

Ordinance No. 2893

AN ORDINANCE OF THE CITY OF PORT TOWNSEND, WASHINGTON, ADOPTING CERTAIN AMENDMENTS TO THE NARRATIVE TEXT AND TABLES OF CHAPTER 17.16 OF THE PORT TOWNSEND MUNICIPAL CODE (PTMC), "RESIDENTIAL ZONING DISTRICTS," CHAPTER 17.72 PTMC, "OFF STREET PARKING AND LOADING," AND CHAPTER 17.86 PTMC, "VARIANCES," IN ORDER TO BE CONSISTENT WITH, AND IMPLEMENT THE GOAL AND POLICY DIRECTION CONTAINED IN THE PORT TOWNSEND COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO CODIFY THE AMENDMENTS TO CHAPTERS 17.16, 17.72, AND 17.86 PTMC AS SET FORTH IN THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE; ALL IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF CHAPTER 20.04 PTMC AND THE GROWTH MANAGEMENT ACT OF 1990, AS AMENDED (CHAPTER 36.70A RCW).

The City Council of the City of Port Townsend finds as follows:

1. RCW 36.70A.130(4) requires that the City of Port Townsend review, and if necessary amend, its Comprehensive Plan and Implementing Regulations at least once each seven years to ensure continued compliance with the goals and procedural and substantive mandates of the Growth Management Act (Chapter 36.70A RCW).
2. The amendments set forth in this ordinance were originally docketed by the City Council on April 19, 2004 as part of the City's overall effort to comply with the Plan and Regulations update requirements of RCW 36.70A.130(4). This proposed ordinance represents a portion of the City's formal response to this statutory mandate.
3. Chapter 20.04 PTMC establishes a process for consideration of amendments to the text and maps of the Comprehensive Plan and Implementing Regulations. This proposed ordinance has been developed in conformance with the requirements for land use code text revisions set forth in Section 20.04.090 PTMC.
4. The opportunities provided for meaningful citizen participation employed thus far in this amendment process are consistent with the requirements of the GMA (§§ 36.70A.035, 36.70A.130, and 36.70A.140 RCW) and the procedures set forth in Chapter 20.04 PTMC.
5. On October 14, 2004, and after timely and effective public notice, the Planning Commission held a public workshop meeting to begin identifying and discussing several of the key policy issues related to the proposed Off-Street Parking & Loading Code amendments.

6. On October 28, 2004, and after timely and effective public notice, the Planning Commission held a second public workshop meeting to review a technical memo prepared by the staff and consultant team regarding the proposed off-street parking amendments, and to review an initial draft of the proposed code amendments in "bill" format.
7. During the October 28, 2004 meeting, the Planning Commission requested additional information regarding how the proposed changes, in particular the proposal to exempt all development within the historic district from off-street parking requirements, related to the City's broader parking management strategy. The Planning Commission further directed staff to solicit input on the proposal from the City's Downtown Parking Advisory Board.
8. On November 18, 2004, staff provided an informational overview of the proposed amendments to the Downtown Parking Advisory Board and solicited critical feedback.
9. On January 13, 2005, staff again met with the Downtown Parking Advisory Board to answer questions about the proposal and obtain critical comments.
10. Also on January 13, 2005, and after timely and effective notice, the Planning Commission conducted a final public workshop meeting to:
 - a. Obtain a better understanding of the City's broader parking management strategy;
 - b. Hear a report back from staff on the concerns identified by the Parking Advisory Board;
 - c. Refine the form and content of the proposed amendments for formal consideration at a subsequent public hearing; and
 - d. Hear informal comment from interested citizens.
11. On January 27, 2005, and after timely and effective public notice, the Planning Commission conducted an open record public hearing to accept public testimony on the proposed amendments to Chapter 17.72 PTMC. Following the close of the public hearing on January 27, the Planning Commission began deliberating upon the proposed amendments, and directed a number of changes to the proposal as drafted.
12. Also on January 27, the Planning Commission directed staff to research the following issues and provide additional information during its continued deliberations meeting, scheduled for February 10, 2005.
13. On February 10, 2005, staff provided the Planning Commission with additional information in response to the issues identified during the Commission's deliberations of January 27, 2005, and based upon the staff research, further modified the proposed legislative changes.

14. Also on February 10, the Planning Commission completed preparation of its findings, conclusions and recommendations for the advice of the City Council, and recommended adoption of the proposed amendments by way of a 7 to 1 vote. All audio taped and written records of the Planning Commission's deliberations during the meetings and hearing described in the above findings are incorporated herein by this reference.
15. On March 14, 2005, and after timely and effective notice, the City Council conducted a public workshop meeting to:
 - a. Review the direction contained in the Comprehensive Plan regarding off-street parking;
 - b. Become more familiar with the issues, concerns and options considered by the Planning Commission during its review of the proposal;
 - c. Gain a thorough understanding of the key amendment recommendations contained in the Planning Commission's report and recommendation; and
 - d. Discuss the rationales for the proposed historic district off-street parking exemption, all in preparation for its scheduled public hearing on the 21st of March.
16. On March 21, 2005, and after timely and effective public notice, the City Council conducted an open record public hearing to accept public testimony on the proposed amendments to Chapter 17.72 PTMC. At the close of acceptance of testimony, the Council continued the open record public hearing to March 28, 2005, and began initial deliberations upon the proposal.
17. On March 28, 2005, and after timely and effective public notice, the City Council re-opened the public hearing for acceptance of additional public testimony. The Council then closed the record to additional public testimony and began its final deliberations.
18. The City Council finds that the proposed amendments to Chapter 17.72 PTMC, Off-Street Parking and Loading, are necessary to ensure consistency between the off-street parking management policies contained within the Port Townsend Comprehensive Plan, and the City's implementing regulations. The City Council finds further, that to the extent that these changes address an inconsistency between the City's Plan and Code, they also serve to implement the requirements of RCW 36.70A.040(3) that require the adoption of development regulations that are consistent with, and implement, the Comprehensive Plan.
19. The City Council finds that the Plan and Code amendments recommended herein have been reviewed under the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW, and chapter 197-11 WAC) and Chapter 19.04 PTMC. On February 9, 2005, the City's SEPA Responsible Official issued a determination of non-significance (DNS) for the amendments adopted herein. On March 14, 2005, the SEPA Responsible Official issued a final determination of non-significance (DNS) after considering the comment letters received.

20. The City Council finds that Code amendments set forth in Exhibit "A" are wholly consistent with the Community Direction Statement contained in Chapter III of the Plan, and the review and amendment procedures set forth in Section 20.04 PTMC.
21. The City Council expressly finds that site-specific criteria set forth in Section 20.04 PTMC are inapplicable to the text amendments recommended herein, and therefore need not be applied.
22. All audio taped and written records of the Council's deliberations during the meeting and hearings described in the above findings are incorporated herein by this reference.
23. Consistent with the requirements of the GMA, Development Services Department staff forwarded the proposed code amendments to the State of Washington Department of Community Trade and Economic Development (DCTED) for review and comment prior to the adoption of this ordinance (RCW 36.70A.106). No substantive comments have been received from DCTED prior to the adoption of this ordinance.
24. This ordinance has been prepared in conformance with the goals and requirements of the GMA (Chapter 36.70A RCW) and is externally consistent and compatible with the 13 state-wide planning goals contained within the GMA (RCW 36.70A.020).
25. This ordinance has also been reviewed against the requirements of the County-Wide Planning Policy for Jefferson County (CWPP) and has been found by the Council to be in conformance therewith.
26. Based upon the foregoing findings, the Council finds that adoption of the amendments to the narrative text and tables of Chapter 17.16, PTMC, "Residential Zoning Districts," Chapter 17.72 PTMC, "Off-Street Parking and Loading," and Chapter 17.86 PTMC, "Variances," will promote the public health, safety and welfare of the citizens of Port Townsend and should be approved.

NOW, THEREFORE, based upon the foregoing **FINDINGS**, and based upon the record before the Port Townsend Planning Commission and City Council, the City Council hereby ordains as follows:

SECTION 1: AMENDMENTS TO CHAPTER 17.16 PTMC. The Amendments to Chapter 17.16 PTMC, "Residential Zoning Districts," as set forth in Section 1 of Exhibit "A," are incorporated herein, and are hereby adopted and added to the Port Townsend Municipal Code.

SECTION 2: AMENDMENTS TO CHAPTER 17.72 PTMC. The Amendments to Chapter 17.72 PTMC, "Off-Street Parking and Loading," as set forth in Section 2 of Exhibit "A," are incorporated herein, and are hereby adopted and added to the Port Townsend Municipal Code.

SECTION 3: AMENDMENTS TO CHAPTER 17.86 PTMC. The Amendments to Chapter 17.86 PTMC, "Variances," as set forth in Section 3 of Exhibit "A," are incorporated herein, and are hereby adopted and added to the Port Townsend Municipal Code.

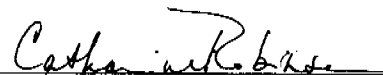
SECTION 4: TRANSMITTAL TO DCTED. The City Clerk shall transmit a copy of this Ordinance to the State Department of Community, Trade and Economic Development (DCTED) within ten (10) days of adoption of this ordinance.

SECTION 5: CODIFICATION OF AMENDMENTS TO CHAPTERS 17.16, 17.72, AND 17.86 PTMC. Copies of revised Chapters 17.16 PTMC, "Residential Zoning Districts," 17.72 PTMC, "Off-Street Parking and Loading," and 17.86 PTMC, "Variances," codifying the amendments set forth in this ordinance, shall be prepared under the supervision of the City Clerk and available for public inspection.

SECTION 6: EFFECTIVE DATE. This ordinance shall take effect and be in force 5 days following its publication in the manner provided by law.

SECTION 7: SEVERABILITY. In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance, but this ordinance shall be construed and enforced as if such invalid provision had not been contained therein; PROVIDED, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Adopted by the City Council of the City of Port Townsend, Washington, at a regular meeting thereof, held this eighteenth day of April, 2005.


Catharine Robinson, Mayor

Attest:


Pamela Kolacy, CMC, City Clerk

Approved as to Form:


John P. Watts, City Attorney

First reading: March 28, 2005
Second reading: April 18, 2005
Transmitted to DCTED: April 25, 2005

Passage: April 18, 2005
Publication: April 27, 2005

EXHIBIT "A": Amendments to Chapters 17.16, 17.72, and 17.86 PTMC Relating to Off-Street Parking & Loading

SECTION 1. Subsection 17.16.020(C)(7), in Subsection 17.16.020(C), "Accessory Dwelling Units - Limitations on Use," in Section 17.16.020, "Permitted, conditional and prohibited uses - Accessory dwelling units," of Chapter 17.16 of the Port Townsend Municipal Code, "Residential Zoning Districts," shall be amended to read as follows:

7. No additional off-street parking is required to establish an ADU; provided, that the off-street parking requirements for the other uses on the site are continuously met; and provided further, that if the director of public works determines that one or more of the adjoining street frontages fails to meet city standards, the property owner shall be required to sign a no protest agreement with the city, in a form approved by the city attorney, concerning the future formation of a local improvement district (LID) for the purpose of funding roadway and streetscape improvements.

SECTION 2. Chapter 17.72 of the Port Townsend Municipal Code, "Off-Street Parking and Loading," shall be amended to read as follows:

Chapter 17.72 OFF-STREET PARKING AND LOADING

Sections:

- 17.72.010 Purposes.
- 17.72.020 Applicability and exemptions.
- 17.72.030 Off-street parking and loading requirements.
- 17.72.040 Existing off-street parking facilities.
- 17.72.050 Expansion.
- 17.72.060 Change of use.
- 17.72.070 Mixed occupancies.
- 17.72.080 Table of vehicular and bicycle parking standards ~~minimum parking space requirements.~~
- 17.72.090 Fractional spaces.
- 17.72.100 Uses not specified.
- 17.72.110 Location.
- 17.72.120 On-street parking spaces.
- 17.72.130 Residential transient accommodations - Parking requirements.
- 17.72.140 Joint use.
- ~~17.72.150 Waiver of requirements - Fee in lieu of parking spaces - Waiver of prior conditions of development approval.~~
- ~~17.72.160 In lieu parking fees - Fund created - Parking improvement plan.~~

~~17.72.170 17.72.150~~ Parking facilities - Plan required - Contents.
~~17.72.180 17.72.160~~ Parking facilities - Design requirements ~~Minimum dimensions.~~
~~17.72.190 17.72.170~~ Parking facilities - Landscaping.
~~17.72.180~~ Bicycle parking facilities - Design standards.
~~17.72.200 17.72.190~~ Parking facilities - Maintenance.
~~17.72.195~~ Parking facilities - Compliance with ADA and laws of Washington.
~~17.72.210 17.72.200~~ Off-street loading and queuing spaces - Number required.

17.72.010 Purposes.

The purposes of this chapter are as follows:

- A. To implement Comprehensive Plan parking management policies and strike a more appropriate balance between providing parking for automobiles and promoting alternative transportation modes (e.g., transit, walking and bicycles);
- B. To promote economic development and historic preservation through more efficient land use, infill development, and adaptive reuse and renovation within the city's Historic Overlay District, as defined in PTMC 17.30.040;
- C. To reduce the creation of new impervious surfaces through lower required parking ratios, establishment of maximum parking limits and shared parking facilities;
- D. To reduce traffic congestion and hazards;
- E. To provide accessible, attractive, well-maintained and screened off-street parking facilities;
- F. To provide aesthetically pleasing parking facilities in proportion to individual land use needs; and
- G. To assure the maneuverability of emergency vehicles.

~~A. The purpose of this chapter is to reduce congestion in the streets, promote and protect property values, and to provide for the health, safety, welfare, prosperity and enjoyment of residents, shoppers and visitors.~~

~~B. An exemption threshold, and reduced or waived off street parking requirements are provided for in the C III zoning district and the other commercial zones lying within the historic district, because of the relative scarcity of available land, more efficient use of available parking in such densely used areas, and in support of the economic development and urban infill goals of the city.~~

~~C. An exemption from the off street parking and loading and queuing requirements has been established for uses changed, relocated or established in historic structures that lie within the C III zoning district in support of the historic preservation goals of the city.~~

~~D. On-street parking spaces are allowed in lieu of off-street parking spaces for bed and breakfast inns in historic buildings in support of tourism and historic preservation goals.~~

~~E. Parking provisions are set forth as minimum standards in order to preserve land for other purposes.~~

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.020 Applicability and exemptions.

A. Applicability. Unless specifically exempted under subsections B or C, below, every land use shall provide parking and loading areas in accordance with the following regulations whenever:

1. Any structure is constructed, erected, relocated or expanded; or
2. Any use is established, changed or relocated.

B. Exemption - National Register Historic Overlay District. All new construction and all land uses established, changed or relocated within the limits non-residential zoning districts of the Historic Overlay District, as defined by PTMC 17.30.040, shall be exempt from off-street parking and loading requirements; provided that the owner of the property underlying such construction or uses has first signed a no protest agreement with the city, in a form approved by the city attorney, concerning the formation of a Parking and Business Improvements District (PBID) for the purpose of funding municipal parking facilities, pursuant to RCW 35.87A; and further provided that all such construction and uses shall be subject to the maximum permissible parking space and bicycle parking requirements set forth in Table 17.72.080, and provided further, if parking facilities are provided, they must meet the requirements established pursuant to PTMC 17.72.150 through 17.72.190 regarding parking plan requirements, minimum dimensions, landscaping, and maintenance.

C. Exemption - Upper floors of commercial and mixed use buildings. All new construction and all land uses established, changed or relocated on floors above the ground floor within the C-I, C-II, C-II(H), C-I/MU and C-II/MU zoning districts shall be exempt from off-street parking and loading requirements; provided that all such construction and uses shall be subject to the bicycle parking requirements set forth in Table 17.72.080, and provided further, if parking facilities are provided, they must meet the requirements established pursuant to PTMC 17.72.150 through 17.72.190 regarding parking plan requirements, minimum dimensions, landscaping, and maintenance.

B. ~~Any land uses established, changed or relocated within "historic structures" as defined under Chapter 17.08 PTMC, that also lie within the C-III zoning district, are exempt from all off street parking requirements, and loading and queuing requirements; however, if parking facilities are provided, they must meet the requirements established pursuant to PTMC 17.72.170 through 17.72.200 regarding parking plan requirements, minimum dimensions, landscaping, and maintenance.[†]~~

C. ~~Any new construction and any land uses established, changed, or relocated within "non historic structures" as defined under Chapter 17.08 PTMC, that lie within the other commercial zones lying within the historic district, which would require 10 or fewer parking spaces as calculated pursuant to PTMC 17.72.080, are exempt from all off street parking requirements, however, if parking facilities are provided, they must meet the requirements established pursuant to PTMC 17.72.170 through 17.72.200 regarding parking plan requirements, minimum dimensions, landscaping and maintenance.~~

D. ~~For new construction within the commercial zones lying within the historic district that exceeds the exemption threshold established by subsection C of this section, the off street parking requirements computed pursuant to 17.72.080 PTMC shall be reduced by 10 parking spaces.~~

[†]This exemption does not apply to expansions/additions to historic structures; such expansions are subject to the provisions of this chapter pursuant to PTMC 17.72.020(A)(1) and 17.72.050.

~~E. Commercial development or redevelopment above the ground floor in the C-I, C-II and mixed use zones shall require only half of the parking spaces required by Table 17.72.080.~~
(Ord. 2893 § 2, 2005; Ord. 2840 § 2(Exh. E), 2003; Ord. 2571 § 2, 1997).

17.72.030 Off-street parking and loading requirements.

A. Where current or anticipated parking congestion warrants, requirements in addition to those provided in this title may be imposed by the decision-maker pursuant to a conditional use permit (Chapter 17.84 PTMC) or determination pursuant to Title 19.

B. Parking and loading requirements shall be developed to the plans and specifications provided and approved pursuant to PTMC ~~17.72.170~~ 17.72.150.

C. The provision of off-street parking and loading in the manner and extent required in this chapter shall be a continuing obligation of the owner of a given building or use as long as the use is in existence; ~~provided, however, that any owner granted a waiver of certain requirements pursuant to PTMC 17.72.150 shall be thereafter relieved of such requirements; provided, that all required fees have been paid.~~ Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use; except as may be provided in PTMC 17.72.140, Joint use.

D. Except as otherwise provided herein, required parking areas shall be used for motor vehicle parking only, with no sales, storage, repair work or dismantling of any kind. Removal, discontinuance or reduction of such required parking and loading facilities from practical use by obstruction, erection of building, or other actions which reduce the parking or loading capacity or usefulness thereof is prohibited unless replacement facilities are established which meet the requirements of this chapter; provided, however, that up to 10 percent of required parking areas which have at least 10 parking spaces may be used for ~~bicycle racks and/or~~ solid waste recycling facilities.
(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.040 Existing off-street parking facilities.

Unless otherwise provided by the decision-maker pursuant to a conditional use permit (Chapter 17.84 PTMC) or determination pursuant to PTMC Title 19, existing off-street parking facilities which serve existing uses which were established prior to August 17, 1971, shall be considered optional off-street parking, and may be removed or eliminated at the discretion of the owner without notice, penalty or obligation.
(Ord. 2571 § 2, 1997).

17.72.050 Expansion.

Whenever any building is expanded in floor area, or whenever an outdoor use is expanded in activity area, off-street parking shall be provided for the uses to be established in such expansion in accordance with the requirements of this chapter; ~~provided, however, that for expansions of structures that lie within the C-III zoning district or the other commercial zones within the historic district, if the parking requirement determined for the area of such expansion, together with the total area of all expansions to the facility which have occurred within the 10 years preceding the proposed expansion (not including expansions permitted prior to the effective date of the ordinance codified in this chapter), is 10 or fewer parking spaces, there shall be no off-~~

~~street parking requirement for such expansion.~~ (Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.060 Change of use.

A. ~~Except as provided in subsection E of this section, whenever~~ Whenever use of an existing building or portion is changed to a different use, off-street parking shall be provided in accordance with the provisions of this chapter; provided, however, that such requirement shall be reduced by the number of spaces required for the pre-existing use as if such pre-existing use had been established pursuant to this chapter. For example, if a 2,000-square-foot ~~clothing apparel and accessory~~ store was to be replaced by a restaurant with 4 employees and seating for 24 patrons, the parking requirement would be computed as follows:

Restaurant (2,000/400 sq. ft. 1 space per each 2 employees, plus 1 each 6 seats) = 20 6spaces
less pre-existing use
requirement ~~clothing apparel and accessory~~ store
(2,000/300 400 sq. ft.) = 7 5 spaces
Required parking for new use = 13 1 spaces

B. The reduction provided in subsection A of this section applies whether or not the preexisting use was established pursuant to this chapter.

C. In the event the building in which the new use is to be established is served by existing off-street parking facilities, the required parking for the new use shall be reduced by the number of existing off-street parking spaces which exceeds the required parking for the existing uses in the building.

D. For the purposes of this section, any use or portion thereof ~~which~~ that has been discontinued for a period of ~~two~~ three years or more shall not be considered a pre-existing use.

~~E. For a use to be established in any nonhistoric structure or portion of a nonhistoric structure within either the C III zoning district or the other commercial zones within the historic district, the off street parking requirement computed pursuant to subsection A of this section shall be reduced by 10 parking spaces; provided, however, that for any such use other than restaurants, apartments, condominiums, hotels or uses subject to a conditional use permit, which are to be located on a separate floor above street level, there shall be no off street parking requirement.~~ (Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.070 Mixed occupancies.

A.—In the case of two or more uses in the same building, the total off-street parking requirements for the various uses shall be the sum of the requirements for the principle uses computed separately.

B.—~~Any reductions which may apply to such requirements shall also be computed separately for each use.~~

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.080 Table of vehicular and bicycle parking standards ~~minimum parking space requirements.~~

Unless otherwise provided in this title, the required number of off-street parking spaces shall be in conformance with Table 17.72.080. For purposes of this chapter, gross floor area shall not include elevator shafts, stairwells or mechanical equipment rooms. Where alternative requirements result in conflicting computations, the greater shall apply.

