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Section 2101: PERMITTED USES. In a Q-M zone the following uses only are permitted and as herein specifically provided and allowed by this Article:

(1) quarrying and mining of minerals or materials, including, but not limited to, sand and gravel, rock, clay and peat

(2) the exploitation, primary reduction, treatment and processing of minerals or materials together with the necessary buildings, structures, apparatus or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete batching, asphalt mixing, brick, tile, terra cotta and concrete products manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to, convert the minerals or materials to marketable products

(3) the growing and harvesting of forest products, the operation of sawmills and chippers and activities and structures incidental to each

(4) agricultural crops, open field growing, stock grazing and the harvesting of an wild crop such as marsh hay, ferns, moss, berries, etc.

(5) public utility facilities

(6) dwellings used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family; and dwellings on the same premises which are being used for agricultural purposes, which dwellings are occupied only by persons employed on the same premises and their immediate families

Section 2102: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations:

(1) road access to Q-M classified property developed for mining or quarrying of minerals or materials shall be controlled by means of a gate. A sign warning of hazardous conditions, if such exist, shall be affixed to the gate or placed in a conspicuous manner near the gate. If the Q-M classified property developed for mining or quarrying of minerals or materials has an exterior boundary line which is a common property line with developed "R" or "S" classified property, then a solid wall or fence not less than five (5) feet in height shall be installed and maintained;

(2) mining and quarrying shall be permitted up to within ten (10) feet of any property line other than Q-M classified property provided all provisions herein set forth are complied with and provided further that such mining or quarrying does not impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of Q-M classified property. Structures or buildings in a Q-M zone shall not be located closer than one hundred (100) feet to an "R" or "S" property line, except where the common property line is so situated as to cause an elevation difference of fifty (50) feet or more between Q-M and "R" or "S" property within said one hundred (100) foot setback, and in such case the required one hundred (100) foot setback may be reduced by the amount the slope distance exceeds the horizontal distance but in no event shall the structures or buildings be located closer than fifty (50) feet to said common property line. Office buildings, scale facilities, equipment storage buildings, and other similar buildings or structures and stockpiles shall be excepted from this provisions but shall not be located closer than twenty (20) feet to an "R" or "S" property line;

(3) Whenever Q-M classified property developed for the mining or quarrying of minerals or materials has a common property line with developed "R" or "S" classified property, there shall be installed and maintained or cultivated, if natural flora exists, a view-obscuring fence or planting screen not less than ten (10) feet in width and in such planting strip shall be evergreen shrubs, bushes or trees, which shall be maintained at a height of not less than six (6) feet, said planting screen shall be planted according to accepted practice in good soil, irrigated as necessary and maintained in good condition at all times. Such view-obscuring fence or planting screen herein required shall be installed as a yard improvement at or before the time mining or quarrying operations commence or within a reasonable time thereafter, giving due consideration to planting conditions. Said planting screen shall be installed and maintained at the expense of the owner or lessee of Q-M classified property;

(4) the following standards of performance shall be conformed to:

(a) maximum allowable daytime sound pressure levels as measured next to occupied buildings or structures situated on adjacent "R" or "S" property shall not exceed the following standards at least ninety percent (90%) of the time between the hours of 5:00 a.m. and 10:00 p.m.

SOUND PRESSURE LEVELS

Frequency band in cycles/second	Sound pressure level in decibels re 0.0002 microbar
25 - 300	80
300 - 2400	70
Above 2400	60

Maximum allowable nightime sound pressure levels as measured next to occupied buildings or structures situated on adjacent "R" or "S" property shall not exceed the following standards at least ninety percent (90%) of the time between the hours of 10:00 p.m. and 5:00 a.m.

SOUND PRESSURE LEVELS

Frequency band in cycles/second	Sound pressure level in decibels re 0.0002 microbar
25 - 300	70
300 - 2400	63
Above 2400	55

Sound pressure levels shall be measured by a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association;

(b) odors from gasses or other odorous matter shall not be emitted in quantities as to be unreasonable offensive beyond the exterior property lines of Q-M classified property;

(c) toxic gasses or matter shall not be emitted in quantities damaging to health, to animals, vegetation or property beyond the exterior property lines of Q-M classified property;

(d) dust, dirt and fly ash or airborn solids from any source shall not be emitted in quantities as to adversely affect adjacent property;

(e) emission of smoke from any source other than heat processing equipment shall not exceed a percentage smoke density (average smoke emission) of thirty percent (30%) except when building a new fire or when due to breakdowns of a temporary nature. Said percentage smoke density shall be measured in conformance with the methods set forth in the United State Bureau of Mines publication Information Circular 7718 entitled "Ringelmann Smoke Chart" edition of August, 1955. Continuous readings at appropriate time intervals of not less than thirty (30) seconds shall be made and in no event shall the average smoke emission be calculated for a duration of less than sixty (60) minutes;

(f) Vibration Limits - Blasting or other activities producing ground vibration. Blasting and all other activities shall be so conducted that ground vibrations measured next to structures or buildings situated on adjacent "R" or "S" property do not exceed the maximum amplitude of ground vibrations as related to frequencies of vibration set forth in the following table:

Table of Frequency -- Amplitude Relations

Frequency of Ground Motion in Cycles per second	Maximum Amplitude of Ground motion, in inches
up to 10	not more than 0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

Energy Ratio. Where ground frequency and displacement characteristics in relation to known quantities of detonated explosives have been determined by instrumentation, using either an accelograph or a seismograph, the allowable quantity of explosives used in relation to distance may be established by the formula:

$$(50/D)^2 C K = 1$$

where D = Distance from the blast in feet
C = Quantity of explosive detonated instantaneously in pounds
K = Ground transmission constant

The energy ratio thus determined shall not exceed one (1) and all measurements shall be taken at the most critical location.

Special Explosives Quantity Limits. When ground characteristics for any specific blasting location have been determined by instrumentation, special explosives quantity limits for that location may be approved by the King County Engineer, if said limits are computed and certified by a qualified vibration measurement specialist.

Allowable Quantities of Explosive. In the absence of approved methods of instrumentation to restrict vibration to the levels specified in the foregoing table, the quantity of explosives used in blasting shall not exceed the following:

Quantity-Distance Table

Distance from the blast area to the nearest building, neither mine or quarry owned nor mine or quarry leased, in feet	Maximum quantity of explosives per shot for instantaneous firing or per delay for delay firing, in pounds: Normal overburden	Abnormal overburden (1)
100 See Fn (2)	340 See Fn (3)	70 (See Fn (4)
200	420 See Fn (5)	78 (See Fn (6)
300	525	100
400	635	125
500	800	160
600	950	200
700	1175	245
800	1500	300
900	1830	360
1000	2250	430
1200	3500	610
1400	____	820
1600	____	1250
1800	____	1900
2000	____	3000

Footnote (1) Abnormal overburden is that which is unusually deep (more than 50 feet to bedrock), has a water table near the surface, or is so composed as to be spongy, flexible or reverberant

Footnote (2) 100 feet shall be the minimum allowable distance when approved missile protection methods are used.

Footnote (3) no more than ten (10 pounds of explosive material shall be placed in any single charge.

Footnote (4) no more than five (5) pounds of explosive material shall be placed in any single charge.

Footnote (5) no more than twenty (20) pounds of explosive material shall be placed in any single charge.

Footnote (6) no more than eight (8) pounds of explosive material shall be placed in any single charge.

(g) Mining and quarrying shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in excavations.

Section 2103: LAND REHABILITATION. In order to insure a further use of land classified as Q-M subsequent to the removal of native minerals and materials, the following additional provisions covering land rehabilitation or reclamation shall be conformed to:

(1) upon the exhaustion of minerals or materials in the Q-M zone or upon the permanent abandonment of the quarrying or mining operation, all buildings, structures,

apparatus or appurtenances accessory to the quarrying or mining operation will be removed or otherwise dismantled to the satisfaction of the County Engineer;

(2) all excavations must either be made to a water-producing depth or back filled and graded. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(a) the depth of the excavation must not be less than two (2) feet measured below the low-water mark;

(b) all banks shall be sloped to the water line at a slope no steeper than one and one half (1½) feet horizontal to one (1) foot vertical;

(c) all banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four (4) inches or to a depth equal to that of the topsoil on land areas immediately surrounding if less than four (4) inches;

(d) such topsoil as required by paragraph c above shall be planted with trees, shrubs, legumes or grasses to stabilize the banks against erosion and said flora shall be so selected as to be indigenous to the surrounding area;

(e) in no event shall the term "water-producing depth" as herein used be construed to allow stagnant or standing water to collect or remain in the excavations;

(f) the intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes;

(3) excavations not made to a water-producing depth shall be graded or back filled in the following manner:

(a) grading or back filling shall be made with non-noxious, non-flammable, non-combustible solids;

(b) the graded or back filled area shall not collect and permit stagnant water to remain therein;

(c) the peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion;

(d) such graded or back filled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four (4) inches or a depth of that of the topsoil of land areas immediately surrounding if less than four (4) inches;

(e) such topsoil as required by paragraph (d) above shall be planted with trees, shrubs, legumes or grasses and said flora shall be so selected as to be indigenous to the surrounding area;

(f) excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the County Engineer shall be constructed or installed if natural drainage is not possible;

(4) in the instances where mineral or raw material resources are to be mined by open pit bench or quarry methods, reclamation shall be performed in the following manner;

(a) the slope between successive benches shall not, in unconsolidated areas, be steeper than one and one half (1½) feet horizontal to one (1) foot vertical, and shall be treated as to sodding or surfacing and planting as those banks described in paragraphs 3 (d) and 3 (e), provided that where a consolidated material shall prevail between benches, no prescribed angle of slope will apply and no attempt need be made to resurface or plant over said consolidated material;

(b) waste or spoil piles shall either be leveled and the area treated as to sodding or surfacing and planting as required in 3 (d) and 3 (e) or returned to the excavations in accordance with good mining practice prior to sodding or surfacing and planting as specified in paragraphs 3 (d) and 3 (e);

(c) excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the County Engineer shall be constructed or installed if natural drainage is not possible;

(5) in the instances where down-dip strip mining is effected, reclamation shall be performed in the following manner:

(a) the sides of the strip pit shall have no prescribed angle of slope except where such slope creates a hazardous condition and in such case the pit sides shall be graded or the pit back filled to establish a slope no steeper than one (1) foot vertical to one (1) foot horizontal. Where the slope permits, such area shall be sodded or surfaced and planted as specified in paragraphs 3 (d) and 3 (e). Waste or spoil piles shall either be leveled and the area treated as to sodding or surfacing and planting as specified in paragraphs 3 (d) and 3 (e) or returned to the strip pit in accordance with good mining practice prior to sodding or surfacing and planting as specified in paragraphs 3 (d) and 3 (e);

(b) strip pit operations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the County Engineer shall be constructed or installed if natural drainage is not possible;

(6) placer mining operations shall be reclaimed in conformance with paragraph 3 (c) only;

(7) underground mining operations shall not be left in a condition so as to be or become hazardous. Mine shafts, air courses, inclines, or horizontal workings temporarily unused or deserted shall be blocked by solid bulkheads constructed of concrete, wood or steel. A locked manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or horizontal workings are to be permanently abandoned in accordance with good mining practice, the collar or portal to such workings shall be completely blocked by permanent bulkheads constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or portal in such manner as to permanently fill said openings with rock of sufficient size to prohibit the re-opening of said workings by natural movement of the collapsed rock by gravity down inclined workings.

