buildings have been constructed, but amazingly since 1906, when a major downtown fire occurred, the character of the town (and especially the downtown) has changed little.

This unique history is one that the city has valued over the past several decades, and seeks to preserve and build on into the future, recognizing that the historic character if emphasized could provide economic benefits to the community, especially through the attraction of residents and visitors that seek something different/more permanent than the rapidly changing products and cheap materials so common today.

B. *Intent.* These design standards are intended to protect this unique and intact historical character by:

1. Bringing out the historic charm of the existing buildings (by encouraging the restoration of things like the original window arrangements); and
2. Ensuring that new buildings and major remodels are constructed in a way that compliments this historic character.

The standards have been crafted based on a number of principles that were originally used in the construction of Tenino. These standards include ensuring that ground floor windows are large (because ground floor windows help to sell merchandise); ensuring some use of sandstone in building construction (because local resources should be used in new construction projects); and ensuring that facades have some variation, depth and detailing (because structures should be designed to last (and look good) for 100 years).

C. *Applicability.* These design standards apply to certain land use proposals in the City of Tenino. To determine if a land use is subject to any of the standards, please see Table 108.30.140-1. Land use zones are shown as well as an abbreviated description of each proposal (new structure, major remodel, minor remodel). Where an application meets both the "ZONE" and "ACTION" classifications, the proposal is subject to the applicable standard. Detailed descriptions of each of the standards are presented following the table.

TABLE 108.30.140-1: APPLICABLE DESIGN STANDARDS FOR EACH ZONE AND ACTION¹

	ZONE					ACTION		
	C1	C2	C3	MF	I	New Structure	Major Remodel	Minor Remodel
PLACEMENT OF BUILDINGS								
C1	x					x	x (If expanding, applies to expansion only)	
Pedestrian-Oriented Site Design		X	x	x	x	x	x (If expanding, applies to expansion only)	
PLACEMENT OF DOORS AND WINDOWS								
Location of Door	x	X	x	x	x	x	x	x
Presence of Windows								

-New Structures	x (Non-residential uses only)					x		
-Existing Structures	x (Non-residential uses only)						x	
-Historic Structures	Encouraged (but not required)						Encouraged (but not required)	
-No Reduction Allowed	x	X	x				x	x
DEPTH ON BUILDINGS								
Building Depth	x	X	x	x	x	x	x	
Blank Wall	x	X	x	x	x	x	x	
BUILDING ARTICULATION	x	X	x	x	x	x	x	
DETAIL								
Building Detail	x (But does not apply to existing single-family uses)					x	x	
Sandstone Detail	x	X	x			x		
LIGHTING	x	X	x	x	x	x	x	
LANDSCAPING								
Street Trees	As shown in City's street tree plan					x		
Parking Lot Landscaping	x	X	x	x	x	x	x (for spaces necessary for any expansion)	
Visual Screen/Visual Block	x	X	x	x	x	x	x	
SCREENING OF FACILITIES	x	X	x	x	x	x	x	x

¹. While the table refers to the C-1, C-2, C-3, MF, and I zones as a whole, the standards do not apply to existing or future single-family residences or duplexes within those zones.

D. *Placement of buildings.*

1. *Downtown.* Within C-1 zone, buildings shall mirror the historic development pattern of the area. New buildings shall occupy the entirety of the lot frontage, and be set at the front lot line (for buildings in the historic district) or near the front lot line (for buildings outside of the historic district). Parking shall be located on street, in common parking lots, or behind the building (see Figure A).

Figure A



Historic structures in downtown Tenino were typically set on the front property line and faced Sussex Avenue or other streets in the community.

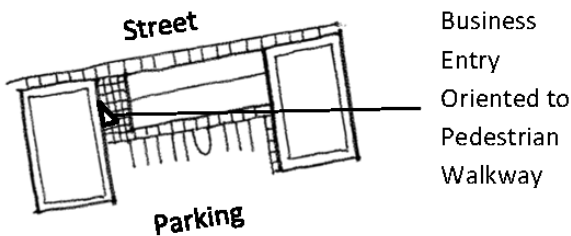
2. *Pedestrian-oriented site design.* Within all other commercial, industrial, and multifamily zones, building placement and location is less important than in the C-1 zone. Nevertheless, to ensure that parking lots do not dominate Sussex Avenue or other pedestrian-oriented areas (as shown in Map 108.30.140-1), at least 50 percent of a lot's frontage must be occupied by a building or pedestrian-oriented space, instead of parking areas.



E. *Placement of doors and windows.*

1. *Location of door.* All businesses located on Sussex Avenue or any other pedestrian-oriented street must have an operable doorway/entrance that is oriented:
 - a. Toward the street; or
 - b. Toward a pedestrian-oriented public walkway or plaza that connects to the street sidewalk (see Figure B).

Figure B



2. *Presence of windows.*

- a. *New structures* - To ensure an interesting streetfront for pedestrians and vehicles and to promote shopping in Tenino, see-through windows and doorways must occupy at least 50 percent of the ground floor façade area (see Figure C).

Figure C



Historic structures in downtown Tenino contained a high proportion of windows on the ground floor (often more than is currently visible on the front of the buildings today).

- b. *Existing buildings* - Existing downtown and non-residential buildings that currently have 50 percent or less of their façade area devoted to see-through windows and doorways must increase the size of their windows to at least fifty percent of the ground floor façade as part of any significant remodel. This requirement however shall not apply to the following buildings that were originally designed to have less than 50 percent of their façade encompassed by windows:

-
- i. Historic residential uses or commercial structures (constructed prior to 1930) or
 - ii. Structures found (by the planning official) to be a valuable architectural statement that exhibits a unique character or style for Tenino.

In these instances, maintaining the historic or architectural integrity of the structures is a higher priority than adding new windows.

- c. *Historic structures* - All historic buildings in Tenino are encouraged to reestablish the original window arrangement (including display and transom windows) as part of all remodels.
- d. *No window reduction allowed* - Under no circumstances are building owners of non-residential structures in the downtown allowed to reduce the size of their windows as part of any building remodel.

F. *Depth on buildings.*

- 1. *Building depth.* To ensure that new buildings and major remodels contribute to the character of Tenino (see Figure D), all new facades that are oriented towards a public street and/or primary means of entrance shall incorporate at least three of the following features.

Figure D



Historic structures in downtown Tenino were not flat, and often had a significant amount of depth through the use of features such as awnings, balconies, recessed windows and recessed entries.

- a. Awnings or arcades.
- b. Recessed entries at least four feet in depth.
- c. Recessed windows.
- d. Horizontal building modulation greater than 12 inches in depth.
- e. Upper story balconies that contain at least 60 square feet of usable area.
- f. Bay windows.

-
- g. Cornices that project out from the building greater than four inches.
 - h. Landscaping methods listed below to break up blank walls.
 - i. Other methods that achieve similar results.
2. *Blank walls.* To limit the number of blank walls viewed by pedestrians and neighboring residences in Tenino, blank walls without a window or entry that are more than 25 feet in length and between two and eight feet in height (from grade), should not face a public open space, street right-of-way, parking lot or adjacent residence. Where such walls are deemed to be unavoidable by the planning official, they shall be treated in two or more of the following ways:
- a. Planters or trellises with vines.
 - b. Landscaping that covers at least 30 percent of wall area within three years of planting.
 - c. Special materials (e.g., decorative patterned masonry) that cover at least 30 percent of the wall area.
 - d. Small setbacks, projections, indentations, or intervals of material change to break up the wall's surface.
 - e. Display windows.
 - f. Other treatment approved by the city.
- G. *Building articulation.* To prevent long stretches of monotonous façade, buildings over 100 feet in length as measured parallel to a roadway or public open space shall be articulated along the façade at intervals (see Figure E). Articulation may be accomplished in several ways, including:

Figure E



Larger historic structures, like the Columbia Building, were articulated into distinct segments, rather than appearing as one large building. In the Columbia Building, this articulation was accomplished through the creation of two distinct storefronts distinguished by drastically different window arrangements.

1. Modulation—the stepping back or projection forward of a portion of the façade.
2. Including significant building elements such as balconies, porches, canopies, towers, entry areas, etc. that visually break up the façade.
3. Including building focal points, such as a tower or turret to emphasize the location of a building's entry.
4. Changing the roofline.
5. Changing materials.
6. Using other methods acceptable to the city.

Each building over 100 feet in length should be articulated into sections averaging not less than 24 feet and not more than 36 feet in length as measured along the portions of the façade visible from a parking lot and or public street.

Articulation of the structure shall not be conducted for artifice alone, but should typically follow specific features (i.e. changes between commercial storefronts, differentiation between residential ground floor entries and commercial entries, etc.). Where it is not possible to follow specific features, the building should feel like one common building with different and distinct components.

H. *Detail.*

1. *Building detail.* Buildings within the commercial and multifamily zones shall include at least one of the following elements on facades that face a public street or park (see Figure F).

Figure F



Historic structures in downtown Tenino often included unique detailing.

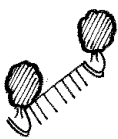
- a. Decorated rooflines, such as ornamental molding, entablature, frieze or other roofline device visible from ground level.
- b. Decorative treatment of windows and doors, such as decorative molding or framing details around all ground floor windows and doors facing a public street, public space and/or parking lot.
- c. Decorative railings, grill work or landscape guards.
- d. Decorative building materials, such as ornamental masonry, shingle, brick or stone; decorative moldings, brackets, eave, trim or lattice work; ceramic tile, stone, Carrera glass, or similar materials; or other materials with decorative or textural qualities approved by the city.

-
- e. Landscape trellises.
 - f. Decorative light fixtures.
 - g. Other similar feature or treatment approved by the city.

The applicant may be required to submit architectural drawings and material samples for approval. Figure F Historic structures in downtown Tenino often included unique detailing.

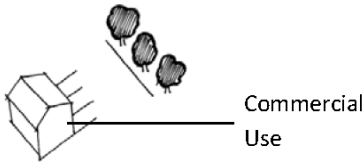
- 2. *Sandstone detail.* New buildings within commercial zones must additionally incorporate a sandstone element into the design of the structure. Appropriate sandstone elements include:
 - a. A decorative piece of sandstone sculpture at least five feet in height.
 - b. A sandstone pillar incorporated into the building design.
 - c. A low sandstone wall.
 - d. A sandstone bulkhead beneath the display windows.
 - e. Other treatment approved by the city.
- I. *Lighting.* All new projects shall include illuminated parking areas, and sufficient lighting to help patrons travel safely from their car to the building entrance(s). All lighting included as part of projects shall be fully shielded and directed downward to limit the flow of light into the sky and onto adjacent properties.
- J. *Landscaping.*
 - 1. *Street trees.* To help create a pleasant street front for pedestrians and motorists in Tenino, street trees are required as part of new development or substantial commercial remodels. General locations of these street trees are shown in Tenino's adopted street tree concept.
 - 2. *Parking lot landscaping.* To help ensure aesthetically pleasing approaches to businesses and other land uses in Tenino; break up the views of large expanses of paved parking; and help control the speed of runoff in parking lots, one tree is required for every 2,000 square feet of parking area on a project site. Trees are encouraged to be placed at the end of parking aisles (see Figure G) or otherwise interspersed through the parking area.

Figure G



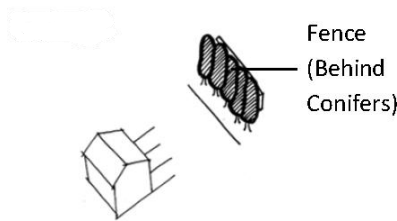
- 3. *Visual screen/visual block.* To help preserve the residential nature of single-family neighborhoods, applicants are required to provide a visual screen or visual block that is situated along the property line between the residential neighborhoods and the adjacent commercial use. Two types of screening are allowed:
 - a. *Visual Screen* - Visual screens provide a buffer between adjacent land uses, but do not block all views through the landscaping. Conifers or deciduous trees may be utilized (see Figure H).

Figure H



- b. *Visual Block* - Visual blocks incorporate fencing and conifer trees (typically) to block the majority of views between the land uses (see Figure I). Visual blocks shall typically be utilized where a use next to a residential area has the potential for significant aesthetic or noise impacts.

Figure I



Visual screens or visual blocks shall also be planted between commercial uses, mixed uses or multifamily residential uses that do not share a common wall with their neighbors.

- K. *Screening of facilities.* To ensure that the unsightly functions of buildings do not detract from surrounding land uses, facilities such as trash receptacles, loading docks, and heating and cooling equipment (located on the ground or on a building rooftop) must be screened from public view. Fencing or vegetation that creates a visual block is appropriate for facilities located on the ground, and use of items such as a parapet is appropriate for rooftop equipment.

(Ord. No. 851, §§ 4, 5, 12-9-2014)

108.30.150. Reserved.

Editor's note(s)—Ord. No. 881, § 37, adopted September 26, 2017, repealed § 108.30.150, which pertained to accessory dwelling units. See Code Comparative Table for complete derivation.

108.30.160. Natural resource lands.

- A. *Purpose.* Resource lands are of special concern to the public. In order to protect and promote public health, safety, and welfare, this section establishes noticing requirements for sites that contain or are adjacent to natural resource lands.
- B. *Establishment of natural resource lands.*
 - 1. Natural resource lands regulated by this section include:
 - a. Agricultural resource lands (WAC 365-190-050; RCW 36.70A.170).

