

## **Chapter 17.56**

### **SPECIAL PROPERTY USES**

Sections:

[17.56.010 Permit – Issuance conditions generally.](#)

[17.56.014 Time limits.](#)

[17.56.015 Annual review of special use permits.](#)

[17.56.016 Automobile garages and body shops.](#)

[17.56.020 Mobile home park.](#)

[17.56.030 Churches, fraternal organizations, lodges, grange halls and clubs.](#)

[17.56.040 Philanthropic institutions.](#)

[17.56.050 Home occupations.](#)

[17.56.060 Crematories.](#)

[17.56.070 Schools and day care centers.](#)

[17.56.080 Recycling centers.](#)

[17.56.090 Temporary facility.](#)

[17.56.100 Permitted special uses in B3 zones.](#)

[17.56.110 Reserved.](#)

[17.56.120 Yard requirements.](#)

[17.56.130 Height and area regulations.](#)

[17.56.140 Permit – Additional issuance conditions.](#)

#### **17.56.010 Permit – Issuance conditions generally.**

All of the uses set forth in TMC [17.56.016](#) through [17.56.110](#) and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any class of use as set forth in the various use districts defined in this title, and the authority for the location and operation thereof shall be subject to review and the issuance of a special property use permit by the hearing examiner; provided, that special use permits may not be granted for a use in a district from which it is specifically excluded. Special property use permits may contain conditional limitations. (Ord. 2019-17 § 1, 2019).

#### **17.56.014 Time limits.**

A special property use permit shall become null and void if the permitted use ceases to exist during any six-consecutive-month period or for a total of six months during any 12-consecutive-month period. (Ord. 2019-17 § 1, 2019).

**17.56.015 Annual review of special use permits.**

The permit coordinator shall annually review each special property use permit issued after January 1, 2020, to determine whether any and all conditional limitations or other requirements are being adhered to, and to determine whether the special property use continues to be utilized. In the event that any conditional limitation or requirement of special property use permit is not being adhered to, the permit coordinator shall initiate steps to achieve compliance with the permit. (Ord. 2019-17 § 1, 2019).

**17.56.016 Automobile garages and body shops.**

Special property use permits may be issued for automobile garages and body shops within M1, M2, and B1 districts; provided, that such garages and shops are constructed and maintained in a manner in harmony with and not detrimental to existing or reasonably expected future development of the neighborhood in which located, subject to the following provisions:

- A. Parts, equipment and materials shall not be permitted in front, side, or rear yards in the B1 district.
- B. All service and repair work shall be done within an enclosed building.
- C. Conditions of operation such as noise, hours, odors, and lighting shall not be detrimental to the neighborhood.
- D. Location within the B1 district shall require additional sight screening and related mitigation whenever adjacent to residential uses or residential zoning districts. (Ord. 2019-17 § 1, 2019).

**17.56.020 Mobile home park.**

Special property use permits may be issued for mobile home park; provided, that these uses shall be specifically excluded from the R1, R2, B1, M2 and M3 use districts; and further provided, that the requirements in Chapter [17.60](#) TMC are met. (Ord. 2019-17 § 1, 2019).

**17.56.030 Churches, fraternal organizations, lodges, grange halls and clubs.**

Special property use permits may be issued for churches, fraternal organizations, lodges, grange halls and clubs; provided, that the following requirements are met and also providing that such uses are specifically excluded from M1 and M2 districts of the zoning ordinance:

- A. The proposed location of the plan for entrances and exits will not create traffic hazards on public streets;
- B. The proposed use will not be detrimental to principal uses permitted in the district for which the special property use permit is requested;

C. Churches may exceed the height limit of the district in which they propose to locate by not more than 20 feet; provided, that such buildings are set back from all property lines at least one additional foot for each foot of excess height;

D. The height of the spire, tower, or similar feature may exceed the height limit of the district in which the church may propose to locate; provided, that it is not intended for human occupancy and further providing it is removed not less than 20 feet from any adjoining property line. (Ord. 2019-17 § 1, 2019).

#### **17.56.040 Philanthropic institutions.**

Special property use permits may be issued for hospitals, sanitariums, convalescent and nursing homes, other than correction; provided, that these uses shall be specifically excluded from the R1 and R2, M1 and M2 districts. (Ord. 2019-17 § 1, 2019).

#### **~~17.56.050 Home occupations:~~**

~~Special property permits may be issued for home occupations as defined in TMC 17.08.170, by the zoning administrator or his/her designee, within R1 and R2 residential districts only, subject to the following provisions:~~

~~A. There must be a residence on-site, and the proprietor of the home occupation business must reside in that residence:~~

~~B. The home occupation must be of a service character or service-oriented only. Retail sales of goods are permissible only if incidental and directly pertaining to the service being offered:~~

~~C. The home occupation shall be allowed in any attached portion of the dwelling unit or in a detached accessory building. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building:~~

~~D. The aggregate of all space within any or all buildings devoted to a home occupation shall not occupy more than the lesser of: (1) 500 square feet in floor area; or (2) 30 percent of the residence's floor area:~~

~~E. Only one accessory building, including detached garages, shall be allowed on the premises. One storage structure of 120 square feet or less shall be excluded from this provision:~~

~~F. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness:~~

~~G. Where customers are served on the premises of the home occupation a minimum of one off-street parking space shall be provided in addition to any and all spaces required for the principal use as provided by this title:~~

~~H. Any home occupation which is objectionable due to unsightliness or an emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited:~~

~~I. One unlighted sign not exceeding two square feet in area pertaining to the home occupation shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yards.~~

~~J. A home occupation special property use permit may contain such other conditions as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.~~

~~K. The city shall notify the adjacent property owners and applicant of its intent to approve or deny a home occupation special property use permit, together with any conditions. Notification shall be made by mail only. The notice shall include:~~

~~1. A description of the proposal and decision of the city, including any conditions of approval;~~

~~2. A place where further information may be obtained; and~~

~~3. A statement that the decision of the city will be final, unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice. (Ord. 2019-17 § 1, 2019).~~

#### **17.56.060 Crematories.**

Special property use permits may be issued for crematories provided such use shall be located in B1 and B2 districts. (Ord. 2019-17 § 1, 2019).