Section 2104: MINIMUM LOT AREA. The minimum required lot area of a Q-M zone shall be ten (10) acres.

Section 2105: PERMITTED HEIGHT. No maximum height is imposed, provided any portion of a building or structure exceeding forty-five (45) feet in height shall be set back from each property line one (1) foot additional for each foot in height such building exceeds forty-five (45) feet.

Section 2106: MAXIMUM FLOOR AREA. The maximum floor area to be contained in all buildings in a Q-M zone shall not exceed the total area of the Q-M classified property.

Section 2107: REQUIRED OPEN SPACES. In a Q-M zone no building or structure shall be located closer than twenty (20) feet to property lines other than "R" or "S" zoned property or to a public right-of-way.

ARTICLE 22
UNCLASSIFIED USES

Section 2200: All of the following, 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 classes of use as set forth in the various classifications herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a use permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this resolution shall be served. Factors to be considered are as set forth in Section 2304 of this resolution.

Section 2201: The following uses may locate subject to the issuance of an unclassified use permit processed as provided in Article 29:

(1) Airports and landing fields and heliports

(2) Correctional institutions, provided they are specifically excluded from all "R" zones and the "S-E" zone

(3) Dumps, public or private, and commercial incinerators, provided these uses are specifically excluded from all "R" and "S-E" zones

(4) Hydro-electric generating plants, provided such use is specifically excluded from "R" and "S" zones, and provided further that the buildings used to house generators shall not be located closer than one hundred (100) feet to any boundary property line. This use is permitted in the F-R zone without review.

(5) Jail farms or honor farms, publicly-owned and used for the rehabilitation of prisoners, provided these uses are specifically excluded from all "R" and "S-E" zones.

(6) Quarrying and mining, including borrow pits to a depth of over three (3) feet and the removal and processing of sand, gravel, rock, peat, black soil and other natural deposits, together with necessary buildings, apparatus or appurtenances incident thereto provided:

(a) no permit is required for exploration of such materials in any zone or for the removal and processing in Q-M and F-R zones;

(b) all operations shall be subject to the limitations on permitted uses in the Q-M classification, Section 2102 and land rehabilitation provisions, Section 2103;

(c) in conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete batching plants and asphalt batching plants may be authorized by the Board provided:

1. when the natural deposit has been depleted or the excavation is completed as prescribed by the permit, all operation shall terminate and all equipment and structures shall be removed;

(2) no such allied use shall be permitted unless at least one of the major mineral constituents being processed is from the area covered by the permit;

(d) time limits may be imposed at which time such operations shall terminate;

(e) a bond shall be filed guaranteeing to the county compliance with the provisions of this resolution in an amount determined by the Board but in no case less than five thousand (5,000) dollars. The bond shall be continuously maintained until the requirements of the permit have been satisfied;

(7) Booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto of public utilities or utilities operated by mutual agencies, provided these uses are specifically excluded from the "R-S" zone, and further provided that these uses are permitted in the "M-L", "M-P", "M-P" and "M-H" zones without review. Distribution mains are permitted in any zone without review.

(8) Public utility power generating plants.

(9) Refuse disposal sites, provided sanitary-fill method is used

(10) Sewage treatment plants.

(11) Sanitary fills--reclamation for public purpose by public agency.

(12) Transfer stations (refuse and garbage) when operated by a public agency.

Section 2202: The following uses may locate subject to the issuance of a conditional use permit processed as provided in Article 28:

(1) Cemeteries, provided;

(a) no building shall be located closer than one hundred (100) feet from any boundary line;

(b) a protective fence and a landscaped strip of evergreen trees and shrubs at least ten (10) feet in width shall be installed on all common boundary lines with "R" or "S" zoned property.

(2) Columbariums, crematories and mausoleums, provided these uses are specifically excluded from all "R" zones unless inside a cemetery.

(3) Commercial establishments or enterprises involving large assemblages of people or automobiles as follows, provided these uses are specifically excluded from all "R" zones and the "S-E" zone:

(a) Amusement parks
(b) Boxing and wrestling arenas
(c) Ball parks
(d) Fairgrounds and rodeos
(e) Golf driving ranges
(f) Labor camps (transient)
(g) Open-air theatres
(h) Race tracks, drag strips, motorcycle hills and Go-Kart tracks
(i) Stadiums

(4) Fire stations, when located in any "R", "S" or "A" zone, provided the following conditions shall be conformed to:

(a) All buildings and structures shall maintain a distance of not less than twenty (20) feet from any property line that is a common property line with "R" zoned porperty; and

(b) any building from which fire fighting equipment emerges onto a street shall maintain a distance of thirty-five (35) feet from such street.

(5) Hospitals, mental and alcoholic, provided they are specifically excluded from all "RS", "RD", "RM-2400", "RM-1800" and "S" zones

(6) Institutions for training of religious orders

(7) Radio, micro-wave or television transmitters, towers and appurtenances

(8) Recreational areas, commercial, including yacht clubs, beach clubs, tennis clubs, parks, ski areas, marinas and similar activities

( ) Universities and colleges, including dormitories and fraternity and sorority houses when on campus

Section 2203: YARD REQUIREMENTS. The requirements for front and side yards and open spaces applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additions are made with respect thereto.

Section 2204: PERMITTED HEIGHT, FLOOR AREA AND AREA COVERAGE. The provisions applying to height, floor area and lot area coverage applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additional limitations are made with respect thereto.

Section 2205: OFF-STREET PARKING AND LOADING AREA REQUIREMENTS. The requirements for provision of off-street parking and loading areas applicable to the particular use shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additional requirements are made with respect thereto.

ARTICLE 23

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

USE

Section 2300: FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE. The foregoing regulations pertaining to the several classifications shall be subject to the general provisions, conditions and exceptions contained in this Article.

Section 2301: LIMITATIONS ON LAND USE. Except as provided in this Article and Articles 24, 25, 26 and 27, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the zone in which such building or land is located.

Section 2302: INDIVIDUAL LOT OR BUILDING-SITE IS UNIT OF APPLICATION. Unless otherwise specifically stated in this resolution, an individual lot or building site as each is defined herein is intended to be the unit to which all of the provisions, requirements, permitted uses, yards and open spaces apply.

Section 2303: IF ONLY ONE BUILDING *SITE, IT CONSTITUTES A MAIN BUILDING. Any building which is the only building on a lot or building site is a main building unless otherwise authorized by variance. No accessory building or use is allowed on a lot or building site unless the primary use to which it is accessory exists on the same lot or building site.

Section 2304: CLASSIFICATION OF UNLISTED USES AND CLARIFICATION OF AMBIGUITY. In creating use classifications, the Board has considered the characteristics of uses which make them comparable, compatible or similar. The Board recognizes that it is not possible to enumerate and classify every use to which land may be devoted, either now or in the future, and that ambiguity may exist with reference to the appropriate and *classification of a use. Therefore:

(1) When any known and identifiable use, which is not listed as a permissible use in any classification; or

(2) When any use which has now come into existence by reason of any technical development in the trades, sciences and equipment; or

(3) When any use already listed in the classification which, because of any process, equipment or materials used, possesses different performance standards than those which are usually associated with the uses in the classification as presently classified and which, therefore, makes it reasonable that such a use should be placed in the more restrictive classification, it shall be the responsibility and duty of the Planning Department to ascertain all pertinent facts relating to any such use and make what it deems to be the appropriate recommendation for classification. Any proceedings under this section shall be processed as an amendment.

Section 2305: POTENTIAL ZONES. Areas shown upon the zoning map enclosed within a heavy dashed line indicate approximate locations considered to be potentially suitable for uses permitted in the classification indicated by the symbol enclosed within a circle therein and provided such areas are initially designed or redesigned for such uses. The uncircumscribed symbols shown within such areas on the zoning map represent the classification of such properties until they are processed as set forth herein.

The designation of a potential zone is based upon a recognition of the suitability of the location for the type of use indicated by the circumscribed symbol and the impracticability of precisely zoning such property for the indicated future types of use until such lands are designed and planned for such use in detail so as to establish location and dimensions of any parking areas, building sites and similar features pertinent to zoning and the possible location, dimensions and alignment of streets, alleys and other public facilities.

Such potential zones shall be shown on and be a part of the zoning map and may be adopted or amended in the manner prescribed for amendments.

Section 2306: RECLASSIFICATION OF POTENTIALLY ZONED AREAS. The owner of an area identified on the zoning map as potentially zoned may initiate a change to the classification indicated by filing an application for an amendment together with an application for approval of a planned unit development in the manner prescribed in Article 27.

Hearings for the reclassification and planned unit development of the property shall be separately noted in the public notice, but may be held concurrently, and action on each shall be taken separately.