-
- b. Mineral resource lands (WAC 365-190-070; RCW 36.70A.170).
 - c. Forest resource lands (WAC 365-190-060; RCW 36.70A.170).
2. Properties adjacent to natural resource lands are also subject to the standards of this section. An adjacent property is one that is on a site bordering or within 500 feet of a designated natural resource.
- C. *Notice required.*
- 1. Pursuant to RCW 36.70A.060, all final plats and short plats, and permits issued for development activities on or within 500 feet of any land designated under this Section must contain a note that the subject property is near agriculture, forest, or mineral resource lands of long-term commercial significance, whichever applies. The note must inform the public that a variety of commercial activities may occur that may not be compatible with residential development for certain periods of limited duration.
 - 2. The note must also contain a statement that the ability of owners or occupants to recover damages for nuisances arising from activities on the designated mineral, agricultural or forestry land, whichever applies, may be limited.
 - 3. The note for properties within or near designated mineral lands must also inform the public that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals.
 - 4. The resource use notice must be provided in a form and content prescribed by the city.
- D. *Agricultural resource lands.* Agricultural lands are lands that are not already characterized by urban growth and have long-term significance for the commercial production of food or other agricultural products.
- 1. *Location.* The following sites have been designated as agricultural lands:
 - a. *Tenino.* There are no sites within the city designated as agricultural lands.
 - b. *Unincorporated Thurston County.* There are no sites within 500 feet of the city or its urban growth area that have been designated by Thurston County as long-term agriculture.
- E. *Mineral resource lands.* Mineral resource lands are lands that are not already characterized by urban growth and have long-term significance for the extraction of minerals.
- 1. *Location.* The following sites have been designated as mineral resource lands:
 - a. *Tenino.* There are no sites within the city designated as mineral resource lands.
 - b. *Unincorporated Thurston County.* Miles Sand and Gravel quarry, Department of Natural Resources Permit Number 11902.
- F. *Forest resource lands.* Forest resource lands are forestlands that are not already characterized by urban growth and have long-term significance for the commercial production of timber, including Christmas trees.
- 1. *Location.* The following sites have been designated as forest resource lands:
 - a. *Tenino.* There are no sites within the city designated as Forest Resource Land.
 - b. *Unincorporated Thurston County.* There are no sites within 500 feet of the city or its urban growth area that have been designated by Thurston County as long-term forestry.

(Ord. No. 880, § 13, 9-12-2017)

108.30.170 Accessory residential vehicle service and repair standards.

The repair, service, restoration, modification, assembly, disassembly, construction, reconstruction, or other work on a motor vehicle, recreational vehicle or a sporting vehicle on any residential premises in any zone that allows residential uses shall be subject to the following standards:

- A. Work shall be limited to the noncommercial repair and maintenance of motor vehicles, recreational vehicles, sporting vehicles and vehicular equipment that is currently registered to a resident of the premises or a member of the residents' family, which shall be limited to parents, grandparents, spouse, or children related by blood, marriage or adoption.
- B. Such work is prohibited in multifamily residential complexes of three or more dwelling units on a parcel.
- C. Such work shall be conducted on no more than one vehicle at any one time.
- D. Such work shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 8:00 a.m. and 7:00 p.m. on weekends.
- E. Assembly, disassembly or bodywork shall only be conducted within a fully enclosed garage or accessory building. Minor service and repair work may be performed in an open accessory structure or in the driveway directly adjacent to the garage or carport. Such work shall not be performed in the public right-of-way nor shall vehicles be stored in the public right-of-way, even if the driveway is located in the public right-of-way.
- F. Parts, equipment, debris, excess materials or other supplies needed for the repair of a vehicle on the premises shall be stored within a fully enclosed structure such as a garage or accessory building. No items shall be left outside overnight.
- G. The performance of such work shall not create a nuisance to the neighbors.
- H. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths or rags, and all other equipment or material used in the work, and the property shall be left in such a condition that no hazard to persons or property shall remain. Storage and disposal of all hazardous materials shall be in accordance with state and local regulations.
- I. Disposal of all waste products shall be in accordance with state and local regulations.
- J. Painting of vehicles is prohibited.

(Ord. No. 881, § 38, 9-26-2017)

108.30.180. Zoning map.

[A copy of the city's official zoning map can be found in the city] offices.

(Ord. No. 754, § 20, 2-24-2009; Ord. No. 823, §§ 12, 13, 11-13-2012)

CHAPTER 108.40. ALLOWED USES¹

¹Editor's note(s)—Ord. No. 881, § 39, adopted September 26, 2017, repealed the former chapter 108.40, §§ 108.40.010—108.40.160, and enacted a new chapter 108.40 as set out herein. The former Ch. 108.40 pertained to development standards; use specific. See Code Comparative Table for complete derivation.

108.40.010. Use schedule.

The Use Schedule establishes the principal, accessory, and temporary uses allowed in each zone. The definitions and standards for each use are established in Sec. 108.40.030 through Sec. 108.40.120 and referenced in the table. Additional uses may be allowed in a zone as part of an allowed development option as specified in Chapter 100.55, Master Planned Developments. The permit required for each allowed use is designated using the following symbols.

- A. "Y" denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.
- B. "A" denotes an allowed use that requires an Administrative Use Permit to be obtained pursuant to Sec. 100.50.030.
- C. "C" denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 100.50.040. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.
- D. "PF" denotes an allowed use that requires a Public Facilities Use Permit to be obtained pursuant to Sec. 100.50.060. Public facilities uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Public facilities uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Public facilities uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

USE SCHEDULE

Key: Y = Use allowed without use permit A = Administrative Use Permit required
 C = Conditional Use Permit required
 PF = Public Facilities Use Permit required (PO) = Only allowed in the PO Overlay — = Use not allowed
 * = Use that was legally established prior to November 13, 2012 is allowed to continue as an allowed conforming use. No new uses are allowed in the zone.

Use Category	Residential Zones				Nonresidential Zones				Special Purpose Zones		Def/Std
	SF-ES	SF	SF-D	MF	C1	C2	C3	I1	P/SP	WT	
Open Space Uses											108.40.030.
Agriculture	Y	—	—	—	—	—	—	—	A	Y	108.40.030.B.
Value-Added Agriculture Accessory Uses	—	—	—	—	—	—	—	—	A	—	108.40.030.C.
Residential Uses											108.40.040.
Detached Single-Family Unit	Y	Y	Y	Y	—	—	Y*	—	—	Y	108.40.040.B.
Duplex	—	—	Y	Y	—	—	—	—	—	—	108.40.040.C.
Attached Single-Family Unit	—	—	—	Y	A	A	A	—	—	—	108.40.040.D.
Group Home	—	—	—	Y	A	A	A	—	—	—	108.40.040.E.
Correctional Group Home	—	—	—	—	—	PF	—	—	—	—	108.40.040.F.
Lodging Uses											108.40.050.
Conventional Lodging	—	—	—	—	Y	Y	Y	—	—	—	108.40.050.B.
Campground	—	—	—	—	—	—	—	—	A	—	108.40.050.C.
Institutional Uses											108.40.060.
Assembly	C	C	C	C	Y	Y	Y	—	Y	C	108.40.060.B.
Daycare Center	—	C	C	A	Y	Y	Y	—	Y	—	108.40.060.C.
School	—	C	C	C	—	C	C	—	C	—	108.40.060.D.
Emergency Services	C	C	C	C	A	A	A	A	A	—	108.40.060.E.
Commercial Uses											108.40.070.
Office	—	A(PO)	—	A	Y	Y	Y	—	Y	—	108.40.070.B.
Retail	—	—	—	—	Y	Y	Y	—	—	Y	108.40.070.C.
Service	—	—	—	—	Y	Y	Y	—	—	—	108.40.070.D.
Restaurant/Bar	—	—	—	—	Y	Y	Y	—	—	Y	108.40.070.E.
Mobile Food Vendor	—	—	—	—	A	A	A	A	A	—	108.40.070.F.
Heavy Retail/Service	—	—	—	—	A	Y	A	C	—	Y	108.40.070.G.

Storage	—	—	—	—	—	—	—	A	—	—	108.40.070.H.
Nursery	—	—	—	—	A	A	A	A	—	—	108.40.070.I.
Battery Exchange Station	—	—	—	—	C	A	C	A	—	—	108.40.070.J.
Marijuana Business	—	—	—	—	A	A	A	A	—	—	108.40.070.K.
Sexually Oriented Business	—	—	—	—	—	—	—	C	—	—	108.40.070.L.
Amusement and Recreation											108.40.080.
Amusement	—	—	—	—	A	A	A	—	A	—	108.40.080.B.
Outdoor Recreation	Y	Y	Y	Y	Y	Y	Y	—	Y	C	108.40.080.C.
Developed Recreation	A	A	A	A	Y	Y	Y	—	Y	C	108.40.080.D.
Industrial Uses											108.40.090.
Craft Food Production	—	—	—	—	A	A	A	Y	—	—	108.40.090.B.
Light Industry	—	—	—	—	C	A	A	Y	—	—	108.40.090.C.
Heavy Industry	—	—	—	—	—	—	—	C	—	—	108.40.090.D.
Disposal	—	—	—	—	—	—	—	PF	—	—	108.40.090.E.
Transportation and Infrastructure Uses											108.40.100.
Parking	—	—	—	—	A	A	A	A	A	—	108.40.100.B.
Utility Facility	C	C	C	C	C	C	C	C	C	C	108.40.100.C.
Sewer Facility	—	—	—	—	—	—	—	PF	PF	—	108.40.100.D.
Wireless Telecommunications Facility	See Sec. 108.40.100.E.									—	108.40.100.E.
Accessory Uses											108.40.110.
Accessory Dwelling Unit	A	A	A	A	—	—	—	—	—	A	108.40.110.B.
Bed and Breakfast	A	C	C	Y	Y	Y	Y	—	—	Y	108.40.110.C.
Home Occupation	A	A	A	A	Y	Y	Y	—	—	A	108.40.110.D.
Home Business	C	C	C	C	A	A	A	—	—	C	108.40.110.E.
Drive-Up Facility	—	—	—	—	C	Y	A	—	—	—	108.40.110.F.
Home Daycare	A	A	A	A	A	A	A	—	—	A	108.40.110.G.
Battery Charging Station	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	108.40.110.H.
Temporary Uses											108.40.120.
Yard Sale	Y	Y	Y	Y	Y	Y	Y	Y	Y	—	108.40.120.B.
Christmas Tree Sales	—	—	—	—	Y	Y	Y	Y	—	—	108.40.120.C.
Farm Stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	108.40.120.D.

Temporary Real Estate Sales Office	A	A	A	A	A	A	A	A	A	—	108.40.120.E.
Temporary Shelter	A	A	A	A	A	A	A	A	A	—	108.40.120.F.
Temporary Gravel Processing	A	A	A	A	A	A	A	A	A	—	108.40.120.G.

(Ord. No. 881, § 39, 9-26-2017; Ord. No. 896, § II, 2-26-2019; 2021-001, 6-9-2021)

108.40.020. Classification of uses.

- A. *Definition of use.* Use means the purpose or activity for which land or buildings are designed, arranged, intended, divided, or occupied, maintained, rented, or leased, and includes any manner of performance of such activity with respect to the performance standards of these development standards. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.
- B. *Classification of uses.*
1. *Principal use.* A principal use is a use that may exist as the sole use of the property. More than one principle use may exist on a property. A principal use includes all incidental uses. Principle uses are organized into ten categories:
 - a. Open space uses (Sec. 108.40.030).
 - b. Residential uses (Sec. 108.40.040).
 - c. Lodging uses (Sec. 108.40.050).
 - d. Institutional uses (Sec. 108.40.060).
 - e. Commercial uses (Sec. 108.40.070).
 - f. Amusement and recreation uses (Sec. 108.40.080).
 - g. Industrial uses (Sec. 108.40.090).
 - h. Transportation and infrastructure uses (Sec. 108.40.100).
 - i. Accessory uses (Sec. 108.40.110).
 - j. Temporary uses (Sec. 108.40.120).
 2. *Incidental use.* An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated.
 3. *Accessory use.* An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
 4. *Primary use.* A primary use is a use to which an accessory use is accessory.
 5. *Temporary use.* A temporary use is a use established for a fixed period of time.
- C. *Multiple uses.* Each use listed as a separate row in the Use Schedule shall require a permit unless the use is incidental to a permitted use or the use is exempt from a permit.
- D. *Use not listed.* If a use is not listed as a use in a zone, it shall be considered to be a prohibited use. The community development director is authorized to make an interpretation pursuant to section 100.50.020 of these LDRs to determine if a use not listed in these LDRs is allowed or prohibited. If the Community development director determines that a use is allowed, the community development director shall also determine the zone(s) in which the use may be permitted and the type(s) of use permit required.

(Ord. No. 881, § 39, 9-26-2017)

108.40.030. Open space uses.

- A. *All open space uses.*

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1. *Definition.* An open space use is the enjoyment or maintenance of land that occurs predominately outside of any structure.

B. *Agriculture.*

1. *Definition.* Agriculture is the farming or ranching of land.
 - a. Includes:
 - i. Cultivation of the soil.
 - ii. Production of forage or crops.
 - iii. Growing of ornamental or landscaping plants.
 - iv. Greenhouses.
 - v. Rearing, feeding, and management of livestock.
2. *Standards.*
 - a. Agricultural buildings used for primary processing, packaging, and storing of agricultural products shall be limited to no more than 30,000 square feet of total floor area. For the purposes of this subsection, "primary processing" shall mean sorting, cleaning, blending, and milling.