#### **17.56.070 Schools and day care centers.**

Special property use permits may be issued for schools, including private schools in which prescribed courses of study are given and which are graded in a manner similar to public schools or, in a manner of a higher degree thereto, physical training facility, kindergarten and nursery schools, institutions of higher learning, and licensed day care centers; provided, that these uses shall be specifically excluded from the M1 and M2 zoning districts. (Ord. 2019-17 § 1, 2019).

#### **17.56.080 Recycling centers.**

Special property use permits may be issued for recycling centers in B2 and M1 zoning districts; provided, that in the B2 zoning district, recycling operations, including storage, vehicles, or facilities, shall be within a screened or enclosed area and shall be limited to light recycling of aluminum cans, glass bottles and newspapers. Large objects, including but not limited to appliances and automobiles or truck parts shall be prohibited from recycling centers within B2 and M1 zoning districts. (Ord. 2019-17 § 1, 2019).

#### **17.56.090 Temporary facility.**

Subject to all of the provisions set forth in subsections A through H of this section, special property use permits may be issued for temporary facilities, as defined in TMC [17.08.325](#), except that dwellings with five or more temporary facilities shall be permitted only in an R2 residential district, or in a local business district (B1); and dwellings with four or less temporary facilities shall be permitted only in an R1 residential district or in either of the above described zones.

A. The temporary facility shall be allowed only in an attached portion of the dwelling unit.

1. All aspects of the conduct of a temporary facility shall be confined, contained and conducted within the main dwelling structure.

2. The maximum number of users or occupants per each temporary facility shall be two; provided, that the maximum number of users or occupants in the dwelling shall not exceed 150 percent of the number of temporary facilities, rounded to the lowest whole number (for example, if five temporary facilities exist in the dwelling, the maximum number of users shall be seven).

B. The dwelling in which the temporary facility is located, including its accessory buildings and any required parking area, shall not occupy or cover more than 60 percent of the total lot area. Only one accessory building, excluding a detached garage, may be allowed on the premises by the hearing examiner after the hearing. One storage structure of 120 square feet or less shall be excluded from this provision.

C. The premises shall at all times be maintained as residential in appearance.

D. Parking and loading space shall be as specified in Chapter [17.64](#) TMC, and provided:

1. A minimum of one off-street parking space shall be provided for each unit, in addition to any and all spaces required for the principal use as provided by this title;

2. Any required off-street parking space shall not be permitted in the required front yard and side yard;

3. Each such space shall be provided with adequate ingress and egress;

4. Off-street parking areas shall be paved or surfaced and maintained graded and dust free with screened gravel, crushed rock or better.

E. Any dwelling in which a temporary facility is located which is, or becomes, objectionable due to unsightliness, noise, traffic or similar causes discernible on the outside of any structure shall be prohibited.

F. One unlighted sign not exceeding two square feet in area pertaining to the boarding, rooming, and/or lodging house shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters [17.28](#) and [17.32](#) TMC. Such sign shall not be located in the required front or side yard setback.

G. A temporary facility special property use permit may contain such other conditional limitations after hearing as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.

H. Once a special property use permit has been issued as set forth above, the permit shall be deemed revoked immediately if the facility shall fail to comply with any of the provisions in subsections A through G of this section. (Ord. 2019-17 § 1, 2019).

#### **17.56.100 Permitted special uses in B3 zones.**

Special property use permits may be issued for other special property uses, not inconsistent with the character of said zone, in the professional office district of B3 zone provided they meet the

criteria established for special property use permits as provided in this title. (Ord. 2019-17 § 1, 2019).

**17.56.110 Reserved.**

(Ord. 2019-17 § 1, 2019).

**17.56.120 Yard requirements.**

Unless otherwise specified by the hearing examiner, the provisions for required front and side yards applicable to the particular district in which any such use is proposed to be located shall prevail. (Ord. 2019-17 § 1, 2019).

**17.56.130 Height and area regulations.**

Unless otherwise specified by the hearing examiner, the provisions for height, area requirements, and lot coverage applicable to the particular district in which any such use is proposed to be located shall prevail. (Ord. 2019-17 § 1, 2019).

**17.56.140 Permit – Additional issuance conditions.**

Applications for special property use shall be reviewed under the requirements in Chapter [2.50](#) TMC as if it was a conditional use permit. In granting a permit for any of the above-listed special property uses in TMC [17.56.016](#), [17.56.020](#), [17.56.030](#), [17.56.040](#), [17.56.060](#), [17.56.070](#), [17.56.080](#), and [17.56.090](#) and appeals of TMC [17.56.050](#) the hearing examiner shall ascertain that the present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured. The hearing examiner may attach additional conditions to the issuance of a special property use permit to ensure that structures and areas proposed are surfaced, arranged and screened in such a manner that they are in harmony with and not detrimental to existing or reasonable expected future development of the neighborhood. In the case of those special property uses for which no requirements have been listed, the hearing examiner may allow any reasonable height, yard dimensions or lot size; provided, that it is satisfied that there is adequate off-street parking, playground area in the case of schools, and the height restrictions and yard requirements and other conditions imposed are sufficient to prevent detrimental effects on adjoining land or structures. (Ord. 2019-17 § 1, 2019).