Section 2307: OFFICIAL SIGNS AND NOTICES NOT RESTRICTED. Notwithstanding any other provisions of this resolution regulating the size, type and location of signs, the following signs are permitted to locate in any zone:

(1) Signs used exclusively for:

(a) display of official notices used by any Court, Public Body or official,

* (1) On a lot or building
* (2) consistent

or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice;

(b) official directional, warning or informational purposes of a public or semi-public nature established and maintained by an official body.

Section 2308: TEMPORARY CONSTRUCTION BUILDINGS. Temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with construction projects may be established and maintained during the progress of such construction on such projects, and shall be abated within thirty (30) days after completion of the project, or thirty (30) days after cessation of work.

Section 2309: TEMPORARY CONSTRUCTION SIGNS. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress and shall be abated within thirty (30) days after completion of the project or thirty (30) days after cessation of work.

Section 2310: TEMPORARY REAL ESTATE OFFICE. One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the initial selling of property within the subdivision upon which the office is located.

Section 2311: TEMPORARY REAL ESTATE SIGNS. Two temporary realestate signs or billboards pertaining to the advertising of the initial sale of property within the subdivision not to exceed fifty (50) square feet in area per face, or one (1) sign or billboard not to exceed an area of one hundred fifty (150) square feet of face may be located on any new subdivision in any zone.

Section 2312: TEMPORARY USE OF TRAILER AS RESIDENCE. After a building permit has been issued and a residence is in the process of being constructed, a trailer as defined herein may be located upon a site for the temporary use by the owner of such property as a residence for a period of six (6) months, provided such trailer remains mobile and provided further that a permit is obtained from the building department to insure compliance with this code as to yards and to local health department requirements. In cases where substantial progress is shown on the construction of the residence and additional time is needed to complete the work, a permit may be renewed for one additional six (6) month period. Upon the expiration of the permit, the use of the trailer as a residence shall be discontinued.

Section 2313: PUBLIC UTILITIES. The provisions of this resolution shall not be construed to limit or interfere with the installation, maintenance and operation of streets, public utility pipe lines, electric or telephone transmission and distribution lines, poles, towers and appurtenances or railroads (but not including switching yards or round houses) when located within the rights-of-way, easements, franchises, ownerships or license rights of such public utilities.

The minimum lot area and frontage provisions of this resolution shall not apply to public utility sites; the area and frontage need only be such as will accommodate the facilities in compliance with all other requirements herein.

ARTICLE 24
GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS
HEIGHT, YARDS, AREA AND OPEN SPACES

Section 2400: FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE. The foregoing regulations shall be subject to the general provisions, conditions and exceptions contained in this Article.

Section 2401: HEIGHT OF BUILDINGS ON THROUGH LOTS. On through lots divided by a zone boundary line, said line shall be considered a property boundary line for purposes of determining the permitted height on the building site.

Section 2402: HEIGHT OF STRUCTURES AND ROOF STRUCTURES. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, church steeples and belfries, wireless masts, utility line towers and poles, and similar structures; silos, barns, windmills and equipment used in harvesting agricultural and forest products may be erected above the height limits of this resolution, provided however no penthouse or roof structure, or any other space above the height limit prescribed for the zone in which the building or structure is located shall be allowed for the purpose of providing additional floor space.

Section 2403: YARD AND OPEN SPACE REGULATIONS. Except as may be otherwise provided in this Resolution, every required yard and open space shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this resolution shall be considered as providing a yard or open space for any other building, and no yard or open space on any lot or parcel shall be considered as providing a yard or open space on an adjoining lot or parcel whereon a building is to be erected.

Section 2404: GREATER YARD AND OPEN SPACE REQUIREMENTS INCLUDE MINIMUM REQUIREMENTS. Wherever in this resolution a particular use, or a building in connection with a particular use, is specifically required to maintain a distance from any boundary property line or other building or buildings on the site greater than the minimum standard required yard or open space set forth for the zone, such greater distance is intended to apply only to the particular building, buildings, or use involved and the standard required minimum yards and open spaces required for the zone (if any) shall be included as a part of the greater required distance or open space for the specified building, buildings or use.

Section 2405: MODIFICATION OR ADJUSTMENT OF SIDE YARD REQUIREMENTS ON CONSOLIDATED LOTS OR OVERSIZE BUILDING SITES. When the common property line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building-site and the yard spaces required by this resolution shall then not apply to such common property line.

Section 2406: YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two or more buildings are, by definition of this resolution, considered to be main buildings, then the front yard requirements shall apply only to the building closest to the lot front line.

Section 2407: METHOD FOR DETERMINING MODIFICATION OF REQUIRED FRONT YARD ON STEEP LOTS. On any lot where the natural gradient or slopes, as measured from the lot front line along the center line of the lot for a distance of sixty (60) feet is in excess of thirty-five (35) percent, then the required front yard may be reduced one (1) foot for each one (1) percent of gradient or slope in excess of thirty-five (35) percent.

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Section 2408: MODIFICATION OF REQUIRED FRONT YARDS WHERE NONCONFORMITIES EXIST.

(1) The depth of required front yards on unimproved lots may be modified when any of the following circumstances apply:

(a) when the unimproved lot or lots are located between lots having nonconforming front yards;

(b) when the unimproved lot or lots are located between a lot having a nonconforming front yard and a lot having a conforming front yard;

(c) when the unimproved lot or lots are located between a lot having a nonconforming front yard and a vacant corner lot; and

(d) where a vacant corner lot or reverse corner lot adjoins a lot having a nonconforming front yard.

(2) A nonconforming front yard shall be deemed to be an area between the lot front line and the portion of the main building closest to it, which area is less in depth than that defined by this resolution as constituting a required front yard. On a lot having a nonconforming front yard the degree of nonconformity to be credited in making the adjustment shall in no instance exceed sixty (60) percent of the front yard depth required on the nonconforming lot, such percentage to be measured from the rear line of the required front yard on such lot toward the lot front line.

(3) The rear line of the modified front yard on the unimproved lot or lots as referred to in the foregoing paragraph (2) shall be established in the following manner:

(a) on lots having nonconforming front yards a point shall be established at the intersection of the line determining the depth of the lot with a line coincident with the front of the building causing the nonconforming condition;

(b) on lots having conforming front yards or on a vacant corner lot, a point shall be established at the intersection of the line determining the depth of the lot with the rear line of the required front yard;

(c) a straight line shall be drawn from such point of intersection on the lot with the nonconforming front yard across any intervening unimproved lot or lots to a point established on the next lot in either direction as set forth in paragraphs (a) and (b) above; and

(d) the depth of the modified front yard on any lot traversed by the straight line defined in (c) above shall be established by the point where said straight line intersects the line constituting the depth of each such intervening lot.

(4) When an unimproved corner lot or reverse corner lot adjoins a lot having a nonconforming front yard, the front yard on the corner lot or reverse corner lot may be the same as that on the adjoining lot, provided the placement of the buildings does not interfere with the required vision clearance at the corner formed by the intersection of the streets.

Section 2409: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-STREETS OR STREETS DESIGNATED BY AN OFFICIAL CONTROL. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the street were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width plus the width or depth of the yards required on the lot by this resolution, if any. This section applies to all zones.

Where an official control adopted pursuant to law includes plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of yards, where required by this resolution, shall be measured from the future street boundaries as determined by said official control.

Section 2410: MEASUREMENT OF FRONT YARDS. Front yard requirements shall be measured from the property front line or the indicated edge of a street for which an official control exists, except as provided in Section 2409.

Section 2411: VISION CLEARANCE, CORNER AND REVERSE CORNER LOTS. All corner lots and reverse corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area one angle of which shall be formed by the lot front line and the side line separating the lot from the street, and the sides of such triangle forming the corner angle shall each be fifteen (15) feet in length measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two mentioned points which are distant fifteen (15) feet from the intersection of the lot front and side lines, and within the area comprising said triangel no tree, nor any fence, shrub or other physical obstruction higher than forty-two (42) inches above the established grade shall be permitted.

Section 2412: PERMITTED INTRUSIONS INTO REQUIRED YARDS. The following may project into required yards:

(1) fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is a part - eighteen (18) inches into any yard;

(2) uncovered porches and platforms which do not extend above the floor level of the first floor - eighteen (18) inches into sideyards and six (6) feet into the front yard, provided they may extend three (3) feet into the side yard when they do not exceed eighteen (18) inches in height above the finished grade; and

(3) planting boxes or masonry planters not exceeding forty-two (42) inches in height in any required front yard.

Section 2413: LOCATION OF SWIMMING POOLS. In any zone, a swimming pool may not be located in any required front yard, nor closer than five (5) feet to any property line or to any building on the same premises.

Section 2414: LOCATION OF WALL, FENCE OR HEDGE. In any "R", "S" and "A" zones a wall or hedge is permitted under the following conditions:

(1) where a fence or hedge is located directly on the ground, the height of the fence shall be the vertical distance from the top board, rail or wire to the ground directly below the fence; where a masonry wall is used as a fence, the height shall be the vertical distance from the top surface of the wall to the ground on the high side of the wall;

(2) in any zone a wall, fence or hedge not more than forty-two (42) inches in height may be located and maintained on any part of a lot; in any "S" or "A" zones, open mesh and wire fences not exceeding six (6) feet in height may be located anywhere on the lot;

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(3) on interior lots a wall, fence or hedge not exceeding six (6) feet in height may be located on any lot line to the rear of the rear line of the required front yard, provided where a lot rears upon an alley any such wall, fence or hedge along the lot rear line shall contain a gate affording access to the alley;

(4) on corner lots a fence, wall or hedge not exceeding six (6) feet in height may be located on the lot interior side line to the rear of the rear line of the required front yard, and on the lot rear line except that along the portion of the lot rear line constituting the width of the required side yard on the side street side, the wall, fence or hedge shall not exceed a height of forty-two (42) inches; on the side street side of a corner lot a wall, fence or hedge exceeding forty-two (42) inches in height shall observe the required side yard;

(5) on reverse corner lots a wall, fence or hedge not exceeding six (6) feet in height may be located on the lot interior side line to the rear of the rear line of the required front yard; if the lot rears upon an alley, a wall, fence or hedge not exceeding six (6) feet in height may be located on the lot rear line except that along the portion of the lot rear line constituting the width of the required side yard on the side street side, such wall, fence or hedge shall not exceed a height of forty-two (42) inches; on the side street side, a wall, fence or hedge exceeding forty-two (42) inches in height shall observe the required side yard;

(6) where a retaining wall protecting a cut below the natural grade is located on the line separating lots or parcels, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed, and the top of the retaining wall shall be considered the bottom of the fence;

(7) where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a wall, fence or hedge, and shall be measured from the ground on the low side, provided that in any event a protective fence not more than forty-two (42) inches in height may be erected at the top of the retaining wall and any portion of such fence above the six (6) foot maximum height shall be an open-work fence; an open-work fence means a fence in which the component solid portions are evenly distributed and constitute not more than fifty percent (50%) of the total surface area of the face of the fence;

(8) electric fences shall not be permitted in any "R" zone;

(9) no fence shall be located in any public right-of-way;

(10) any fence exceeding a height of six (6) feet, and any retaining wall exceeding a height of forty-eight (48) inches shall require a building permit; the provisions and conditions of this section shall not apply to fences required by State Law to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds.