C. *Value-added agricultural accessory uses*

1. *Definition.* Value-added agricultural accessory uses includes but is not limited to the manufacturing, processing, storage, distribution, research, marketing and sales of regional agricultural products from one or more producers, including support services that facilitate these activities.
2. *Standards.* Buildings used to produce or process valued-added agricultural products in these zones must be consistent with standards within an approved site master plan.

(Ord. No. 881, § 39, 9-26-2017; 2021-001, 6-9-2021)

108.40.040. Residential uses.

A. *All residential uses.*

1. *Definition.* A residential use is a living facility that includes permanent provision for living, sleeping, eating, cooking, and sanitation.

B. *Detached single-family unit.*

1. *Definition.* A detached single-family unit is a single residential unit occupied by not more than one family having no roof, wall, or floor in common with any other residential unit or nonresidential unit, except as modified below.
 - a. *Includes:*
 - i. Single-family units attached to accessory dwelling units.
 - ii. Individual manufactured homes and modular homes, when sited on a permanent foundation in accordance with Tenino's building code.
 - b. *Does not include:*
 - i. Mobile homes.
 - ii. Individual manufactured homes and modular homes when not sited on a permanent foundation.

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- iii. Recreational vehicles, park trailers and travel trailers.

2. *Standards.*

- a. No more than one detached single-family unit shall be located on a lot of record.
- b. A detached single-family unit must be at least 14 feet wide at the narrowest point of its first story.
- c. Each entrance door of a detached single-family unit must have a finished porch or deck.
- d. If the detached single-family unit is a manufactured home, the following standards apply:
 - i. The manufactured home is no more than three years old on the date of installation; and
 - ii. Proof of title elimination must be provided prior to building occupancy.

C. *Duplex.*

1. *Definition.* A duplex is two residential units, each occupied by not more than one family, that are connected to each other by one or more common walls.

a. *Does Not Include:*

- i. Attached single-family units.
- ii. Townhouse.
- iii. Condominium.
- iv. Single-family units attached to accessory dwelling units.

2. *Standards.*

- a. No more than one duplex shall be located on a lot of record.

D. *Attached single-family unit.*

1. *Definition.* An attached single-family unit is a residential unit occupied by not more than one family that is connected to at least two other dwelling units or nonresidential units by one or more common walls.

a. *Includes:*

- i. Attached townhouse unit.
- ii. Condominium.
- iii. Triplex, quadruplex, etc.
- iv. Apartment.

b. *Does not include:*

- i. Single-family units attached to accessory dwelling units.
- ii. Duplexes.

E. *Group home.*

1. *Definition.* A group home is a residential unit occupied by more than six unrelated individuals, which typically offers shelter, medical and mental health services, and other care-related services to residents.

a. *Includes:*

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- i. Nursing homes and assisted living facilities.
 - ii. Group living facilities with related sheltered care facilities.
 - iii. Residential facilities for the developmentally disabled including on-site training facilities.
 - iv. Dormitories.
 - b. *Does not include:*
 - i. Correctional group home.
 - F. *Correctional group home.*
 - 1. *Definition.* Correctional group home means publicly or privately operated living accommodations for adults and juveniles under the jurisdiction of the criminal justice system.
 - a. *Includes:*
 - i. State-licensed group care homes or halfway houses for individuals that provide residence in lieu of incarceration.
 - ii. Halfway houses providing residence to individuals needing correction or for individuals selected to participate in state-operated work release and pre-release programs.
 - iii. Group homes for individuals who have been convicted of a violent crime against a person or a crime against property with a sexual motivation and charged or convicted as a sexual or assaultive violent predator.
 - 2. *Standards.*
 - a. *Separation.*
 - i. A correctional group home must be located a minimum of 600 feet from all other correctional group homes.
 - ii. Correctional group homes must also be located a minimum of 1,000 feet from the following:
 - 1. Schools, both public and private;
 - 2. Parks and playgrounds; and
 - 3. Daycare centers.
 - b. *Registration and licensing.* Group homes must obtain all licenses necessary for operation by state and federal agencies.

(Ord. No. 881, § 39, 9-26-2017)

108.40.050. Lodging uses.

- A. *All lodging uses.*
 - 1. *Definition.* A lodging use is a sleeping unit or residential unit rented such that occupancy is limited to less than 31 days.
- B. *Conventional lodging.*
 - 1. *Definition.* Conventional lodging use is any lodging use other than those specifically defined elsewhere in this section.

- a. *Includes:*
 - i. Hotels.
 - ii. Motels.
- b. *Does not include:*
 - i. Short-term rental unit.
 - ii. Campgrounds.
 - iii. Bed and breakfasts.

C. *Campground.*

1. *Definition.* A campground is an establishment providing campsites for accommodations such as tents, recreational vehicles, campers, or trailers that are brought to the campground for overnight or short-term use.

- a. *Includes:*
 - i. Recreational vehicle (RV) parks.
- b. *Does not include:*
 - i. Mobile home parks.

2. *Standards.*

- a. *Occupancy.*
 - i. Campsite occupancy is limited to short-term use of less than 15 days.
 - ii. Campground employees may be permitted to occupy a campsite for longer than 15 days.
 - iii. Campsite occupancy may be extended with the written approval of the Code Enforcement officer in situations of hardship or unique circumstances.
Example: A person requests an extended stay to care for an elderly relative.
- b. *Campsite.* A campground campsite consists of a gravel, paved, or grass area where a tent, RV, camper, or trailer may be parked or located, and includes associated amenities and parking.
 - i. *Size.* Each RV, camper, or trailer campsite must be at least 1,000 square feet in size and may contain only one RV, camper, or trailer. There is no minimum size requirement for tent sites.
 - ii. *Setback.* All campsites must be set back 20 feet from the property line.
- c. *Landscaping and screening.* Campgrounds must provide street trees and visual screening/blocking consistent with section 108.30.140.J.1. and J.3.
- d. *Permanent structures.* A campground may have permanent structures that are solely for the occupants of the campground, including a management office, laundry facilities, storage facilities, sanitary facilities, outdoor or developed recreation facilities such as parks or playgrounds, and other amenities.
- e. *Facilities.* Restroom and shower facilities shall be required for all campgrounds based on the number of campsites and utility hook-ups at the campground.

Number of Sites	Toilets	Lavatories	Showers
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	Men	Women	Men	Women	Men	Women
30 full hook-up	1	1	1	1	1	1
15 partial hook-up or tent	1	1	1	1	1	1

(Ord. No. 881, § 39, 9-26-2017)

108.40.060. Institutional uses.

A. *All institutional uses.*

1. *Definition.* An institutional use is the provision of a public or semi-public service by a public or private entity.

B. *Assembly.*

1. *Definition.* An assembly use is an institutional use typically characterized by a public-or semi-public gathering area.

a. *Includes:*

- i. Cemeteries.
- ii. Churches.
- iii. Community centers.
- iv. Libraries.
- v. Museums.
- vi. Hospitals.

C. *Daycare center.*

1. *Definition.* Day care center means the provision of care on a regular basis for a group of children or adults for periods of less than 24 hours, with no limitation as to the number of clients.

a. *Does not include:*

- i. Family home day cares.
- ii. Home day cares.

2. *Standards.*

- a. Daycare centers must be licensed by the state of Washington and obtain a business license from the city prior to beginning operations.
- b. Daycare centers must provide one off-street safe passenger loading and unloading area for every seven clients. The loading and unloading area must be clearly marked.
- c. Outdoor play equipment must not be located in a required front or side yard setback.

D. *School.*

1. *Definition.* School means public or private primary, secondary, vocational, or higher educational facilities.

E. *Emergency services.*

1. *Definition.* Emergency services means the use of a property for police, fire, or emergency medical aid, including private ambulance services.

(Ord. No. 881, § 39, 9-26-2017)

108.40.070. Commercial uses.

A. *All commercial uses.*

1. *Definition.* A commercial use is the sale of goods or services.

B. *Office.*

1. *Definition.* An office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.

a. *Includes:*

- i. Legal, accounting, investment, and financial services.
- ii. Medical, dental, and other health services.
- iii. Engineering, architectural, and other design services.
- iv. Counseling and social services.
- v. Insurance and real estate.
- vi. Broadcast studios for television and radio.
- vii. Administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

2. *Professional office overlay.* Offices within the PO overlay may be allowed provided a change of use is obtained. The office must retain the residential character of the zone in which it is located.

C. *Retail.*

1. *Definition.* Retail is the sale of goods.

a. *Includes:*

- i. Retail sale of antiques, apparel and accessories, auto parts, books, sporting goods, hardware, liquor, home furnishings, computers and electronics, and other general specialty merchandise.
- ii. Food stores, delis, health food, drug stores, bakeries.
- iii. Candy and ice cream/yogurt shops.

D. *Service.*

1. *Definition.* Service is the provision of a service outside of an office environment, in a typically non-scheduled environment.

a. *Includes:*

- i. Banks, savings and loans, and credit unions.
- ii. Laundry and dry cleaners, including self-service laundries.

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- iii. Beauty and barber shops.
 - iv. Tanning and massage.
 - v. Repair and maintenance of small appliances, TV and electronics, furniture, garments, shoes and other leather goods, including tack.
 - vi. Taxidermy.
 - vii. Tutoring or classes.
 - viii. Mortuary/funeral home.
 - ix. Pet grooming, kennels and veterinary service, with indoor runs only.

E. *Restaurant/Bar.*

1. *Definition.* A restaurant or bar is an establishment oriented to the serving of food and/or beverages.

F. *Mobile food vendor.*

1. *Definition.* A mobile food vendor is a food establishment that is readily movable.

a. *Includes:*

- i. Food trucks.
- ii. Pushcarts.
- iii. Trailers hauled by a licensed vehicle.

G. *Heavy retail/service.*

1. *Definition.* Heavy retail/service uses are retail or service uses that are of a greater intensity and impact than other retail or service uses and may include outdoor storage areas.

a. *Includes:*

- i. Retail sales of lumber and building supplies and materials.
- ii. Retail sales of fuels, including gasoline service stations.
- iii. Feed and seed outlets.
- iv. Rental and servicing of light motorized and non-motorized tools and equipment.
- v. Motorized vehicle rental, sales, service, and repair.
- vi. Farm implement supplies, sales and repair.
- vii. Veterinary and other pet and livestock services.
- viii. Landscaping services.

H. *Storage.*

1. *Definition.* Storage means a business engaged in the storage of items for personal and business use.

a. *Includes:*

- i. Mini-warehousing.
- ii. Vehicle and boat storage yards.

b. *Does not include:*

- i. Vehicle impound lots.

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2. *Standards.*
 - a. Business activities other than rental of storage spaces are prohibited.
 - b. Indoor/outdoor storage areas shall be limited to no more than 40,000 square feet.
 - I. *Nursery.*
 1. *Definition.* Nursery means an establishment primarily engaged in the retail or wholesale sale of horticultural specialties such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.
 - J. *Battery exchange station.*
 1. *Definition.* A battery exchange station is a fully automated facility that enables the exchange of a depleted electric vehicle battery with one that is fully charged.
 2. *Standards.*
 - a. *Categorical exemption from the State Environmental Policy Act.* Applications for battery exchange stations for electric vehicles shall be categorically exempt from review under the State Environmental Policy Act subject to the provisions in RCW 43.21C.410.
 - K. *Marijuana business.*
 1. *Definition.* A marijuana business is the growing, manufacturing, processing or distribution of marijuana permitted under state law.
 - a. *Includes:*
 - i. Recreational marijuana retailers in compliance with WAC 314-55.
 - ii. Medical marijuana retailers in compliance with WAC 314-55 and RCW 69.51A.
 2. *Standards.*
 - a. *Outdoor activities prohibited.* All marijuana growing operations must occur within a completely enclosed building.
 - L. *Sexually oriented business.*
 1. *Definition.* A sexually oriented business is a use that includes as a primary part of its business any one or more of the following: an adult entertainment facility; adult-oriented merchandise; adult retail use; panoram; or similar facility, merchandise, or entertainment.
 - a. *Includes:*
 - i. *Adult entertainment facility.* Adult entertainment facility means any establishment where the business or activity of the facility includes the following:
 - a) Any exhibition, performance, dance or conduct of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

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- b) Any exhibition, performance, dance or conduct of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
- 1) Human genitals in a state of sexual stimulation or arousal;
 - 2) Acts of human masturbation, sexual intercourse or sodomy;
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
 - 4) Any exhibition, performance, dance or conduct which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the activities in these premises. This includes, but is not limited to, any such exhibition, performance, dance or conduct performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, for which payment is made, either directly or indirectly, for such performance, exhibition, dance or conduct and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing, or similar types of performances, exhibitions, dances or conduct.

For the purposes of these LDRs, adult entertainment activities do not include the following: plays, operas, musicals, or other dramatic works that are not obscene; classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or exhibitions, performances, expressions or dances that are not obscene. These exemptions shall not apply to the sexual conduct described in TMC Chapter 6.08, Adult Entertainment Industry Licensing and Regulation, or RCW 7.48A.010(2)(b)(ii) and (iii).

- ii. *Adult-oriented merchandise.* Adult-oriented merchandise means any goods, products, commodities, or other wares, including, but not limited to, videos, CD-ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or nonclothing novelties, which depict, describe or simulate specified anatomical areas or specified sexual activities.
- iii. *Adult retail use.* Adult retail use means a retail establishment which, for money or any other form of consideration, either:
 - a) Has, as a primary part of its business, the purpose or function of selling, exchanging, renting, loaning, trading, transferring, and/or providing for viewing or use, off the premises, any adult-oriented merchandise; or
 - b) Provides for, as its substantial stock in trade, the sale, exchange, rental, loan, trade, transfer, and/or provides for viewing or use, off the premises, of any adult-oriented merchandise.