**Table 17.72.080
Minimum Parking Space Requirements**

Use	Required Parking Spaces
Banks and other financial offices with customer services on premises	1 per each 200 sq. ft. of gross floor area
Bed and breakfast inns, tourist homes	2 plus 1 per sleeping room
Use	Required Parking Spaces
Boat building/repair	1 per 1,500 sq. ft. gross floor area of the building
Child day care centers as defined in Ch. 388-73 WAC or as hereafter amended	1 loading space if serving 12 or fewer children; otherwise 1 parking space per employee plus 2 loading spaces
Churches, mortuaries, auditoriums and similar places of assembly used for assembly purposes	1 per 4 seats or 60 lineal inches of pew or 40 square feet of gross floor area
Convalescent homes for aged	1 per each 5 beds
Dance halls, skating rinks, similar recreation uses	1 per 200 sq. ft. of floor area used for recreation
Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, similar front counter uses	1 per 500 sq. ft. of gross floor area
Ferry landing	Determined by the decision maker when considering conditional use application
Furniture, major appliance, floor covering, hardware stores	
if less than 1,500 sq. ft. floor area	1 per 300 sq. ft. gross floor area
if less than 1,500 sq. ft. floor area	5 spaces + 1 per each 600 sq. ft. in excess of 1,500 sq. ft.
Health and physical fitness clubs and facilities	1 per 200 sq. ft. of gross floor area
Hospitals	1 per each 2 beds excluding bassinets
Libraries and museums	1 per 300 sq. ft. of gross floor area
Manufacturing uses, research and testing and processing, assembling, all industries except boat building/repair	1 per each 2 employees on maximum shift and not less than 1 per 800 sq. ft. of gross floor area
Medical, dental or veterinary offices	1 per each 200 sq. ft. of gross floor area
Moorage facility other than those reserved for	1 per each 2 slips, excluding slips used only for

exclusive use of an adjacent residence	transient moorage
Motels, hotels, motor hotels	1 per sleeping unit
Motor vehicle, machinery, plumbing, heating, ventilating, building supply, stores and services	1 per 1,000 sq. ft. of gross floor area or 1 per each 3 employees
Motor vehicle, motorcycle and small engine repair	1 per 400 sq. ft. of gross floor area
Offices, business and professional (other than banks, medical, dental or veterinary offices) with on-site customer service	1 per 300 sq. ft. of gross floor area
Offices not providing on-site customer services	1 per 4 employees or 1 per 400 sq. ft. of gross floor area
Recreation, commercial center	4 per each bowling alley, tennis or racquetball court, pool or billiard table; or 1 per each miniature golf hole or each 3 video games
Residential, single family; mobile home parks	2 per dwelling unit or mobile home space
Use	Required Parking Spaces
Residential, duplex or multi family	1.5 per dwelling unit, plus recreational vehicle spaces for large developments pursuant to footnote 1 below
Residential, studio/1 bedroom unit (in multi family)	1 per dwelling unit
Residential, government assisted housing or residents subject to footnote 2 below	1 per each 3 bedrooms
Restaurant or tavern with sales and consumption on premises	1 per 50 sq. ft. of gross floor area
Restaurant, fast food	1 per 50 sq. ft. of gross floor area
Retail, not otherwise listed	Not fewer than 1 per 300 sq. ft. gross floor area, but not greater than a maximum of 1 per 200 square ft. of gross floor area
Rooming houses, similar uses	1 per sleeping unit
Schools, preschool	1 loading space if serving 12 or fewer children; otherwise 1 parking space per employee plus 2 loading spaces
Schools, elementary and junior high	1 per classroom, plus two loading spaces
Schools, senior high	6 per classroom
Schools, adult education	1 per each 4 fixed seats or 1 per 50 sq. ft. of gross floor area used for classrooms, exercise, dance or rehearsal
Stadiums, sports arenas and similar open assemblies	1 per 8 fixed seats and 1 per 100 sq. ft. of assembly space without fixed seats
Storage areas which are incidental and subordinate to a principal use which otherwise conforms to this chapter	No requirement
Theaters	1 per 4 seats
Warehouse, storage and wholesale business	1 per each 2 employees on maximum working shift

Footnotes to Table 17.72.080:

1. For multi-dwelling developments of more than 50 dwelling units, one visually screened space for each 10 dwelling units shall be provided for recreational vehicles.
2. Sufficient land area must be reserved to provide parking as a multifamily residential use in the event the development is later converted, scheduled public transit service must be available within 200 feet of the main entrance to each building, and sidewalks must be installed to and along each street frontage. If scheduled public transit service is not available within 200 feet, the parking requirement shall be one space per bedroom.

Table 17.72.080
Vehicular and Bicycle Parking Standards

<u>Use</u>	<u>Minimum Required Parking Spaces</u>	<u>Maximum Permissible Parking Spaces</u>	<u>Required Bicycle Spaces (minimum of two spaces if not listed)</u>
<u>FOOD SERVICE USES, COMMERCIAL</u>			
<u>Bakeries, retail</u>	<u>1 space per each 2 employees, plus 1 space per each 6 seats</u>	<u>1 space per each employee, plus 1 space per each 4 seats</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Drinking establishments (bars, cocktail lounges, night clubs, and taverns)</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>
<u>Restaurants with or without drive-in or drive-through service</u>	<u>1 space per each 2 employees, plus 1 space per each 6 seats</u>	<u>1 space per each employee, plus 1 space per each 4 seats</u>	<u>Same as above</u>
<u>MANUFACTURING USES</u>			
<u>Boat building and related products manufacture and repair</u>	<u>2 spaces</u>	<u>1 space per each 2 employees on the largest shift</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Manufacturing, all other</u>	<u>2 spaces, or 1 space per each 2 employees on the largest shift, whichever is greater</u>	<u>1 space per each employee on the largest shift</u>	<u>Same as above</u>
<u>Mini-storages</u>	<u>3 spaces, plus 1 space per each 100 storage units</u>	<u>3 spaces, plus 1 space per each 50 storage units</u>	<u>None</u>
<u>Warehousing operations</u>	<u>2 spaces, plus 1 space per each 2 employees on the largest shift</u>	<u>2 spaces, plus 1 space per each employee on the largest shift</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>OFFICE USES</u>			
<u>Banks and financial institutions</u>	<u>1 space per each 400 sq. ft. of gross floor area</u>	<u>1 space per each 200 sq. ft. of gross floor area</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Business services</u>	<u>1 space per each 600 sq. ft. of gross floor area</u>	<u>1 space per 300 sq. ft. of gross floor area</u>	<u>Same as above</u>
<u>Offices, business and professional</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>
<u>RECREATIONAL AND CULTURAL USES</u>			
<u>Health clubs, dance studios, martial arts studios</u>	<u>3 spaces per 1,000 sq. ft. of floor area used for recreation purposes</u>	<u>6 spaces per 1,000 sq. ft. of floor area used for recreation purposes</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Libraries</u>	<u>2 spaces per 1,000 sq. ft. of floor area used for library collections</u>	<u>4 spaces per 1,000 sq. ft. of floor area used for library collections</u>	<u>4 spaces, plus 1 space per each 5 vehicle parking stalls</u>
<u>Museums</u>	<u>2 spaces per 1,000 sq. ft. of floor area used for collections display</u>	<u>4 spaces per 1,000 sq. ft. of floor area used for collections display</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Recreation, commercial</u>	<u>1 space per 400 sq. ft. of gross floor area</u>	<u>1 space per 200 sq. ft. of gross floor area</u>	<u>4 spaces, plus 1 space per each 5 vehicle parking stalls</u>
<u>Stadiums, arenas and assembly halls</u>	<u>1 space per 8 fixed seats, or 1 space per 150 sq. ft. of assembly space without fixed seats</u>	<u>1 per 4 fixed seats, or 1 space per 75 sq. ft. of assembly space without fixed seats</u>	<u>4 spaces, plus 1 space per each 25 vehicle parking stalls</u>

<u>Use</u>	<u>Minimum Required Parking Spaces</u>	<u>Maximum Permissible Parking Spaces</u>	<u>Required Bicycle Spaces (minimum of two spaces if not listed)</u>
<u>Theaters and auditoriums</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>
<u>RESIDENTIAL USES</u>			
<u>Accessory dwelling units</u>	<u>As specified in PTMC 17.16.020(C)(7)</u>	<u>As specified in PTMC 17.16.020(C)(7)</u>	<u>None</u>
<u>Adult family homes</u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Cottage homes</u>	<u>1 space per dwelling unit, or 1.5 spaces per dwelling unit if on-street parking is not available</u>	<u>None</u>	<u>None</u>
<u>Home occupations</u>	<u>See PTMC 17.56.060</u>	<u>See PTMC 17.56.060</u>	<u>See PTMC 17.56.060</u>
<u>Multi-family dwellings (including apartment houses and townhouses or row houses)</u>	<u>1.5 spaces per dwelling unit</u>	<u>None</u>	<u>2 spaces, plus 1 space per each 5 vehicle parking stalls</u>
<u>Multi-family dwellings restricted to use for seniors (i.e., 65 and older) and disabled persons</u>	<u>1.25 spaces per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Residential treatment facilities including group homes for the disabled</u>	<u>1 space per each staff member plus 1 space for each 5 residents</u>	<u>None</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Single-family dwellings (including manufactured and modular homes and duplexes, triplexes and fourplexes that meet the base density requirements of the applicable district)</u>	<u>2 spaces per dwelling unit</u>	<u>None</u>	<u>None</u>
<u>RETAIL USES, COMMERCIAL</u>			
<u>Building materials, garden and farm supplies stores</u>	<u>1 space per each 2 employees, plus 1 space per each 1,000 sq. ft. of gross floor area</u>	<u>1 space per each employee, plus 3 spaces per each 1,000 sq. ft. of gross floor area</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Furniture, home furnishings, and appliance stores</u>	<u>4 spaces, plus 1 space per each 1,000 sq. ft. of gross showroom floor area</u>	<u>5 spaces, plus 1 space per each 600 sq. ft. of gross showroom floor area in excess of 1,000 sq. ft.</u>	<u>Same as above</u>
<u>Motor vehicle supply stores</u>	<u>1 space per each 2 employees, plus 1 space per each 1,000 sq. ft. of gross floor area</u>	<u>1 space per each employee, plus 3 spaces per each 1,000 sq. ft. of gross floor area</u>	<u>Same as above</u>
<u>Other retail commercial uses</u>	<u>1 space per 400 sq. ft. of gross floor area</u>	<u>1 space per 200 sq. ft. of gross floor area</u>	<u>Same as above</u>
<u>Plant nurseries, landscaping materials, greenhouses (commercial)</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>

<u>Use</u>	<u>Minimum Required Parking Spaces</u>	<u>Maximum Permissible Parking Spaces</u>	<u>Required Bicycle Spaces (minimum of two spaces if not listed)</u>
<u>SERVICE USES, HEALTH</u>			
<u>Hospitals</u>	<u>1 space per each 2 regular staff members on the largest shift, plus 1 space per each 10 beds</u>	<u>1 space per each regular staff member on the largest shift, plus 1 space per each 5 beds</u>	<u>2 spaces, plus 1 per each 10 vehicle parking stalls</u>
<u>Nursing, rest or convalescent homes</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>
<u>Offices, medical and dental</u>	<u>2 spaces per each exam or consultation room</u>	<u>3 spaces per each exam or consultation room</u>	<u>Same as above</u>
<u>SERVICE USES, LODGING</u>			
<u>Bed and breakfast inns/tourist homes</u>	<u>1 space in addition to the spaces required for the residential unit</u>	<u>1 space per sleeping room in addition to the spaces required for the residential unit</u>	<u>None</u>
<u>Hotels/motels</u>	<u>1 space per hotel/motel unit</u>	<u>1.25 spaces per hotel/motel unit if meeting and/or banquet space is provided</u>	<u>2 spaces, plus 1 space per each 10 hotel/motel units</u>
<u>SERVICE USES, PERSONAL</u>			
<u>Child day care centers, child day care facilities, and preschools</u>	<u>1 space per each staff member plus 1 drop-off/pick-up space</u>	<u>1 space per each staff member, plus 1 drop-off/pick-up space, plus one space per each 10 children</u>	<u>2 spaces</u>
<u>Funeral parlors and mortuaries</u>	<u>1 space per 150 sq. ft. of assembly space</u>	<u>1 space per 75 sq. ft. of assembly space</u>	<u>None</u>
<u>Laundry and dry cleaning services</u>	<u>1 space per each 2 employees, plus 1 designated drop-off/pick-up space</u>	<u>1 space per each employee, plus 3 additional spaces</u>	<u>None</u>
<u>Other personal services (e.g., barber shops, beauty salons, etc.)</u>	<u>1 space per 400 sq. ft. of gross floor area</u>	<u>1 space per 200 sq. ft. of gross floor area</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>SERVICE USES, MISCELLANEOUS</u>			
<u>Automotive repair establishments²</u>	<u>1 space per each 2 employees, plus 2 additional spaces</u>	<u>1 space per each employee, plus 4 additional spaces</u>	<u>2 spaces</u>
<u>PUBLIC FACILITY USES</u>			
<u>Offices, government</u>	<u>1 space per each 600 sq. ft. of gross floor area</u>	<u>1 space per each 300 sq. ft. of gross floor area</u>	<u>2 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Public parks</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>
<u>OTHER USES</u>			
<u>Churches</u>	<u>1 space per 8 seats or 1 space per each 12 lineal feet of bench or pew</u>	<u>1 space per 4 seats or 1 space per each 6 lineal feet of bench or pew</u>	<u>None</u>

² The area for off-street parking is exclusive of areas required for vehicle storage.

<u>Use</u>	<u>Minimum Required Parking Spaces</u>	<u>Maximum Permissible Parking Spaces</u>	<u>Required Bicycle Spaces (minimum of two spaces if not listed)</u>
<u>Ferry landings</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>
<u>Marinas</u>	<u>No requirement for transient moorage slips; 1 space per each 20 permanent moorage slips</u>	<u>1 space per each 10 transient and/or permanent moorage slips</u>	<u>4 spaces, plus 1 space per each 10 vehicle parking stalls</u>
<u>Schools, elementary and middle (public or private)</u>	<u>1 space per classroom, plus 2 loading spaces per classroom</u>	<u>None</u>	<u>10 spaces per classroom</u>
<u>Schools, higher education</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>	<u>Determined on a case-by-case basis through SEPA review</u>
<u>Schools, high schools³</u>	<u>1 space per each classroom and office, plus 1 space per 8 pupils that are of legal driving age</u>	<u>1 space per each classroom and office, plus 1 space per 4 pupils that are of legal driving age</u>	<u>5 spaces per classroom</u>
<u>Storage areas that are incidental and subordinate to a principal use</u>	<u>None</u>	<u>None</u>	<u>None</u>

(Ord. 2893 § 2, 2005; Ord. 2782 § 4, 2001; Ord. 2635 § 1, 1998; Ord., 2571 § 2, 1997).

17.72.085 Maximum permitted parking.

The maximum parking permitted to new development or redevelopment subject to this chapter shall not exceed 120 percent of the minimum parking ratios provided in Table 17.72.080.

(Ord. 2893 § 1, 2005; Ord. 2840 § 2 (Exh. E), 2003).

17.72.090 Fractional spaces.

If the provisions of this chapter result in a parking requirement which includes a fractional parking space, any fraction less than one-half shall be disregarded, and fractions of one-half or greater shall require one parking space (Ord. 2571 § 2, 1997).

17.72.100 Uses not specified.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the decision-maker based on similar uses for which requirements are specified.

(Ord. 2571 § 2, 1997).

17.72.110 Location.

Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured along the

³ Parking requirements for associated public assembly areas, auditoriums, and stadiums shall be calculated separately.

shortest safe pedestrian way from the nearest point of the parking facility to the nearest entrance to the building which the facility is required to serve:

A. For ~~one family and two family~~ single-family dwellings: ~~on the same lot with the dwellings the parking spaces are to serve~~ not more than 200 feet;

B. For ~~multiple~~ multi-family dwellings, boardinghouses, ~~retirement homes~~, congregate care facilities, and tourist homes: not more than 100 feet;

C. For restaurants, ~~taverns~~, retail commercial establishments, hospitals, sanitariums, convalescent homes: not more than 200 feet;

~~D. — For uses in the C-III zoning district and the other commercial zones lying within the historic district: not more than 900 feet;~~

~~E D.~~ For bed and breakfast inns: not more than 200 feet; and

~~F E.~~ For uses other than those specified above: not more than 500 feet. (Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.120 On-street parking spaces.

~~A. — If the proposed parking area plan submitted pursuant to PTMC 17.72.170 would require elimination of one or more existing on-street parking spaces within the C-III zoning district, the parking requirements prescribed in PTMC 17.72.080 are increased by two off-street spaces for each on-street space to be eliminated; provided, that the building official may waive all or part of any such increase upon a showing to his/her satisfaction that one or more of the spaces to be eliminated had been created by permission of the applicant within the six years preceding the proposed building, use or expansion.~~

~~B. — If, however, such parking area plan would restore one or more existing on-street parking spaces within the C-III zoning district by reducing existing curb cuts or other conflicts, the off-street parking requirements prescribed in PTMC 17.72.080 are reduced by two off-street parking spaces for each on-street parking space restored by said plan.~~

~~C. The required number of off-street parking spaces provided for commercial, mixed use, and multi-family residential properties outside the C-III historic commercial district that are being developed, redeveloped, or expanded shall be reduced by two spaces for each on-street parking space provided adjacent to a site. The design, placement, and proposed construction standard of on-street parking spaces will be reviewed and approved by the public works director. Due to the high level of traffic, on-street parking may not be possible along Sims Way or other streets as determined by public works.~~

~~(Ord. 2893 § 2, 2005; Ord. 2840 § 2 (Exh. E), 2003; Ord. 2571 § 2, 1997).~~

17.72.130 Residential transient accommodations - Parking requirements.

A bed and breakfast inn or a tourist home shall provide parking consistent with the requirements of Table 17.72.080 PTMC ~~two off-street parking spaces for the owner's use plus the off-street parking space for each guest room~~; provided, that for a bed and breakfast inn in an historic structure as defined under Chapter 17.08 PTMC, the required number of off-street parking spaces shall be reduced by the number of on-street parking spaces which are located on that portion of the public street right-of-way which is abutting the front and side lot lines of the property. In such instances, one on-street

parking space shall be counted for each continuous 20 feet of abutting street frontage, less the 20 closest to each street intersection and any frontage which may not be safely used for on-street parking due to the presence of driveways, hydrants or other conflicting uses.

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.140 Joint use.

A. The decisions-maker may authorize joint use of parking facilities required by this chapter through a joint use agreement between a use which requires parking primarily during the day (hereinafter, "daytime uses") and a use which requires parking primarily during the night (hereinafter, "nighttime uses"). Daytime uses are such establishments as banks, offices, retail and personal service shops, clothing, furniture, manufacturing, or wholesale and related uses. Nighttime uses include theaters, auditoriums, bowling alleys, bars, restaurants, lodgings and related uses.

B. The portion of parking facilities serving retail stores selling groceries and related items may not be used for joint use parking.

C. No more than one joint use parking agreement may be applied to each portion of any parking facility.

D. The applicant shall show that there is no substantial conflict between the principal operating hours of the building or uses for which joint use of off-street parking facilities is proposed.

E. The applicant shall present a binding legal agreement, executed by the parties holding an ownership interest in the properties subject to the proposed joint use parking agreement. The agreement shall be irrevocable for the term of the proposed joint use parking and shall provide, that in the event that the joint use parking becomes unavailable, replacement off-street parking shall be provided or the use shall be discontinued. Such instrument, after approval as to form and manner of execution by the city attorney, shall be approved by the decision-maker, recorded with the county auditor, and filed with the building official.

(Ord. 2571 § 2, 1997).

~~17.72.150 Waiver of requirements -- Fee in lieu of parking spaces -- Waiver of prior conditions of development approval.~~

~~A. Within the C-III zoning district or the other commercial zones lying within the historic district, the decision maker may waive all or part of the parking requirements prescribed in PTMC 17.72.080 upon request by the applicant to pay a fee into the parking improvement fund pursuant to PTMC 17.72.150 in lieu of furnishing the required parking spaces. In making its determination on the request, the decision maker shall consider:~~

~~1. The extent to which the parking requirements which apply to the proposed development impose a particular hardship upon the applicant;~~

~~2. Whether granting the request would be unreasonably burdensome to other property owners in the C-III zoning district or the other commercial zoning districts within the historic district; and~~

~~3. Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of this chapter for the~~

purposes of encouraging appropriate land uses, improving pedestrian circulation and achieving a better parking design.

B. ~~The fee in lieu of parking spaces shall be \$3,660 per space required or such other amount as the city council shall hereafter set by ordinance.~~

C. ~~Any such agreement shall be made in compliance with applicable state laws.~~

D. ~~Any off-street parking spaces required as a condition of development approval prior to December 31, 1996, whether owned or leased, are hereby waived; provided, that this waiver shall only apply if the off-street parking spaces would not be required as a condition of development approval if application were made under this chapter, as amended.~~

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.160 In-lieu parking fees - Fund created - Parking improvement plan.

A. ~~There is created in the city treasury a special fund designated the "parking improvement fund" into which in lieu parking fees shall be deposited to be expended only for public improvements listed in a parking improvement plan adopted by the city council. The city council may from time to time direct that other moneys be transferred into the fund to be used for the purposes of the fund.~~

B. ~~The fund shall be used exclusively for planning, acquisition, design, development, construction, financing, maintenance and operation of off-street parking facilities within or immediately adjacent to the C-III zoning district or the other commercial zones that lie within the historic district, all consistent with the specific priorities set forth in the parking improvement plan as hereafter adopted or amended by the city council.~~

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.170 17.72.150 Parking facilities - Plan required - Contents.

The applicant shall submit a plan of proposed parking facilities at the time of the application for the building or use ~~which~~ that the parking facilities will serve. The plan shall include the following:

- A. North point and scale;
- B. All adjacent streets, alleys, sidewalks and curbs;
- C. Storm drainage facilities, designed and approved in accordance with Article IV of PTMC Title 13;
- D. Ownership of entire lot or parcel to be developed;
- E. Existing and proposed land contours;
- F. Existing trees which have a trunk diameter of six inches or greater measured for feet above grade;
- G. Outline of all existing and proposed structures;
- H. Completely dimensioned parking layouts, clearly showing all parking stalls, directional arrows or signs, bull rails, curbs, and other developments;
- I. All traffic control devices such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs, and other developments;
- J. Parking stalls, aisles and driveways shall be clearly marked as follows:

1. Hard-surfaced parking areas shall use white paint or equivalent material to delineate stalls and directional arrows; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the parking surface;
2. Gravel or unsurfaced parking areas shall use wood or concrete bull rails or wheel stops to delineate stalls, with posted signs to direct traffic; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the bull rails or wheel stops of each stall;
- K. Where pedestrian walkways are delineated, they shall be separated from vehicular traffic by curbs or shall be raised at least six inches above the lot surface;
- L. All driveways and off-street parking areas which have four or more parking spaces and which exit onto a hard-surfaced public street shall be surfaced with a minimum of two inches of asphaltic concrete for a driving distance of at least 40 feet from such street;
- M. Landscaping shall be shown pursuant to PTMC ~~17.72.190~~ 17.72.170;
- N. Lighting of areas provided for off-street parking shall be designed and arranged to prevent a nuisance or hazard to passing traffic, and where a parking facility shares a common boundary with any residentially zoned property, the lighting devices shall be shaped and directed to shield the light from such neighboring property.
(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.180 17.72.160 Parking facilities - Design requirements ~~Minimum dimensions.~~

- A. Preliminary parking plans which do not show each parking space, access aisle and driveway pursuant to PTMC ~~17.72.170~~ 17.72.150, or areas reserved for future parking on a gross area basis, shall allow 300 square feet per vehicle.
- B. Standard Sized Parking Spaces.
 1. Standard sized parking spaces placed parallel to the access driveway or aisle shall be a minimum of nine feet wide and 23 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 20 feet wide for two-way traffic or 12 feet wide for on-way traffic;
 2. Standard sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for standard sized cars set forth in Table ~~17.72.180~~ 17.72.160.
- C. Compact Sized Parking Spaces.
 1. When more than 10 parking spaces are required for a particular use, one-half of the parking spaces may be designated as "compact" spaces and be developed in conformance with the minimum dimensional requirements for compact sized cars set forth in Table ~~17.72.180~~ 17.72.160.
 2. Compact car sized parking placed parallel to the access driveway or aisle shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles exclusively serving compact sized parallel parking spaces shall be a minimum of 20 feet wide for two-way traffic or 11 feet wide for on-way traffic.
 3. Compact sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements of compact sized cars set forth in Table ~~17.72.180~~ 17.72.160.