Section 2415: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side yard upon which multiple or row dwellings front shall be not less than ten (10) feet. Open, unenclosed porches not extending above the floor level of the first floor may project a distance of not more than three (3) feet into the side yard upon which such dwellings front.

Section 2416: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS REAR UPON A SIDE YARD. Where multiple or row dwellings are arranged so that the rear of such dwellings abut a side yard, and such dwellings have openings onto such side yard used as secondary means of access to such dwellings, the required side yard to the rear of such dwellings shall be increased by one (1) foot for each opening onto such side yard.

Section 2417: YARD REQUIREMENTS ON THROUGH LOTS. If a through lot is improved as one building site, the main building shall conform to the requirements of the zone of the frontage occupied by such main building, and in "R" and "S" zones no accessory building shall be located closer to either street than the distance constituting the required front yard on such street, and required side yards shall extend the full depth of the lot.

If a through lot is divided by a zone boundary line, said line shall be considered a property boundary line for purposes of determing the required yards and open spaces.

Section 2418: LOT AREA NOT TO BE REDUCED. The lot area of any lot recorded prior to the effective date of this resolution shall not be so reduced or diminished that the area, width, yards or other open spaces shall be less than prescribed by this resolution for the zone in which the property is located, nor shall the number of dwelling units be increased in any manner except in conformity with the regulations established by this resolution. In multiple lot subdivisions recorded subsequent to the effective date of this resolution, the minimum lot area requirement for each lot in the subdivision shall be deemed to have been conformed to if the average lot areas for all lots in the subdivision meet the minimum requirements set forth in the classification applying to the property.

Section 2419: DIVIDING AN IMPROVED BUILDING-SITE AREA PROHIBITED. When a single lot or parcel contains twice the minimum required lot area or more for the zone in which it is located, and the total area of the site has been used to compute the number of dwelling units to be located thereon, the building or buildings which contain dwelling units shall be so located on the property as to cover, at least in part, any line that would represent a property line between two or more parcels that could result from an otherwise legal division of the original lot or parcel, and thereafter no property shall be alienated from the building-site which would reduce the total required area of the site upon which the number of dwelling units located thereon was based.

Section 2420: GREATER YARDS AND OPEN SPACES NOT TO BE ALIENATED. Where a greater height of buildings has been accomplished by reason of providing increased yards or open spaces, no property may be alienated from the lot or building-site which would reduce the yards or open spaces provided to compensate for the greater height of the building, nor which would reduce the total required minimum area of the site upon which area the permitted floor space contained in such building was based.

Section 2421: GREATER LOT AREA MAY BE REQUIRED. Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a planned unit development as provided in this resolution.

Section 2422: SUBSTANDARD LOTS. When a lot or parcel has less than the minimum required area or width as established by the zone in which such lot or parcel is located, and such lot or parcel was of record as a legal building site on the effective date of this

resolution, there may be one (1) dwelling unit located on such lot for each unit of required minimum lot area per dwlling unit contained therein as required by the zone in which the property is located, provided all yard and open space requirements of the zone are observed. A single-family dwelling may be erected on any substandard lot which was of record as a legal building site on the effective date of this resolution provided such use is permitted in the zone.

Section 2423: SUBSTANDARD LOTS MAY BE COMBINED. Two (2) or more substandard lots or fractions of lots, or a standard lot and substandard lot or fraction of lots may be consolidated into a single building site, provided the total area of such consolidated lots is less than twice the required minimum lot area of the zone in which the property is located. A single building may be erected on such consolidated site containing as many dwelling units as would be permitted if each substandard lot or fraction of a lot were improved individually, or as many dwelling units as the consolidated lot contains units of required minimum lot area per dwelling unit, whichever is the greater. No portion of the consolidated building site shall thereafter be alienated which would reduce the area upon which the number of dwelling units allowed thereon was based.

Section 2424: USE OF LOTS OR PARCELS CONTAINING MORE THAN MINIMUM REQUIRED LOT AREA. Except in the "A" zone, when a lot contains two or more times the minimum lot area required for the zone in which the lot is located, and the owner desires to use each unit of area equivalent to the minimum lot area as a separate building-site, provided not more than four (4) such units result, and no dedication of streets, alleys or other public ways are involved, such area units may be so utilized only after approval of the lot division as prescribed in the subdivision code. When such units are thus defined, then all of the provisions of this resolution governing the use of a lot in the zone in which such property is located shall apply thereto.

ARTICLE 25

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

LOADING AREA REQUIREMENTS

OFF-STREET PARKING REQUIREMENTS

Section 2500: FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE. The foregoing regulations shall be subject to the provisions, requirements, conditions and exceptions contained in this Article and Resolution No. 23316; provided the provisions of this article and resolution and the provisions of Resolution 23316, shall not apply to parking and loading areas and facilities not open to or used primarily by the general public, which areas and facilities are specifically excepted from said provisions; provided, however, that such areas and facilities shall be subject to the provisions of Section 2501 insofar as the number of loading spaces are concerned and Section 2503.

Section 2501: REQUIRED LOADING AREAS. Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment or any similar use, which has, or is intended to have an aggregate gross floor area of ten thousand (10,000) square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square feet of aggregate Gross Floor Area	Required number of berths
10,000 up to and including 16,000	1
16,001 up to and including 40,000	2
40,001 up to and including 64,000	3
64,001 up to and including 96,000	4
96,001 up to and including 128,000	5
128,001 up to and including 160,000	6
160,001 up to and including 196,000	7
For each additional 36,000	1 additional

Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or any similar use, which has or is intended to have an aggregate gross floor area of forty thousand (40,000) square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of aggregate Gross Floor Area	Required number of berths
40,000 up to and including 60,000	1
60,001 up to and including 160,000	2
160,001 up to and including 264,000	3
264,001 up to and including 388,000	4
388,001 up to and including 520,000	5
520,001 up to and including 652,000	6
652,001 up to and including 784,000	7
784,001 up to and including 920,000	8
For each additional 140,000	1 additional

Each loading space shall measure not less than thirty (30) feet by twelve (12) feet, and shall have an unobstructed height of fourteen (14) feet six (6) inches and shall be made permanently available for such purpose, and shall be surfaced improved and maintained as required by Resolution No. 23316. Such facilities shall be so located that trucks using same shall not interfere with areas reserved for off-street parking nor project into any public right-of-way, and shall be adjacent to the building to be served thereby. If the loading space is incorporated within a building, as to location, the requirements of this section shall not apply.

Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space.

Section 2502: REQUIRED OFF-STREET PARKING. Every building hereafter erected shall be provided with parking spaces as required in this Article, and such parking space shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds.

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Section 2503: PARKING SPACES REQUIRED. The amount of off-street parking required shall be no less than as set forth in the following:

(1) For any use locating in the B-N or B-C zones, parking facilities shall be provided on the basis of one (1) parking space for each two hundred (200) square feet of total floor area within all buildings to be served thereby.

(2) For any use locating in a C-G zone, parking facilities shall be provided on the basis of one (1) parking space for each two hundred (200) square feet of total floor area within all buildings to be served thereby.

(3) For any use (except warehousing) locating in the "M-L", "M-H" and the "M-P" zones parking facilities shall be provided on the basis of one (1) parking space for each one thousand (1,000) square feet of total floor area within all buildings to be served thereby, or on the basis of one (1) parking space for each three (3) employees on the maximum working shift whichever results in the most parking spaces.

(4) The following uses, wherever located, shall provide off-street parking facilities as follows:

(a) Bowling alleys	5 parking spaces per alley
(b) Churches	1 parking space for each 5 seats in the principal place of assembly for worship, including balconies and choir loft. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than 20 lineal inches of pew or bench length per seat. If there be no fixed seats, then 1 parking space for each 40 square feet of gross floor area in such principal place of assembly or worship shall be provided
(c) Community Clubs and Community Recreational Centers	1 parking space for each employee and 1 parking space for each 40 square feet of gross floor area used for assembly purposes
(d) Dance halls	1 parking space for each 40 square feet of gross floor area
(e) Dwellings	
Single family	2 parking spaces
Duplex - two family Multiples	1½ parking spaces per dwelling unit. Where the total quota results in a fraction, the next highest full unit shall be provided
(f) Heliports, helistops with scheduled service	1 parking space for each 5 employees and 5 parking spaces for each touchdown pad
(g) Hotels	1 parking space for each bedroom
(h) Hospitals	1 parking space for each bed
(i) Libraries, when located on publicly owned sites	1 parking space for each 250 square feet of gross floor area
(j) Lodges, containing sleeping quarters; fraternity, sorority and group student housing	1 parking space for each 2 sleeping rooms or 1 parking space for each 4 beds whichever is greater
(k) Medical-dental offices and clinics	1 parking space for each 200 square feet of gross floor area
(l) Mortuaries	1 parking space for each 40 square feet of floor area
(m) Motels	1 parking space for each sleeping unit or dwelling unit
(n) Museums	1 parking space for each 250 square feet of gross floor area
(o) Pleasure craft moorage	1 parking space for each 2 moorage stalls
(p) Rest homes, nursing and convalescent homes; homes for retired and childrens institutions	1 parking space for each 4 beds
(q) Rooming and boarding houses	1 parking space for each 2 sleeping rooms or 1 parking space for each 4 beds whichever is greater
(r) Sanitariums	1 parking space for each bed
(s) Schools, elementary and junior high, public, private or parochial	1 parking space for each employee and each faculty member
(t) School, high, public, private or parochial	1 parking space for each 50 students and 1 parking space for each employee and each faculty member. Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to school parking requirement
(u) Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches) and clubs and lodges having no sleeping quarters	1 parking space for each 3 fixed seats in all parking-generating areas used simultaneously for assembly purposes. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than 20 lineal inches of pew or bench length per seat. If there be no fixed seats, there shall be provided 1 parking space for each 40 square feet of gross floor area used for assembly purposes

(v) Storage and warehousing, comprising only activity on premises	1 parking space for each 2 employees on maximum working shift
(w) Terminals freight	1 parking space for each 2 employees on maximum working shift
passenger	1 parking space for each 100 square feet of waiting room area
(x) Theatres	1 parking space for each 3 seats

The parking requirements for a use not provided for in this section shall be determined in the manner set forth in Section 2304 of this resolution, and such determination shall be based upon the requirements for the most comparable use specified herein.