For the purposes of this subsection, a primary part of a business includes, but is not limited to, instances where a business provides or has advertising displays, merchandise, or product information reasonably visible to customers and other persons within the business facilities that shows, displays, or otherwise depicts adult-oriented merchandise or other sexually oriented business activities; provided, however, that it shall not be considered a primary part of a business if such display, merchandise, or product information is only reasonably visible from within a limited portion of the business facility screened from general view, taking up not more than 20 percent of the customer floor space, and where

the access to the limited portion can be controlled to prevent accidental or incidental viewing of the display, merchandise, or product information by customers and other persons outside the limited portion of the business facilities.

Also, for the purposes of this subsection, a substantial stock in trade refers to, but is not limited to, instances where 50 percent or more of the revenue generated by the business is derived from the sale, exchange, rental, loan, trade, transfer, and/or provision of adult-oriented merchandise; 50 percent or more of the inventory of the business is adult-oriented merchandise; or 50 percent or more of the customers of the business buy, exchange, rent, borrow, trade, transfer, and/or shop for adult-oriented merchandise in or from the business.

- iv. *Panoram.* Panoram means any device which, for payment of a fee, membership fee, or other charge, is used to view, exhibit, or display a film, videotape, or videodisc. All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms "panoram" and "panoram device" as used in this chapter do not include games which employ pictures, views, or video displays; or state-regulated gambling devices.

2. *Standards.*

- a. *Purpose and intent.* The purpose of these standards is to protect Tenino's residents and corporate citizens from documented harmful secondary effects attributable to sexually oriented businesses as documented by the findings of other jurisdictions dealing with similar issues. The regulations included herein are intended to:
 - 1. Shield the community from crime, disease, and prostitution;
 - 2. Provide a quality environment for children in the community; and
 - 3. Foster and preserve family orientation of the city's residential neighborhoods.
- b. *Applicability.* These standards shall apply to all sexually oriented businesses located within the city of Tenino.
- c. *Where prohibited.*
 - i. Sexually oriented businesses are prohibited within:
 - a) 1,000 feet of any property zoned with residential or any property with a residential use;
 - b) 1,000 feet of any property owned by a public or private elementary or secondary school;
 - c) 1,000 feet of any child day care center, child care service, nursery, preschool, or community youth center;
 - d) 1,000 feet of any church or other facility or institution used primarily for religious purposes;
 - e) 1,000 feet of any public park, open space or other place where children are likely to congregate;
 - f) 1,000 feet of any public or school bus stop; and
 - g) 100 feet of any other sexually oriented business use.
 - ii. As used herein, the distances shall mean the straight-line distance between the edge or corner of the property on which the use is located to the nearest edge or corner of the

property of another sexually oriented business use or any of the sensitive receptor areas set forth above.

- d. *Size limitations.* Sexually oriented businesses shall be limited to a maximum of 5,000 square feet of floor area.
- e. *Definitions.* The following definitions apply throughout these LDRs unless the context clearly requires otherwise.
 - i. *Sensitive Receptor Areas.* Sensitive receptor areas means those uses and zoning designations where children are likely to congregate, including property zoned for residential use or any single-family or multifamily residential use; public or private elementary or secondary schools; day care facilities, nurseries, or preschools for children; churches or other facilities or institutions used primarily for religious purposes; and public parks or open spaces where children are likely to congregate.
 - ii. *Specified anatomical areas.* Specified anatomical areas means any of the following:
 - a) Less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
 - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - iii. *Specified sexual activities.* Specified sexual activities means any of the following:
 - a) Human genitals in a state of sexual stimulation or arousal; or
 - b) Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; or
 - c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself or of one person by another; or
 - d) Excretory functions as part of or in connection with any of the activities set forth in this subsection.
- f. *Subsection 108.40.070.L controls.* If any portion of this subsection 108.40.070.L is deemed to be in conflict with or inconsistent with any other provisions of the Tenino Municipal Code, such other provisions shall be construed in conformity herewith; provided, that if such other provisions are not able to be so construed, the provisions of this section shall control, and such other provisions shall be deemed modified to conform herewith, for the purposes of this section only.

(Ord. No. 881, § 39, 9-26-2017)

108.40.080. Amusement and recreation uses.

A. All amusement and recreation uses.

- 1. *Definition.* An amusement and recreation use is the provision of entertainment.
- 2. *Standards.*

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- a. A traffic study may be required by the community development director. When required, the traffic study must address the amusement and recreation use's probable effect on the traffic volumes of abutting and nearby streets.
- B. *Amusement.*
- 1. *Definition.* Amusement is the provision of non-recreation entertainment.
 - a. *Includes:*
 - i. Bowling alleys.
 - ii. Movie theaters.
 - iii. Music halls.
 - iv. Video arcades.
 - v. Miniature or putt-putt golf course.
 - vi. Pool and billiard halls.
 - vii. Indoor shooting ranges.
- C. *Outdoor recreation.*
- 1. *Definition.* Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.
 - a. *Includes:*
 - i. Parks.
 - ii. Arboretums.
 - iii. Athletic fields not in stadiums.
 - iv. Equestrian centers.
 - 2. *Standards.*
 - a. Outdoor recreation facilities approved as part of a subdivision proposal do not require a use permit, regardless of the zone in which it is proposed.
- D. *Developed recreation.*
- 1. *Definition.* Developed recreation is the use of a physical development for active recreation or athletic purposes.
 - a. *Includes:*
 - i. Gymnasiums.
 - ii. Swimming pools.
 - iii. Tennis clubs.
 - iv. Skateboarding parks.
 - v. Rodeos.
 - vi. Skating rinks.
 - vii. Racquetball courts.
 - viii. Handball courts.

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- ix. Rock climbing practice facilities.
 - x. Health and exercise clubs.
2. *Standards.*
- a. Developed recreation facilities approved as part of a subdivision proposal do not require a use permit, regardless of the zone in which it is proposed.

(Ord. No. 881, § 39, 9-26-2017)

108.40.090. Industrial uses.

A. *All industrial uses.*

1. *Definition.* An industrial use is the manufacturing, assembly, processing, or distribution of material.

B. *Craft food production.*

1. *Definition.* Craft food production is an industrial use primarily engaged in small-scale manufacturing of food and beverage products.

a. *Includes:*

- i. Breweries.
- ii. Bakeries, chocolatiers, and creameries.

b. *Does not include:*

- i. Distilleries.

C. *Light industry.*

1. *Definition.* Light industry is an industrial use where items are manufactured, assembled, processed, or distributed for the end consumer.

a. *Includes:*

- i. Sheet metal fabrication and wood work.
- ii. Building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating.
- iii. Processing and packaging of meat and game.
- iv. Wholesale sales and distributors.
- v. Welding and machine shops.
- vi. Industrial laundries and laundry services.
- vii. Food service and distribution.
- viii. Cleaning and janitorial service and supply.
- ix. Distilleries.

D. *Heavy industry.*

1. *Definition.* Heavy industry is an industrial use where items are manufactured, assembled, processed, or distributed for intermediary users or has relatively more impact than a light industry use.

a. *Includes:*

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- i. Truck and transport terminals.
 - ii. Bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives.
 - iii. Disinfecting or pest control services.
 - iv. Paving, excavation, hauling and other contracting services involving heavy equipment.
 - v. Maintenance and repair of trucks and heavy equipment.
 - vi. Lumber milling.
 - vii. Stone, clay, and glass product manufacturing.

E. *Disposal.*

1. *Definition.* Disposal is an operation dedicated to doing away with material.

a. *Includes:*

- i. Sanitary landfills.
- ii. Sludge disposal or storage.
- iii. Resource recovery or recycling facilities.
- iv. Composting operations of a commercial scale or for commercial purposes.
- v. Trash compaction.
- vi. Transfer stations.

b. *Does not include:*

- i. Hazardous waste disposal.

(Ord. No. 881, § 39, 9-26-2017)

108.40.100. Transportation and infrastructure uses.

A. *All transportation and infrastructure uses.*

1. *Definition.* A transportation or infrastructure use is the use of land or water to provide for the movement or storage of vehicles, water, sewage, power, or other utilities.

B. *Parking.*

1. *Definition.* Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.

a. *Includes:*

- i. Surface parking.
- ii. Parking structure.

C. *Utility facility.*

1. *Definition.* A utility facility is a central component to the provision of a public or semi-public utility that requires a structure.

a. *Includes:*

- i. Substations for electrical, natural gas, and other similar utilities.

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- ii. Water supply facilities including water tanks and treatment facilities.
 - iii. Broadcasting towers and dish antenna for radio and TV.
 - b. *Does not include:*
 - i. Residential satellite dishes.
 - ii. Antennas used for the reception of television broadcast signals.
 - iii. Transformers.
 - iv. Junction boxes.
 - v. Standard underground utilities such as water, sewer, natural gas, power, and telephone lines.
 - vi. Booster pumps, lift stations, and other small structures appurtenant to standard underground utilities.
 - vii. Pedestals.
 - viii. Other appurtenances that do not require a structure.
 - 2. *Standards.*
 - a. Utilities listed above in subsection 1.b. do not require a use permit. The physical development associated with them is not required to meet structure or site development setbacks if the physical development is located within an easement or tract designated for the utility proposed.
 - b. All utility facilities shall be located and designed to minimize negative impacts on natural resources, agricultural operations, and residential development and uses.
 - c. Utility facilities housing equipment must be designed with as low a profile as possible. If the surrounding uses are residential, the building style must be compatible with the surrounding land uses.
- D. *Sewer facility.*
- 1. *Definition.* A sewer facility is a facility that removes contaminants from wastewater.
 - a. *Includes:*
 - i. Sewage treatment plants and related septic dump facilities, and substations.
 - b. *Does not include:*
 - i. Utility facilities.
 - 2. *Standards.*
 - a. All sewer facilities must be located and designed to minimize negative impacts on natural resources, agricultural operations, and residential development and uses.
- E. *Wireless telecommunications facility.*
- 1. *Definition.* A wireless telecommunications facility is a wireless service facility and facilities defined in Title 47, United States Code, Chapter I, Part 24, Section 24.5, including all future amendments.
 - a. *Includes:*
 - i. Facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio.

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- ii. Any other services licensed by the FCC.
 - iii. Any other unlicensed wireless services.
 - b. *Does not include:*
 - i. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communication Commission (FCC).
 - ii. Antennas and related equipment, no more than three feet in length, that are being stored, shipped, or displayed for sale.
 - iii. Facilities used for purposes of public safety, such as, but not limited to, police, hospitals, and the regional 911 system.
 - iv. Wireless radio utilized for temporary emergency communications in the event of a disaster.
 - v. Licensed amateur (ham) radio stations.
 - vi. Satellite dish antennas less than two meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property.
 - vii. Wireless service facilities, which existed on or prior to adoption of the ordinance codified in this division, except that this exemption does not apply to any modifications of existing facilities or any reporting requirements.
 - viii. Routine maintenance or repair of a wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this title are maintained.
 - ix. Subject to compliance with all other applicable standards of this title, a building permit application need not be filed for emergency repair or maintenance of a wireless service facility until 30 days after the completion of such emergency activity.
 - x. Automated meter reading systems located on utility poles provided:
 - a) Antennas are less than 18 inches from the structure;
 - b) Pole-mounted equipment is no more than 14 inches by 12 inches by 12 inches in size; and
 - c) Equipment and antennas are used only by the owner of the utility pole.
 - 2. *Purpose.* The purpose of this subsection is to address the issues of location and appearance associated with wireless telecommunications facilities. The intent of this subsection is to:
 - a. Provide adequate siting opportunities through a range of locations and options;
 - b. Minimize safety hazards and visual impacts sometimes associated with wireless communications technology;
 - c. Encourage the siting of facilities on existing buildings or structures and the collocation of several providers' facilities on a single-support structure; and
 - d. Encourage visual mitigation measures that maintain neighborhood appearance and reduce visual clutter in the city.
 - 3. *Standards.*
 - a. *Required permits.*

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- i. *Administrative use permit.* An administrative use permit must be obtained prior to placing wireless telecommunications facility antennas on the following existing buildings and structures:
 - a) Any tower currently used by a permitted wireless telecommunications facility; provided that the tower is in full compliance with all terms and conditions of its approval.
 - b) City water company water tanks; provided that only whip antenna or panel antennas mounted on the side that do not extend above the top of the tank, may be located on water tanks.
 - c) In commercial zones:
 - 1) Existing nonresidential buildings located within 100 feet of Sussex Avenue, Old Highway 99 (at the west end of the city) and Wichman Street. The wireless telecommunications facility must be a microcell or a minor facility.
 - 2) Existing light standards and power poles located in the ROW that are within 100 feet of Sussex Avenue, Old Highway 99 (at the west end of the city) and Wichman Street and does not increase the height of the light standard or power pole. The wireless telecommunications facility must consist of a single whip not to exceed 15 feet in height or a tubular antenna not to exceed six feet in height.
 - ii. *Conditional use permit.* The following must obtain a conditional use permit prior to installation:
 - a) New freestanding towers, which are only permitted in the industrial and public/semi-public zones.
 - b) Repair and maintenance work that is not exempted under subsection E.1.b above.
 - c) Expansion and/or alteration of existing wireless telecommunications facilities.
 - d) All other wireless telecommunications facilities not meeting the criteria for an administrative use permit.
- b. *Collocation.* The intent of collocation is to encourage several providers to use the same structure to keep the number of wireless telecommunications facilities sites to a minimum as a means to reduce the overall visual effects throughout the community. The following procedures are required to further the intent of wireless telecommunications facilities collocation:
 - i. A permit holder shall cooperate with other wireless telecommunications facilities providers in collocating additional antenna on support structures and/or on existing buildings provided said proposed collocates have received a permit for such use at said site from the city. A permit holder shall allow other providers to collocate and share the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden).
 - ii. A signed statement indicating that the applicant agrees to allow for the potential collocation of additional wireless telecommunications facilities equipment by other providers on the applicant's structure shall be submitted by the applicant as part of the permit application. If an applicant contends that future collocation is not possible on their structure, they must submit a technical study documenting why.