4. Every compact sized parking space developed pursuant to this chapter shall be clearly identified as such by painting the word "COMPACT" in upper case, block letters on the pavement within the space or, in the case of unpaved parking stalls, on the bull rails or wheel stops of each such stall.

D. Tandem parking spaces (allows forward car to be blocked by second car parked immediately behind) are permitted as follows:

1. One per single-family ~~or two-family~~ dwelling;
2. One per each four multi-family dwelling units;
3. Otherwise, one per each four employees.

E. The minimum number and dimensions of parking spaces for disabled persons shall be provided pursuant to applicable state laws and regulations.

F. No single curb cut shall be wider than 25 feet. For parking lots with fewer than 10 parking spaces, a single curb cut which is no wider than 12 feet is allowed. Parking lots with separate points of ingress and egress shall have curb cuts of maximum width of 12 feet separated by a distance of at least 20 feet.

Table ~~17.72.180~~ 17.72.160
Minimum Parking Lot Dimensions

Standard Sized Spaces

A	B	C	D	E
35°	9.0'	17.3'	12.0'	12.0'
45°	9.0'	19.8'	15.0'	12.0'
60°	9.0'	21.0'	18.0'	17.0'
90°	9.0'	19.0'	24.0'	19.0'

Compact Sized Spaces

A	B	C	D	E
30°	8.0'	14.9'	12.0'	12.0'
45°	8.0'	17.0'	13.0'	12.0'
60°	8.0'	17.9'	16.0'	15.0'
90°	8.0'	16.0'	22.0'	18.0'

Key to Table

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(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.190 17.72.170 Parking facilities - Landscaping.

A. Purpose. The purpose of this section is to achieve the following:

1. Provide an opportunity for preservation and development of a pleasing visual environment in the multi-family residential, mixed use, commercial, marine-related and manufacturing districts of the city from the viewpoint of residents and visitors.
2. Preserve land values of properties surrounding off-street parking facilities.
3. Avoid and reduce visual blight which may be created by large expanses of barren asphalt which often make up parking lots.
4. Provide for the health, safety, and general welfare of the citizens by minimizing discordant and unsightly surroundings, assuring vehicular visibility at intersections, and providing for the beauty and balance of the city, as are the proper and necessary concerns of the city council.

B. Applicability. This section applies to all surface, off-street parking lots in the city of Port Townsend, excluding those ~~which~~ that are accessory to single-family or ~~two-family~~ dwellings.

C. Performance standards. The applicant shall submit a parking landscaping plan as required by PTMC ~~17.72.170~~ 17.72.150 in accordance with the following standards:

1. Provide visual relief and shade in parking areas;
2. Provide visual separation and screening of parking areas from public streets, pedestrian areas and surrounding uses;
3. Preserve and protect existing, significant trees;
4. Plant species ~~which~~ that:
 - a. Fulfill the screening, shading and appearance purposes of the landscaping in all seasons;
 - b. Provide a desirable diversity of species;
 - c. Will be comparable in scale to surrounding existing and anticipated uses when plants reach maturity;
 - d. Are native to the regional environment or readily adaptable to local conditions;
 - e. Will not create particularly burdensome maintenance or damage problems such as large leaf debris, dripping sap, or pavement damage;
 - f. Will not require regular irrigation under normal local weather conditions after five years of growth;
5. Planting methods ~~which~~ that follow accepted nursery standards and practices suited to the particular conditions of the site;
6. Provide for protection of trees from vehicular damage;
7. Provide a watering system to provide for adequate watering of the newly installed trees at the time of planting and through the dry periods (typically May through September) for a minimum of three years;
8. Planting areas shall be sized appropriately to allow proper plant growth and to protect shrubs and trees from vehicles.

a. Planting areas containing trees shall have a minimum width and depth of eight feet;

b. Other required planting areas shall have a minimum width and depth of five feet;

c. Soils in planting areas shall be free of compaction to a minimum depth of two feet and shall be free of debris such as broken concrete, asphalt, and construction waste. Soils will be amended as necessary with compost and/or nutrients to support healthy plant growth;

9. Preserve necessary sight triangles at intersections so vegetation will not create a vehicular sight hazard.

D. Minimum Standards. ~~Excepting the downtown parking district, or excepting~~ Except for parking in the Historic Overlay District, as defined in PTMC 17.30.040, alternate plans authorized pursuant to subsection F of this section, each parking lot landscaping plan shall provide for the following minimum landscaping installations:

1. Perimeter landscaping adjacent to public rights-of-way: Off-street parking lots which will not be entirely screened visually by an intervening building or structure from any abutting public right-of-way, excluding dedicated alleys, shall provide landscaping between the parking lot and such right-of-way in accordance with the following minimum requirements:

a. An eight-foot-wide planting strip along the entire street frontage, excluding driveways.

b. One tree for each 35 lineal feet of street frontage or fraction thereof, excluding driveways.

c. Each tree shall be healthy "balled and burlapped" stock and carefully planted in a planting area of at least 64 square feet, unless planted as a street tree within a sidewalk in accordance with city street tree planting standards.

d. Each required deciduous street shall measure a minimum of three-quarter-inch in diameter at six inches above the ground level at time of planting;

e. Each required evergreen tree shall have a minimum height of eight feet at time of planting.

f. The remaining planting strip area shall be planted with shrubs and ground cover sufficient to provide substantial visual screening to a height of approximately four feet with three years.

g. Required shrubs shall be a minimum height of one and one-half feet at time of planting.

h. All property other than the required landscaped strip lying between the right-of-way and off-street parking area shall be landscaped with landscape bark, grass or other ground cover.

2. Perimeter landscaping abutting other properties: Off-street parking lots which will not be entirely screened visually by an intervening building or structure from abutting property shall provide landscaping between the parking lot and such abutting property in accordance with the following minimum requirements:

a. Where parking lots abut residentially zoned property, a wall, hedge, or other durable landscape barrier not less than five feet in height shall be placed to form a continuous visual screen between the parking lot and such abutting property. One of the following methods shall be used to provide such barrier:

i. Suitable hedge-type shrubs sized and planted to provide a solid screen to a height of five feet within three years of planting.

ii. Solid wood or shingle fencing a minimum five feet in height with shrubs planted in front a minimum of 10 feet on center to grow to at least five feet within five years of planting.

If such barrier consists all or in part of plant materials, such plant material shall be planted in a planting strip of not less than five feet in width. Where such parking lot abuts an existing hedge, wall or other durable landscaping barrier on abutting property, such barrier may be used to satisfy the requirements of this subsection; provided, that such existing barrier substantially meets the standards of this section and protection against vehicular encroachment is provided for hedges.

b. One tree shall be placed for each 50 lineal feet of such landscape barrier or fraction thereof, otherwise planted to the standards set forth for perimeter landscaping in subsection (D)(1) of this section.

c. Where such parking lot abuts a dedicated alley, no landscaping shall be required.

3. Parking lot interior landscaping: Each parking area which has 20 or more parking spaces shall provide interior landscaping in accordance with the following minimum standards:

a. At least 10 percent of each such parking area shall be used for interior landscaping.

b. No parking space shall be greater than 75 lineal feet from a landscaped area.

c. Each landscaping area shall contain at least one tree which measures a minimum three-quarter-inch in diameter at six inches above ground level at time of planting. The remaining ground area shall be landscaped with plant materials.

E. Preservation of Significant Trees.

1. The applicant shall retain all significant trees within the required perimeter landscaping strip, excluding those which will constitute a safety hazard. Within the interior of parking areas, at least 15 percent of healthy trees over 25 feet in height shall be preserved.

2. Up to 10 percent of the required parking spaces may be eliminated at the rate of one parking space for each additional significant tree preserved, provided such trees do not ~~provide~~ constitute a safety hazard.

3. For the purposes of this subsection, any healthy tree which has a trunk diameter of six inches or larger shall be considered a significant tree.

F. Alternate parking lot landscaping plans may be approved by the ~~planning~~ DSD director upon a showing to his/her satisfaction that:

1. Due to the physical characteristics of the site or those of abutting properties, strict adherence to the minimum standards set forth in subsection D of this section would be unsafe or unnecessary to achieve the purposes of this title or unreasonably burdensome upon the applicant; and

2. The alternative plan proposed would satisfy the performance standards set forth in subsection C of this section.

(Ord. 2893 § 2, 2005; Ord. 2840 § 2(Exh. E), 2003; Ord. 2571 § 2, 1997).

17.72.180 Bicycle parking facilities - Design standards.

A. Bicycle parking facilities shall be stationary racks that support the bicycle with at least one point to which the user can lock the bicycle and both wheels and frame (with the removal of the front wheel) with a high security U-shaped lock or cable lock.

1. Where practicable, bicycle facilities should be grouped into four (4) parking stalls for ease of visibility to the public. Bicycle facilities should be shared among adjoining establishments.

2. Location.

a. Bicycle facilities should be located no further from a public entrance than the nearest non-handicapped parking stall.

b. For uses exempt from the off-street vehicular parking requirements of this title, bicycle facilities should be placed as near to the public entrance as possible without obstructing pedestrian movement.

B. Bicycle parking spaces should be 2 feet by 6 feet with no less than a 7 foot overhead and a 5 foot maneuvering aisle behind each row of bicycle parking.

C. Bicycle parking areas should be separated from a motor vehicle parking area by a barrier, post or bollard, or by at least 5 feet of open space behind the maneuvering area.

D. If public bicycle parking is not clearly visible from the main entrance, then directional signs should be provided.
(Ord. 2893 § 2, 2005).

17.72.210 17.72.190 Parking facilities - Maintenance.

A. It shall be the responsibility of the property owner to maintain all off-street parking, pedestrian and landscaping facilities on his/her property and any abutting public sidewalks and landscaping areas. Such maintenance shall include removal and replacement of dead and dying trees, grass and shrubs; removal of trash and weeds; and within the off-street parking facilities, repair of traffic control devices, signs, light standards, fences, walls, surfacing material, curbs and railings.

B. Cutting and pruning of trees in any public rights-of-way shall be conducted in accordance with the provisions of PTMC Title 12.

(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

17.72.195 Parking facilities - Compliance with ADA and laws of Washington.

All off-street parking facilities hereafter constructed, expanded or enlarged shall comply with the requirements of 42 U.S.C. Chapter 126 (Equal Opportunity for Individuals with Disabilities) and with the laws of the state of Washington relating to parking facilities for persons with disabilities or handicaps. (Ord. 2893 § 2, 2005).

17.72.210 17.72.200 Off-street loading and queuing spaces - Number required.

A. Each ~~department store, freight terminal, hospital, sanitarium, industrial or manufacturing establishment, retail or wholesale store, supply house, laundry, or dry cleaning establishment, storage warehouse or similar use~~ where large amounts of goods are received or shipped shall provide the minimum number of truck loading spaces indicated by the following table:

Aggregate Gross Floor Area (in square feet)	Minimum Number of Spaces
Less than 10,000	None
10,000 to 15,999	1
16,000 to 39,999	2
40,000 to 65,000	3
Each additional 16,000	1 additional

B. Each auditorium, stadium, arena or assembly hall ~~convention or exhibit hall, sports arena,~~ hotel, office building, restaurant, or similar use shall provide the minimum number of truck loading spaces indicated by the following table:

Aggregate Gross Floor Area (in square feet)	Minimum Number of Spaces
Less than 40,000	None
50,000 <u>40,000</u> to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Each additional 160,000	1 additional

C. Each loading space shall be not less than 10 feet in width and 25 feet in length, and shall have a vertical clearance of at least 14 feet in height.

D. All banks and financial institutions, ~~savings and loan associations,~~ fast food restaurants, and other businesses which maintain drive-in facilities shall provide sufficient vehicular queuing space to prevent obstruction of public rights-of-way or private driveways or aisles during peak business hours.
(Ord. 2893 § 2, 2005; Ord. 2571 § 2, 1997).

SECTION 3. A new section 17.86.065, "Alternative approval criteria - Off-street parking and loading variances," would be added to Chapter 17.86 of the Port Townsend Municipal Code, "Variances," which would read as follows:

17.86.065 Alternative approval criteria - Off-street parking and loading variances.

A. Requests for Decreased Off-Street Parking. In the case of a variance requested to decrease the parking standards set forth in Chapter 17.72 PTMC, the decision-maker shall have the authority to grant the variance if the following findings are made:

1. Joint use parking opportunities have been fully explored;
2. A parking study has been provided that provides a basis for reduced parking and mitigation necessary to offset any negative effects; and
3. The site is served by transit or can be served within 6 months of occupancy.

B. Requests for Increased Off-Street Parking. In the case of a variance requested to increase the parking standards set forth in Chapter 17.72 PTMC, the decision-maker shall have the authority to grant the variance if the following findings are made:

1. Joint use parking opportunities have been fully explored;
2. A parking demand study has been submitted and accepted by the city that supports the need for increased parking.
3. The proposed variance does not result in the provision of off-street parking exceeding the maximum permissible space limitations set forth in Table 17.72.080 for a use located within the city's Historic Overlay District, as defined in PTMC 17.30.040.

(Ord. 2893 § 3, 2005).

Ordinance No. 2571

CITY OF PORT TOWNSEND, WASHINGTON

AN ORDINANCE ADOPTING ZONING REGULATIONS FOR THE CITY OF PORT TOWNSEND PURSUANT TO THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A RCW, AND THE REGULATORY REFORM ACT, CHAPTER 36.70B RCW, TO IMPLEMENT THE PORT TOWNSEND COMPREHENSIVE PLAN; REPEALING AND REPLACING TITLE 17 PTMC WITH A NEW TITLE 17 PTMC IN ACCORDANCE WITH THIS ORDINANCE; ADOPTING AN OFFICIAL ZONING MAP WHICH IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE COMPREHENSIVE PLAN LAND USE MAP; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Port Townsend adopted its Comprehensive Plan in accordance with the Washington State Growth Management Act (GMA) on July 15, 1996, Ordinance No. 2539. All findings, recitals and other provisions of Ordinance No. 2539, and all provisions of the Comprehensive Plan are incorporated herein by this reference; and

WHEREAS, the Port Townsend Comprehensive Plan contains goals, policies, implementing strategies and a land use map intended to establish the character, quality and pattern of the future physical development of Port Townsend. The Plan specifies the amount and location of land for various land uses, and the density and intensity of development allowed. Important direction provided by the Plan, which is implemented through Title 17 PTMC, the Port Townsend Zoning Code, includes:

1. The designation of five new "mixed use centers" intended to serve as focal points for new or emerging neighborhoods and to help promote pedestrian friendly areas with small-scale neighborhood shopping and services (*i.e.*, the new C-I/MU and C-II/MU designations);
2. The designation of significant additional land for commercial and manufacturing development, in order to help provide the retail, service, and employment opportunities needed by the community (*i.e.*, including the new C-I/MU, C-II/MU, C-II(H), M/C, M-II(A), and M-II(B) designations);
3. The designation of significant additional land for moderate and higher density multi-family development in order to encourage more diverse and affordable housing types (*i.e.*, the new R-III and R-IV designations);
4. A policy which directs that manufactured (*i.e.*, HUD Code) homes be allowed in all single-family residential districts outside the National Register Historic

District, provided that such homes meet the standards of the State Energy Code, or its equivalent;

5. A policy which directs that duplexes, triplexes, and fourplexes be allowed in all single-family residential districts (*i.e.*, R-I and R-II designations) consistent with the underlying density requirements of such districts;

6. Policies intended to promote the creation of a city-wide system of interconnected open spaces and trails;

7. Policies intended to provide more opportunities and support for pedestrians, bicyclists, and transit riders, while at the same time allowing the construction of narrower streets to provide newer neighborhoods with a continuity found in older sections of the city;

8. A Capital Facilities and Utilities Element which establishes level of service standards and concurrency requirements, lists capital improvements, details construction and funding schedules for capital projects over the next six years, and provides a clear policy framework for providing adequate urban public facilities and services to address current needs and new growth and development; and

9. An optional Economic Development Element which includes a strategy which seeks to maximize Port Townsend's potential for future economic growth in a manner consistent with community and environmental values; and

WHEREAS, in *Eldridge, et. al vs. City of Port Townsend*, WWGMHB No. 96-0029, petitioners appealed the City's Comprehensive Plan to the Western Washington Growth Management Hearings Board, alleging that the City's Plan failed to comply with the GMA. However, after a full hearing on the merits, the Hearings Board held that the City's Comprehensive Plan far exceeds mandatory GMA requirements; involved exemplary public process; provides significant benefit for the Port Townsend community; provides a thorough and complete capital facilities analysis tied to land use planning which ensures the adequacy of capital facilities to serve growth and to promote Port Townsend's future economic development; and serves "as a model" for other cities. The Hearings Board held that the City has "complied with the GMA in all respects challenged by the petitioner." With this Ordinance, the City Council implements the City's Comprehensive Plan through the adoption of development regulations which are fully consistent with the GMA and the Comprehensive Plan; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute House Bill 1724 (the Regulatory Reform Act, codified at Chapter 36.70B RCW) in the 54th legislative session, requiring the City to reform the local land use regulatory process. The City has complied with the Regulatory Reform Act through adoption of Chapter 20.01 PTMC, enacting a uniform land use permit application and administration process providing greater predictability for applicants, expanded public notification, and expediting permit review. This Ordinance further implements the Regulatory Reform Act by consolidating land use permit

application review with other permit review procedures in accordance with Chapter 20.01 PTMC; and

WHEREAS, to implement the Comprehensive Plan, the GMA and the Regulatory Reform Act, it is necessary through this Ordinance for the City to repeal its prior zoning regulations and adopt new zoning regulations. A new Title 17 PTMC, the "Port Townsend Zoning Code," ("the Zoning Code"), attached hereto as **EXHIBIT A** and incorporated herein by this reference, is intended to supersede and replace the previous Zoning Code, Title 17 PTMC, adopted pursuant to City Ordinance No. 1625 (1971) as amended; and

WHEREAS, the Zoning Code, Chapter 17.08, contains definitions of uses and terms which guide the administration and interpretation of the Code; and

WHEREAS, the Zoning Code, Chapter 17.12, provides for the establishment of all zoning districts within the City. It is the general intent of this Chapter and Title 17 in general to stabilize and protect the uses permitted within the various zoning districts by excluding mutually interfering uses, and to allow a maximum degree of latitude within Title 17 PTMC to promote residential harmony, conduct profitable business, and contribute to the economy of the community. Chapter 17.12 further adopts the City's Official Zoning Map as part of the Zoning Code; and

WHEREAS, the Zoning Code, Chapter 17.16 describes and provides for all land uses and bulk, dimensional and density requirements within all residential districts; and

WHEREAS, the Zoning Code, Chapter 17.18 describes and provides for all land uses and bulk, dimensional and density requirements within all mixed use districts; and

WHEREAS, the Zoning Code, Chapter 17.20 describes and provides for all land uses and bulk, dimensional and density requirements within all commercial districts; and

WHEREAS, the Zoning Code, Chapter 17.22 describes and provides for all land uses and bulk, dimensional and density requirements within all marine-related and manufacturing districts; and

WHEREAS, the Zoning Code, Chapter 17.24 describes and provides for all land uses and bulk, dimensional and density requirements within all public, park and open space districts; and

WHEREAS, the Zoning Code, Chapters 17.26 through 17.30 describe and provide for overlay districts, including special height overlay and waterfront design guideline overlay districts. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.32, implements the Comprehensive Plan by creating incentives, including bonus densities, for land development applicants developing property within all residential and mixed use zoning districts to seek opportunities for the creative design of lots and transportation improvements, and for affordable development and the affordable provision of public services and facilities through Planned Unit Developments. Chapter 17.32 provides for the conferral of public benefits as a condition of approval of flexible site design and bonus densities through the PUD process; and

WHEREAS, the Zoning Code, Chapter 17.36 describes and provides for design standards and design review of multi-family construction projects proposed within the R-III and R-IV districts, allowing expeditious administrative permit review under standards which are intended to balance goals of housing affordability and individualized project design with potential adverse environmental, aesthetic, transportation and other impacts of potentially large, densely inhabited residential structures upon residential neighborhoods; and

WHEREAS, the Zoning Code, Chapter 17.40 reserves for future code revisions design standards and design review of mixed use projects proposed within the C-I/MU and C-II/MU districts, intended to balance goals of housing affordability and individualized project design with potential adverse environmental, aesthetic, transportation and other impacts of potentially large, densely inhabited mixed residential and commercial structures upon adjacent residential neighborhoods; and

WHEREAS, the Zoning Code, Chapter 17.52 describes and provides standards for day care facilities. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.56 describes and provides standards for home occupations. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.60 describes and provides for the permitting and regulation of temporary uses in all zoning districts, establishing a clear application review process pursuant to uniform standards; and

WHEREAS, the Zoning Code, Chapter 17.68 describes and provides standards for fences, walls, arbors and hedges. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.72 describes and provides standards for off-street parking and loading requirements. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.76 describes and provides standards for the regulation of signs in all zoning districts. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.78 reserves the regulation of wireless telecommunication facilities for future adoption and code amendment. While the City code addresses issues associated with the permitting of antennae, satellite dishes and telecommunication facilities in all zoning districts, the City Council intends to more specifically address issues pertaining to the suitability of these uses and the mitigation of adverse impacts regarding these uses through a future code revision. The City Attorney's Office has been directed to research and develop this Chapter as soon as practicable; and

WHEREAS, the Zoning Code, Chapter 17.80 describes and provides design standards and procedures within the National Register Historic District. The Code continues these provisions from the previous code without substantive amendment; and

WHEREAS, the Zoning Code, Chapter 17.84 describes and provides for the regulation and permitting of uses described as "conditional" in all zoning districts. This Chapter establishes permit application procedures and standards intended to ensure that conditional uses may be permitted so long as they are compatible with the requirements of the City's land use and environmental regulations and are compatible with the surrounding land uses and structures; and