Section 2504: PARKING REQUIREMENTS FOR COMMON FACILITIES. Common parking facilities for two (2) or more buildings or uses may be provided in lieu of the individual requirements contained herein, provided:

(1) The total of such off-street parking facilities, when used together, shall not be less than the sum of the required parking facilities for the various uses computed separately, unless the combined parking area is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two or more participating uses may be reduced not more than ten percent (10%).

Section 2505: GENERAL REQUIREMENTS ON SIZE AND LOCATION OF PARKING SPACES.

(1) Size of parking spaces: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of drives and aisles, and a width of not less than nine (9) feet. Each such space shall be provided with adequate ingress and egress.

(2) Location: Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the nearest building that such facility is required to serve:

(a) for single-family, two-family and medium-density multiple dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve and at least one space per dwelling unit shall be so located that it may be enclosed within a building;

(b) for high-density and maximum-density multiple dwellings, the parking facilities shall be located on the same site as the dwellings they are required to serve, but need not be located where they may be enclosed within a building;

(c) for churches located in an RS, RD-3,600 or RM-2,400 zones, parking facilities shall be located on site; for churches located in any other zone, parking facilities shall be located not farther than one hundred fifty (150) feet and not in an RS zone;

(d) for hospitals, sanitariums, homes for the aged, asylums, orphanages, rooming houses, lodging houses and club rooms, parking facilities shall be located not farther than one hundred fifty (150) feet, but not in any RS, RD-3,600 or RM-2,400 zone;

(e) for uses other than those specified, parking facilities shall be located not over three hundred (300) feet; and

(f) in "R" zones no motor vehicle or trailer of any kind may be parked or stored in any required yard or open space other than on a driveway.

Section 2506: REQUIRED IMPROVEMENT, SCREENING AND MAINTENANCE OF PARKING AREAS AND VEHICLE SALES AREAS. Every lot used as a public parking area and having a capacity of five (5) or more vehicles, and vehicle sales areas, trailer sales areas and boat sales areas, shall be developed, improved and maintained as required by Resolution No. 23316 "Off-Street Parking Plans and Specifications".

Section 2507: PLANS REQUIRED. Prior to the issuing of a building permit for any new building or structure, or for the enlargement of the floor area of an existing building or structure the use of either of which requires off-street parking facilities to be provided as set forth in this resolution, or if a parking area is to be jointly used, a plan of the parking area clearly indicating the number of parking spaces being provided and the proposed development of such area including location of the spaces, the size, shape, design, relationship to buildings to be served, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking facility, shall be approved by the County Engineer.

Section 2508: SURETY BOND REQUIRED. Before a building permit is issued for any building or structure for which this resolution requires off-street parking facilities and where such parking facilities are not to be contained within the building for which the building permit is requested, the applicant shall provide the County Engineer with a surety bond or other sufficient security guaranteeing to the County the installation and improvement of the required parking facilities within not to exceed six (6) months following the completion of the building or buildings for which such facilities are to be provided.

Section 2509: PARKING PROVISIONS MAY BE WAIVED BY BOARD OF ADJUSTMENT. The Board of Adjustment may, by formal action, waive or modify the requirements set forth herein establishing the amount of required parking areas for uses such as electrical power generating plants, electrical transmission stations, utility storage yards or other uses involving very limited number of employees or which do not require personnel in daily attendance for operation and maintenance.

ARTICLE 26

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

NONCONFORMING BUILDINGS AND USES

Section 2600: FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE. The foregoing regulations shall be subject to the general provisions, conditions and exceptions contained in this Article.

Section 2601: PROVISIONS OF THIS ARTICLE TO APPLY TO NONCONFORMING USES AND BUILDINGS RESULTING FROM CLASSIFICATION, RECLASSIFICATION, VARIANCES AND CONDITIONAL USE PERMITS. The provisions of this Article shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this resolution

to them, or from classification or reclassification of the property under this resolution or any subsequent amendments thereto. If a use originally authorized by a variance, conditional use permit or other valid use permit prior to the effective date of this resolution is located within a zone in which such use is not permitted by the terms of this resolution, such use shall be a nonconforming use. Uses validly established prior to the effective date of this resolution shall not be deemed nonconfoming only because of failure to secure a conditional use permit required under this resolution.

Section 2602: UPON REMOVAL OR DESTRUCTION OF NONCONFORMING BUILDINGS FUTURE BUILDINGS AND USES SHALL CONFORM. If any nonconfoming building is destroyed, or removed, every future use of land on which the building was located shall conform to the provisions of this resolution.

Section 2603: RECONSTRUCTION OF BUILDINGS PARTIALLY DESTROYED OR DAMAGED. A nonconforming building damaged or partially destroyed to the extent of not more than fifty (50) percent of its market value at the time of its destruction by fire, explosion or other casualty or Act of God or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction or damage may be continued subject to all other provisions of this Article.

Section 2604: NONCONFORMING BUILDINGS, STRUCTURAL ALTERATIONS OR ENLARGEMENTS.

(1) Unless otherwise specifically provided in this resolution, nonconforming buildings may not be enlarged or structurally altered unless an enlargement or structural alteration makes the building more conforming, or is required by law; however, where a building or buildings and customary accessory buildings are nonconforming only by reason of substandard yards, open spaces, area or height, the provisions of this resolution prohibiting structural alterations or enlargements shall not apply, provided any structural alterations or enlargements of an existing building under such circumstances shall not increase the degree of nonconformity and any enlargements or new buildings and structures shall observe the yards and open spaces required.

(2) Structural alterations may be permitted if necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement necessary to adapt to new technologies shall be authorized only by a variance.

(3) Upkeep, repairing and maintenance of nonconforming buildings is permitted.

Section 2605: REQUIRED CONFORMANCE OF EXISTING USES REQUIRED TO BE IN ENTIRELY ENCLOSED BUILDING. Where this resolution requires a use to be contained within an entirely enclosed building as such term is defined herein, and a use existing on the effective date of this resolution is not in an entirely enclosed building, the building or structure containing such use shall be made to conform to the requirements of this resolution with respect to such enclosure within a period of not more than three (3) years from the date of notification as required in Section 2612.

Section 2606: REQUIRED CONFORMANCE TO EXTERIOR IMPROVEMENTS. Where a use exists on the date this resolution becomes effective and such use is nonconforming only because it does not meet the requirements of this resolution with respect to improvement of outside areas used for storage, parking or outside activities, or if the property on which any use is located has a property line common with "R" classified property and no wall, fence or hedge exists on such property line where required by this resolution, such use shall be made to conform to the requirements of this resolution with respect to such features within a period of not to exceed two (2) years from the date of notification as required in Section 2612.

Section 2607: CONTINUATION OF NONCONFORMING USE IN A NONCONFORMING BUILDING. A nonconforming use in a nonconforming building may be continued, and may be expanded or extended throughout such building so long as such nonconforming building remains nonconforming, provided no structural alterations or additions are made except those that may be required by law or which are herein specifically permitted. A nonconforming use in a nonconforming building may be changed to another use of the same or more conforming classification.

The permission to continue the nonconforming use in a nonconforming building shall not apply where the building is nonconforming only by reason of substandard yards, open space, area or height, in which case the use shall be abated in the same manner as provided in Section 2610, "Abatement of Nonconforming Use of Conforming Buildings".

Section 2608: ABATEMENT OF NONCONFORMING USE OF LAND, BUILDINGS AND STRUCTURES. The nonconforming use of land, buildings or structures shall be abated if any of the following circumstances apply and subject to the conditions therein:

(1) Any nonconforming use not involving a building or structure as defined by this resolution or involving a building or structure which has an assessed value of less than one hundred (100) dollars on the date of notification, shall be completely removed or made to conform within one (1) year from the date of notification as required by Section 2612.

(2) Any nonconforming use of land involving a building or structure as defined by this resolution which building or structure has an assessed value of more than one hundred (100) dollars but less than three hundred (300) dollars on the date of notification shall be completely removed or made to conform within two (2) years from the date of notification as required by Section 2612.

(3) Any nonconforming structure which is not a building, and which has an assessed value of more than three hundred (300) dollars on the date of notification shall be completely removed or made to conform within five (5) years from the date of notification as required by Section 2612.

Section 2609: NONCONFORMING CHURCHES MAY ALTER OR EXPAND. Nonconforming churches may be structurally altered or enlarged, provided the requirements of this resolution for off-street parking shall be met and maintained for any seating capacity in excess of that which existed immediately prior to the alterations or addition, whether provided by additional seats in the nave or by additional floor space to be used simultaneously for assembly purposes if there be no fixed seats.

Section 2610: ABATEMENT OF NONCONFORMING USE OF CONFORMING BUILDING.

(1) In "R", "S" and "A" zones. Every nonconforming use of a conforming building in any of the "R", "S" or "A" zones shall be discontinued within three(3) years from the date of notification as provided in Section 2612.