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- iii. Wireless telecommunications facilities proposed for collocation on an existing support facility that do not involve an increase in height or expansion, may be permitted through an administrative use permit, provided that the applicant can document that the existing support facility is in full compliance with the conditions of its approval.
- c. *General provisions.*
- i. *Not an essential public facility.* Wireless telecommunications facilities are not considered essential public facilities as defined in the Growth Management Act and shall not be regulated or permitted as essential public facilities.
 - ii. *FCC licensing required.* The applicant must demonstrate that it is licensed by the Federal Communication Commission if it is required to be licensed under Federal Communication Commission regulations. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with a Federal Communication Commission licensed telecommunications provider if they are required to be licensed by the Federal Communication Commission.
 - iii. *Compliance with dimensional limitations.* For purposes of determining whether the installation of wireless telecommunications facilities complies with development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a wireless telecommunications facility is located on a leased parcel within that lot.
 - iv. *Signs prohibited.* No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind.
 - v. *Lighting.* Wireless telecommunications facilities shall not be artificially lighted unless required by the Federal Aviation Authority (FAA) or other applicable authority.
 - vi. *Consideration for visual effects.* The city shall consider the cumulative visual effects of wireless telecommunications facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely effect the visual character of the city.
 - vii. *Compliance with design standards.* Wireless telecommunications facilities installations shall comply with all relevant provisions of the city design standards.
 - viii. *Stealth and screening.*
 - a) *Stealth.* Wireless telecommunications facilities, equipment, and equipment cabinets shall be screened or camouflaged through employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies such as, but not limited to artificial trees and hollow flagpoles, and/or other tactics to achieve minimum visibility of the facility as viewed from public streets or residential properties.
 - b) *Equipment enclosures.* Electronics equipment enclosures shall conform to the following:
 - 1) Screening of wireless telecommunications facilities equipment enclosures shall be provided with one or a combination of the following: Underground, fencing, walls, landscaping, structures, or topography which will block the view of the equipment shelter, as much as practicable, from any street and/or adjacent properties. Screening may be located anywhere between the enclosure and the herein mentioned

viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition; and

- 2) No wireless equipment reviewed under this section shall be located within required building setback areas.

ix. *Security fencing.* Security fencing, if used, shall conform to the following:

- a) No fence shall exceed six feet in height;
- b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and
- c) Chain-link fences shall be painted or coated with a nonreflective color, and shall have a minimum three-foot deep area to be planted with approved plant species in a manner that will completely screen the fencing.

x. *Electromagnetic field (EMF) standards.* All wireless telecommunications facilities shall be operated in compliance with the following standards:

- a) The applicant shall comply with federal standards for electromagnetic field emissions. Within six months after the issuance of its operational permit, and annually thereafter, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency (electromagnetic field) power densities of all antennas installed at the subject site. The report shall quantify the electromagnetic field emissions and compare the results with established federal standards. Said report shall be subject to review and approval of the city for consistency with the project proposal report and the adopted federal standards. If on review, the city finds that the wireless telecommunications facilities does not meet federal standards, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the federal standards. If the permit is revoked, then the facility shall be removed.
- b) The applicant shall ensure that the wireless telecommunications facilities will not cause localized interference with the reception of, but not limited to, area television or radio broadcasts. If upon review of a registered complaint the city finds that the wireless telecommunications facilities interfere with such reception, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed.

d. *Application requirements.* Applications for a wireless telecommunications facilities shall be in a form prescribed by the city and at a minimum shall contain the following information:

- i. Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.
- ii. A site plan clearly indicating the location, type and height of the proposed wireless communication facilities, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, and a complete description of all measures proposed to camouflage the facility, including the type and location of plant

materials used to screen the facility, and the proposed color schemes for the facility and the method of fencing.

- iii. A signed statement indicating that:
 - a) The applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional wireless service facilities by other providers on the applicant's structure or within the same site location;
 - b) The applicant and/or landlord agree to remove the facility within 90 days after abandonment;
 - c) A signed statement from the owner of the site accepting the ultimate responsibility for the removal of abandoned facilities.
 - iv. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC paragraph 1.1307, or, in the event that a Federal Communication Commission Environmental Assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
 - v. Evidence of site control.
 - vi. A current map showing the location and service area of the proposed wireless communication facilities, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.
 - vii. Legal description of the parcel.
 - viii. The approximate distance between the proposed tower and the nearest residential unit or residentially zoned properties.
 - ix. A letter signed by the applicant stating the wireless telecommunications facilities will comply with all Federal Aviation Administration regulations and EIA Standards and all other applicable federal, state and local laws and regulations.
 - x. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions.
 - xi. If the facility is proposed for location in the city right-of-way or other public property, evidence of bonding and insurance in amounts prescribed by the city.
 - xii. Prepare and submit a copy of an acceptable franchise agreement for those facilities permitted in city right-of-way or other public property that shall be executable prior to completion of final inspection.
 - xiii. The application shall include documentation demonstrating compliance with the city surface water requirements.
 - xiv. If applicable, the applicant shall include documentation as to how the proposed facility meets the specific requirements of the city design guidelines.
 - xv. Application for a city business license that shall be issued upon approval of the appropriate use permit, and annual renewal thereafter.
- e. *Fees.* It is the policy of the city that applicants pay the full cost associated with processing an application.

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- i. The fees are established for all wireless telecommunications facilities applications based on the adopted fee schedule for the required type of application.
 - ii. In addition to the application fee, the applicant shall reimburse the city for costs of professional engineers and other consultants hired by the city to review and inspect the applicant's proposal when the city is unable to do so with existing in-house staff. These professional services may include but are not limited to: engineering, technical reviews, legal, planning, environmental review, critical areas review, financial, accounting, soils, mechanical and structural engineering. In the event that a project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the city at the adopted fee schedule staff rate for the staff conducting the review. The city may require the applicant to deposit an amount with the city to cover anticipated costs of retaining professional consultants or performing special staff analysis.
- f. *Standards for approval of an administrative use permit.* A wireless telecommunications facility that requires administrative use approval must meet the following additional standards:
- i. The wireless telecommunications facility consists of a microcell or a minor facility;
 - ii. The combined antennas and supporting hardware shall not extend more than 15 feet above the roof structure, or existing light or utility poles. Antennas may be mounted to rooftop appurtenances, provided they do not extend beyond 15 feet above the roof proper; and
 - iii. The antennas are mounted on a building, light standard or power pole such that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent possible, blend into the existing environment. Panel and parabolic antennas shall be completely screened.
- g. *Standards for approval of a conditional use permit.* A wireless telecommunications facility that requires conditional use approval must meet the following additional standards:
- i. The applicant shall demonstrate that the wireless telecommunications facilities tower is the minimum height required to function satisfactorily. No freestanding wireless telecommunications facilities shall exceed 45 feet in height from the natural grade of the site. No freestanding wireless telecommunications facilities that are taller than this height shall be approved. Height shall be measured to the top of the antenna.
 - ii. Placement of a freestanding wireless telecommunications facilities shall be denied if placement of the antennas, on an existing structure, can meet the applicant's technical and network location requirements.
 - iii. Monopoles shall be the only freestanding structures allowed in the city.
 - iv. A freestanding wireless communication facilities, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located; except when on a lot adjacent to a residential use or residentially zoned property, then the minimum setback from the property lines of the adjacent residential uses shall equal the height of the proposed facility.
 - v. Freestanding wireless telecommunications facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to use existing site features:
 - a) To screen as much of the total wireless telecommunications facilities as possible from prevalent views; and/or

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- b) As a background so that the total wireless telecommunications facilities blends into the background with increased sight distances.
 - vi. In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition the application to supplement existing trees and mature vegetation to more effectively screen the facility.
 - vii. Support structures, antennas, and any associated hardware shall be painted a nonreflective color or color scheme appropriate to the background against which the wireless telecommunications facilities would be viewed from a majority of points within its view shed. The proposed color or color scheme to be approved by the city.
 - h. *Permit limitations.* Approved permits issued by the city for wireless telecommunications facilities shall be restricted by the following permit limitations:
 - i. *Expiration after approval.* A permit for wireless telecommunications facilities shall expire five years after the effective date of the permit approval. A permittee wishing to continue the use of specific wireless telecommunications facilities at the end of the five-year period must apply for an application to continue that use at least six months prior to its expiration. The renewal application will be under an administrative use permit provided that no changes, modification or additions to the wireless telecommunications facilities are proposed or that no new facilities were developed since the date of the original or renewal permit.
 - ii. *Renewal after approval.* Renewal applications that involve any changes, modifications or additions shall be processed as a new conditional use permit application and must conform to the development standards in place at the time the renewal application is deemed to be complete.
 - iii. *Expiration.* An approved permit shall be valid for one year from the date of the city's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.
 - i. *Assignment/sublease.* No facility, site or permit may be sold, transferred, assigned or sublet without written notification of and approval by the city. This notification shall include a statement acknowledging and accepting the terms and conditions of all permits issued for the site and/or facility, and:
 - i. Documentation that the site/facility is currently in full compliance with its permits and applicable city ordinances.
 - ii. A statement ensuring ongoing compliance with all permits and applicable city ordinances.
 - j. *Removal.* In instances where a wireless telecommunications facility is to be removed, the removal shall be in accordance with the following procedures:
 - i. The operator of a wireless telecommunications facilities shall notify the city upon the discontinuance of a particular facility. The wireless telecommunications facilities shall be removed by the facility owner within 90 days of the date the wireless telecommunications facilities is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts; and
 - ii. If the provider fails to remove the facility upon 90 days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located.

If the landholder fails to remove the facility within 90 additional days, the city may cause the facility to be removed at the owner's expense.

(Ord. No. 881, § 39, 9-26-2017)

108.40.110. Accessory uses.

A. *All accessory uses.*

1. *Definition.* An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
2. *Standards.*
 - a. An accessory use may only be permitted in association with an active primary use designated for the accessory use.
 - b. An accessory use must be abandoned upon abandonment of its primary use.
 - c. An accessory use shall be subject to all dimensional limitations and other development standards applicable to its primary use unless otherwise provided in this section.
 - d. A property with an accessory use shall not be subdivided in any way that results in the accessory use being owned separately from its primary use.

B. *Accessory dwelling unit (ADU).*

1. *Definition.* An accessory dwelling unit (ADU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory dwelling units provide workforce housing.
 - a. *Includes:*
 - i. Employee apartment.
 - ii. Caretaker's quarters.
 - iii. Mother-in-law suite.
 - iv. Guesthouse.
2. *Primary uses:*
 - a. All open space uses.
 - b. Detached single-family unit.
3. *Standards.*
 - a. *Number.* One ADU is allowed per lot of record.
 - b. *Density calculations.* ADUs are not included in residential density calculations.
 - c. *Size.* The maximum size of an accessory dwelling unit is 1,000 square feet of habitable floor area.
 - d. *Design.* The accessory dwelling unit must closely match the principal use's design, color scheme, and roof materials whether attached to or detached from the principal structure.

C. *Bed and breakfast.*

1. *Definition.* A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
2. *Primary uses:*

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- a. Detached single-family unit.
3. *Standards.*
- a. A bed and breakfast must have no more than four lodging units (bedrooms).
 - b. The owner or manager must reside in the dwelling unit.
- D. *Home occupation.*
1. *Definition.* A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.
- a. *Includes:*
 - i. Office (Sec. 108.40.070.B.).
 - ii. Repair and maintenance of small appliances, TVs and electronics, furniture, garments, shoes and other leather goods, including tack.
 - iii. Tutoring or classes.
 - iv. Studios (e.g. art, handcraft, music).
 - b. *Does not include:*
 - i. Motor vehicle, commercial truck and heavy equipment, repair, bodywork, painting, washing and/or detailing services.
 - ii. Storage of:
 - a) Motor vehicles, commercial trucks or heavy equipment.
 - b) Used vehicle parts and/or used machinery in inoperable condition.
 - c) Building materials such as lumber, plasterboard, pipe, paint, or other construction materials.
2. *Primary uses:*
- a. All residential uses.
 - b. Accessory dwelling unit.
3. *Standards.*
- a. A home occupation must be operated by a person residing within the dwelling.
 - b. No one residing off-site may be employed on the site of a home occupation.
 - c. A business license issued by the City of Tenino is required for each home occupation.
 - d. The area devoted to the home occupation is limited to no more than 25 percent of the total habitable floor area of the dwelling. For the purposes of this standard, areas within attached garages, unfinished basements, and storage buildings are not considered habitable floor area but may be used for storing goods and materials associated with the home occupation.
 - e. Tutoring and classes shall be limited to two students at one time.
 - f. More than one home occupation may be allowed on a property. Each home occupation requires a separate use permit.

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- g. All parking must be provided on-site, and must be located to the rear of the structure or in another location that is visually unobtrusive.
 - h. Window displays or other public displays of material or merchandise connected with the home occupation are prohibited.
 - i. No more than one wall sign, not to exceed two 2 square feet in area, may be permitted.