WHEREAS, the Zoning Code, Chapter 17.86 describes and provides for regulation and permitting of variances from Zoning Code requirements. This Chapter is intended to allow property owners to vary from the requirements of Title 17 in the rare circumstances where, due to unique site attributes and conditions beyond the land owner's control, Title 17 may prohibit the reasonable use and enjoyment of properties; and

WHEREAS, the Zoning Code, Chapter 17.88 describes and provides for the regulation of nonconforming lots, buildings and uses. Through the adoption of Title 17 PTMC, certain lots, buildings and uses will be rendered "nonconforming" with the provisions of the Zoning Code. Chapter 17.88 provides for the "grandfathering" of nonconforming lots, structures and uses under certain circumstances, and for the orderly, fair and reasonable transition of lots, buildings and uses to conformance with Title 17, in order to ensure the implementation of the Comprehensive Plan and the Zoning Code throughout the City. In view of Port Townsend's nationally-recognized historic heritage and the many historic structures in Port Townsend, Chapter 17.88 allows substantial flexibility for the continuation of historic structures and historic land uses to ensure that implementation of the Zoning Code will not impede the essential need to protect and enhance Port Townsend's historic heritage; and

WHEREAS, Chapter IV, Land Use Element, of the 1996 Port Townsend Comprehensive Plan requires the adoption of an R-I Low Density Residential Single Family district (4 dwelling units per acre) within drainage basins 4a and 4b in the northwestern portion of the City, because of public safety and environmental concerns related to stormwater control and potential flooding problems. The R-I downzone is implemented through the adoption of the Zoning Code, Title 17 PTMC. The R-I designation will render "nonconforming" those lots platted in this portion of the City prior to the adoption of the Comprehensive Plan and prior to the adoption of the Zoning Code, Title 17 PTMC. Further, in other zoning districts, some lots platted prior to the adoption of the Zoning Code will be of substandard size to meet minimum lot requirements and will thereby be rendered "nonconforming" with Title 17 PTMC. Chapter 17.88 requires that such lots which are in common ownership be consolidated to meet minimum lot size and density requirements; and

WHEREAS, the R-I designation adopted pursuant to the 1996 Comprehensive Plan is further designed to accommodate single family development which maintains and promotes the "small town" character of Port Townsend while ensuring that environmental quality and public safety needs are not adversely impacted. The Comprehensive Plan, pages IV-20 through IV-24 provides further policy direction for stormwater control and residential land use; and

WHEREAS, the construction upon, and the development of lots which are rendered "nonconforming" by the enactment of minimum lot size and density standards contained within the Zoning Code, Title 17 PTMC, and are inconsistent with the Land Division Ordinance, Title 18 PTMC, and which may also be inconsistent with Chapter 43.21C RCW (SEPA), Chapter 58.17 RCW (Subdivision Act), Chapter 36.70A RCW (GMA), and the 1996 Port Townsend Comprehensive Plan, undermines the important public purposes of Washington law and the Port Townsend Zoning Code, including but not limited to the installation of necessary public facilities, and the protection of public safety and environmental quality, and is contrary to the public interest as set forth in the Port Townsend Comprehensive Plan; and

WHEREAS, the Zoning Code, Chapter 17.90 describes and provides rules of construction and interpretation to facilitate the fair, predictable and uniform administration of the Code; and

WHEREAS, the Zoning Code, Chapter 17.94 describes and provides for the administration and enforcement of Title 17 to ensure that the Code is fully implemented in a fair, predictable and uniform manner, with due protection provided for the constitutional rights of property owners, including but not limited to procedural due process rights, and ensuring neighborhoods and property owners that property development which violates the Zoning Code will not be permitted; and

WHEREAS, in order to fully implement GMA requirements and the Comprehensive Plan, it is necessary for the City to repeal its previous Official Zoning Map and adopt a new

Official Zoning Map which is consistent with the Comprehensive Plan. Concurrently with the adoption of the Zoning Code, and as a component of the Zoning Code, Section 17.12.030 PTMC, the City Council adopts the Official Zoning Map for the City of Port Townsend. A copy of the Zoning Map is attached hereto as **EXHIBIT B** and incorporated herein by this reference. The Zoning Map shows the locations and boundaries of all zoning districts and is fully consistent with and implements the Comprehensive Plan and the Comprehensive Plan Land Use Map; and

WHEREAS, in accordance with the GMA, the City forwarded the proposed new Title 17 PTMC to the State of Washington Department of Community Trade and Economic Development for review and comment more than 60 days prior to adoption of this Ordinance. The City did not receive comments during the subsequent 60 days; and

WHEREAS, review of this Ordinance has been conducted in accordance with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA); and

WHEREAS, the Planning Commission held a public hearing on the Zoning Code on February 27, 1997, and held public workshops to deliberate regarding the Code on March 6, March 13, and March 20, 1997, with a continued workshop meeting held on March 25, 1997 to consider and approve all revisions as directed by the Commission, and to take final action on the Code. The Commission recommended to City Council that the Code be adopted as amended; and

WHEREAS, the City Council held a public hearing on the Zoning Code on March 31, 1997, and held public workshops to deliberate regarding the Code on April 1 and April 2, 1997, with final adoption at the regular City Council meeting held on April 7, 1997. The City Council adopts the findings and recitals contained within this Ordinance in response to presentations and testimony presented, and all deliberations occurring at the Planning Commission and Council public hearings and workshops; and

WHEREAS, the immediate adoption and effectiveness of this Ordinance is necessary to comply with Washington Department of Health regulatory requirements. In the Department of Health's Modified Agreed Order Docket No. 94-003 ("the Order" or "DOH Order"), the Department of Health ("DOH") has ordered the City to "complete all construction necessary to meet CT [chlorine contact time] requirements for all City water users within the City Limits, . . . and [to] complete associated chlorination system improvements needed . . ." by December 31, 1997. The Order requires the City to apply for grant or loan funds through the Public Works Trust Fund ("PWTF") program, or other source, in order to fund these improvements. The Order imposes substantial potential penalties upon the City for noncompliance; and

WHEREAS, by providing the removal of biological contaminants and the disinfection of City water lines, the CT pipeline improvements are necessary to ensure the adequacy and

safety of domestic water quality for City water customers. The timely construction of the improvements is therefore necessary for the protection of public health and public safety; and

WHEREAS, the CT pipeline project, and all associated improvements, are included in the City's Comprehensive Plan's Capital Facilities Element, Table VII-26, for funding and construction in 1996-1997. The DOH Order requires that regardless of eligibility for public grants and loans, the City "shall complete construction no later than December 31, 1998." Without being eligible to secure necessary grant or loan funds in 1997, the timely completion of the required improvements is jeopardized; and

WHEREAS, the Washington State Department of Community, Trade and Economic Development ("DCTED") is the agency administering the PWTF grant or loan program. To be eligible for the grant or loan funds, upon submittal of the application, DCTED requires that the City be in full compliance with the GMA, including adoption of the Comprehensive Plan and all necessary implementing development regulations; and

WHEREAS, pursuant to the GMA, the Zoning Code is a mandatory development regulation which must be adopted to ensure eligibility for the PWTF grant or loan funds. The PWTF application deadline, and the deadline for full compliance with the GMA, is April 9, 1997. Therefore, to ensure eligibility for the PWTF grant or loan funds, and thereby to ensure compliance with the DOH Order, this Ordinance must be effective upon adoption; and

WHEREAS, based upon the imperative need to comply with the DOH Order and to complete construction of the CT pipeline and associated improvements in a timely fashion, there is an emergency need for this Ordinance to be effective immediately upon adoption,

NOW, THEREFORE, based upon the above findings and recitals, the City Council of the City of Port Townsend, Washington does ordain as follows:

Section 1. Repealer. Title 17 PTMC adopted pursuant to City Ordinance No. 1625 (1971) as amended, is hereby repealed and replaced with a new Title 17 PTMC in accordance with this Ordinance. The City's previous Official Zoning Map, adopted pursuant to City Ordinance No. 1625 (1971) as amended, is hereby repealed and replaced with a new Official Zoning Map, adopted concurrently with, and as a part of this Ordinance.

Section 2. Adoption of Zoning Code. Pursuant to the City's authority conferred by Chapter 35A.63 RCW, the City Council hereby adopts the zoning regulations which are marked as **EXHIBIT A**, attached hereto and by this reference made a part hereof, entitled Title 17 "Port Townsend Zoning Code," to be codified as Title 17, "Port Townsend Zoning Code," Chapters 17.04 through 17.94 of the Port Townsend Municipal Code.

Section 3. Adoption of Official Zoning Map. Pursuant to the City's authority conferred by Chapter 35A.63 RCW, concurrently with the adoption of the Zoning Code, Title 17 PTMC, the City Council hereby adopts the Official Zoning Map for the City of Port Townsend, which is marked as **EXHIBIT B**, attached hereto and by this reference made a part hereof. The provisions of Title 17 PTMC, adopted herein, shall govern the administration, applicability, and interpretation of the Official Zoning Map.

Section 4. Filing. The Zoning Code and Official Zoning Map shall be filed with the City Clerk and shall be available for public inspection upon the effective date of this Ordinance.

Section 5. Transmittal to DCTED. The City Clerk shall transmit a copy of this Ordinance to the State Department of Community, Trade and Economic Development (DCTED) within 10 days of adoption of this Ordinance.

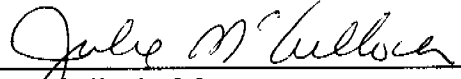
Section 6. Effect of Repealed Zoning Code and Map. Upon the effective date of this Ordinance, the previous Zoning Code (adopted pursuant to City Ordinance No. 1625 (1971) as amended) repealed by this Ordinance, and the previous Official Zoning Map (adopted pursuant to City Ordinance No. 1625 (1971) as amended) shall be superseded by the Zoning Code, **EXHIBIT A** and the Official Zoning Map, **EXHIBIT B**. However, if the Zoning Code adopted pursuant to this Ordinance is at any time hereafter declared in its entirety to be invalid or of no effect, the previous Zoning Code hereby repealed shall spring into effect until subsequently amended or repealed. Similarly, if the Official Zoning Map adopted pursuant to this Ordinance is at any time declared in its entirety to be invalid or of no effect, the previous Official Zoning Map hereby repealed shall spring into effect until subsequently amended or repealed.

Section 7. Declaration of Emergency. In accordance with RCW 35A.12.130 and 35A.13.190, and based upon the above findings and recitals, the Council hereby declares it is essential that the City be eligible for grant funds and favorable low interest loans available through the Public Works Trust Fund and other public revenue sources in order to conduct necessary water system improvements during 1997, in accordance with the City's Capital Facilities Plan and in compliance with Department of Health's Modified Agreed Order, Docket No. 94-003. The Council declares that the adoption of this Ordinance is necessary for the protection of public health and public safety and that ensuring eligibility for public grants and loans to address public health and safety needs associated with the City's water system constitutes an emergency condition, requiring that this Ordinance be effective immediately upon adoption.

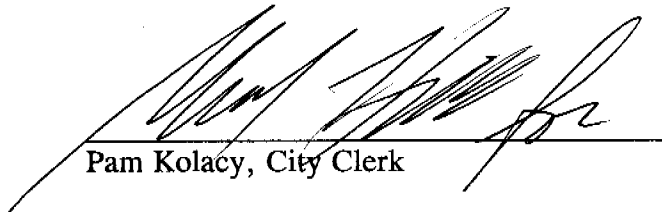
Section 8. Effective Date. Pursuant to RCW 35A.12.130 and 35A.13.190, the Council hereby declares an emergency and declares that this Ordinance shall be effective immediately upon adoption.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance.

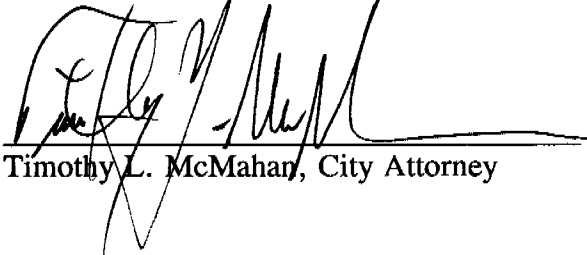
Passed by the City Council and approved by the Mayor of the City of Port Townsend, Washington, at a regular meeting thereof this 7th day of April, 1997.


Julie McCulloch, Mayor

Attest:


Pam Kolacy, City Clerk

Approved as to form:


Timothy L. McMahon, City Attorney

04/02/97 Tim/Ord{zone17.ord}

PORT TOWNSEND MUNICIPAL CODE

Title 17

PORT TOWNSEND ZONING CODE

Chapters:

17.04 General Provisions

17.08 Definitions

17.12 Establishment of Zoning Districts

17.16 Residential Zoning Districts

17.18 Mixed Use Zoning Districts

17.20 Commercial Zoning Districts

17.22 Marine-Related and Manufacturing Zoning Districts

17.24 Public, Park and Open Space Zoning Districts

17.26 Overlay Districts

17.28 Special Height Overlay District

17.30 Waterfront Design Guidelines Overlay District

17.32 Planned Unit Developments

17.36 Multi-Family Residential Development Standards

17.40 Mixed Use Development Standards

~~17.44 Commercial, and Marine-Related and Manufacturing Uses - Development Standards~~

~~17.48 Accessory Dwelling Units~~

17.52 Day Care Facilities

17.56 Home Occupations

17.60 Temporary Uses

~~17.64 Manufactured and Mobile Home Parks~~

17.68 Fences, Walls, Arbors and Hedges

17.72 Off-street Parking and Loading

17.76 Signs

17.78 Wireless Telecommunications Facilities - Development Standards [RESERVED]

17.80 Design Review - National Register Historic District

17.84 Conditional Uses

17.86 Variances

17.88 Nonconforming Lots, Buildings and Uses

~~17.82~~ 17.90 Rules of Construction and Interpretations of Code

~~17.90~~ 17.94 Administration and Enforcement

Chapter 17.04 GENERAL PROVISIONS

Sections:

17.04.010 Title.

17.04.020 Purpose.

17.04.030 Application of regulations.

17.04.010 Title.

The ordinance codified in this, together with any amendments, shall be known as the “City of Port Townsend Zoning Code.”

17.04.020 Purpose.

The purpose of this title is to promote the public health, safety, and general welfare as well as preserving and enhancing the aesthetic quality of the City of Port Townsend by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose the city desires to achieve a pattern and distribution of land uses which generally:

A. Are is consistent with and implements the City of Port Townsend Comprehensive Plan, as required by the Washington State Growth Management Act (Chapter 36.70A RCW);

B. Build upon and enhance established residential, commercial and manufacturing development patterns;

C. Allow for and encourage infill and redevelopment of developed portions of the city in a manner consistent with the prevailing scale and character of the community;

D. Allow for mixed use development in selected areas of the city in order to serve as the focal point for new or emerging neighborhoods and to help promote pedestrian friendly areas with small scale neighborhood shopping and services;

E. Promote the retail, service, and employment opportunities desired by the community;

F. Encourage more diverse and affordable housing types in residential districts;

G. Accommodate the compact, logical expansion of development into vacant or under used lands within environmental and infrastructure constraints;

H. Maintain and enhance significant environmental resources;

I. Provide a diversity of areas characterized by differing land use activity, scale, and intensity;

J. Maintain Port Townsend's unique quality of life and small town atmosphere; and

K. Facilitate the efficient provision of adequate public facilities and services, and private utilities.

17.04.030 Application of regulations.

A. No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, except in compliance with all the district regulations established by this title for the district in which the building or land is located.

B. The minimum yards or other open spaces required by this title, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity-of-use provisions for any other building. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this title and the certificate of occupancy for such building thereupon shall be null and void.

~~C. Where the lot is formed from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair any of the requirements of this title with respect to the existing buildings, and all yards and other open spaces in connection with such buildings; and no permit shall be issued for the erection of a new building on the new lot thus created unless it complies with the provisions of this title.~~

Chapter 17.08 DEFINITIONS

Sections:

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17.08.010 Generally.

For the purpose of this title, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense; all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not discretionary. The word "used" also includes "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. The word "city" means the City of Port Townsend, in Jefferson County, State of Washington. The term "city council" means the city council of said city. The term "building inspector" means the building inspector of the city. The term "building official" means the building official of the city.

17.08.020 Definitions - A through D.

A

Abandoned sign: A sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, lessee, owner, product, or activity conducted or available on or off the premises on which such sign is located.

Abutting: Having a common border with, or being separated from such common border by a public right-of-way. See also "contiguous."

Accessory building: A subordinate building attached to or detached from the principal building and used for purposes customarily incidental to the use of the principal building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, play house, laundry room, garden shelter, hobby room and mechanical room.

Accessory dwelling unit: A separate dwelling unit with separate cooking facilities that is substantially contained within the structure of a single-family residence or an outbuilding which is accessory to such residence.

Accessory structure: A detached, subordinate structure, located on the same lot, the use of which is clearly incidental to that of the principal building, or to the principal use of the land.

Accessory use: A use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

Addition (to an existing building): Any roofed and/or walled expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled roofed and/or addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

Adult family home: A home in which residential care is provided on a 24 hour basis by an owner or tenant of the home in which care is provided, plus the family of the provider. The maximum number of adults to be accommodated in such a home shall conform to the requirements of the Washington State Department of Social and Health Services.

Advertising: Any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call to the attention of the public products, services, businesses, buildings, premises, events, candidates or ballot propositions.

Advertising vehicle: Any vehicle or trailer visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

Agriculture: The tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying and/or animal husbandry, including all uses customarily incidental thereto except small animal husbandry on a noncommercial scale.

Airports and heliports: Any area of land or structure designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Alley: A public thoroughfare or way which affords only a secondary means of access to abutting property.

Alterations:

A. Generally: A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial, manufacturing or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration; or

B. As used in Chapter 17.80 PTMC, Design Review - National Register Historic District: Any act or process which changes one or more of the exterior architectural features of a building or structure.

Amusement activity: An indoor, covered or outdoor facility or building that contains various devices for entertainment, including coin-operated machines, rides, booths to conduct games, ~~or the sale of souvenir items. [Note: This definition is not reflected in the use tables at this time; consider allowing as a permitted use within the C-II district.]~~

Amusement park or center: A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts, and such similar activities. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing as a permitted use within the C-II district.]~~

Animal hospital: See "veterinary hospital."

Animal kennel: See "kennel, animal."

Antenna: A cable, pole, tower or other device used for transmitting or receiving radio, or television signals.

Apartment: A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.

Apartment hotel: An apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing as a permitted use within the C-III district.]~~

Apartment house: A building or portion of a building arranged or designed to be occupied as five or more separate dwelling units.

Apparel and accessory stores: Stores primarily engaged in selling new or used clothing, shoes, jewelry, and related articles for personal wear and adornment and stores which rent clothing such as costumes or formal wear.

Applicant: The person, his/her agents, successors or assigns who submits or is required to submit an application pursuant to this title.

Arbor: Any detached latticework or archway often used to support vines or climbing shrubs.

Arcade:

A. Game/video: Any establishment, room, place, or business location in which there are available to the public more than three (3) coin or token operated amusement devices or where a fee is charged for the operation of such devices.

B. Structural: A permanently roofed arched covered continuous area or passageway at ground level, open to a street, plaza, open space, or building, that is accessible and open to the public.

Automobile rental agencies: Businesses primarily engaged in short-term rental or extended-term leasing of passenger cars, hearses, limousines, and the like, without drivers. Finance (equity or full-payout) leasing of the automobiles is defined as "motor vehicle sales."

Automobile sales and service establishments, new or used: An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

Automobile wrecking yard: Any premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Automotive repair establishment:

A. Minor Repair: A retail sales and service establishment that shall include only those repairs able to be effected within one working day, such as brake repair, engine tune-ups, oil changes, lubrications, front end alignments, and the like. No outdoor sales, repair, or service work shall be allowed. Repair services of a major nature, including but not limited to engine or transmission overhauls or body work shall not be included within this definition. Outdoor storage or display of vehicles, parts, equipment, or tires shall not be included within this definition. The service or repair of trucks or other similar vehicles that exceed a one-ton rated capacity shall be prohibited. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

B. Major repair: A retail sales and service establishment that provide for the painting, repainting, or retouching and/or major mechanical repairs and adjustments of motor vehicles such as engine overhauls, transmission overhauls, and the like which usually require more than one (1) working day for service. No outdoor sales, repair or service work shall be allowed. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

C. Paint or body shop: A building or other structure used for painting, repainting, or retouching and/or major non-mechanical repairs and adjustments of motor vehicles.

Awning sign: See “canopy sign.”

B

Bakery, retail: An establishment where the majority of retail sale is of products such as breads, cakes, pies, pastries, etc., that are baked or produced and sold on premises.

Bakery, wholesale: An establishment where breads, cakes, pies, pastries, etc. are baked or produced primarily for wholesale rather than retail sale. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing within the M/C district.]~~

Bank: Savings and loans, credit unions, and other depository institutions.

Banner, decorative: An object made of multicolored cloth, fabric or similar flexible material which displays abstract or representational forms and which is completely devoid of letters, numbers, words or advertising. Streamers shall not be considered decorative banners.

Banner sign: Any sign intended to be hung, with or without framing, and possessing characters, letters, symbols, emblems, trademarks, illustrations, or ornamentations applied to fabric or similar flexible material. Flags, decorative banners, canopy signs, and temporary signs, treated elsewhere in this title, shall not be considered banner signs.

Bar: See “drinking establishment.”

Barn: A building designed and used primarily for shelter and storage of livestock, livestock feed, and agricultural equipment.

Basement: That portion of a building partly underground and having at least one-half of its height below the adjacent finished grade.

Bed and breakfast inn: A building with a central kitchen which provides the primary residence for the owner or operator and which offers guest rooms for travelers and transient guests for compensation. Food service may be offered exclusively to people registered to use the inn for lodging or special events. Accessory buildings which were lawfully established prior to June 1, 1989, may be considered part of a bed and breakfast inn. A bed and breakfast inn is a “transient accommodation” and shall conform to the definition thereof.

Bedroom: A room other than a kitchen, dining room, living room, bathroom, or closet, that is marketed, designed, or otherwise likely to function primarily for sleeping.

Bench sign: A sign located on any part of the surface of a bench or seat placed on or visible from a public right-of-way.

Billboard sign: Any outdoor sign containing advertising which is not related to any use or activity on the premises on which the sign is located, but not including directional signs as defined in this title.

Boardinghouse: A dwelling that provides the primary residence for the owner or operator and in which not more than four (4) roomers, lodgers and/or boarders are housed or fed. A boardinghouse is to be distinguished from both a “lodging house” and a “hotel.”

Boat sales and rentals: A business primarily engaged in sales and/or rental of new and used motorboats, sailboats, and other watercraft. Businesses primarily engaged in the sale of supplies for boating, such as sails, outboard motors, and marine hardware, are classified as specialty stores.