(2) In "B" zones. Every nonconforming use of a conforming building in the B-N and B-C zones which use is first permitted in an "M-L" or "M-H" zone shall be discontinued within ten (10) years from the date of notification as provided in Section 2612.

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Section 2611: RESIDENCES AND DWELLING UNITS IN "B", "C" and "M" ZONES NONCONFORMING Residential buildings and buildings containing dwelling units on the ground floor existing in "B","C"and "M" zones on the effective date of this resolution shall be considered as nonconforming buildings but, as such, shall be subject only to those provisions of this Article pertaining to abatement which provide that a nonconforming building removed or destroyed shall not be replaced by other than a conforming building, that the nonconforming building may not be enlarged or expanded unless such enlargement or expansion makes the building more conforming, and that the degree of nonconformity may not be increased by changing to a less restricted residential use.

Section 2612: NOTICE OF ABATEMENT OR REQUIRED CONFORMANCE. When any nonconforming condition exists which is subject to abatement, it shall be the responsibility of the Director of Planning to ascertain the date upon which the nonconforming use was established or acquired. The Director of Planning shall notify the owner and lessee of the subject property of the intent to consider the matter and the date of such consideration. The Director shall consider all pertinent data in connection therewith and provide the opportunity for the owner or lessee to present such evidence which properly relates to such case. The Director shall establish the facts upon which the determination is made to require such property owner to abate or make the use conforming, and shall formally notify the owner of record and the occupant in writing of the decision and of the date by which such use or uses shall be abated or made conforming. Such formal notification shall be by certified mail to the property owner and a copy mailed to the occupant at the address of the premises. Determination made under this section is subject to the appeal provisions of Section 2806.

Not more than ten (10) days from the final date by which an appeal may be filed with the Board of Adjustment, or not more than ten (10) days following the date of a determination by the Board of Adjustment on an appeal, the Planning Agency shall cause the final decision in the matter to be recorded with the County Auditor, identifying in such record the property to which such action applies.

Section 2613: BOARD OF ADJUSTMENT MAY EXTEND TIME OF ABATEMENT ON CERTAIN USES. The Board of Adjustment may, upon the filing of an application therefor, upon a showing of unusual hardship extend the time of abatement or required conformance of a nonconforming use of land wherein no structure or building is involved, or of accessory buildings and structures in connection with the nonconforming use of open land, or the nonconforming use of a conforming building.

ARTICLE 27
PLANNED UNIT DEVELOPMENT

Section 2700: PURPOSE OF PLANNED UNIT DEVELOPMENT. Wherein the zoning map establishes only zone boundaries and the text of this resolution establishes the permitted use of land in the various zones and the conditions applicable to such use, and wherein all of the provisions, conditions and requirements set forth in this resolution are in general, designed to apply to individual lots and minimum area parcels, a planned unit development, as the term is employed in this resolution has the following purposes:

(1) To produce a development which would be as good or better than that resulting from the traditional lot by lot development, by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;

(2) To correlate comprehensively the provisions of this and other resolutions and codes of the County, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area;

(3) To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while at the same time, maintaining substantially the same population density and area coverage permitted in the zone in which the project is located;

(4) To permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape;

(5) To change areas indicated on the zoning map as potentially classified into actual classifications as set forth in Article 23.

Section 2701: INITIATION OF PLANNED UNIT DEVELOPMENT PROJECTS. Planned unit development projects may be initiated by:

(1) The owner of all the property involved, if under one ownership, or;

(2) An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there be more than one owner, or;

(3) A governmental agency.

Section 2702: PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT PROJECTS. The approval of a planned unit development shall be by the Board upon recommendation of the Planning Commission subject to the provisions of Articles 29 and 30. A preliminary development plan shall be submitted to the Planning Commission for approval; before such approval, the Commission shall determine that such plans comply with the development policies of the comprehensive plan, the purpose of this resolution, and provisions of this Article. Such preliminary approval or subsequent revision shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern, but shall not be construed to render inflexible the ultimate design, specific uses or final plan of the project.

The petitioner shall within one (1) year of the date of the preliminary approval submit a final development plan of the proposed development for approval by the Planning Commission. The plan will, if approved, constitute a limitation on the use and design of the site.

The planned unit development resulting from the application of the provisions of this section shall be made a part of the zoning map and identified thereon by appropriate reference to the detailed planned unit development map and explanatory text (if any) either by number or by symbol.

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Section 2703: EXPIRATION. Upon the abandonment of a particular project authorized under this article or upon the expiration of three (3) years from the final approval of a Planned Unit Development which has not by then been completed (or commenced with an extension of time for completion granted), the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the planned unit development is located.

Section 2704: FORM OF AND CONTENTS OF APPLICATIONS AND TYPES OF INFORMATION REQUIRED. The Planning Agency shall prescribe the form on which applications are made for planned unit development projects. It may prepare and provide blanks for such purpose and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of information given by the signature of the applicant attesting thereto.

There shall be included as a part of the application an accurate map drawn to a scale of not less than one hundred (100) feet to the inch showing the boundaries of the site, names and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed location and dimensions of "open space", if any, within the site; proposed public dedications, if any, within the site; location, dimensions and design of off-street parking facilities showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals and shore lines and existing topographic contours at intervals of not more than five (5) feet together with proposed grading, drainage and landscaping.

The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular non-residential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

If the planned unit development contains any area that may require acquisition for public purposes such as opening and widening of streets or alleys, such features in addition to being indicated on the planned unit development map, shall also be shown in exact detail on a separate map to be processed and adopted in the manner prescribed for adoption of official controls. Such official control shall be identified in the official controls related to such elements of the comprehensive plan as involve the identification and preservation of future rights-of-way for public thoroughfares or areas for other public uses. Provided, however, in lieu thereof or in combination with such official controls a plat may be filed and processed as required by the subdivision regulations. Hearings on the planned unit development, the official control, plat and reclassification, if involved, shall be separately noted in the public notice of hearing, but may be held concurrently, and action on each shall be taken separately.

Section 2705: PERMITTED LOCATION OF PLANNED UNIT DEVELOPMENT PROJECTS.

(1) Residential planned unit development projects may locate only in "RS", "RD", "RM", "SE" AND "SR" zones when processed and authorized as provided herein;

(2) Planned unit developments for other than residential uses may locate only in zones first permitting the heaviest use locating on the premises;

(3) The site shall abut, and the major internal street serving the planned unit development project shall be functionally connected to, at least one (1) major or secondary trafficway as defined by the comprehensive plan.

Section 2706: REQUIRED MINIMUM SITE AREA. A planned unit development project in "R" or "S" zones shall contain an area of not less than twenty (20) acres, in other zones not less than five (5) acres.

Section 2707: USES PERMITTED. In a planned unit development only the following uses are permitted:

(1) In a residential planned unit development:

(a) residential units, either detached or in multiple dwellings;

(b) accessory incidental retail and other non-residential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design, accessory retail uses to serve only as a convenience to the inhabitants of the project;

(c) recreational facilities including but not limited to, tennis courts, swimming pools and playgrounds; and

(d) schools, libraries and community halls.

(2) In planned unit developments for other than residential uses, uses shall be limited to those permitted by the zone in which the use is located.

Section 2708: USE CONTROL IN PLANNED UNIT DEVELOPMENTS.

(1) In residential planned unit developments accessory incidental limited retail uses will only be permitted in those developments which are planned for four hundred (400) families or more. Building permits or occupancy permits for such uses shall not be issued until one-half (1/2) of the total project is completed.

(2) In residential planned unit developments there shall be a minimum of ten percent (10%) of the total area of the planned unit development dedicated or reserved as usable common "open space" land.

(3) Adequate guarantee must be provided to insure permanent retention of "open space" land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public or a combination thereof.

Section 2709: PERMISSIVE VARIATIONS IN REQUIREMENTS. In considering a proposed planned unit development project the approval thereof may involve modifications in the regulations, requirements and standards to the larger site. In modifying such regulations, requirements and standards as they may apply to a planned unit development project, the following limitations shall apply:

(1) Placement of buildings: The yards and open spaces required and the height of the buildings involved shall dictate the location of buildings and structures on the site;

(2) Yards: The requirements for front yards for the zone in which the planned unit development is located shall apply to all exterior boundary lines of the site;

(3) Open Spaces: The distance between buildings containing dwelling units, which buildings do not exceed a height greater than thirty-five (35) feet, shall be not less than that required for the zone in which the property is located. Where buildings

containing dwelling units exceed a height greater than thirty-five (35) feet, each such building shall maintain a distance the equivalent of the required side yard plus one (1) foot for each one (1) foot such building exceeds thirty-five (35) feet in height from any other building on the site containing a dwelling unit. Any accessory building not more than thirty-five (35) feet in height shall observe a distance from the a building containing a dwelling unit as set forth in the zone in which the project is located. Any accessory building exceeding a height of thirty-five (35) feet shall observe a distance from a building containing a dwelling unit or units as set forth herein for residential buildings;

(4) Height of Buildings: For buildings and structures exceeding thirty-five (35) feet in height there shall be maintained a distance from side and rear boundaries equal to the required yard plus one (1) foot for each one (1) foot such building exceeds a height of thirty-five (35) feet;

(5) Number of Dwelling Units: The number of dwelling units permitted in any "R" or "S" zone shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zone in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools or commercial use from the total development area and deducting twenty percent (20%) of the remainder for streets, regardless of the amount of land actually required for streets;

(6) Permitted Site Coverage: The permitted percentage of coverage by buildings and structures for the net development area as determined in (5) above shall not exceed the percentage of coverage permitted in the zone in which the project is located;

(7) Permitted Floor Area: The maximum permitted floor area for all buildings shall not exceed the floor area permitted in the zone first permitting the use authorized;

(8) Off-Street Parking: The total required off-street parking facilities shall be not less than the sum of the required parking facilities for the various uses computed separately. All provisions of Article 25 of this resolution and Resolution No. 23316 shall be adhered to.