E. *Home business.*

1. *Definition.* A home business is an accessory nonresidential use conducted in conjunction with and on the site of a residential use in which employees are employed on-site. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.
 - a. *Includes:*
 - i. Office (Sec. 108.40.070.B.).
 - ii. Service (Sec. 108.40.070.D.).
 - iii. Building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating.
 - iv. Schools (music, art, other).
 - v. Art studios and galleries.
 - b. *Does not include:*
 - i. Motor vehicle, commercial truck and heavy equipment, repair, bodywork, painting, washing and/or detailing services.
 - ii. Storage of:
 - a) Motor vehicles, commercial trucks or heavy equipment.
 - b) Used vehicle parts and/or used machinery in inoperable condition.
2. *Primary uses:*
 - a. All residential uses.
 - b. Accessory dwelling unit.
3. *Standards.*
 - a. A home business must be operated by a person residing within the dwelling.
 - b. No more than two persons residing off-site may be employed on the site of a home business.
 - c. A business license issued by the City of Tenino is required.
 - d. The area devoted to the home business is limited to no more than 40 percent of the total floor area on the property or 2,000 square feet, whichever is less.
 - e. Only one home business may be permitted on a property at any given time.
 - f. No more than three deliveries per week to the residence may be made by suppliers.
 - g. Traffic generated by a home business must not exceed 16 round trips per day. This includes deliveries and client-related trips.
 - h. All vehicles and materials must be stored within buildings.

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- i. All parking must be provided on-site, and must be located to the rear of the structure or in another location that is visually unobtrusive.
 - j. Window displays or other public displays of material or merchandise connected with the home occupation are prohibited.
 - k. No more than one wall sign, not to exceed two 2 square feet in area, may be permitted.
- F. *Drive-up.*
- 1. *Definition.* A drive-in facility is a commercial use catering to customers in vehicles.
 - a. Includes:
 - i. Drive-thru restaurants.
 - ii. Drive-up banking facilities.
 - iii. Drive-thru pharmacy.
 - 2. *Primary uses.*
 - a. Office (Sec. 108.40.070.B.).
 - b. Retail (Sec. 108.40.070.C.).
 - c. Service (Sec. 108.40.070.D.).
 - d. Restaurant (Sec. 108.40.070.E.).
 - 3. *Standards.*
 - a. If abutting land, including land separated by an alley, is in residential use, the operating time of the drive-up facility shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
- G. *Home daycare.*
- 1. *Definition.* Home daycare means the provision of care on a regular basis in a family setting for a group of no more than 12 children or adults for periods of less than 24 hours.
 - a. *Does not include:*
 - i. Babysitting.
 - ii. Childcare co-operatives.
 - iii. Foster care.
 - iv. Group homes.
 - 2. *Primary uses.*
 - a. All residential uses.
 - b. Accessory dwelling units.
 - 3. *Standards.*
 - a. Home daycares must be licensed by the state of Washington and obtain a business license from the city prior to beginning operations.
 - b. Home daycares must provide one off-street safe passenger loading and unloading area for every seven clients. The loading and unloading area must be clearly marked.
 - c. Outdoor play equipment must not be located in a required front or side yard setback.

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- d. A home daycare must be operated by a person residing within the dwelling.
 - e. No more than two persons residing off-site may be employed on the site of a home daycare.
 - f. Structural or decorative alterations that detract from the single-family character of the residential structure or the surrounding neighborhood are prohibited.
 - g. Hours of operation must be compatible with the neighborhood during the week. If care is provided on the weekends, hours of operation must not cause disruptions in the late evening or early morning hours.

H. *Battery charging station.*

- 1. *Definition.* A battery charging station is an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with the rules adopted under RCW 19.27.540.
- 2. *Standards.*
 - a. *State Environmental Policy Act.* Applications for battery charging stations shall be categorically exempt from review under the State Environmental Policy Act (see RCW Sec. 43.21C.410).
 - b. *Accessibility.* Charging equipment must not block or restrict pedestrian circulation areas and must not interfere with accessibility requirements of WAC 51-50-005.
Example: A charging station is located next to a public sidewalk. The charging equipment must be located so that access to the sidewalk is not blocked.

(Ord. No. 881, § 39, 9-26-2017)

108.40.120. Temporary uses.

A. *All temporary uses.*

- 1. *Definition.* A temporary use is a use established for a fixed period of time.
- 2. *Standards.*
 - a. The site occupied by a temporary use must be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
 - b. A temporary use must not occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the city.
 - c. A temporary use will expire after 90 days unless an alternate expiration is set through the approval of the use permit.
 - d. A temporary use must obtain all required city permits, licenses or other approvals prior to establishing the use.

B. *Yard sale.*

- 1. *Definition.* A yard sale is the sale of personal property from a private residential use.
 - a. *Includes:*
 - i. Garage sales.
 - ii. Rummage sales.

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- iii. Estate sales.
 - 2. *Standards.*
 - a. A maximum of four yard sales per calendar year are allowed.
 - C. *Christmas Tree sale.*
 - 1. *Definition.* A Christmas tree sale is the outdoor sale of evergreen trees during the Christmas holiday season.
 - D. *Farm stand.*
 - 1. *Definition.* A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.
 - 2. *Standards.*
 - a. Farm stands shall not be located on sidewalks or in other areas of public rights-of-way.
 - E. *Temporary real estate sales office.*
 - 1. *Definition.* Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease.
 - 2. *Standards.*
 - a. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development.
 - b. The real estate sales office shall be removed when 75 percent of all lots or units in the new development have been sold, leased, or rented.
 - F. *Temporary shelter.*
 - 1. *Definition.* Temporary shelter means a mobile or manufactured home or conventional camping unit temporarily occupied while a building with a valid building permit is being constructed.
 - 2. *Standards.*
 - a. The temporary shelter may be permitted for a period not to exceed one year. An extension may be granted by the community development director for a period not to exceed two additional years for good cause.
 - b. A temporary shelter may also be permitted when fire or natural disaster has rendered an existing residential unit unfit for human habitation. A building permit for rehabilitation or reconstruction must be obtained within a reasonable period of time, as determined by the city council.
 - G. *Temporary gravel processing.*
 - 1. *Definition.* Temporary gravel processing is washing and screening gravel extracted from the ground in association with a permitted construction project.
 - 2. *Standards.*
 - a. *Infrastructure.* Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on city streets, as determined by the city engineer, also may be required of the applicant.

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- b. *Hours of operation.* Hours of operation shall occur between 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specified by the city council. The hours of operation may be reduced to mitigate adverse impacts on nearby houses or extended to expedite the completion of an operation. Setbacks. A minimum 300-foot setback from all property lines shall be provided. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary.
 - c. *Duration.* Duration of the gravel processing shall be no longer than six consecutive months. If a project is phased over two or more years, then the total number of days the gavel extraction and processing activities are conducted shall be no more than 180 days.
 - d. *Protecting health and safety.* The proposed gravel processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for protecting health and safety.

(Ord. No. 881, § 39, 9-26-2017)

108.40.130. Standards for mini-storage.

- A. *General conditions.* Where mini-storage facilities are allowed, they must be designed and constructed in accordance with the following provisions.
 - 1. *Signs subject to the requirements of the underlying zone.* All mini-storage facilities must utilize signs no larger than the signs permitted in underlying zone.
 - 2. *Subject to the requirements of underlying zone.* All mini-storage facilities must meet the height limits, setbacks and maximum lot coverage of the underlying zone, provided that any existing mini-storage facilities may continue (and/or remodel) any existing non-conformity, so long as the degree of non-conformity, in regard to the length or height of the building, or other applicable measurement is not increased.
 - 3. *Setbacks.* Where a mini-storage facility is required to meet minimum setback requirements, side, rear and front yard setbacks may be oriented based on the discretion of the Tenino Planning Department. Setbacks shall generally be oriented to ensure the least negative aesthetic impact (or largest setback) in areas:
 - a. Next to existing residential uses in the case of Type 1 facilities, as described in 108.40.120.
 - b. Adjacent to major roadways such as Old Highway 99 and Highway 507 in the case of Type 2 facilities, as described in 108.40.120.
 - c. For mini-storage facilities in the industrial zone that are located adjacent to a neighboring residential use, the facility must have a minimum ten-foot sideyard bordering the adjacent residence.
 - 4. *Lighting.* Lighting shall be shielded and directed downward and shall not spread beyond the lot boundaries of the mini-storage facility lot.
- B. *Landscaping.*
 - 1. *Streetscape.* Mini-storage facilities shall present either a Type II or Type IV landscaping strip, when located along arterial or collector streets.
 - a. Type II landscaping, as defined in TMC 108.30.100.G.2, seeks to create a pleasant streetfront and features a mixture of shrubs, trees, and fencing that enhances the streetscapes and gateways to Tenino.

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- b. Type IV landscaping as defined in TMC 108.30.100.G.4, seeks to provide a strong visual block between the neighboring roadway and the land use.
 - c. Deviations from the exact standards specified within TMC 108.30.100.G may be allowed based on the discretion of the planning official so long as the intent of the standards and the descriptions of the landscaping above are met by the development application.
2. *Adjacent to neighboring residentially zoned lots.* Where a mini-storage facility is located adjacent to a neighboring residentially zoned lot, the facility shall present a Type IV landscaping buffer and fencing, as specified in TMC 108.30.100.G.4, along the neighboring property line.
 - a. The required width of the Type IV landscaping may be modified to five feet based on the discretion of the Tenino Planning Department in areas where a five-foot sideyard setback has been established in accordance with 108.40.130.1.d.
 - b. No landscaping is required between an existing non-conforming mini-storage structure and the neighboring residential use. Where a non-conforming structure is proposed to be expanded along a property line, the addition must meet applicable setback and landscaping provisions.

(Ord. No. 829, § 4, 10-8-2013)

108.40.140. Standards for recreational vehicle parks.

- A. *Purpose.* The purpose of this ordinance is to provide standards to allow the creation of recreational vehicle (RV) parks while maintaining the health, safety and general welfare of the City of Tenino.
- B. *General site conditions.*
 1. *Compliance with site plan.* Where the City of Tenino approves a RV park permit, the development of the area to which the permit pertains shall be in conformity to the site plan as approved. Any development, use, density, or land division which fails to conform to the site plan as approved by the City of Tenino constitutes a violation of this title.
 2. *Maximum length of stay in RV park.* No individual is allowed to stay within an RV park for a period greater than 15 days. This period may be extended with approval of the code enforcement officer in situations of hardship or unique circumstances, such as care for an elderly relative.
 3. *Subject to the requirements of underlying zone.* All RV parks must meet the height limits, density and maximum lot coverage standards for the underlying zone.
 4. *Minimum size of RV space.* The minimum area of an RV space shall be 1,000 square feet; provided, tent areas shall have no minimum space size.
 5. *Setbacks.* All RVs, together with their additions, and appurtenant structures, accessory structures, and other structures on the site (excluding fences) shall observe the following setback requirements (excluding any hitch or towing fixture):
 - a. A minimum 20-foot wide buffer yard shall be established along each property line. This buffer shall contain one of the following types of landscaping:
 - i. Type II landscaping, as defined in TMC 108.30.100.G.2, which seeks to create a pleasant streetfront and features a mixture of shrubs, trees, and fencing that enhances the streetscapes and gateways to Tenino; or
 - ii. Type IV landscaping as defined in TMC 108.30.100.G.4, which seeks to provide a strong visual block between the neighboring roadway and/or land use and the RV park.