Boat storage facility: A facility meant to provide long-term shelter for watercraft and their accessories (e.g., canoes, sail boats, power boats, etc.), not including service, repair or sales.

Building: Any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term “building” means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

Building height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:

A. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade; or

B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in §A, above, is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building inspector official: A duly appointed officer of the city charged with the administration and enforcement of the Uniform Building Code provisions of this title.

Building line: The line of that face, corner, or any part of a building nearest the property line, including by way of example but not limited to all cornices, architectural appendages, exterior balconies, ~~decks~~ and similar projections beyond the main foundation line of a building, but excluding the top roof or roof overhang of buildings, and excluding sidewalks, driveways and patios on ground level, and decks less than 30 inches in height.

Building materials, garden and farm supplies store: Businesses primarily engaged in selling products such as lumber and other building materials; paint; glass; wallpaper; hardware; nursery; tractors; and farm supplies such as seeds, feeds, fertilizer, and farm tools. It includes such firms if they sell to the general public, even if they also sell to contractors; if they do not sell to the general public at all, they are defined as "wholesale trade." Florists and other stores selling cut flowers and potted plants not grown on the premises are classified as "specialty stores." See also "greenhouse" and "plant nursery."

Building, principal: A fully enclosed and roofed structure, or portion thereof in separate ownership, which houses the primary uses of at least one business, residence or other establishment. Accessory buildings or outbuildings are not included in this definition.

Bulk plant facility: A facility where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, portable tank or container, or via other methods of wholesale sales.

Business service: An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing within the C-H/MU, C-II, and C-III districts.]~~

Bus and transit storage and maintenance facility: Any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

C

Canopy: A temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground. For the purposes of this title, “canopy” shall include “awning.”

Canopy sign: Any sign erected upon or against a canopy or awning.

Carnival: A temporary commercial entertainment with rides, games, etc. for the general public.

Car wash: A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing within the C-H and M/C districts.]~~

Carport: A structure to house or protect motor vehicles owned or operated by the occupants of the principal building and which is at least 40 percent, of the total area of its sides, open to the weather.

Cemetery: A place for the burial or ~~internment~~ interment of dead persons or household pets.

Certificate of occupancy: A permit to occupy a premises issued by the building ~~inspector~~ official after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

Certificate of review: The report of the HPC described in PTMC 17.80.100.

Child day care: The provision of supplemental parental care and supervision:

- A. For a nonrelated child or children;
- B. On a regular basis;
- C. For less than 24 hours a day; and
- D. Under license by the Washington State Department of Social and Health Services (DSHS).

As used in this title, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, ~~reciprocative~~ reciprocal child care by a group of parents in their respective homes.

Child day care center: A facility providing regularly scheduled care for a group of 13 or more children, for periods less than 24 hours. Such a facility may be located in a private family residence when the portion of the residence accessible to the children is:

- A. Used exclusively for the children during the center's operating hours or while the children are in care; or,
- B. Is separate from the family living quarters.

Child day care facility: Means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (Chapter 74.15 RCW, Chapters 388-155 and 388-150 WAC).

Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, not to include ~~bingo or games of chance, nor~~ schools which exceed normal religious service hours.

Clear ceiling height: The vertical distance from the surface of the ground floor to the lowest point on the ceiling.

Clear vision area: ~~The area between a height of three feet (3')~~ and ten feet (10') above the centerline grades of intersecting streets in the area bounded by the edge of the constructed street surface of an opened public right-of-way roughly paralleling the property lines of corner lots and a line joining points along said constructed road surface twenty feet (20') from their point of intersection. The area at an intersection with restrictions on vegetation and structures imposed in order to ensure visibility for pedestrians and operators of vehicles. The city's engineering design standards manual provides restrictions and limitations for construction of structures and landscaping within the clear vision area. See the "clear vision area" graphic, below.

[RESERVED - CLEAR VISION AREA GRAPHIC]

Club: Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. See also, "country club," "health club" and "private club."

Clubhouse: A building used to house a club or social organization, including clubs associated with golf courses.

Club, private: See “private club.”

Cocktail lounge: See “drinking establishment.”

Columbarium: A structure of vaults lined with recesses for crematory urns.

Commemorative plaque: A memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising.

Commercial air: Compressed air, used in portable tanks or storage tanks, for use by divers, firemen, or other such persons and functions, including the retail sale of such air and containers, as well as the compression thereof and the installation, maintenance and operation of compressing equipment therefor. ~~[Note: This definition is not reflected in the use tables at this time; this definition has been carried over from the existing Title 17 PTMC; consider deleting, or permitting this use within the M/C and M-I districts.]~~

Commercial use: The use of any structure or property for a purpose directly related to the sale of goods, the furnishing of services of any kind, or used in conjunction with the adjacent littoral commercial property.

Commercial vehicle: A motor vehicle used for purposes other than a family such as a taxi, delivery, or service vehicle.

Committee, Historic Preservation: The Port Townsend historic preservation committee established by Port Townsend Ordinance No. 2035, as hereafter amended, and codified in Chapter 2.72 PTMC.

Community center: A place, structure, area, or other facility used for and providing social, fraternal, religious, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Community clubhouse: A privately owned structure in which inhabitants of a neighborhood or subdivision, or members of a neighborhood association gather for meetings and other activities.

Community event sign: An informational or directional sign pertaining exclusively to a specific upcoming event sponsored by a governmental entity or nonprofit organization.

Compatible use: A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Computer software development: See "office, business and professional."

Concession stand, agricultural or produce: An open air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which produce (e.g., fresh eggs, fruits, vegetables, and/or other agricultural products) from predominately local farms may be sold to the public.

Conditional (special) use: A use permitted in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A conditional use is a form of special exception. All conditional uses other than "minor conditional uses" are processed as Type III permits under Chapter 20.01 PTMC.

Conditional (special) use, minor: A conditional use which is to be established and conducted entirely within an existing building, or conducted entirely within an accessory structure not exceeding 120 square feet in building coverage and 10 feet in height. Minor conditional uses are processed as Type II permits under Chapter 20.01 PTMC.

Conditional use permit: The documentary evidence of authority granted by the hearings body to locate a conditional use at a particular location.

Condominium: A form of ownership of property where the purchaser normally acquires title to a part of a building and/or a portion of land, and an undivided interest in the common areas and facilities; as distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this title.

Confectionery: An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises. ~~[Note: This definition is not reflected in the use tables at this time; consider permitting within the C-II/MU, C-II, and C-III districts.]~~

Conference center: A facility used for seminars, conventions, symposiums and similar uses, with meeting rooms and possibly food preparation and eating facilities.

Conforming use: A land use consistent with the list of permitted uses for the district in which it is located, or otherwise designated as a conforming use in that district.

Congregate care facilities: A building or complex of dwellings ~~specifically designed for, but not limited to,~~ occupancy by senior citizens ~~and non-senior citizens alike~~ which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, as well as recreational programs and facilities.

Construction sign: A sign which is temporarily erected on premises undergoing construction and which identifies the architect, engineers, contractors, suppliers or other individuals or firms involved with the construction, or announces the character of the building or enterprise.

Contiguous: Having a common border with, but not separated from such common border by a public right of way. See also "abutting."

Convalescent home: See "nursing, rest, or convalescent home."

Convenience store: A retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising, usually sells a limited selection of items and brands of pre-packaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as an automobile service station and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of an automobile service station.

Cooperative apartment: See "apartment house."

Country club: A private or public membership facility designed for tennis, swim and other recreational activities except "riding stables." Such uses and activities may be grouped around a clubhouse containing a restaurant, banquet and meeting room facilities. See also "golf course" and "recreation facility."

Court: An open, unoccupied space other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such buildings or building including the open space

in a house, court or apartment, providing access to the units thereof. See also, "urban open space."

Coverage, building: See "lot coverage."

Coverage, ground: See "lot coverage."

Covered moorage building area: The area of water lying directly beneath that portion of a structure covered by a roof, designed for boat storage.

Crematorium: A facility that uses heat or fire to reduce human or animal remains to ashes.

Custom, art and craft work: Means a A use in which nonfood, finished, personal or household items, which are either made to order or which involve considerable handwork, are produced. Examples include but are not limited to pottery and candle making, leather work, creation of sculpture and other art work, and glassblowing. High-impact uses shall not be considered custom, art and craft work.

D

Demolition: Any act or process which destroys in whole or in part a building, structure or object.

Design review standards: The guidelines used by the HPC in conducting its design review responsibilities established in this title.

Detached building: A building surrounded on all sides by open space.

Development: Any improvement or alteration to real property which requires a building, clearing, grading, or sign permit.

Director: The building and community development director of the city, or his or her designee. In any and all ordinances, resolutions, contracts, agreements, environmental determinations, or other documents adopted prior to the effective date of the ordinance codified in this title, the titles "director of planning and building" and "planning director" or other similar designations shall also mean "director of building and community development."

Directional sign: A sign which contains specific directional information and contains no advertising.

Directory sign: A sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex; which includes, but may not be limited to, signs for office buildings, church directories and signs for malls, arcades, and similar commercial buildings. No advertising other than the name, logo and locations of occupants or uses is included.

District, zoning: Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title; and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Dock: A basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.

Downtown parking district: Those areas lying within commercial, marine-related and manufacturing, and public, park and open space zoning districts from Admiralty Inlet to Van Buren Street between Port Townsend Bay and Jefferson Street, excluding the P-I zoned block bordered by Van Buren, Jefferson, Harrison and Washington streets.

Drinking establishment: A business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty (20) percent of the gross receipts (e.g., a lounge operated as part of a restaurant is considered to be an accessory to the restaurant).

Drive-in or drive-through facility: An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driving range (golf): An unconfined recreational facility (i.e., without netting overhead or along side the facility) situated on a plot of land at least four-hundred (400) yards in length and a minimum of three hundred (300) feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least one hundred (100) yards in length and a minimum of one hundred and fifty (150) feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

Duplex: A single structure containing two dwelling units, either side by side or above one another. For purposes of this title, units in a duplex are considered single-family dwellings within

R-I and R-II districts, provided that the base density requirements of the district are not exceeded (~~i.e., four dwelling units per acre within the R-I district, eight dwelling units per acre within the R-H district~~). See also, "dwelling, single-family attached," "triplex," and "fourplex."

Dwelling, multifamily: A building containing five or more dwelling units, including units that are located one over the other.

Dwelling, single-family attached: A dwelling having any portion of a wall in common with up to three adjoining dwellings.

Dwelling, single-family detached: A dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of that family.

Dwelling unit: A building or portion thereof providing complete housekeeping facilities for one family. The term "dwelling" does not include motel, tourist court, rooming house, or tourist home.

17.08.030 Definitions - E through H.

E

Efficiency dwelling unit: A dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallway, closets, or dining alcove, whether or not directly off the principal room. ~~[Note: This definition is not reflected in the use tables at this time; consider permitting within the R-I, R-H, and R-II districts.]~~

Electrical distribution substation: An assembly of equipment designed to receive energy from a high voltage distribution supply system, to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

Emergency repair: Work necessary to prevent destruction or dilapidation of real property or appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster, or to correct an unsafe condition.

Emergency shelter: A facility that provides housing for individuals and families in the event of an emergency or an emergency immediately hazardous situation.

Engineering design standards: "Engineering design standards is synonymous with "engineering standards" and means the city's engineering, design and construction standards and specifications governing the construction of public and private improvements serving developments. The city's engineering design standards include standards for streets and roads and other transportation facilities in accordance with Title 12 PTMC, standards for water, sewer and stormwater improvements in accordance with Title 13 PTMC, and the public works engineering design standards manual.

~~*Entertainment (live):~~ Any act, play, revue, pantomime, scene, dance act, or song and dance, act, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated for the performance. [Note: This definition is not reflected in the use tables at this time; consider permitting within the C-H/MU, C-H, and C-HH districts.]

Equipment rental service, commercial: A business which rents or leases equipment for personal or household use, including but not limited to power and hand tools, yard and garden equipment, or party supplies such as dishware, glassware, and folding tables and chairs. This does not include rental of furniture or appliances, which is classified under "furniture, home furnishings, and appliance stores." It also does not include rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades. These are classified as light manufacturing uses.

Essential public facilities: Public facilities and privately owned or operated facilities serving a public purpose ~~which are typically difficult to site~~. The term includes essential public facilities of statewide significance listed in Chapter 36.70A.200 RCW, and locally defined essential public facilities listed in the County-wide Planning Policy for Jefferson County, Policy #4. Examples of essential public facilities include, but are not limited to: airports; state educational facilities; state or regional transportation facilities; prisons, jails, and other correctional facilities; solid waste handling facilities; inpatient facilities such as group homes and mental health facilities; sewage treatment facilities; and communication towers and antennas.

Essential use: That use for the preservation or promotion of which the use district was created, and to which all other permitted uses are subordinate.

Establishment: An economic unit, generally at a single physical location, where business is conducted or services are offered.

F

Family: One or more persons related by blood, marriage, adoption, or a group of not more than six persons (excluding servants) not related by blood or marriage, living together as a single

housekeeping unit in a dwelling unit. The persons thus constituting a family may also include foster children, ~~gratuitous~~ guests and domestic servants. State licensed “adult family homes” and consensual living arrangements of disabled persons, in accordance with the federal Fair Housing Act, are exempt from this definition.

Family day care home: A licensed child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside in the home.

Farmers market: See “swap meet.”

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. This definition does not include arbors, trellises, and other framework installations which are either free-standing or integral to a fence or wall, or hedges. See also, “arbor” and “hedge”.

Ferry landing: A dock used for loading passengers or motor vehicles to any commercial waterborne vessel on which transportation is offered for compensation.

Financial institutions: Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses. ~~[Note: This definition is not reflected in the use tables at this time; consider permitting within the C-II/MU, C-II and C-III districts.]~~

Flag: The officially recognized symbol of a government jurisdiction displayed on cloth or similar flexible fabric.

Flashing sign: A sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern, or uses electrical energy to provide motion or the optical illusion of motion.

Flea market: An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales. See also, “swap meet.”

Floor: The top surface of an enclosed area in a building (including basement) (i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction). The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Floor area, gross: The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor

area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.

Floor area ratio (FAR): The ~~horizontal~~ gross floor area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments, by the net lot area.

Floor area, usable: Any floor area within the outside ~~wall~~ walls of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

Food stores: Stores primarily engaged in selling food and beverages for home preparation and consumption. It includes grocery stores; meat and fish markets, including freezer provisioners; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; wine and beer shops; liquor stores; and miscellaneous stores specializing in items such as spices, coffee, or health foods. As an accessory use, a food store may also sell prepared products for on-site or off-site consumption.

Foster home: A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both. ~~[Note: This definition is not reflected in the use tables at this time; consider allowing in all residential districts.]~~

Fourplex: Four attached dwellings in one building in which each unit has at least one ~~two~~ open space exposure and shares one or two walls with adjoining units. For purposes of this title, fourplexes are considered a single-family dwellings within R-I and R-II districts, provided that the base density requirements of the district are not exceeded (~~i.e., four dwelling units per acre within the R-I district; eight dwelling units per acre within the R-II district~~).

Fraternal organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements. (Note: this is not a “fraternity”).

Fraternity, sorority, or student cooperative: A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning and regulated by such institution.

Freestanding sign: A sign which is supported by uprights or braces connected permanently to the ground and which is not connected to a building. See also “pole sign”.

Fuel storage facility: An area that is used or planned to be used for the bulk storage of petroleum, propane, and similar products used for heating purposes; powering motor vehicles, boats and ships, and aircraft; and operating electrical generating plants. The facilities may be above-ground or under-ground storage tanks. ~~[Note: This definition is not reflected in the use tables at this time.]~~

Funeral parlors and mortuaries: Businesses primarily engaged in conducting funerals and preparing the dead for burial, but ~~for~~ not including crematoriums.

Furniture, home furnishings, and appliance stores: Businesses primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, wood stoves, domestic cook stoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like. Consumer electronics such as televisions, stereo equipment, and personal computers are classified under "specialty stores." Mini-computers and mainframe computers are classified under "office supplies and equipment stores." See also "specialty stores".

G

Garage, private residential: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof, and that is not a separate commercial enterprise available to the general public.

Garage, public parking: A building, or portion of building, or area beneath a building or structure, except those described as a "private garage," used only for the parking of motor vehicles.

General merchandise store: A store that sells a wide variety of grocery and nongrocery items. Stores that sell nongrocery items (such as consumer electronics, hardware, building materials, apparel, sporting goods, automotive supplies or the like) as a major component of their business (*i.e.*, 30 percent or more of display area) are classified as general merchandise stores. Stores that ~~sell~~ primarily sell groceries (*i.e.*, 70 percent or more of their display area) are classified as grocery stores.

Golf course: A tract of land laid out for at least ~~nine~~ nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter. See also, "country club."

Grade:

A. **Finished grade:** The lowest point of elevation of the finished surface of the ground, paving or sidewalk, within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

B. **Natural grade:** The elevation of the ground level in its natural state, before construction, filling, or excavation.

C. For the purposes of Chapter 17.76 PTMC, "Signs," the term grade means the average elevation of the ground surface immediately below the sign after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the grade cannot reasonably be determined, sign height shall be equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the main entry to the principal building, whichever is lower.

Grand opening: The celebration or promotional period beginning on or shortly after the date when a new, permanent business or use is open for business in a permanent, fixed building. Grand opening events must be related to: opening of a new business; a change of business location; construction of a new business structure; major remodeling or expansion valued at \$50,000 or more; change of ownership; or change of name.

Greenbelt: A strip of land, variable in width, for the planting, growing and maintaining of cultivated landscaping.

Greenhouse: An enclosed building, permanent or portable, that is used for the growth of small (i.e., less than ten (10) feet in height) plants.

Grocery store: A subcategory of food store which is primarily engaged in the retail sale of a wide variety of fresh foods, packaged foods and household supplies for preparation and consumption in the home. Commonly known as a supermarket, grocery store, or minimarket, this type of store sells such goods as tea, coffee, spices, sugar, flour and packaged foods; fresh and/or frozen fruits and vegetables; fresh and/or prepared meats, fish, and poultry; domestic cleaning products and paper goods; and miscellaneous small items for home use. See also "food store." A store which also sells a wide variety of non-grocery items (such as automotive supplies, consumer electronics, hardware, building materials, apparel, sporting goods or the like) as a major part of its sales (i.e., thirty (30) percent or more of its display area) is classified as a "general merchandise store."

Gross acreage: The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Group home for the disabled: A dwelling shared by four or more disabled persons, and resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment

in which staff persons provide care, education, and participation in community activities for residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term “disabled” shall mean having:

- A. A physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment.

However, “disabled” shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the disabled” shall not include alcoholism or drug treatment ~~center~~ centers, work-release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Guest house: Living quarters without a kitchen ~~facilities~~ located on the same lot with a ~~principle~~ principal building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises. See also, “accessory dwelling unit.”

H

Halfway house: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive confinement wherein supervision, rehabilitation, and counseling are provided to mainstream a person back into society.

Hazardous substance: Any liquid, solid, gas or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in the Washington Administrative Code rules (WAC) adopted under Chapter 70.105 RCW.

Hazardous waste: All dangerous and extremely hazardous waste, including substances, composed of both radioactive and hazardous components, regulated under either Chapter 70.105 RCW, or the Washington Administrative Code (WAC) rules adopted pursuant thereto.

Hazardous waste facility: Any facility on which the treatment or storage of hazardous waste occurs, including, but not limited to those facilities defined in WAC 173-303-040.

Health club: Gymnasiums (except those associated with educational institutions), steam baths, saunas, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Heavy manufacturing: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. See also "High impact use."

Hedge: Any self-supporting barrier of living vegetation that encloses, screens, or separates areas.

High-impact use: A business establishment which is considered to be dangerous and/or noxious due to the probability and/or magnitude of its effects on the environment. High-impact uses shall include but are not limited to:

- A. Battery manufacturing, reprocessing;
- B. Crude petroleum refinery and storage;
- C. Creosote manufacture and treatment;
- D. Distillation of wood, coal or bones, or manufacture of byproducts; animal black or bone black manufacturing;
- E. ~~Gas~~ Fuel (illuminating or heating) manufacture or storage;
- F. Incineration or reduction of garbage, offal, dead animals, or refuse;
- G. Manufacture of poisons, pesticides and herbicides;
- H. Manufacture of Class 1A or 1B flammable liquids as defined by the Uniform Fire Code, storage of same in aboveground containers;
- I. Manufacture or substantial use of ammonia, chlorine, asbestos, oxygen, hydrogen acids (hydrochloric, nitric, picric, sulfurous, sulfuric);
- J. Rendering of fat, tallow, lard; extraction of animal or fish fats and oils;
- K. Smelting of ore;
- L. Stockyards, hog farms, slaughterhouses, including packing and freezing;
- M. Storage of explosives, as defined by the Uniform Fire Code;
- N. Tanneries; and
- O. Wood pulp manufacture.

See also "Manufacturing, heavy."

Historic district: That area within the city of Port Townsend nominated to the National Register of Historic Places on April 19, 1976, the boundaries of which are described as:

Beginning at Port Townsend Bay in a northwesterly direction co-linear with Polk Street and continuing to the edge of the bluff along Water Street, then following the bluff toward the southwest to the vacated Scott Street right-of-way, along that vacated right-of-way to its intersection with Jefferson Street, southwest along Jefferson one-half block then 90 degrees to the northwest along a line parallel to Scott Street continuing to Lawrence Street, northeast along Lawrence to Walker Street, northwest along Walker to Blaine Street, northeast along Blaine to Van Buren Street, southeast along Van Buren to Garfield Street, northeast along Garfield to Harrison Street, northwest along Harrison to Chestnut Street, north along Chestnut to F Street, east along F to Oak Street, north along Oak to Taft Street, along Taft to a point midblock between Adams and Quincy Streets, then 90 degrees to the northwest along a line parallel to Quincy then 90 degrees to the northeast taking in the

property at the west corner of Quincy and Taft Streets, returning along Quincy to Taft and continuing along Taft Street northeast to Admiralty Inlet.

Historic structure: Any structures individually listed on the National Register of Historic Places, or identified as pivotal, primary, or secondary on the map which accompanied the certification of the Port Townsend National Register Historic District on May 17, 1976.

Homeless shelter: A facility that provides temporary housing for individuals or families which, due to personal adverse financial situations, have lost their homes. See also “residential treatment facility.”

Home occupation: Any profession, trade, occupation, or activity carried on for a livelihood or engaged in with the object of gain, benefit, or advantage to the participant or another person or class, directly or indirectly, for profit, and which is conducted as a customary, incidental, and accessory use in the resident's dwelling unit or an associated accessory structure. Home occupations shall only be allowed as regulated pursuant to Chapter 17.56 PTMC.

Horticulture: The science and art of cultivating flowers, fruits, vegetables, or ornamental plants.