Section 2710: MINOR ADJUSTMENTS IN PLANNED UNIT DEVELOPMENT. In issuing building permits in connection with the construction of a planned unit development, the Building Department may make minor adjustments involving the location or dimensions of buildings provided such adjustments shall not increase the total amount of floor space authorized in the planned unit development, or the number of dwelling units, nor decrease the amount of parking or loading facilities, nor permit buildings to locate closer to any boundary line, nor change any points of ingress and egress to the site.

ARTICLE 28

VARIANCES, CONDITIONAL USE PERMITS AND APPEALS FROM ADMINISTRATIVE DECISIONS

Section 2800: BOARD OF ADJUSTMENT MAY GRANT VARIANCES. The Board of Adjustment shall have the authority to grant a variance from the provisions of this resolution when, the conditions as set forth in Section 2801 herein have been found to exist, provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Section 2801: REQUIRED SHOWINGS FOR A VARIANCE. Before any variance may be granted, it shall be shown:

(a) That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning resolution is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

Section 2802: BOARD OF ADJUSTMENT MAY GRANT CONDITIONAL USE PERMITS. Upon application, the Board of Adjustment may grant conditional use permits for such uses as require them under this resolution. The Board of Adjustment may deny an application if the characteristics of the intended use would create an incompatible or hazardous condition.

Section 2803: PURPOSE OF A CONDITIONAL USE PERMIT. The purpose of a conditional use permit shall be:

(1) To assure, by means of imposing special conditions and requirements on development, that the compatibility of uses, a purpose of this resolution, shall be maintained, considering other existing and potential uses within the general area of the proposed use.

(2) The conditions imposed shall be those which will reasonably assure that nuisance or hazard to life or property will not develop. The Board of Adjustment may not use a conditional use permit to reduce the zoning requirements of the zone in which the use is to locate. Such reduction of requirements shall be accomplished through the medium of variance.

Section 2804: NOTICE AND HEARING ON APPLICATION FOR VARIANCE OR CONDITIONAL USE PERMIT. Upon the filing of an application for a variance or a conditional use permit by a property owner, or by a lessee, which application sets forth fully the grounds for, and the facts deemed to justify the granting of the variance or conditional use permit, the Board of Adjustment shall give notice as provided in Article 30 of a public hearing to consider the matter.

Section 2805: THE BOARD OF ADJUSTMENT SHALL HEAR AND DECIDE APPEALS FROM ADMINISTRATIVE DECISIONS. The Board of Adjustment shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this resolution.

Section 2806: APPEALS FROM ADMINISTRATIVE DECISIONS - TIME LIMIT. Appeals from administrative decisions may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the County affected by any decision of any administrative official. Such appeals shall be filed in writing in duplicate with the Board of Adjustment within twenty (20) days of the date of the action being appealed.

Section 2807: APPEAL - NOTICE OF TIME AND PLACE. Upon the filing with the Board

of Adjustment of an appeal from an administrative decision, the matter shall be set for consideration, and notice given as provided in Article 30. Upon receiving notice of the appeal, the officer from whom the appeal is being taken shall forthwith transmit to the Board of Adjustment all of the records pertaining to the decision being appealed, together with such additional written report as he deems pertinent.

Section 2808: SCOPE OF AUTHORITY ON APPEAL. The Board of Adjustment may, in conformity with this resolution, reverse or affirm, wholly or in part, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned. In making its determination the Board of Adjustment may hear any pertinent facts bearing on the case.

Section 2809: BOARD OF ADJUSTMENT SHALL ANNOUNCE FINDINGS AND DECISIONS. Not more than forty (40) days after the termination of the proceedings of the public hearing on a variance or conditional use permit, or not more than forty (40) days after termination of the proceedings involving an appeal from an administrative decision, the Board of Adjustment shall announce its findings and decision. If a variance or conditional use permit be granted, the record shall show such conditions and limitations as the Board of Adjustment may impose. If an administrative decision is reversed or modified, the record shall show the findings and facts upon which the Board made its determination.

Section 2810: NOTICE OF DECISION OF BOARD OF ADJUSTMENT. Following the rendering of a decision on a variance or conditional use permit application, a copy of the written order by the Board of Adjustment shall be mailed to the applicant at the address shown on the application filed with the Board of Adjustment and to the administrative officer or department if it be an appeal from an administrative decision, and to any other person who requests a copy.

Section 2811: EFFECTIVE DATE OF DECISION - TIME FOR APPEAL. The decision of the Board of Adjustment shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party files an appeal to the Superior Court for a Writ of Certiorari, a Writ of Prohibition or a Writ of Mandamus. The filing of such appeal within such time limit shall stay the effective date of the order of the Board of Adjustment until such time as the appeal shall have been adjudicated or withdrawn.

Section 2812: PLANNING DEPARTMENT SHALL CORRECT ZONING RECORD. When a variance or conditional use permit is approved by the Board of Adjustment, the Planning Department shall make an appropriate record and shall inform the administrative department having jurisdiction over the matter involved of the adjusted status of the property.

ARTICLE 29

AMENDMENTS, UNCLASSIFIED USE PERMITS, PLANNED UNIT DEVELOPMENTS AND APPEALS

Section 2900: RESOLUTION MAY BE AMENDED. Whenever public necessity, convenience and general welfare require, the boundaries of the zones established on maps by this resolution, the classification of property uses herein, or other provisions of this resolution may be amended as follows:

(1) By the adoption of or the amendment of a zoning map or maps; or
(2) by adoption of a planned unit development; or
(3) by amending the text of the resolution.

Section 2901: UNCLASSIFIED USE PERMITS. Unclassified use permits may be granted upon the filing of an application therefor by a property owner, or a lessee. The procedure to be followed in considering an application for an unclassified use permit shall be the same as that set forth herein for amendments.

Section 2902: INITIATION OF AMENDMENT. Amendments of this resolution and the maps which are a part hereof may be initiated by:

(1) the verified application of one or more owners of property which is proposed to be changed or reclassified; or
(2) by the adoption of a motion by the Board requesting the Planning Agency to set a matter for hearing and recommendation; or
(3) by adoption of a motion by the Planning Commission.

Section 2903: PUBLIC HEARINGS ARE REQUIRED. The Commission shall hold at least one (1) public hearing before taking action on any amendment to this resolution, application for a planned unit development or unclassified use permit and notice of such hearing shall be given as provided in Article 30.

Section 2904: DECISION ON APPLICATIONS, TIME LIMIT FOR. Conclusive action on an application shall be taken by the Planning Commission within ninety (90) days from the date of the initial hearing upon the matter or the application shall be deemed denied. The matter may be continued for a longer period of time with the written consent of the applicant.

Section 2905: NOTICE OF COMMISSION'S DECISION. When the Commission's action is to recommend approval or denial of an amendment, planned unit development or unclassified use permit, the Planning Department shall within fourteen (14) days from the date of the action on such matter notify the applicant by mailing a notice of the action of the Planning Commission to the applicant at the address shown on the application. Other persons at the hearing requesting notice of the action shall be notified in the same manner as the applicant. If the action of the Commission is to recommend approval of an amendment, planned unit development, or unclassified use permit, a copy of the action together with the findings considered by the Commission to be controlling shall be forwarded to the Board within fourteen (14) days of said action.

Section 2906: BOARD TO HOLD PUBLIC HEARING. At the next regular public meeting of the Board following the filing of the Agency's recommended approval of any amendment, planned unit development, or unclassified use permit, the Board shall set the date for a public hearing to consider the recommendations of the Planning Agency.

Section 2907: FINALITY OF PLANNING COMMISSION'S ACTION. The action of the Planning Commission in denying an application for an amendment, planned unit development or unclassified use permit shall be final and conclusive unless an appeal is filed as provided in Section 2908.

Section 2908: ACTIONS OF COMMISSION MAY BE APPEALED, TIME LIMIT FOR. Action of the Commission may be appealed by an applicant or any aggrieved person provided such appeal is filed within twenty-four (24) days from the date of the Commission's action. Such appeal shall be on an appeal form provided by the Planning Agency and shall be addressed to the

Board but filed with the Planning Agency.

Section 2909: REPORT APPEAL TO THE BOARD. The Planning Department shall advise the Board of the filing of the appeal and shall prior to the consideration of such appeal by the Board file with the Board a report containing the findings and recommendations upon which the Planning Agency's action was based.

Section 2910: DECISION OF BOARD. Enactment of a resolution by the Board approving an amendment, planned unit developments or unclassified use permits shall constitute final action. When the action of the Board is to deny a request for an amendment, planned unit development or unclassified use permit, the adoption of the motion shall constitute final action. Written notice of the action shall be forwarded to the Planning Department to be attached to the permanent file of the case and the Planning Department shall notify the applicant of the final action of the Board.

ARTICLE 30

PROCEDURES, FEES, HEARINGS AND NOTICES

Section 3000: ESTABLISHMENT OF RULES FOR CONDUCT OF HEARINGS. The Planning Agency and the Board of Adjustment may establish rules governing the conduct of public hearings and meetings conducted by each on matters within their respective jurisdictions. Modifications or changes in such rules may be made, but such changes or modifications shall not become effective until thirty (30) days following the date of the meeting at which such changes or modifications are determined. Copies of the rules shall be made available to the public at the Planning Department office.

Section 3001: FORMS OF APPLICATIONS AND TYPES OF INFORMATION. The Planning Agency shall prescribe the form in which applications are made for changes in zone boundaries or classifications, for planned unit development, unclassified use permits and appeals. The Board of Adjustment shall prescribe the form in which applications are made for variances and conditional use permits. Both may* prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified under oath as to the correctness of information given by the applicant attesting thereto.

Section 3002: LIMITATIONS ON REFILING OF APPLICATIONS. Upon final action as set forth in this resolution in denying an application for a change of zone, unclassified use permit, variances, or conditional use permit, the planning department shall not accept further filing of an application for substantially the same property involving substantially the same use within six (6) months from the date of final denial of any application.

Section 3003: RECORDS. The agency shall cause to be kept a brief minute record of the proceeding. Such record, applications filed pursuant to this resolution, the written order or motion showing the action and the reasons therefor and evidence of notice and other material shall become a part of the records of the agency to which application is made. Provisions for custody of such additional records or minutes may be adopted by the Agency.