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- iii. Deviations from the exact standards specified within TMC 108.30.100.G may be allowed based on the discretion of the planning official so long as the intent of the standards and the description of the landscaping type above are met by the development application.
 - b. A minimum distance of five feet is required between an individual RV unit and an adjoining interior RV park street.
 - c. A minimum distance of five feet is required between an RV unit and the interior line of a perimeter buffer.
 - d. A minimum distance of ten feet is required between RV units, and between an RV unit and unattached structures. Provided, this does not apply to unattached structures used as storage or accessory structures for individual sites.
6. *Site occupancy.* RV sites shall be occupied by no more than one RV at any one time.
- D. *Public health and safety.*
- 1. *Water and sewage.*
 - a. *Description of proposal and methods to serve.* All proposals for RV parks shall submit a statement of the type of recreational vehicles anticipated and how water and sewer services will be provided to the units. This statement shall include details as to whether the park will allow long or short-term stays, whether the RVs are anticipated to be primarily self-contained and whether any units that do not contain water and sewer services will be allowed.
 - b. *Basic requirement for water and sewer.* All visitors and/or residents within an RV park must have access to a clean source of water and a sanitary method to dispose of their waste.
 - c. *Method to provide water.* The Tenino Public Works Director must approve of any method proposed to provide water to the RV units. Water connections to individual RVs or a public restroom that includes water may be deemed adequate, if the facility effectively ensures the requirement in TMC 108.40.140.D.1(b) is met and the park meets all city and state standards.
 - d. *Methods to ensure adequate treatment of sewage.* The Tenino Public Works Director must approve of the design of any method to treat wastewater. Sewer connections to individual RVs or a shared restroom facility may be deemed adequate, so long as the facility meets the requirement in TMC 108.40.140.D.1(b) and the park meets all city and state standards.
 - 2. *Sanitary dump stations.*
 - a. A conveniently located dump station for the disposal of self-contained sewage shall be provided in RV parks with any spaces designated for self-contained units. Additional dump stations may be required in RV parks having 100 or more RV spaces. All dump stations shall be designed and developed to the standards of the Thurston County Health Department and the Washington State Department of Health.
 - b. Sanitary dump stations shall be separated from any RV space by a distance of at least 50 feet.
 - 3. *Solid waste.*
 - a. RV parks shall contract with the city's garbage service for the storage, collection, and disposal of solid waste.
 - b. Approved solid waste containers shall be located not more than 200 feet from any RV space.
 - c. Solid waste containers shall be marked with clear wayfinding signs, and screened from other activities by visual barriers such as fences, walls or natural growth.
 - 4. *Fire protection.*

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- a. RV park development applications shall be reviewed by the fire marshal.
 - b. Fires shall not be permitted except where pits or bases are constructed of a non-combustible material. Vegetation or other combustible materials shall be kept a safe distance from the fire pit.
 - c. The fire marshal shall perform annual inspections of all RV parks to ensure that health and life safety issues are known and addressed.
- E. *Roads and parking.*
- 1. *Road standards.*
 - a. All interior RV park roads shall be private roads, owned and maintained by the owner or operator of the RV park. Roads shall be open at all times for police and emergency vehicle access.
 - b. RV park roads shall be surfaced with crushed rock, blacktop or some other suitable material approved by the public works director.
 - c. Road approaches and other points of ingress and egress to city and/or state rights-of-way shall be in compliance with the city and state road standards, and be acceptable to the public works director. Points of ingress and egress located on state highways shall be in accordance with the Washington State Department of Transportation stipulations.
 - d. Interior RV park roads with parking on one-side of the street shall have the following minimum widths:
 - i. One-way streets: 22 feet.
 - ii. Two-way streets: 32 feet.If guest parking is provided in an area other than the road within the site, these widths may be reduced.
 - e. Road termini shall include a cul-de-sac or some other acceptable road configuration that permits the relative ease of turning and is approved by the public works department and fire protection authority.
 - f. Additional ingress/egress routes for emergency access to a public road may be required for RV parks designed for 100 or more RV spaces.
 - 2. *Parking standards.*
 - a. Off-street parking shall be provided at the rate of one space for each RV site. The planning official may require additional off-street parking spaces as deemed appropriate to accommodate the parking needs of the RV park.
 - b. There shall be at least two off-street parking spaces provided for the RV park office.

F. *Natural vegetation, critical areas, and open space.*

- 1. *Critical areas.* All RV parks shall conform to the critical areas regulations in title 112.
- 2. *Open space.* All RV parks shall include a minimum of ten percent of the gross area of the RV park for open space and recreational use. Provided, that at least one outdoor recreational area within the RV park shall contain at least 2,500 square feet. Roads, parking, sites, required setbacks and critical areas and their buffers shall not be counted as open space and recreational areas for the purpose of calculating compliance with this section.

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3. *Revegetation.* Lawns or other suitable living ground covers shall be planted and maintained in all areas except those covered by structures, by paved or surfaced areas, or by planting beds. Undisturbed areas such as ravines and streams shall be preserved in their natural state.

G. *Additional standards.*

1. *Lighting.* Adequate lighting shall be provided to illuminate streets, driveways and walkways for the safe movement of pedestrians and vehicles. This lighting shall be shielded and directed downward and shall not spread beyond the lot boundaries of the RV park.
2. *Utilities.* All water, sewer, electric and communication lines shall be located underground when practical, and shall be in accordance with all applicable laws, health department standards and other applicable regulations.
3. *Drainage and stormwater.* RV parks and all expansions of RV parks on the same land beyond four sites, shall conform to the drainage and stormwater standards, requirements, and provisions of the City of Tenino and be approved by the public works director.

- H. *Subject to SEPA.* All RV parks shall be reviewed under SEPA, except when determined to be categorically exempt under TMC chapter 110.30.

(Ord. No. 829, § 5, 10-8-2013)

108.40.150. Reserved.

108.40.160. Marijuana uses.

Marijuana land uses are permitted in all districts except the public/semi-public (P/SP) zoning district in accord with permitting and regulatory restrictions, conditions and other limitations imposed for such districts. Marijuana land uses in residential districts shall only be in accord with the standards of a home occupation permit.

1. *Recreational marijuana.* No recreational marijuana land use is permitted other than as approved by the Washington State Liquor Control Board in accord with WAC 314-55 as now or hereafter amended.
2. *Medical marijuana.* No medical marijuana land use allowed under RCW 69.51a is permitted or allowed to continue unless the applicant complies with the location, advertising, and off-site consumption requirements specified in WAC 314-55. The application for any such use shall pay the same fee to the city as would otherwise be imposed by the liquor control board for any original application or renewal thereof.
3. *Design standards.*
 - A. *Structure required.* All marijuana land uses must be sited within a structure (i.e. no growing operations are allowed outdoors).
 - B. *Fencing standard.* Any fences utilized in the enterprise must meet the standards in TMC section 108.30.040(N)(3).
 - C. *Other design standards required.* All applicable design, shoreline, and critical areas standards (parking, lighting, required vegetation, buffers, etc.) are required to be met for any proposed marijuana land use.

(Ord. No. 833, § 2, 11-12-2013; Ord. No. 849, § 2, 11-12-2014; Ord. No. 871, § 2, 1-24-2017)

CHAPTER 108.50. PARKING AND LOADING STANDARDS

108.50.010. Purpose.

This chapter is applicable to all new development, alterations and additions to, or expansion of, existing development in the city. This chapter establishes parking and loading standards for various uses. The standards are intended to lessen congestion on streets and to ensure an adequate supply of parking and loading spaces within a reasonable distance of development.

The purpose of this chapter is to:

- A. Improve traffic circulation by regulating parking and loading activities;
- B. Contribute to the public health, safety, general welfare and aesthetics of the city by providing sufficient on-site areas for the maneuvering and parking of motor vehicles;
- C. Meet the needs of urban development by providing sufficient off-street parking without creating an excess surplus of parking spaces; and
- D. Promote more efficient use of the city's transportation facilities by encouraging the movement of people from place to place via modes of transportation other than the single-occupancy vehicle.

(Ord. No. 881, § 40, 9-26-2017)

108.50.020. Required parking and loading.

- A. *Required parking.* The table below establishes the minimum required parking spaces that shall be provided for each use in these LDRs. Where a minimum requirement is not listed in the table it shall be determined by the community development director upon finding the proposed use has need for parking. Calculations that reference floor area shall be based on the gross floor area. Calculations that reference employees shall be based on the maximum number of employees normally on duty at any one time.

Required Parking	DU = dwelling unit LU = lodging unit	
Use	Minimum Required Parking	Maximum Required Parking
<i>Open Space Uses</i>		
Agriculture	n/a	n/a
<i>Residential Uses</i>		
Detached Single-Family Unit	2 per DU	n/a
Duplex	2 per DU	n/a
Attached Single-Family Unit	1.5 per DU	2 per DU
Group Home	0.5 per bed	1.5 per bed
Correctional Group Home	0.5 per bed	1.5 per bed
<i>Lodging Uses</i>		
Conventional Lodging	0.6 per LU	2 per LU
Campground	1 per campsite + 1 per 7.5 campsites	2 per campsite + 1 per 7.5 campsites
<i>Institutional Uses</i>		
Assembly	Independent Calculation	
Daycare Center	0.5 per employee	1 per employee
School	Independent Calculation	
Emergency Services	Independent Calculation	
<i>Commercial Uses</i>		
Office	1.5 per 1,000 sf	4 per 1,000 sf

Retail	3 per 1,000 sf	6 per 1,000 sf
Service	2 per 1,000 sf	4 per 1,000 sf
Restaurant/Bar	5 per 1,000 sf	20 per 1,000 sf
Mobile Food Vendor	Independent Calculation	
Heavy Retail/Service	2 per 1,000 sf + 3 per repair bay + 1 per wash bay	6 per 1,000 sf + 3 per repair bay + 1 per wash bay
Storage	1 per 10 storage units + 1 per employee	1 per 10 storage units + 1 per employee
Nursery	2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee	2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee
Battery Exchange Station	Independent Calculation	
Marijuana Business	3 per 1,000 sf	6 per 1,000 sf
Sexually Oriented Business	3 per 1,000 sf	6 per 1,000 sf
<i>Amusement and Recreation</i>		
Amusement	3 per 1,000 sf	5 per 1,000 sf
Outdoor Recreation	Independent Calculation	
Developed Recreation	Independent Calculation	
<i>Industrial Uses</i>		
Craft Food Production	Independent Calculation	
Light Industry	0.5 per employee + 1 per company vehicle	1 per employee + 1 per company vehicle
Heavy Industry	0.5 per employee + 1 per company vehicle	1 per employee + 1 per company vehicle
Disposal	1 per employee	1 per employee
<i>Transportation and Infrastructure Uses</i>		
Parking	n/a	n/a
Utility Facility	1 per employee + 1 per stored vehicle	1 per employee + 1 per stored vehicle
Sewer Facility	1 per employee + 1 per stored vehicle	1 per employee + 1 per stored vehicle
Wireless Telecommunications Facility	1 per employee + 1 per stored vehicle	1 per employee + 1 per stored vehicle
<i>Accessory Uses</i>		
Accessory Dwelling Unit	1 per DU	2 per DU
Bed and Breakfast	0.75 per LU	1.5 per LU
Home Occupation	n/a	n/a
Home Business	1 per employee	1 per employee
Drive-Up Facility	n/a	n/a
Home Daycare	1 per employee	1 per employee
Battery Charging Station	n/a	n/a
<i>Temporary Uses</i>		
Yard Sale	n/a	n/a
Christmas Tree Sales	1 per 1,000 sf outdoor display area + 1 per employee	1 per 1,000 sf outdoor display area + 1 per employee
Farm Stand	5 per 1,000 sf display area	5 per 1,000 sf display area

Temporary Real Estate Sales Office	2	4
Temporary Shelter	2 per DU	2 per DU
Temporary Gravel Processing	1 per employee	1 per employee

1. *Administrative variance.* The community development director may establish a lesser parking requirement pursuant to the procedure for administrative variances outlined in TMC Sec. 100.50.080. based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.
 2. *Change of use.* An applicant for a change of use shall only be required to additionally provide the difference between the parking requirement of the existing use and proposed use, regardless of the actual parking that exists.
 3. *Historic preservation overlay.* Nonresidential uses located in the historic preservation overlay may be exempt from the requirement to provide parking.
- B. *Shared parking.* If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the community development director determines uses are compatible for sharing parking based on the following standards.
1. *Residential and nonresidential uses.* A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:
 - a. The residential use provides on-site employee housing; and
 - b. The location and design of the development enhances the shared parking function.

Percentage of Nonresidential Parking Spaces that May Be Shared	
Nonresidential Use	Residential Use
Retail	25%
Office	75%
Restaurant/Bar	20%
Service	25%
All Industrial	75%
Other Nonresidential	20%

2. *Other compatible uses.* Notwithstanding the standard percentages established in the table above, reductions in total parking requirements between and among any uses may be granted in one or more of the following circumstances:
 - a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant)
 - b. When operating hours are substantially different (example: movie theater and office)
 - c. When peak trip generation characteristics are substantially different (example: lodging and retail)
- C. *Required disability parking.* Disability parking requirements defer to the adopted building code.
- D. *Required bicycle parking.* All nonresidential uses must provide on-site parking spaces for use by non-motorized vehicles.
1. *Standard.* One bicycle parking space must be provided for every 10 vehicle spaces required.

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2. *Required facilities.* Bicycle parking requirements must be fulfilled through the installation of lockers, racks, or equivalent structures in or upon which a bicycle may be locked by the user. All racks must be securely anchored to the ground or building surface. Racks must be designed to accommodate U-shaped locks.
 3. *Location.* Bicycle parking must be located in a clearly designated, safe and convenient location. A safe parking location is defined as a location whereby activity around bicycle parking is easily observable, conveniently located to the bicyclist's destination, and adequately separated from motor vehicles and pedestrians. Surfaces around bicycle parking facilities must be maintained and mud free.
- E. *Required loading.* A structure, or a complex of structures, that contains uses requiring deliveries or shipments must provide loading facilities. The loading facilities must be designed so as not to interfere with any emergency or disability access. An application must address how the specific loading needs of the proposed use are being addressed.
- F. *Required queuing spaces.*
1. *Heavy retail/service.* Heavy retail services must have at least 2 queuing spaces per wash bay.
 2. *Drive-up facility.* Drive-up facilities must have at least three queuing spaces per service lane.
- (Ord. No. 881, § 40, 9-26-2017)

108.50.030. Location of required parking.

- A. *On-site, off-street.* Unless a shared parking agreement is approved, all parking spaces, aisles, and turning areas must be located off-street and entirely within the boundaries of the land served.
- B. *Off-site, off-street.* Required parking may be provided off-site with the approval of a shared parking agreement. The off-site parking must be within 1,000 feet of the use it serves as measured along an established pedestrian route. A deed restriction may be required to ensure the off-site parking is permanent.
- C. *Off site, on-street.* Required parking may be provided on the street if allowed in the zone. See the zone-specific standards found in Chapter 106.30 through Chapter 106.50 for more information.
- D. *Parking areas must not encroach.* Off-street parking spaces, aisles, and turning areas must not encroach on any road or other public right-of-way. Parked vehicles must not encroach into any road or public right-of-way.
- (Ord. No. 881, § 40, 9-26-2017)

108.50.040. Maintenance of off-street parking and loading.

- A. *General.* All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.
- B. *Storage prohibited.* Off-street parking spaces shall be available for parking operable passenger automobiles of the residents, customers, patrons, and employees of the use for which they are required by this chapter. Storing inoperable vehicles or materials, or parking delivery trucks in such spaces shall be prohibited.
- C. *Display of vehicles for sale.* Vehicles shall not be displayed for sale in nonresidential parking areas except licensed bona-fide automobile dealerships. This does not apply to casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.
- (Ord. No. 881, § 40, 9-26-2017)

108.50.050. Off-street parking and loading design standards.

All off-street parking and loading facilities shall meet the following design standards:

A. *Surface and drainage.*

1. *Paving required.*
 - a. Outdoor, off-street parking and loading areas, aisles and access drives must be paved, except parking areas, aisles and access drives for detached single-family units, which may be gravel.
 - b. The community development director may approve another surface pursuant to the procedure for administrative variances outlined in TMC Sec. 100.50.080. The community development director must find, based on information from reliable sources, that an alternative surface is warranted and appropriate.
2. *Paving standards.* Paved parking and loading areas, aisles and access drives shall be paved with concrete, grasscrete, paving blocks, asphalt, or another durable surface.
3. *Landscape islands.* Parking lots shall include landscaped islands to avoid large expanses of asphalt and shall be screened from off-site, or their view substantially filtered by vegetation.
4. *Compaction and drainage.* Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.