Hospital: A facility providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities.

~~Hospital, animal:~~ ~~A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals, including the boarding of hospitalized animals, but excluding the boarding of animals not subjected to medical or surgical treatment. See~~ veterinary hospital.

Hotel, apartment: See “apartment hotel.” ~~[Note: This definition is not reflected in the use tables at this time.]~~

Hotel: Any building or portion thereof containing five or more rooms which share a common entry to the building that are rented or hired out to be occupied for sleeping purposes for compensation. A central kitchen and dining room and accessory shops and services catering to the general public may be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care. A hotel is a “transient accommodation” and shall conform to the definition thereof.

Household: See “family.”

HPC, Port Townsend historic preservation committee, or committee: The committee created by Port Townsend Ordinance No. 2035 and codified in Chapter 2.72 PTMC.

17.08.040 Definitions - I through M.

I

Illuminated sign: Any sign illuminated in any manner by an artificial light source.

Improvement: Any act that improves the value of public, real ~~and~~ or personal property, or which is necessary as a condition of development, including but not limited to: streets and roads ~~complying with the engineering and design standards adopted by the city~~; public utility and pedestrian facilities; street lights; ~~landscape features~~; sewer and water lines; bridge structures; storm drainage facilities; and traffic control devices installed as a condition of planned unit development, short subdivision, full subdivision, binding site plan, or other development application approval.

Incidental sign: A small, nonilluminated information sign two square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs, and intended primarily for the convenience of the public while on such premises.

Incidental use: A use which is subordinate and accessory to a use which is clearly permitted in the zoning district.

Incompatible use: A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indoor storage: The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than thirty five percent (35%) of its gross floor area to indoor storage.

Industrial park: A planned, coordinated development of a tract of land with two (2) or more separate manufacturing buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Institution, educational: A college, junior college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instructions as approved by the State Board of Education or by recognized accrediting agency, excluding preschool,

elementary and junior and senior high schools, and trade and commercial schools; including fraternity and sorority houses.

Institutional use: A non-profit corporation or establishment for public use.

J

Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structured steel materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation. See also, "automobile wrecking yard."

K

Kennel, animal: Any site where four (4) or more each of dogs, cats, or other small animals over the age of ~~four (4)~~ one (1) are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen: Any rooms used or intended or designed to be used for cooking and/or preparation of food.

L

Laboratory: A place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

Landscape: The use of materials such as, but not limited to, trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn, artificial turf or combination of such materials.

Land use: The employment of a site or holding so as to derive revenue or other benefit from it; also the delineation by the Government of the utilization to which land may be put so as to promote the most advantageous development of the City of Port Townsend.

Laundromat: An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Laundry plant: An establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

Laundry service: A retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

Light manufacturing: A manufacturing use, typically having low impacts on the environment, in which articles are either produced, assembled, finished and/or packaged from prepared materials made at another location, or raw materials, such as premilled wood, paper, wool, textile, leather, cork or semiprecious or precious metals or stones. Light manufacturing includes but is not limited to the assembly of clocks, clothing, furniture, electrical appliances, medical equipment and sports equipment. For the purpose of this definition, light manufacturing shall include canning or bottling of food or beverages for human or animal consumption using a mechanized assembly line; and printing plants. High-impact uses shall not be considered light manufacturing.

Lighting, indirect: A light source separated from the sign surface and illuminating the sign surface by means of spotlights or similar fixtures.

Lighting, internal: An indirect, concealed light source which is recessed or contained within any element of a sign.

Lighting, neon: Lettering, numerals, symbols, logos, emblems or illustrations which are directly visible and are constructed of and illuminated solely by glass tubes filled by neon gas or equivalent light emitting gaseous elements.

Livestock: Domestic animals, such as horses, cattle, pigs, goats, or poultry, kept for their services or raised for food and other products.

Lodging house: A building that provides the primary residence for the owner or operator and in which five (5) or more roomers, lodgers and/or boarders are housed or fed. A lodging house is to be distinguished from both a "boardinghouse" and a "hotel."

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

Lot area: The total horizontal area within the boundary lines of a lot. Where utility or private access easements are located within a parcel, lot area computation shall include that area contained within the easement. Where public street rights-of-way are located within or bordering a parcel, lot area computation shall not include that area contained within such rights-of-way.

Lot, corner: A lot situated at the intersection of two streets or roads, by which the interior angle does not exceed 135 degrees.

Lot coverage: The total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members, including accessory buildings or structures, but not to include at-grade off-street parking lots, deck areas, terraces, swimming pools, pool deck areas, walkways, roadways, or driveways.

Lot depth: The mean dimension of the lot from the front street line to the rear line.

Lot frontage: The boundary of a lot which is along an existing or dedicated public street, or where no public streets exists, along a private road, easement or access way. On an interior lot, it is the lot line abutting a street; or, on a pipestem (i.e., flag) lot, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot the property owner shall declare which of the two lot lines shall be considered the front lot line at the time of application for a building permit.

Lot, interior: A lot fronting on one street.

Lot line, front: ~~The~~ For setback purposes, the lot line which is adjacent to a street or access easement of at least 20 feet in width; excepting corner lots in which case the property owner shall declare which of these two lot lines shall be considered the front lot line at time of application for a building permit for the first residential building on the lot; ~~and excepting through lots in which case the front lot line shall be the lot line which is adjacent to the street or access easement which affords the principal means of access to the property.~~ In the event of lot configurations or circumstances not provided for in this title, the building official shall determine the front lot line based on the purposes of this title set forth in Section 17.04.020 PTMC, subject to appeal pursuant to Chapter 20.01 PTMC.

Lot line, rear: Any lot line which is distant from and essentially parallel to a front lot line.

Lot line, side: Any lot line other than a front lot line or a rear lot line.

Lot of record: Any lot or parcel of land shown on an officially recorded plat or short plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot

number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument first referencing the lot. The term "lot of record" as used herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW and Title 18 PTMC.

Lot, through: A lot that has both ends fronting on a street; both ends will be considered front.

Lot width: The dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.

Lounge: A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises. See "drinking establishment."

Lumber and wood products processing: A predominantly manufacturing use typically involved in the milling and primary processing of raw wood products.

M

Main entry: The entrance from outdoors into a principal building through which most customers or other visitors pass or are expected to pass. Each principal building shall be considered to have no more than one main entry, excepting a multiple-business complex, in which case each physically separate business which has no internal passageway to any other business premises shall be considered to have one main entry.

Manufactured home: A single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance. It is a structure, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. (Note: Manufactured Homes were formerly called "Mobile Homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401).

Manufactured or mobile home park: Land under single ownership and control designed and used for the temporary or permanent parking of two (2) or more manufactured or mobile homes for human occupancy.

Manufacturing, heavy: ~~A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or~~

manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. See "heavy manufacturing."

Manufacturing, light: ~~A manufacturing use, typically having low impacts on the environment, in which articles are either produced, assembled, finished and/or packaged from prepared materials made at another location, or raw materials, such as premilled wood, paper, wool, textile, leather, cork or semiprecious or precious metals or stones. Light manufacturing includes but is not limited to the assembly of clocks, clothing, furniture, electrical appliances, medical equipment and sports equipment. For the purpose of this definition, light manufacturing shall include canning or bottling of food or beverages for human or animal consumption using a mechanized assembly line, and printing plants. High-impact uses shall not be considered light manufacturing. See "light manufacturing."~~

Marina: A facility that provides launching, storage, supplies, moorage, and other accessory service for six or more pleasure and/or commercial water craft.

Marine-related use: Goods and services which are primarily intended to support boating, sailing, water sports, marine research, or similar water-oriented activities.

Marquee: A permanent structure attached to and supported by the building and projecting over public or private property.

Massage: The manipulation of the superficial tissue of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy or thermal therapy, or any electrical or mechanical device, or the application to the human body of a chemical or herbal preparation, and is not intended to be sexually arousing.

Massage clinic or center: A business establishment offering massage, steam baths, saunas, etc. to relieve tension, make muscles or joints supple, or stimulate circulation.

Mean ground level: The average of the finished ground level at the center of all exposed walls of a building. Where walls are parallel to and within five (5) feet of a sidewalk, the sidewalk shall be considered the mean ground level.

Micro brewery: A combination retail, wholesale and manufacturing business that brews and serves beer and/or food on the premises.

Mini-storage or mini-warehouse: A building or group of buildings consisting of individual storage units not exceeding four-hundred (400) square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations.

Mixed use development: The development of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single physically integrated group of structures.

Mixed use zoning: Zoning that permits a combination of typically separated uses within a single development (i.e., as in the city's C-I/MU and C-II/MU districts). Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in this type of setting.

Mobile, manufactured and modular housing sales: The sale of a new or used mobile, manufactured, or modular housing. Sale of recreational vehicles and motor homes is defined under "motor vehicle sales."

Mobile home: A single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries. It is a dwelling transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. A commercial coach, recreational vehicle, and motor home shall not be considered a mobile home. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401).

Mobile home park: See "manufactured or mobile home park."

Modular home: A dwelling unit constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia indicating such compliance, and transported to the building site for final assembly and permanent foundation. This definition includes "prefabricated," "panelized," and "factory-built" units.

Monument sign: A ground-related, freestanding sign which is attached to the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

[MONUMENT SIGN GRAPHIC - RESERVED - CUT & PASTE
FROM CURRENT 17.50.030(30) PTMC]

Moorage: A place to tie up or anchor a boat or vessel.

Motel: A building or buildings, detached or in connected units or designed as a single structure, the units of which are used as individual sleeping or dwelling units, having their own private toilet facilities, and are designed primarily for the accommodations of transient automobile travelers. Accommodations for trailers are not included. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names. A motel is a “transient accommodation” and shall conform to the definition thereof.

Motor hotel: A specialized hotel designed and operated to provide hotel services and accommodations to the motoring public and where the sleeping accommodations normally do not exceed one week's duration. A motor hotel is a “transient accommodation” and shall conform to the definition thereof.

Motor vehicle sales: A business primarily engaged in the sale of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor vehicle supply stores: Auto supply stores, tire dealers, and the like. Firms which salvage used parts from inoperable vehicles are defined as “junk yards” and “salvage facilities.” Businesses primarily engaged in both selling and installing such automotive parts as mufflers and brakes are defined as “service stations.”

Multiple-business complex: A group of structures housing at least two separate businesses or agencies, or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access and/or parking facility.

Multiple-family dwelling: See “dwelling, multiple.”

Multiple-tenant building: A single structure housing more than one business or agency which does not incorporate a separate outside access for each enterprise, but not including residential apartment buildings.

Municipal improvement: Any improvement on property owned or controlled by the city, but excluding other public agencies subject to the jurisdiction of city regulations, and excluding also underground utility improvements undertaken by the city.

Mural sign: A wall sign which consists exclusively of paint applied to the wall of a building without application of any other material or framing.

Museum: A nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art.

Restaurants and gift shops may be included as part of any museum, so long as the square footage for these activities constitutes not more than twenty-five (25) percent of the total floor area of the museum building.

17.08.050 Definitions - N through Q.

N

National Register of Historic Places: A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

Night club: An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests. For purposes of this title, night clubs shall be classified as drinking establishments.

Nonconforming building use: The use of a building which was a lawful use on April 7, 1997, but which use, because of the passage of this title, does not conform to the regulations of the district in which the use exists.

~~**Nonconforming land use:** The use of land which was a lawful use on April 7, 1997, but which use, because of the passage of this title, does not conform to the regulations of the district in which the use exists.~~

Nonconforming sign: Any sign in existence within the city on the date of adoption of the ordinance codified in this chapter, or located in an area annexed to the city thereafter which does not conform with the provisions of this chapter, but which did conform to all applicable laws in effect on the date the sign was originally erected; provided, however, that any such sign which is within 120 percent of the area and height dimensional limitations set forth in this chapter and otherwise fully conforms with this chapter shall be deemed a conforming sign.

Nonconforming structure or building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Title 17 PTMC, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this title.

Nonconforming use: A use which lawfully occupied a building or land on April 7, 1997, and which does not conform with the use regulations of the district in which it is located.

Nursery, plant: An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Nursing, rest, or convalescent home: An establishment which provides full time care for three (3) or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

O

Object: A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

~~**Office, bank:** Banks, savings and loans, credit unions, and other depository institutions.~~

Office, business and professional: The offices of real estate agencies, mortgage brokers, advertising agencies, credit agencies, mailing services and postal substations, employment agencies, insurance agencies, membership organizations except fraternal organizations, accountants, attorneys, security brokers, financial advisors, architects, engineers, surveyors, tax preparation services, computer software development, and other similar business services. This may also include the administrative offices for businesses whose primary activity may be construction, manufacturing, utility services, or some other non-office use conducted elsewhere.

Office, government: The legislative, administrative, service delivery, or judicial offices of local, state, or federal agencies. It also includes federal post offices where mail processing takes place for local delivery. It does not include government land uses such as maintenance facilities for government-owned trucks, busses, or heavy equipment which are a light manufacturing use.

Office, medical: An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, chiropractors, optometrists and other health practitioners providing out-patient care facilities; medical and dental laboratories; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Office park: A tract of land that has been planned, developed, and operates as an integrated facility for at least three (3) separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, aesthetics, and compatibility.

Office supplies and equipment stores: Stores selling office products such as stationary, legal forms, writing implements, typewriters, computers, copiers, office furniture, and the like.

Office, veterinary clinic: ~~A place where animals receive medical care and the boarding of animals is limited to short-term care incidental to the hospital use. This is not a medical office. See also "hospital, animal."~~

Off-premises sign: A sign relating, through its message and content, to an activity, use, product, or service which is not available on the premises on which the sign is erected.

Off-site hazardous waste facility: A hazardous waste facility that treats and stores waste from generators on properties other than those on which the off-site hazardous waste facility is located.

Off-street parking: Parking facilities for motor vehicles on other than a public street or alley.

On-site hazardous waste facility: A hazardous waste facility that treats and stores wastes generated on the same geographically contiguous or border property.

Open space: ~~Any part of a lot unobstructed from the ground upward. Land or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable resources, and structuring urban development and form. The term "open space" is often further divided into the following categories:~~

~~A. Common open space: Space that may be used by all occupants of a residential complex (note: parking areas and driveways do not qualify as open space).~~

~~B. Landscaped open space: An outdoor area including natural or planted vegetation in the form of hardy trees, shrubs, grass, evergreen ground cover, and/or flowers.~~

~~C. Private open space: Usable outdoor space directly accessible to a unit, with use restricted to the occupants of that unit; and,~~

~~D. Usable open space: Usable open space is an outdoor area which is of appropriate size, shape and siting to provide for recreational activity. Usable open space may be occupied by sculpture, fountains or pools, benches or other outdoor furnishings, or by recreational facilities such as playground equipment, swimming pools, and game courts.~~

Open space, urban: Any outdoor space unobstructed to the sky that is bounded on two or more sides by the walls of a building that is on the same lot. Examples of urban open spaces include: through block corridors; courtyards; plazas; roof decks; and balconies.

Ordinary repair and maintenance: Work for which a permit issued by the city is not required by the city and the purpose and effect of which is to correct any deterioration or decay of or damage to the real property or structure or appurtenances thereon and to restore the same, as

nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

Outdoor advertising display: Any card, cloth, paper, metal painted signs, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term “placed” as used in the definitions of “outdoor advertising sign” and “outdoor advertising structure” includes erecting, construction, posting, painting, printing, tacking, mailing, gluing, sticking, carving or otherwise fastening, affixing and making visible in any manner whatsoever.

Outdoor sale: The selling of any goods, material, merchandise, or vehicles for more than twenty-four (24) consecutive hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way. The display of said goods, material, merchandise, or vehicle shall, for the purpose of this title, constitute a sale.

Outdoor storage: The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) consecutive hours.

Overlay zone: A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zone.

Owner/operator residence: A single family residence incidental to the commercial use of property, occupied exclusively by the owner or operator and family of the commercial use.

P

Parcel: ~~[Reserved]~~. See "Lot."

Park, public: An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking space: A space within or without a building, exclusive of driveways, used to temporarily park a motor vehicle and having access to a public street or alley.

Pedestrian-oriented business: A commercial enterprise whose customers commonly arrive at a business on foot, or whose signage, advertising, window display and entry ways are oriented toward pedestrian traffic. Pedestrian-oriented business may include restaurants, retail shops,

personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

Permitted use: Any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

Personal service: Establishments primarily engaged in providing services involving the care of a person **goods**.

Pharmacies and medical supply stores: Businesses primarily engaged in the sale of prescription and over-the-counter drugs, plus perhaps vitamins, first-aid supplies, and other health-related products. It also includes firms primarily engaged in the sale of medical equipment such as orthopedic or prosthetic devices, or equipment for home health testing. Pharmacies which also sell a wide variety of other types of merchandise, such as beauty products, camera equipment, small consumer electronics, gift ware, food items, greeting cards, toys, housewares, and/or cleaning supplies are commonly known as “drug stores,” and are defined as “general merchandise stores.”

Place: An open unoccupied named space, other than a street or alley, at least 25 feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.

Plant nursery: See “nursery, plant.”

Pole sign: Any freestanding sign composed of a sign cabinet, backboard, frame or base and the sign pole, or pylon by which it connects to the ground.

Political sign: Any sign which serves to influence, is intended to influence, or appears to be of the type which is commonly erected to influence an election or ballot proposition.

Portable sign: Any movable sign, such as a sandwich board sign, which is capable of being moved easily and is not permanently affixed to the ground or a structure or building.

*[RESERVED - SANDWICH BOARD SIGN GRAPHIC - CUT & PASTE
FROM CURRENT 17.50.030(45)]*

Premises: Generally throughout this title, the term indicates the building where the principal use is located and the adjoining grounds over which the operator of the facility has direct control. For

the specific purposes of Chapter 17.76 PTMC, the term means the real property on which the business or other entity advertised by the sign or signs mentioned in that chapter is situated.

Preschool: A nonresidential teacher-instructed, curriculum-based educational program of under four hours daily duration. Preschools have no state licensing procedure. For the purposes of this chapter, preschools shall be considered equivalent to a “day care center” regardless of the number of children served, except for the state licensing requirement.

Primary use: The principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

Principal building: See “building, principal.”

Principal use: See “use, principal.”

Printing, commercial: This includes shops specializing in printing small jobs for business clients or the general public, such as photocopying, offset printing, or screen printing of documents, announcements, business cards, or the like. This also may include blueprinting, computer plotting, and similar business services. These shops may engage in typesetting, photoengraving, plate-making, and other printing functions incidental to their primary activity; however, if they are primarily engaged in these functions as a service to other printing businesses, they are classified under “noncommercial printing.”

Printing, noncommercial: Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic plate making, and related services.

Private: Noncommercial use by the occupant and guests of the occupant.

Private clubs: Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Professional offices: The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

Professional service: The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

Prohibited use: A use that is not permitted in a zoning or land use district.

Projecting sign: A sign which is attached to and projects from a structure, wall or building face further than six (6) inches.

Public building: Any building held, used, or controlled exclusively for public purposes by any department or branch of government without reference to the ownership of the building or of the realty upon which it is situated.

Public facility: Any use of publicly owned land for transportation, utilities, or communication, or for the benefit of the general public, including streets, schools, libraries, fire and police stations, municipal and county buildings, recreational centers, and parks. Land or structures owned, operated, and maintained by a public agency.

Public use: The use of any land, water, or building by a public agency for the general public, or by the public itself.

Public utility: A public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight, telephone companies, and cable television.

Publishing: Businesses which publish and print on their premises books, magazines, newspapers, or other periodicals. If such establishments do not perform printing on their premises, they are defined as "business offices."

Q

Quarrying and associated activities: Operations that primarily involve surface mining or quarrying of non-metallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Primary preparation plants of quarried material for construction and other special uses are also included in this definition.

17.08.060 Definitions - R through V.

R

Radio and television studio: An establishment engaged in transmitting oral and visual programs, and which consists of a studio, transmitter, and antennas.

Radio and television tower: A vertical structure that is intended to send or receive radio and television communications.

Reader board: That portion of a sign on which copy may be easily changed by manual/mechanical means or by lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign.

Real estate sign: A portable or freestanding sign erected by the owner, or his/her agent, advertising the real estate upon which the sign is located for rent, lease or sale, ~~or one directing to such property.~~

Recreation areas: Any privately or publicly-owned passive or active park, playground, sports field, access easement, beach, or other recreation area.

Recreation, commercial: A facility operated as a business which is designed and equipped for leisure-time activities such as theaters, bowling alleys, museums, aquariums, public and private recreational concessions, miniature golf, archery ranges, and amusement activities such as coin or token-operated machines, rides, or booths to conduct games. See also "health ~~fitness centers~~ club" and "dance studios," "golf courses," "country clubs," and "riding stables."

Recreation facilities: Facilities, such as boat or yacht clubs, swimming pools, athletic clubs, golf and country clubs, for the use of the general public and operated by ~~the~~ a municipal corporation.

Recreational vehicle: A vehicular-type unit primarily designed for recreational, camping, or travel use, that has either its own motive power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles include, but are not limited to, travel trailers ~~houses~~, truck campers, motor homes, boats, all terrain vehicles (ATVs), motorcycles and jet skis.

Recreational vehicle park: Land under unified control and single ownership designed and improved to accommodate the temporary parking of two (2) or more recreational vehicles. The term shall include campgrounds when designed to accommodate travel trailers, but does not include land zoned and used for the display or sale of travel trailers ~~houses~~. For the purpose of

this definition, “temporary parking” shall mean placement of a recreational vehicle on a single site for one hundred eighty days (180) or less in any twelve (12) month period.

Recycling facility: A facility for the collection and/or sorting and storage of recyclable materials generated from domestic or small business sources, such as bottles, cans, paper, cardboard, aluminum, and plastics. This definition does not include facilities for the processing of recyclable materials, which are classified as a manufacturing use. Recycling facilities are further divided into two categories:

A. Minor: Recycling facilities include bins or other temporary or permanent facilities for the collection of small quantities of recyclable materials to be sorted and/or processed elsewhere. A ~~Type I~~ minor facility may be accessory to a primary use, such as a recycling bin at a grocery store parking lot.

B. Major: Recycling facilities include facilities primarily dedicated to the collection, sorting, or purchase and resale of recyclable materials.

Regional retail establishment: A large scale retail establishment planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access. A regional retailer may accommodate a wide range of retail commodities (e.g., apparel and accessories, food and sundries, consumer electronics, hardware, building materials, sporting goods and automotive supplies), occupies between 10 and 25 acres of land, and typically contains more than 100,000 square feet of gross floor area. It draws its clientele from as much as a 30 minute drive away.

Residence: See “dwelling.”