Section 3004: FILING FEES. The following fees shall be paid upon filing of any application:

(1) Change of zone - - - - - - - - - - - - - - - - $50.00
(2) Unclassified use permit - - - - - - - - - - - $50.00
(3) Planned unit development - - - - - - - - - - - 50.00
(4) Variance - - - - - - - - - - - - - - - - - - - 40.00
(5) Conditional use permit - - - - - - - - - - - - 40.00

When a combination of applications is involved, only one filing fee of $50.00 shall be charged.

Section 3005: SETTING OF HEARINGS. The date of public hearings before the Commission or the Board of Adjustment shall be not less than ten (10) days nor more than sixty (60) days from the time of filing of an application or an appeal from an administrative decision.

Section 3006: HEARINGS MAY BE CONTINUED WITHOUT PUBLIC NOTICE. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the person presiding at such public hearing or meeting may, before adjournment or recess of such matters under consideration, publicly announce the time and place to, and at which, said hearing or meeting will be continued and no further notice is required.

Section 3007: NOTICE OF HEARINGS. Notice of the time and place of public hearings at which a matter will be considered shall be given in the following manner:

(1) On any -
(a) proposed amendment to this resolution;
(b) unclassified use permit; or
(c) planned unit development,
notice shall be given by at least one (1) publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County not less than ten (10) days before the date of the said public hearing.

(2) Ten (10) days notice of public hearing to consider a variance, conditional use permit or unclassified use permit shall be given in writing to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of subject property and to any governmental agency requesting such notice. Such notice, if mailed, shall be mailed not less than twelve (12) days prior to the hearing.

(3) On appeals from administrative decision, written notice of the time and place of the public meeting at which the matter will be considered by the Board of Adjustment shall be mailed to the appellant, to the adverse parties of record in the case, and to the officer whose decision is being appealed together with a copy of the notice of appeal. Such notice shall be mailed not less than ten (10) days prior to the date of the meeting.

Section 3008: REQUIRED CONTENT OF NOTICE. Notice of hearing on zone reclassifications, amendments, planned unit developments, variances, unclassified use permits or conditional use permits shall set forth the identification of the property under consideration (not necessarily the legal description), the nature of the proposed change or use and the time and place of the public hearing.

* prepare and provide blanks for such purpose and

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ARTICLE 31
INTERPRETATION - PURPOSE - CONFLICT - SEVERABILITY

Section 3100: INTERPRETATION. In interpreting and applying the provisions of this resolution they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

Section 3101: PROVISIONS NOT AFFECTED BY HEADINGS. Articles and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any section hereof.

Section 3102: TENSES. The present tense includes the future and the future the present.

Section 3103: NUMBER. The singular number includes the plural, and the plural the singular.

Section 3104: CONSTITUTIONALITY OR INVALIDITY. If any section, sub-section, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being hereby expressly declared that this resolution, and each section, sub-section, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 32
REVOCATION - EXPIRATION OF PERMITS

Section 3200: PERMITS OR VARIANCES MAY BE REVOKED. The Board after a recommendation from the Planning Commission may revoke or modify any unclassified use permit. The Board of Adjustment may revoke or modify any conditional use permit or variance. Such revocation or modifications shall be made on any one or more of the following grounds:

(1) That the approval was obtained by fraud;
(2) that the use for which such approval was granted has been abandoned;
(3) that the use for which such approval was granted has at any time ceased for one (1) year or more:
(4) that the permit or variance granted is being exercised contrary to the terms or conditions of such approval or in violation of any Statute, Resolution, Code, Law or Regulations; or
(5) that the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

Section 3201: INITIATION OF REVOCATION PROCEEDINGS. The Board of Adjustment may initiate proceedings to revoke a conditional use permit or variance. The Board or the Planning Commission may initiate proceedings to revoke unclassified use permits. Individuals who are aggrieved may petition the Body having jurisdiction to initiate revocation proceedings

Section 3202: PUBLIC HEARING REQUIRED. Before a permit or a variance may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this resolution for the initial consideration thereof

Section 3203: EXPIRATION. Any permit or variance granted pursuant to this resolution becomes null and void if not exercised within the time specified in such permit or variance or, if no date is specified, within one (1) year from the effective date of approval of said permit or variance.

Section 3204: PREVIOUSLY GRANTED PERMITS MAY BE CONTINUED. Where prior to the effective date of this resolution, a permit entitled "special permit", "temporary permit", "Use and Occupancy Permit","Conditional Use Permit" or "Permits Requiring Legislative Determination" was granted for the establishment or conducting of a particular use on a particular site, such previous permits are by this Section declared to be continued as conforming uses subject to the conditions and for the time specified in the original permit, if any, provided that if the particular use is not otherwise permitted by this resolution in the zone in which it is located, such established use and improvements incident thereto shall be considered a non-conforming use, and shall be subject to the abatement provisions of this resolution.

ARTICLE 33
PERMITS - LICENSES - ENFORCEMENT

Section 3300: CERTIFICATE OF OCCUPANCY. To assure compliance with the provisions of this resolution, a certificate of occupancy shall be obtained from the County Engineer before:

(1) any new building be initially occupied or used;
(2) any existing building be structurally altered or enlarged; or
(3) any change or addition to the occupancy of a building or premises be made

If the subject requiring a certificate of occupancy is also required to secure a building permit, a business license or any other evidence of authority required by law, such required certificate of occupancy for such use may constitute a separately identified part of such permit, license or other evidence, and shall be cleared through the County Engineer as conforming, or not conforming, to the provisions of this resolution before any other license or permit or authority may be issued.

Each certificate of occupancy shall be issued only upon application signed by the authorized applicant, and shall contain over the signature of the applicant a correct statement of the use intended to be established and such certificate of occupancy may be issued only if such declared intended use conforms in every respect to the provisions of this resolution.

Section 3301: NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED. No license or permit in conflict with the provisions of this resolution shall be issued, and if issued, any such license or permit shall be null and void.

Section 3302: ENFORCEMENT. It shall be the duty of the County Engineer to enforce all provisions of this resolution.

ARTICLE 34
PENALTY

Section 3400: VIOLATORS PUNISHABLE BY FINE AND IMPRISONMENT. Any violation of the provisions of this resolution or amendments thereto is hereby made a misdemeanor. Each day such violation continues may be considered a separate offense.

ARTICLE 35
REPEAL - ENACTMENT

Section 3500: REPEAL. The Board of King County Commissioners recognizes that zoning maps for King County cannot be prepared pursuant to the terms of this resolution until the resolution is adopted, and that considerable study will be required after the adoption of the text portion of this resolution to develop and adopt zoning maps under this resolution;

therefore, during the time that a zoning map or parts thereof are being developed and adopted under this resolution, Resolution No. 18801 as amended shall remain in full force and effect until such time as a zoning map or part thereof pursuant to this resolution is adopted.

Upon the adoption of a zoning map or parts thereof pursuant to this resolution, Resolutions No. 6494, 11373, 16426, 18801 and all other zoning resolutions, amendments and zoning maps adopted pursuant thereto shall be and the same are automatically repealed, provided, however, that the repeal shall be limited to the area within the boundaries of the map or parts thereof adopted pursuant to this resolution.

Section 3501: SAVINGS. Any structure or the use of any land or structure which was established or existed in violation of the provisions of Resolution 18801 as amended shall not, by virtue of the adoption of this resolution or any map hereunder, become legal and no rights shall attach thereto which did not exist under Resolution 18801 as amended; PROVIDED however that if any such use or structure conforms to the provisions of this resolution, this section shall not apply.

Section 3502: ENACTMENT.

WHEREAS King County from June 2, 1937 to July 13, 1959 regulated the use of land within King County under the authority of Chapter 44, Laws of 1935 R.C.W. 35.63 and King County Resolutions No. 6494, 11373, 16426 and 18801 as amended; and

WHEREAS all zoning resolutions passed prior to August, 1958 were declared to be null and void by the Superior Court for King County and the commissioners of said County did not appeal said decisions; and

WHEREAS as a result of said ruling a new comprehensive plan, Resolution No. 18800 was adopted and Resolution No. 16426 was readopted as Resolution No. 18801; and

WHEREAS Resolution No. 18801 as amended is inadequate to meet the growing and changing needs of King County; and

WHEREAS Chapter 201, Laws of 1959, codified as R.C.W. 36.70 provides authority for the adoption of the text of a zoning ordinance without a map; and

WHEREAS King County has caused the text portion of a new zoning code to be drafted and public hearings on same have been held on May 3, 1960 and April 11, 1961 by the Planning Commission who on April 24, 1962 recommended same to the Board of King County Commissioners for adoption; and

WHEREAS the Board of County Commissioners, King County, Washington, held a public hearing on the text portion of the zoning code June 5, 1962 said hearing was continued to June 25, 1962, to July 23, 1962, to August 27, 1962 at which time the matter was taken under advisement and the hearing closed. An additional public hearing on a revised text of the zoning code was held by the Board of County Commissioners, King County, Washington, on April 22, 1963 and the Board at said hearing adopted its own findings of fact and as its own statement of factors considered at the hearings and its own analysis of findings considered by it to be controlling, Resolution #8 of the King County Planning Commission passed on the 26th day of February, 1963 and the statements set forth in Section 3502 herein.

NOW THEREFORE BE IT RESOLVED that pursuant to the provision of Chapter 201, Laws of 1959, codified as R.C.W. 36.70, the Board of King County Commissioners does hereby adopt and enact the foregoing, it being the text portion only of the zoning resolution (the zoning code) and the Board of King County Commissioners, King County, Washington, declares that this resolution shall become effective on the land as this resolution is amended by the adoption of a map or parts thereof as provided in Section 3500 herein.

PASSED this 29th day of April 1963.

BOARD OF COUNTY COMMISSIONERS
King County, Washington

ED MUNRO
Chairman

SCOTT WALLACE
Commissioner

JOHN T. O'BRIEN
Commissioner

ATTEST: ROBERT A. MORRIS
Clerk of the Board

BY: RALPH R. STENDER
Deputy

Pages 134 through 140 withheld for Zoning Resolution No. 25789 and not used.