B. *Access and circulation standards.*

1. *Unobstructed access.* Each required parking space must have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved tandem parking.
2. *Tandem parking.* Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any parking requirement of this chapter except for residential uses not exceeding four units on one lot, provided that the tandem parking spaces are assigned to the same residential unit.
3. *Backing onto roads and public streets prohibited.* Except for parking facilities serving detached single-family residential lots and parking facilities accommodating four or fewer vehicles, all off-street parking spaces must open directly onto a parking aisle and be designed so that it will not be necessary for vehicles to back out into any road or public street.
4. *Traffic interference prohibited.* All off-street parking and loading facilities must be designed with access to a street or alley in one or more locations that cause the least interference with traffic movements.
5. *Nonresidential use access drive width.* Access drives to nonresidential uses shall have a minimum width of 12 feet for drives posted as one-way or 24 feet for two-lane drives.
6. *Access drive intersections.* Intersections of parking lot aisles shall be at least 40 feet from a curb cut.

C. *Parking facility dimensions.*

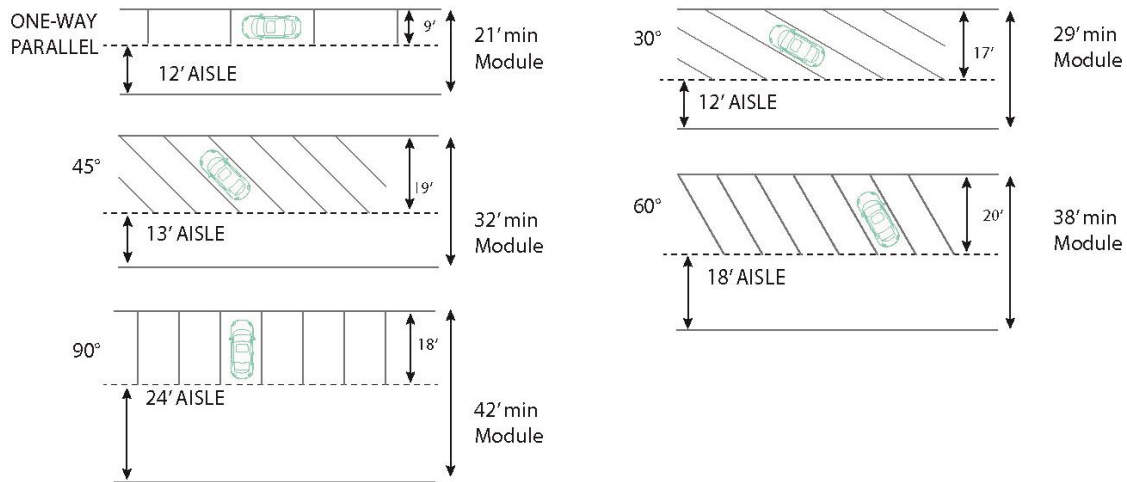
1. *Parking space dimensions.*

- a. *Width.*
 - 1. *Standard parking space.* A parking space shall be nine feet in width.
 - 2. *Compact parking space.* A compact parking space shall be at least eight and one-half feet in width.
- b. *Length.*
 - i. *Standard parking space.* A standard parking space shall be 18 feet in length.
 - ii. *Compact parking space.* A compact parking space shall be at least 15 feet in length.
 - iii. *Overhang with wheel stop.* The length of parking spaces may be reduced by two feet, including the wheel stop, if an additional two feet of length is provided for the front overhang of the car. The overhang must not reduce the width of an adjacent walkway to less than four feet in width.
 - iv. *Alley access.* Any parking space accessed directly from any alley shall have a minimum length of 22 feet.
 - v. *Parallel parking space.* All parallel parking spaces shall have a minimum length of 22 feet.
- c. *Vertical clearance.* Parking spaces shall have a vertical clearance of at least seven feet.

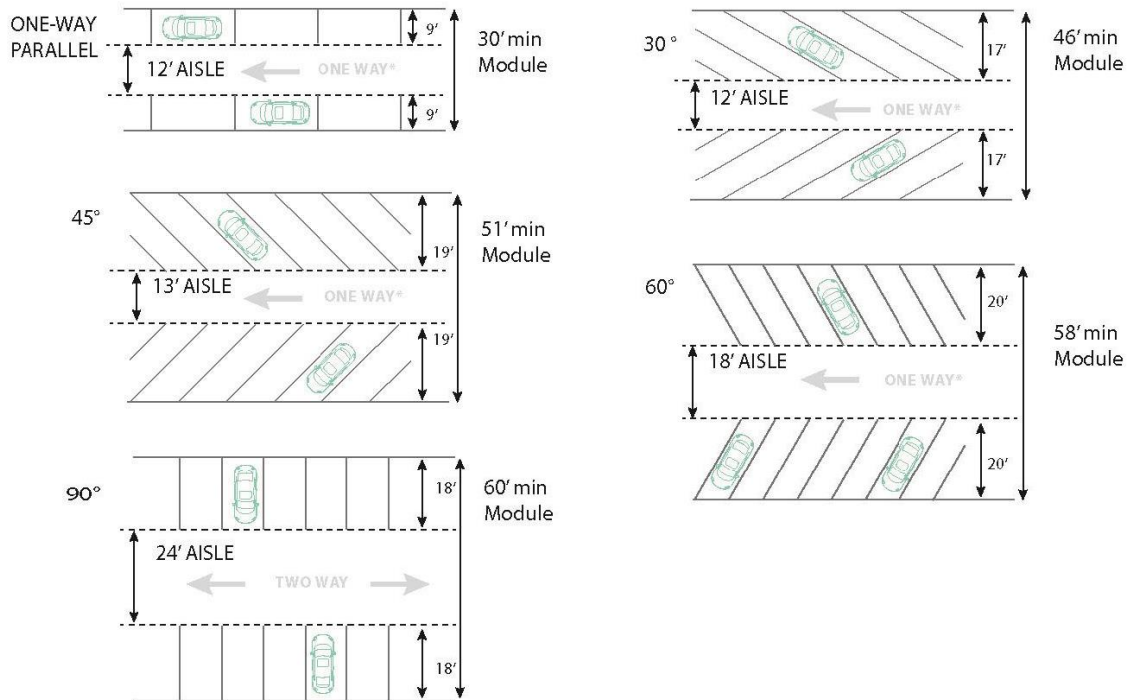
2. *Parking module dimensions.* The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.

Minimum Dimensions for Parking Modules					
	Spacing Angle				
	Parallel	30°	45°	60°	90°
Single Row of Parking					
Parking Space Depth	9'	17'	19'	20'	18'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	21'	29'	32'	38'	42'
Two Rows of Parking					
Parking Space Depth	9'	17'	19'	20'	18'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	30'	46'	51'	58'	60'

Single Row of Parking



Two Rows of Parking



3. *Gravel area dimensions.* The minimum size of a gravel parking area shall be ten percent larger than required of a paved area.
4. *Queuing space design standards.* Queuing spaces shall be a minimum of 20 feet in length and ten feet in width. All required queuing must be contained onsite, must not encroach into any public right-of-way, and must not be designed so as to block entry or exit from other on-site parking.

(Ord. No. 881, § 40, 9-26-2017)

CHAPTER 108.60. PERFORMANCE STANDARDS

108.60.010. In general.

- A. *Purpose and intent.* Performance standards address the operational aspects of a use or activity and its impact on other adjacent uses, the community, and the public. The intent of these performance standards is to protect public health and general welfare and minimize the adverse impacts a use or activity may have on nearby properties and uses.
- B. *Operator responsibility.* The operator/proprietor of a permitted use or activity is responsible for providing reasonable evidence and technical data to demonstrate that the use or activity is or will be in compliance with the standards of this chapter.
- C. *Compliance required.* The operator/proprietor must comply with the standards of this Chapter whether or not the city requires the operator/proprietor to submit evidence and technical data demonstrating compliance.

(Ord. No. 881, § 41, 9-26-2017)

108.60.020. Outdoor storage.

- A. *Recreational vehicles.* Storing or parking recreational vehicles or sporting vehicles on a residential property is allowed subject to the following standards:
 - 1. Recreational and sporting vehicles must not be stored on a noncontiguous lot where no residential use exists.
 - 2. No more than two recreational and/or sporting vehicles or equipment may be stored outside on residential property.
 - 3. Recreational vehicles and equipment must be screened from view of surrounding neighbors to the maximum extent feasible.
 - 4. Recreational and sporting vehicles must not be used as a dwelling.
 - 5. Recreational and sporting vehicles must be stored on a parking pad or in the driveway of the residence. The vehicle must not be located within the public right-of-way.
 - 6. The parking pad must have a durable surface.
- B. *Outdoor storage areas and yards.* Outdoor storage areas and yards may be allowed in nonresidential and special purpose zones subject to the following standards:
 - 1. Outdoor storage areas and yards must be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked or stored.
 - 2. Non-vehicle storage areas such as those for materials may utilize alternative surface materials if the following standards are met:
 - a. A plan is submitted and approved showing paved and unpaved portions of the outdoor storage area and yard; and
 - b. Hazardous materials must not be stored or used in unpaved areas.

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3. The storage area must be screened and fenced, consistent with Section 108.30.140.K.
- C. *Shipping containers and compartments.* Shipping containers and compartments are manufactured corrugated metal containers originally designed to hold cargo on trucks, trains or ships. The containers are usually eight feet wide and 20 to 40 feet long.
1. *Temporary construction storage allowed in all zones.* Shipping containers may be used for temporary storage of materials and equipment while construction of subdivision improvements or a building occurs. The shipping container must be removed prior to any required final inspection or certificate of occupancy.
 2. *Where allowed.*
 - a. *Residential zones.* Shipping containers may be placed, stored, or used in the residential zones with approval of a zoning determination. The total floor area of all shipping containers must not exceed 320 square feet.
 - b. *Industrial zone.* Shipping containers may be placed, stored, or used in the industrial zone.
 - c. *All Other zones.*
 - i. One shipping container may be placed, stored, or used per development site in all other zones.
 - ii. Additional shipping containers may be allowed with approval of a zoning determination. The applicant must demonstrate that all screening, setback, and parking requirements can be met and that the shipping containers will not have a negative impact on adjacent properties.
 3. *Setbacks required.* All approved shipping containers allowed under subsection C.2. above must meet the setback requirements of the zone in which it is located.
 4. *Shipping containers as building material.* This section does not prohibit use of shipping containers as a building material, provided the resulting structure complies with all applicable provisions of the development regulations and the building code.

(Ord. No. 881, § 41, 9-26-2017)

108.60.030. Refuse and recycling.

Trash and recycling enclosures shall be provided for all nonresidential uses and multi-family developments of five or more units. Enclosures must:

- A. Be of similar material and color to the building;
- B. Be entirely enclosed with the side facing the street or alley to be a gate whenever feasible;
- C. Provide adequate space for recycling as determined by the city; and
- D. Be consolidated wherever possible.

(Ord. No. 881, § 41, 9-26-2017)

108.60.040. Noise.

- A. The provisions of TMC Section 8.72, motor vehicle public disturbance and public nuisance noise, apply.

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- B. Frequent, repetitive or continuous sounds emanating from any use or facility must not exceed 75 decibels at the property line. Transportation facilities and temporary construction work are exempt from this requirement.
 - C. If the code enforcement officer determines or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility must provide noise reading data for noise levels at all property lines.

(Ord. No. 881, § 41, 9-26-2017)

108.60.050. Vibration.

Vibrations that are discernible without instruments at the property line are prohibited.

(Ord. No. 881, § 41, 9-26-2017)

108.60.060. Odors.

Emission of odorous gases or other odorous matter released from any operation or activity in such quantities so as to be obnoxious beyond the property lines is not permitted. The odor threshold is defined as the concentration in the air of a gas or vapor that evokes a response in the human olfactory system.

(Ord. No. 881, § 41, 9-26-2017)

108.60.070. Light and glare.

Direct or reflected light or glare that is visible beyond the property lines or skyward shall be prohibited.

(Ord. No. 881, § 41, 9-26-2017)

108.60.080. Radioactivity and electrical disturbances.

The regulations of the Federal Occupational Safety and Health standards apply for all radioactivity and electrical disturbances unless local codes and ordinances supersede this federal regulation.

(Ord. No. 881, § 41, 9-26-2017)