Residential treatment facility: A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including facilities or homes for victims of violence), recovery homes, and ~~g~~ group homes, rest and convalescent homes, and orphanages. In such a facility, services, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include:

A. Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene;

B. Care in emergencies or during temporary illness, usually for periods of one (1) week or less;

C. Supervision in the taking of medication; and

D. Other services conducive to the residents' welfare.

Residential use: Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

Resort: A hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

Rest home: See “nursing, rest or convalescent home.”

Restaurant: An establishment (excluding drive-in and take-out/fast food restaurants) where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, drive-in: See “restaurant, take-out.”

Restaurant, take-out/fast food: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Retail sales: Establishments primarily engaged in selling goods or merchandise to the general public for personal, business, or household consumption and rendering services incidental to the sale of such goods. Some characteristics of retail sales establishments are:

- A. The establishment is usually a place of business and is engaged in activity to attract the general public to buy;
- B. The establishment buys and receives as well as sells merchandise;
- C. It may process, repair, or manufacture some of the products, such as jewelry, baked goods, apparel, pottery, or consumer electronics, ~~but~~ where such processing, repair, or manufacturing is incidental or subordinate to sale activities; and
- D. Retail establishments sell to consumers for their own personal or household use. See also definitions of specific retail land uses.

Retail sales area: The area in square feet devoted exclusively for the sale or display of goods or commodities.

Retail trade: Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but ~~is~~ are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

Revolving sign: A sign which rotates or turns ~~in motion~~ in a circular pattern.

Roof sign: A sign erected upon or above a roof of a building or structure.

Rooming house: See “lodging house.”

Rummage or other outdoor sale: Informal sales sponsored and organized by nonprofit organizations, such as churches, schools, and community centers. They are recurrent neighborhood social events, held for a few days once or twice a year, ~~year after year in the neighborhood.~~ Profits are charitable funds received by the sponsoring organization. Persons working at the sale are unpaid volunteers, who are members of the organization. See also, “yard or garage sale.”

S

Sandwich board sign: See “portable sign.”

Sanitarium: See “hospital.”

Satellite dish, commercial: [RESERVED.]

Satellite dish, noncommercial: A circular or parabolic (dish-shaped) ~~device~~ antenna of solid or mesh construction, designed and erected for the purpose of receiving telecommunication signals. Noncommercial satellite dishes shall not exceed 10 feet in diameter. Satellite dishes are subject to the setback requirements for the zoning district in which they are located.

School: A place for systematic instruction in any branch or branches of knowledge, including elementary and junior and senior high schools, whether public, private, or parochial.

School, commercial: A building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

Secondary use (incidental or accessory): A minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.

Self-service laundry: See “laundromat.”

Semiprivate facility: Any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.

~~Service building (mobile home park):~~ ~~A structure on a permanent foundation, built to UBC specifications, to be used by all residents of the mobile home park. These may include, but are not limited to clubhouse, laundry facilities, and similar structures.~~

Service, personal: See “Personal service.”

Service and repair shop: An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair; replacement of parts; body repair; painting; engine overhaul; or other major repair or maintenance, including operations which may require open flame or welding.

Service station, automotive and marine: A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile service stations may include the following: customary space and facilities for the installation of such commodities on or in such vehicles; space for facilities for the storage, minor repair, or servicing of such vehicles, and space for car washing. Automobile service stations may not include painting operations.

Servicing of personal apparel and equipment: A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors; locksmiths; piano tuners; or businesses which repair shoes, cameras, small appliances, or consumer electronics.

Setback (yard requirements): ~~The distances that buildings must be removed from their~~ distance between a building and its lot lines. Setbacks shall be measured, where applicable, from proposed or actual public or private street right-of-way lines.

Shelter, emergency: See “residential treatment facility.”

Shelter station: A shelter for the protection from the elements ~~for~~ of the waiting customers of a public transportation system.

Shopping center: A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

Shopping mall: A shopping center with stores on one (1) or both sides of a covered and enclosed pedestrian walkway.

Shoreline Master Program: The Shoreline Management Master Program for Jefferson County and Port Townsend, Washington, adopted March 7, 1989, or as later amended.

Single-family dwelling: See “dwelling, single-family.”

Sign: Any object, structure or portion thereof, other than a flag or government symbol, which contains advertising and which is visible from any right-of-way open to the public.

Sign area: The entire area of a sign on which the copy is to be placed including both sides of a double-faced sign. Sign areas shall be calculated by measuring the area of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supportive framework, bracing, architectural embellishments or decorative features or fences or walls which contain no written copy or other advertising and when any such fences or walls otherwise meet the requirements of this title and are clearly incidental to the display itself.

Sign face: Any surface of a sign upon which there is lettering or other advertising.

Sign height: The vertical distance from grade to the highest point of a sign or any projection thereof.

Sign structure: Any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or may be an integral part of a building. Structures which perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure.

Small animal husbandry (commercial): The raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.

Small animal husbandry (noncommercial): The raising of small animals for the primary consumption of or used by the occupants of the premises.

Solid planting: A planting of evergreen trees and shrubs which will prevent a thorough and unobscured penetration of sight or light.

Solid waste facility: Any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to transfer stations, landfills or solids waste loading facilities. "Solid waste facilities" do not include:

A. Handling or disposal of solid waste as an incidental part of an otherwise permitted use; and

B. Solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

Sorority: See ~~"fraternity," "sorority" or "student cooperative."~~ "Fraternity, sorority or student cooperative."

Specialty stores: Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationary, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawn shops.

Stables, private: An accessory structure providing shelter for horses, ~~or~~ ponies, etc.

Stables, riding: ~~Means any~~ An establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

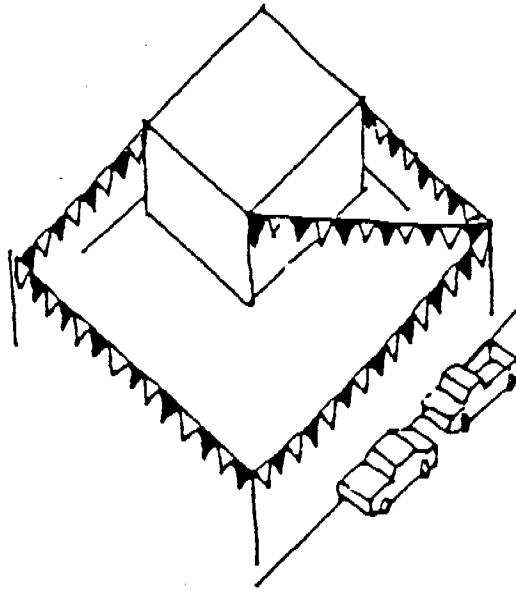
Stadium, arena and assembly hall: A large open or closed place used for games and major events and partly or completely surrounded by tiers of seats for spectators.

Stock in trade: Purchased finished goods for resale, not including samples.

Storage, outside: The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products. See also, "Outdoor storage."

Story: That part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.

Streamer: An attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole, or sign structure, or attached to one or more products offered for sale.



Street: A public or private way open to the general public, which affords the principal means of access to abutting properties. The term includes all classes of roadways (including major internal circulation corridors within parking lots) excepting alleys and driveways.

Street frontage: A side of a building which contains an entrance open for public use and which side also faces an abutting street.

Street frontage, primary: The lineal length of the street frontage on which the main entry is located; provided that, in the event the main entry is located on a corner of the building or on a side other than a side which abuts a more heavily traveled street, primary street frontage shall be determined as if the main entry were on the side which abuts the more heavily traveled street.

Structural alterations: Any change in load or stress of the loaded or stressed members of a building or structure.

Structure: A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, common roof-top residential television antennae, retaining walls less than four feet in height, rockeries and similar improvements of a minor character less than three feet in height.

Structure, historic: Any structures individually listed on the National Register of Historic Places, or identified as pivotal, primary, or secondary on the map which accompanied the certification of the Port Townsend National Register Historic District on May 17, 1976.

Structure, nonhistoric: Any structure not identified as an “historic structure” pursuant to this section.

Substantial impact facility: Any of the following uses, structures, or facilities:

- A. Electrical generation facilities;
- B. Electrical substations;
- C. State educational facilities;
- D. State or regional transportation facilities;
- E. Solid waste facilities;
- F. Airports;
- G. State and local correctional facilities;
- H. In-patient treatment facilities and group homes; and
- I. Public stadiums, arenas and assembly halls.

Swap meet: Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Symbol sign: A projecting sign consisting exclusively of a symbol, picture or object which represents the specific products or services available on the premises, and which sign does not include any lettering, numerals or registered trademarks.

T

Tattoo parlor: Any enterprise that provides the services to create an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin.

Tavern: A building where beer and/or wine is served to the public, which holds a class “A” or “B” license from the Washington State Liquor Control Board.

Telecommunication facilities: [RESERVED]

Temporary building or structure: A building or structure not having or requiring permanent attachment to the ground or to other structures.

Temporary sign: Any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, without frames, which is displayed for a limited time only. Residential yard signs and signs painted on window surfaces which are readily removed by washing shall also be considered temporary signs.

Temporary use: ~~A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.~~ See "Use, temporary."

Theater: A building or part of a building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tourist home: A building which provides the primary residence for the owners and which offers not more than two guestrooms for hire to transient guests for sleeping purposes only. A tourist home or a portion thereof may be located in an accessory building which was lawfully established prior to June 1, 1989. A tourist home is a "transient accommodation" and shall conform to the definition thereof.

Tower: Any structure whose principal function is to support an antenna, or has been built to store water or to provide air traffic control services. As used in Chapter 17.30 PTMC, "Waterfront Design Guidelines Overlay District," the term means a building or structure typically higher than its diameter and ~~high relative to~~ higher than its surroundings that may stand apart (e.g., a campanile), or be attached (e.g., a church belfry) to a larger structure.

Townhouse or rowhouse: ~~A single family dwelling unit which is part of a group of five or more such units separated by a completely independent structural wall (including utilities in separate walls), extending from the ground to the roof and which has no doors, windows or other provisions for human passage or visibility through the wall. Such dwelling units are platted with a property line extending from a front to rear property line and between the structural walls. A one-family dwelling in a right-of-way of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire resistant walls. For purposes of this title, townhouses or rowhouses of five (5) or more residential units are considered multi-family dwellings. See also, "duplex," "triplex," "fourplex," "dwelling, single-family attached," and "dwelling, multi-family."~~

Trailer sign: A sign used for advertising purposes mounted on a vehicle normally licensed by the state as a trailer.

Transient accommodation: A building, structure or facility, or any part thereof, such as a bed and breakfast inn, inn, hotel, motel, motor hotel, tourist home, condominium or similar facility, primarily designed for and offering one or more lodging units to travelers and transient guests for periods of no more than 29 consecutive calendar days for temporary lodging and sleeping purposes, provided that an absence for a period of less than 30 consecutive days followed by reoccupancy shall be considered part of the same consecutive period. Portions of calendar days shall be counted as full days. A transient accommodation does not include an accommodation which a person occupies or has a right to occupy as his or her domicile or permanent residence. It shall be presumed that occupancy of real property for a period of 30 consecutive days or more constitutes a rental or lease of real property for residential, rather than transient accommodation purposes, which presumption may however be rebutted upon submission of satisfactory proof by a preponderance of the evidence.

Travel trailer house: Temporary living quarters capable of being pulled by a towing vehicle.

Trellis: A structure of thin strips, especially of wood, crossing one another in an open pattern of squares, diamonds, etc., on which vines or other creeping plants are trained.

Triplex: A building containing three dwelling units, each of which has direct access to the outside or to a common hallway which accesses the outside. For purposes of this title, triplexes are considered single-family dwellings within R-I and R-II districts, provided that the base density requirements of the district are not exceeded (i.e., four dwelling units per acre within the R-I district; eight dwelling units per acre within the R-II district).

Truck, trailer, and recreational vehicle rental: Businesses primarily engaged in short-term rental or extended-term leasing of trucks, truck-tractors, semi-trailers, moving vans, utility trailers, recreational vehicles, and the like. Finance (equity of full-payout) leasing of trucks, trailers, and recreational vehicles is classified with "motor vehicle sales."

U

Urban Waterfront Plan: The Port Townsend Urban Waterfront Plan: Preferred Alternative, dated November 8, 1990, and adopted by Ordinance No. 2216 on December 4, 1990, as revised and published as the "Port Townsend Urban Waterfront Plan" pursuant to Section 5 of Ordinance No. 2216. The city shall refer to the Urban Waterfront Plan to assist in interpreting and determining the intent of the design guidelines established in Chapter 17.30 PTMC.

Use: The purpose that land, or buildings, or structures now serve or for which it is they are occupied, maintained, arranged, designed, or intended.

Use, accessory: See “accessory use.”

Use, agricultural: See “agricultural use.”

Use, commercial: See “commercial use.”

Use district: A portion or portions of Port Townsend designated on official zoning maps as one or more of the categories listed and described in this title.

Use, non-conforming: See “non-conforming use.”

Use, principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, temporary: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Used car lot: Any place outside a building where two or more automobiles are offered for sale or are displayed.

V

Variance: The means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.

Variance, minor: A variance which:

A. Is to permit expansion of an existing building which would extend no more than 10 percent beyond the setback and bulk requirements established in Chapters 17.16 through 17.24 PTMC; or

B. Is to permit expansion of an existing building which is nonconforming as to setback or lot coverage requirements and the proposed expansion would:

1. Not increase the ~~extent or degree of nonconformity of the building; or expansion;~~ and
2. Not result in any portion of the building or expansion being located closer to an abutting property line than does the existing building at its nearest point to said property line.

Veterinary hospital or clinic: ~~See "hospital, animal."~~ A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals, including the boarding of hospitalized animals, but excluding the boarding of animals not subjected to medical or surgical treatment.

Video sales and rental: Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

17.08.070 Definitions - W through Z.

W

Wall: See "fence."

Wall sign: A sign which is attached parallel to, and within six inches of, a wall, which is supported by and confined within the limits of such wall, and which displays only one sign surface.

Water park: A commercial recreational facility that contains a variety of water-oriented activities such as, but not limited to, water slides and swimming pools. Such facilities may be found in association with a larger recreational activity.

Welding and fabrication: A business engaged in stamping or shaping pieces of metal which are then connected by heat until molten and fused, in order to manufacture, service, or repair sheet metal products.

Wholesaling: The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to manufacturing, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Window sign: A sign placed upon the interior or exterior surface of a window, or placed inside the window within three feet of the window, which faces the outside and which is intended to be seen primarily from the exterior.

X

Y

Yard: An open space in front, rear or side on the same lot with a building or proposed building.

Yard, front: An open space extending from 30 inches above the general ground level at the front lot line to the building line and including the full width of the lot to its side lines.

Yard or garage sale: Informal sales held by occupants of private households from their dwelling premises. Items sold are household articles used and accumulated over several years as part of every day living, and minor and obsolete or worn small business items. Yard sales are held only for a few days, once or twice a year, and are sufficiently informal that they do not require sales tax permits or any type of sales license. See also, "rummage or other outdoor sale."

Yard, interior side: The side yard adjacent to another building site.

Yard, rear: An open space extending from 30 inches above the general ground level at the rear lot line to the building line and including the full width of the lot to its side lines.

Yard, service: An open area, usually paved, with access to a street or alley, to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.

Yard, side: An open space extending from 30 inches above the general ground level at the front yard to the rear yard and from the building line to the side lot line.

Z

Zero lot line: The location of a structure on a lot in such a manner that one or more sides of the structure rests directly on a lot line.

Zone, zone district: A defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

Zoo: A place where non-domesticated animals are kept, often in a combination of indoor and outdoor spaces, and are viewed by the public.

Chapter 17.12

ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 17.12.010 Intent.
- 17.12.020 Establishment of districts.
- 17.12.030 Official zoning map.
- 17.12.040 Boundaries - Attesting regulations.
- 17.12.050 Boundary interpretation.

17.12.010 Intent.

The purpose of this chapter and Chapters 17.16 through 17.24 PTMC is to establish districts wherein compatible uses of land may be located and grouped to create, protect and maintain a desirable living environment for the citizens of Port Townsend. Five broad categories of uses are established:

- A. Residential;
- B. Mixed Use;
- C. Commercial;
- D. Marine-Related and Manufacturing; and
- E. Public, Park, and Open Space.

It is the intent of this chapter and Chapters 17.16 through 17.24 PTMC to stabilize and protect the uses contained within these districts by excluding mutually interfering uses and to allow a maximum degree of latitude within the regulations to promote residential harmony, conduct profitable business, or contribute to the economy of the community. It is also the purpose of this classification to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use and to provide for the health, safety, morals, prosperity and well-being of the community at large.

17.12.020 Establishment of districts.

The City of Port Townsend shall be divided into zoning districts that are consistent with, and implement the Port Townsend Comprehensive Plan. The following districts are hereby established:

Zone	Description	Maximum Density
R-I	Low Density Single Family	4 d.u. per 40,000 s.f. area
R-II	Medium Density Single Family	8 d.u. per 40,000 s.f. area
R-III	Medium Density Multi-Family	16 d.u. per 40,000 s.f. area
R-IV	High Density Multi-Family	24 d.u. per 40,000 s.f. area
C-I/MU	Neighborhood Serving Mixed Use Center	16 d.u. per 40,000 s.f. area
C-II/MU	Community Serving Mixed Use Center	24 d.u. per 40,000 s.f. area
C-I	Neighborhood Commercial	
C-II	General Commercial	
C-II(H)	Hospital Commercial	
C-III	Historic Commercial	
C-IV	Regional Commercial	
M/C	Mixed Light Manufacturing and Commercial	
M-I	Light Manufacturing	
M-II(A) (Boat Haven)	Marine-Related Uses	
M-II(B) (Point Hudson)	Marine-Related Uses	
M-III	Heavy Manufacturing	
P/OS(A)	Existing Park and Open Space	
P/OS(B)	Mixed Public/Infrastructure/Open Space	
P-I	Public/Infrastructure	

17.12.030 Official zoning map.

The locations and boundaries of the zoning districts shall be as shown on the map, entitled, "Official Zoning Map, Port Townsend, Washington." The official zoning map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this title, just as if such information set forth on the map were fully described and set out herein. In the case of any conflict between said map and the text of this title, the text of this title shall prevail. The official zoning map, ~~attested by the signature of the mayor and the city clerk, with the seal of the municipality affixed,~~ shall be kept on file in the office of the city clerk, and available for inspection by the public at the building and community development department.

17.12.040 Boundaries - Attesting regulations.

The boundaries of such districts are as shown upon the official zoning map, which is hereby adopted. The provisions of this title are attested by the signature of the mayor and the city clerk, with the seal of the municipality affixed, and shall be kept on file in the office of the city clerk. Copies shall be available for inspection by the public.

17.12.050 Boundary interpretation.

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

A. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary. Where a boundary follows a lot line, the lot line shall be the boundary.

B. Where a boundary divides a lot, the district classification that has been applied to greater than 50% of said lot shall apply to the entirety thereof.

C. Where a district boundary divides a parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted comprehensive plan land use map and legal description of the parcel.

D. Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way, unless the right-of-way is wholly contained within, and forms the outside boundary of, a recorded plat, in which case the land use district regulations applied to the abutting property shall thereafter extend through the entire vacated or abandoned right-of-way.

E. In case any uncertainty exists, the Director shall determine the location of the district boundary, pursuant to Chapter 17.90 82 PTMC and Chapter 20.02 PTMC, as applicable.

Chapter 17.16 RESIDENTIAL ZONING DISTRICTS

Sections:

17.16.010 Purposes.

17.16.020 Residential zoning districts - Permitted, conditional and prohibited uses.

17.16.030 Residential zoning districts - Bulk, dimensional and density requirements.

17.16.010 Purposes.

A. Residential Districts - The general purposes of the residential districts are as follows:

1. To provide a sustainable residential development pattern for future generations.
2. To encourage development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes.
3. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances.
4. To establish a compact growth pattern to efficiently use the remaining developable land; enable cost effective extension and maintenance of utilities, streets, and transit; and enable development of affordable housing.
5. To enable community residents to reside and work within walking or bicycling distance of transit, employment centers, and businesses offering needed goods and services in order to reduce traffic congestion, energy consumption, and air pollution.
6. To provide for development of neighborhoods with attractive, well connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops.
7. To ensure adequate light, air, and readily accessible open space for each dwelling unit in order to maintain public health, safety, and welfare.
8. To ensure the compatibility of dissimilar adjoining land uses.
9. To protect or enhance the character of historic structures and areas.
10. To provide residential areas of sufficient size and density to accommodate the city's projected population growth, consistent with Section 36.70A.110 RCW.
11. To preserve or enhance environmental quality and protect groundwater used as a public water source from contamination.
12. To minimize the potential for significant flooding and allow recharge of groundwater.
13. To allow innovative approaches for providing housing, consistent with the policies of the comprehensive plan.

B. The additional purposes of each individual residential district are as follows:

1. R-I - Low Density Single-Family: This district accommodates single-family residences (including duplexes, triplexes, and fourplexes) at a density of up to 4 dwelling units per 40,000 square foot area (i.e., 10,000-square-foot minimum lot size, or approximately 4 dwelling units

within 1 block of platted land). It allows four or fewer single-family dwelling units to be contained within one structure upon condition of sufficient tract size: 20,000 square feet for a duplex; 30,000 square feet for a triplex; and 40,000 square feet for a fourplex. This zoning district has been applied only in the northwestern portion of the city, because of stormwater related development constraints. The district accommodates single-family development at densities that maintain and promote the “small town” character of Port Townsend, while ensuring that the environmental quality (particularly as it relates to stormwater control) of the area is not adversely impacted. Higher densities could be permitted in these areas through approval of a Planned Unit Development (R-PUD) overlay designation pursuant to Chapter 17.32 PTMC.

2. R-II - Medium Density Single-Family: This district accommodates single-family dwellings (including duplexes, triplexes, and fourplexes) at a density of up to 8 units per 40,000 square foot area (i.e., 5,000-square-foot minimum lot size, or approximately 8 dwelling units within 1 block of platted land). It allows four or fewer single-family dwelling units to be contained within one structure upon condition of sufficient tract size: 10,000 square feet for a duplex; 15,000 square feet for a triplex; and 20,000 square feet for a fourplex. The R-II district corresponds closely to those areas of town that are currently platted to 8 lots a per block, include few development limitations, and which are in proximity to existing public facilities and services.

3. R-III - Medium Density Multi-Family: The R-III district accommodates smaller scale multi-family structures (e.g., 5 to 12 dwellings per structure) at a density of up to 16 units per 40,000 square foot area. The intent of this district is to provide a broad range of housing opportunities; to provide a variety of housing types and styles; and to provide for development with a density and configuration that facilitates effective and efficient transit service. Although multi-family development is encouraged in these areas, single-family residences continue to be an allowed use. This district includes areas along arterial and major collector streets with existing or planned transit service.

4. R-IV - High Density Multi-Family: This district accommodates larger scale multi-family structures (e.g., 10 to 24 dwellings per structure) at a density of not less than 17 units per 40,000 square foot area, or more than 24 units per 40,000 square foot area. A minimum density has been specified for this district in order to discourage use of this land for subordinate, lower density, ~~single-family~~ development. This district includes areas designed to be compatible with adjoining uses; to provide for development with a density and configuration that facilitates effective and efficient transit service; and to enable provision of affordable housing.

C. Accessory Dwelling Units: This chapter provides standards for the establishment of accessory dwelling units within the structure of a single-family residence or an outbuilding which is accessory to such residence. Accessory dwelling units are allowed in order to:

1. Allow more energy efficient use of large, older homes;
 2. Provide more affordable housing opportunities for Port Townsend residents;
 3. Provide additional density with minimal cost and disruption to existing neighborhoods;
- and,
4. Allow individuals and smaller households to retain large houses as residences.

17.16.020 Residential zoning districts - Permitted, conditional and prohibited uses:

Accessory dwelling units.

A. Table 17.16.020 PTMC identifies land uses in the residential zoning districts that are permitted outright (P), subject to a conditional use permit (C), or prohibited (X). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. For example, multi-family residential development project applicants must procure a Type I permit in accordance with Chapter 17.36 PTMC, "Multi-family Residential Development Standards." Uses not specifically identified within Table 17.16.020 PTMC are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited.

B. Requirements for the uses identified in Table 17.16.020 PTMC which are contained within other provisions of this title are referenced under the heading "applicable regulations/notes," although this should not be construed as a comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, "Off Street Parking and Loading," and Chapter 17.76 PTMC, "Signs" shall apply to all uses, even if not noted in Table 17.16.020.

C. Accessory Dwelling Units: Limitations on use. One accessory dwelling unit (ADU) may be established as an accessory use to a single-family residence provided the following conditions are continuously met:

1. A certificate of occupancy pursuant to the Uniform Building Code shall be obtained from the building official and posted within the ADU. The code inspection and compliance required to obtain a certificate of occupancy in an existing building shall be restricted to the portion of the building to be occupied by an ADU and shall apply only to new construction rather than existing components, except that any high hazards (i.e., smoke detectors, fire exits, stairways, LP gas appliances and fire separation) shall be corrected. Where additional fire separation is unduly burdensome, the building official may authorize a fire alarm system in lieu of required fire separation.

2. The owner of the subject property shall reside on the premises, whether in the main or accessory dwelling; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the director may, upon a finding that discontinuance of the ADU would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one-year. The director may grant an extension of such suspension for one additional year, upon a finding of continued hardship. In the case of an ADU established prior to March 6, 1995 but after August 17, 1971, if the ADU complies with all of the requirements of this section except owner-occupancy, the ADU may continue without occupancy by the owner until the property is sold, exchanged or otherwise transferred to a different owner.

3. Neither the main or accessory dwelling unit shall be used as a transient accommodation.

4. ADUs established in an outbuilding shall not exceed 800 square feet in floor area, and under no circumstance shall the total lot coverage of the primary residence along with the ADU

exceed 35 percent of the total lot area. Additionally, no ADU shall be established in an outbuilding constructed after March 6, 1995 if the total floor area of the portion of the outbuilding occupied by the ADU exceeds 50 percent of the total floor area of the main residence building.

5. In order to preserve the outward appearance of single-family neighborhoods, the front of the house shall have only one exterior entrance.

6. An ADU may be established in a residence or outbuilding which is legal, nonconforming with respect to required setbacks if entrances are no closer than five feet to neighboring property lines, and if each side window which is closer than five feet to a side property line and which is also closer than 20 feet to either the front or rear property line is permanently glazed with translucent material; provided that the director may permit an entrance as close as three feet to a neighboring property line upon a finding that no feasible alternative exists.

7. No additional off-street parking is required to establish an ADU, provided that the off-street parking requirements for the other uses on the site are continuously met.

D. Accessory Dwelling Units: Exception for legal, nonconforming accessory dwelling units. Notwithstanding the provisions of Section C herein, in the case of an ADU established prior to August 17, 1971 and continuously occupied thereafter, the ADU may continue without compliance with subsections 17.48.030(B) and 17.48.030(D) PTMC, provided a certificate of occupancy is obtained pursuant to subsection 17.48.030(A) PTMC. [Note: The fee for inspection and issuance of a certificate of occupancy for an accessory dwelling unit shall be the same as that established in the currently adopted Uniform Building Code for a special inspection. For the purposes of determining system development charges or utility or infrastructure requirements, a single-family residence with an accessory dwelling unit which does not separately connect to city water or sewer service shall have the same charges and the same requirements as a single-family residence without an accessory dwelling unit].

E. Incidental uses which are identified in this Title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed as a minor CUP (Type II) in accordance with Chapter 20.01 subject to the approval criteria codified in Chapter 17.84 PTMC.

Table 17.16.020
Residential Zoning Districts - Permitted, Conditional and Prohibited Uses

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited					
DISTRICT	R-I	R-II	R-III	R-IV	APPLICABLE REGULATIONS/NOTES
SINGLE-FAMILY RESIDENTIAL USES					
Accessory dwelling units	P	P	<u>P</u>	X	Ch. 17.48 PTMC, "Accessory Dwelling Units"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements." <u>For ADUs in the R-III zone, the ADU shall be counted toward the maximum housing density as provided in § 17.16.030 PTMC.</u>
Efficiency dwelling units	P	P	P	P	<u>§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."</u>
Manufactured homes (on individual lots)	P	P	P	X	Ch. 17.64 PTMC, "Manufactured and Mobile Home Parks"; manufactured homes are prohibited within the limits of the Port Townsend National Register Historic District, but allowed on individual lots in R-I, R-II and R-III zoning districts; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Manufactured and mobile home parks	<u>C</u>	<u>C</u>	X	X	Ch. 17.64 PTMC, "Manufactured and Mobile Home Parks"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Mobile homes and trailer homes (on individual lots)	X	X	X	X	
Single-family dwellings (including duplexes, triplexes, and fourplexes which meet the base density requirements of the applicable district)	P	P	P	<u>X</u> <u>P</u>	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
MULTI-FAMILY RESIDENTIAL USES					
Apartment houses	X	X	P	P	Ch. 17.36 PTMC, "Multi-Family Residential Development Standards"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Boardinghouses (4 or fewer roomers) and lodging and rooming houses (5 or more roomers)	P	P	P	P	Same as above.
Congregate Care Facilities	X	C	P	P	Same as above.
<u>Foster homes</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Same as above.</u>
Fraternities, sororities and student cooperatives	X	X	C	C	Same as above.
<u>Multi-family dwellings</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>Same as above.</u>
Nursing, rest, or convalescent homes (3 or more persons)	X	X	P	P	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited					
DISTRICT	R-I	R-II	R-III	R-IV	APPLICABLE REGULATIONS/NOTES
Residential treatment facilities including group homes for the disabled	C	C	C	C	"Group Homes" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Townhouses or rowhouses (zero lot lines)	X	X	P	P	Ch. 17.36 PTMC, "Multi-Family Residential Development Standards"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
COMMERCIAL USES					
Bed and breakfast inns	C	C	C	C	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Child day care centers, child day care facilities, and preschools	C	C	C	C	Ch. 17.52 PTMC, "Day Care Facilities"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Family day care homes	P	P	P	P	Same as above.
Home occupations	P	P	P	P	Ch. 17.56 PTMC, "Home Occupations"; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Tourist homes	C	C	C	C	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
ACCESSORY USES					
Accessory buildings and accessory structures	P	P	P	P	§ 17.16.030 PTMC, "Residential Bulk and Dimensional Requirements."
Fuel oil and kerosene containers	P	P	P	P	Such containers require a permit and inspection pursuant to Ch. 16.04 PTMC, "Building and Construction," may only be permitted for domestic heating purposes, must be located above ground, and may not exceed 750 gallons capacity.
Garages, private residential	P	P	P	P	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Satellite dishes and antennae	P	P	P	P	Same as above.
AGRICULTURAL USES					
Barns	P	C	X	X	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Crop or tree farming (no retail sales)	P	C	X	X	
Stables, private and riding	P	C	X	X	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Plant nurseries, landscaping materials, greenhouses (commercial)	C	C	X	X	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited					
DISTRICT	R-I	R-II	R-III	R-IV	APPLICABLE REGULATIONS/NOTES
<u>Small animal husbandry, commercial</u>	C	P	P	P	<u>Same as above.</u>
<u>Small animal husbandry, non-commercial</u>	P	P	P	P	<u>Same as above.</u>
Concession stands, agricultural or produce	P	C	X	X	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements"; temporary agricultural or produce stands are subject to Ch. 17.60 PTMC, "Temporary Uses."
OTHER USES					
Stadiums, arenas and assembly halls	C	C	X	X	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Cemeteries	C	C	X	C X	
Churches	C	C	C	C	Church buildings must comply with the requirements of § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements," however, towers, spires and steeples exceeding the height requirements of that section may be allowed, provided they comply with Uniform Building Code § 506, "Maximum Height of Buildings and Increases."
Community clubhouses	P	P	P	P	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Fraternal organizations	C	C	C	X	Same as above.
Kennels, animal	C	X	X	X	Same as above.
Public facilities	P	P	P	P	Same as above.
Radio, television and other telecommunications towers and antennae	C	C	C	C	Such facilities are allowed in all zoning districts subject to the conditional use permit requirements of Ch. 17.84 PTMC; however, such facilities are prohibited within the limits of the Port Townsend National Register Historic District; and § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements," <u>except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>
<u>Satellite dishes and antennae</u>	P	P	P	P	<u>Satellite dishes and antennae shall meet the requirements of § 17.16.030 PTMC, "Residential bulk, dimensional and density requirements," except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>
Schools, colleges (public or private)	C	C	C	X	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements."
Veterinary hospitals	C	X	X	X	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited					
DISTRICT	R-I	R-II	R-III	R-IV	APPLICABLE REGULATIONS/NOTES
TEMPORARY USES					
Contractor offices and model homes	P	P	P	P	§ 17.16.030 PTMC, "Residential bulk, dimensional and density requirements"; and Ch. 17.60 PTMC, "Temporary Uses."
Rummage or other outdoor sales	P	P	P	P	Ch. 17.60 PTMC, "Temporary Uses."
Yard or garage sales	P	P	P	P	Same as above.

17.16.030 Residential zoning districts - Bulk, dimensional and density requirements.

A. The standards contained in Table 17.16.030 PTMC apply to all residential zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this title.

B. Exceptions. The rear setbacks provided in Table 17.16.030 shall not apply to accessory structures smaller than 120 square feet in building coverage and 10 feet in height, provided that all such accessory structures shall be a minimum of five feet from rear lot and/or property lines. ~~and 10 feet from any building on adjacent properties.~~

C. Setbacks and minimum yard requirements. Notwithstanding any other ordinance or provision of this title, all setbacks (yard requirements) shall be measured from the lot line to the building line, as defined in Chapter 17.08 PTMC; provided, however, that the roof or eaves of a roof of a building may extend beyond the building line a maximum distance of two feet into the applicable minimum yard area.

D. Construction and permits. From and after the effective date of the ordinance codified in this section, no building permit shall be issued and no building shall be constructed on any tract, lot or site in the city unless the building is situated on such tract, lot or site in conformance with the requirements of Title 17 PTMC and any other applicable provision of law.

Table 17.16.030

Residential Zoning Districts - Bulk, Dimensional and Density Requirements

DISTRICT	R-I	R-II	R-III	R-IV
MAXIMUM HOUSING DENSITY (units per 40,000 square foot area)	4 <u>(10,000 sf of lot area per unit)</u>	8 <u>(5,000 sf of lot area per unit)</u>	16 <u>(2,500 sf of lot area per unit)</u>	24 <u>(1,666 sf of lot area per unit)</u>
MINIMUM AVERAGE HOUSING DENSITY (units per 40,000 square foot area)	—	—	—	17 <u>(not more than 2,352 sf of lot area per unit)</u>
MINIMUM LOT SIZE	10,000 sf = single family detached; 20,000 sf = duplex; 30,000 sf = triplex; and 40,000 sf = fourplex	5,000 sf = single-family detached; 10,000 sf = duplex; 15,000 sf = triplex; and 20,000 sf = fourplex	3,000 sf = single family attached and detached; and 10,000 sf = multi-family	—
MINIMUM LOT WIDTH	50'	50'	30' except: 100' = multi-family	—
MINIMUM FRONT YARD SETBACKS	20' except: 50' = barns and agricultural buildings	10' except: 50' = barns and agricultural buildings	20' except: 10' w/ side or rear parking; no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district	20' except: 10' w/ side or rear parking; no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district
MINIMUM REAR YARD SETBACKS	20' except: 50' = barns and agricultural buildings, and 100' if abutting a R-II, R-III, or R-IV zoning district	10' except: 100' = barns and agricultural buildings	10' except: no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district	15' except: 20' if directly abutting an R-I or R-II district; no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district
MINIMUM SIDE YARD SETBACKS	5' except: 10' = abutting a public street r-o-w; 50' = barns and agricultural buildings and 100' if abutting a R-II, R-III, or R-IV zoning district	5' except: 10' = abutting a <u>public street</u> r-o-w; 100' = barns and agricultural buildings	5' except: 10' = along a <u>public street</u> r-o-w; no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district	15' except: 20' if directly abutting an R-I or R-II district; no setback for multifamily structures located within 200 feet of an abutting mixed use zoning district

DISTRICT	R-I	R-II	R-III	R-IV
MAXIMUM BUILDING HEIGHT	30'	30'	35'	35'
MAXIMUM LOT COVERAGE	25%	35%	45%	50%
MAXIMUM FENCE HEIGHT	Front (abutting a public r-o-w) = 4'; side = 8'; side abutting a public r-o-w = 4'; rear = 8'	Front (abutting a public r-o-w) = 4'; side = 8'; side abutting a public r-o-w = 4'; rear = 8'	Front (abutting a public r-o-w) = 4'; side = 8'; side abutting a public r-o-w = 4'; rear = 8'	Front (abutting a public r-o-w) = 4'; side = 8'; side abutting a public r-o-w = 4'; rear = 8'

Chapter 17.18

MIXED USE ZONING DISTRICTS

Sections:

17.18.010 Purposes.

17.18.020 Mixed use zoning districts - Permitted, conditional and prohibited uses.

17.18.030 Mixed use zoning districts - Bulk, dimensional and density requirements.

17.18.010 Purposes.

A. Mixed Use Districts - The general purposes of the mixed use districts are as follows:

1. To foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips.

2. To encourage new development that supports the safe and efficient movement of goods and people.

3. To provide for a compatible mix of single-family, multi-family housing and neighborhood commercial businesses and services, with an emphasis on promoting multi-story structures with commercial uses on the ground floor and multi-family housing on upper floors.

4. To promote a compact growth pattern to efficiently use the remaining developable land, and to enable the cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses.

5. To foster the development of mixed use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide sensitive transitions between significantly different land uses (e.g., commercial and residential uses).

6. To ensure that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

B. The purposes of the specific mixed use districts are as follows:

1. C-I/MU - Neighborhood Serving Mixed Use Center: This district provides for a compatible mix of small scale commercial uses and medium density multi-family housing in multi-story buildings. Within this district, commercial uses should be located mainly on the ground of multi-story structures, with multi-family residential units above, at a density of up to 16 units per 40,000 square foot area. Over time, this district should promote neighborhood identity, by providing a range of commercial retail and service opportunities within walking distance, reducing reliance upon the automobile. This district occurs in three locations in the city: the southwest corner of the intersection of 49th Street and Jackman; the Hastings and Howard Street intersection; and the San Juan and F Street intersection.

2. C-II/MU - Community Serving Mixed Use Center: While very similar to the neighborhood mixed use district, this district accommodates a broader range of commercial uses which cater to a local or City-wide market, and upper floor multi-family residential units at a density of up to 24 units per 40,000 square foot area. The C-II/MU district occurs in areas that are closer to the city's existing east/west commercial corridor (i.e., portions of both the east and

west sides of Discovery Road, from 7th Street to 12th Street; and the east side of Kearney Street, from Jefferson to Garfield Street). Like the C-I/MU district, the C-II/MU district is intended to promote more focused and transit or pedestrian-oriented development patterns.

17.18.020 Mixed use zoning districts - Permitted, conditional and prohibited uses.

A. Table 17.18.020 PTMC identifies land uses in the mixed use zoning districts that are permitted outright (P), subject to a conditional use permit (C), or prohibited (X). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. Uses not specifically identified within Table 17.18.020 PTMC are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited.

B. Requirements for the uses identified in Table 17.18.020 PTMC which are contained within other provisions of this title are referenced under the heading “applicable regulations/notes,” although this should not be construed as comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, “Off Street Parking and Loading,” and Chapter 17.76 PTMC, “Signs” shall apply to all uses, even if not noted in Table 17.18.020.

C. All residential uses as specified in Table 17.18.020 are allowed in mixed use zoning districts only when mixed with non-residential uses which comply with the bulk, dimensional and density requirements set forth in Table 17.18.030; provided, however, exclusively residential use of structures is permitted when the ground floor is constructed with a ceiling height that can accommodate commercial uses once the mixed use center matures. All commercial uses as specified in Table 17.18.020 are allowed in mixed use zoning districts only when mixed with residential uses which comply with the bulk, dimensional and density requirements set forth in Table 17.18.030.

[NOTE FOR COUNCIL--THE LAST CLAUSE OF THE FIRST SENTENCE AND THE SECOND SENTENCE WERE NOT PREVIOUSLY REVIEWED BY PLANNING COMMISSION OR COUNCIL. ADDED TO ENSURE COMPREHENSIVE PLAN CONSISTENCY.]

D. Incidental uses which are identified in this Title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed as a minor CUP (Type II) in accordance with Chapter 20.01 subject to the approval criteria codified in Chapter 17.84 PTMC.

Table 17.18.020
Mixed Use Zoning Districts - Permitted, Conditional and Prohibited Uses

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited			
DISTRICT	C-I(MU)	C-II(MU)	APPLICABLE REGULATIONS/NOTES
RESIDENTIAL USES (Mixed with other permitted non-residential uses)			
Apartment houses	P	P	Chapter 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements"; and Ch. 17.36 PTMC, "Multifamily Residential Development Standards."
Boarding houses (4 or fewer roomers) and lodging and rooming houses (5 or more roomers)	P	P	Same as above.
Attached single family residences (i.e., duplexes, triplexes and fourplexes)	P	X	Ch. 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
<u>Multi-family dwellings</u>	<u>P</u>	<u>P</u>	<u>Same as above.</u>
Residential treatment facilities including group homes for the disabled	C	C	"Group Homes" are considered an "essential public facility under RCW 36.70A.200; " . . . their siting cannot be precluded by development regulations . . . "; and § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
Residences above commercial uses	P	P	The Port Townsend Comprehensive Plan identifies this as the preferred form of development within Mixed Use Zoning Districts.
Detached single-family residences	X	X	
Townhouses or rowhouses (zero lot lines)	P	P	Ch. 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements"; and Ch. 17.36 PTMC, "Multifamily Residential Development Standards."
OFFICE USES			
Offices, bank <u>Banks</u>	P	P	Ch. 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
<u>Business Services</u>	<u>P</u>	<u>P</u>	<u>Same as above</u>
<u>Financial institutions</u>	<u>X</u>	<u>P</u>	<u>Same as above.</u>
Offices, business and professional	P	P	Same as above.
Offices, government	C	C	Same as above.
Offices, medical	P	P	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited			
DISTRICT	C-I(MU)	C-II(MU)	APPLICABLE REGULATIONS/NOTES
Offices, veterinary clinics Veterinary hospitals	C	C	Same as above.
RETAIL USES			
Apparel and accessory stores	X	P	Same as above.
Building materials, garden and farm supplies stores	X	P	Same as above.
Confectionaries	P	P	Same as above.
Custom, art and craft work	P	P	Same as above.
Food stores and grocery stores	P	P	Same as above.
General merchandise stores	P	P	Same as above.
Micro breweries	C P	C P	Ch 18.20 PTMC, "Binding Site Plans", § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements." The manufacturing component within any micro brewery located within a mixed use zoning district must be subordinate and accessory to a primary retail use.
Pharmacies and medical supply stores	P	P	§ 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
Restaurants (excluding those with drive-in or drive-through service)	P	P	Same as above.
Specialty stores	P	P	Same as above.
COMMERCIAL SERVICE USES			
Health clubs, dance studios, martial arts studios	P	P	Same as above.
Laundromats and laundry services	P	P	Same as above.
Personal services	P	P	Same as above.
Printing, commercial	P	P	Same as above.
Servicing of personal apparel and equipment	P	P	Same as above.
ACCESSORY USES			
Accessory buildings and accessory structures	P	P	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited			
DISTRICT	C-I(MU)	C-II(MU)	APPLICABLE REGULATIONS/NOTES
Satellite dishes and antennae	P	P	Same as above.
TEMPORARY USES			
Christmas tree sales	P	P	Ch. 17.60 PTMC, "Temporary Uses."
Contractor offices and model homes	P	P	Same as above.
Outdoor art and craft shows	P	P	Same as above.
Retail or service activities conducted out of temporary structures and/or trailers	P	P	Same as above.
Rummage or other outdoor sales	P	P	Same as above.
Sidewalk and parking lot sales	P	P	Same as above.
Yard or garage sales	P	P	Same as above.
OTHER USES			
Child day care centers, child day care facilities, and preschools	P	P	Ch. 18.20 PTMC, "Binding Site Plans"; Ch. 17.52 PTMC, "Day Care Facilities"; and § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
Community clubhouses	P	P	Ch. 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
Churches	C X	C X	Ch. 18.20 PTMC, "Binding Site Plans"; § 17.18.030 PTMC; "Mixed use bulk, dimensional and density requirements."
Home occupations	P	P	N/A
Public facilities	C	C	Section 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."
Sheltered transit stops	P	P	Sheltered transit stops may be required as a condition of development approval for projects which exceed the SEPA categorical exemption thresholds of WAC 197-11-305.
Schools	C	C	Chapter 18.20 PTMC, "Binding Site Plans"; and Section 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements."

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited			
DISTRICT	C-I(MU)	C-II(MU)	APPLICABLE REGULATIONS/NOTES
Radio, television and other telecommunications towers and antennae	C	C	Such facilities are allowed in all zoning districts subject to Section 17.18.030 PTMC, "Mixed use bulk, dimensional and density requirements," and the conditional use permit requirements of Chapter 17.84 PTMC; however, such facilities are prohibited within the limits of the Port Townsend National Register Historic District, <u>except as provided in applicable Federal Communications Commission rules and regulations: see Ch. 17.78 PTMC.</u>
<u>Satellite dishes and antennae</u>	P	P	<u>Satellite dishes and antennae shall meet the requirements of § 17.18.030 PTMC, "Mixed use, bulk, dimensional and density requirements," except as provided in applicable Federal Communications Commission rules and regulations: see Ch. 17.78 PTMC.</u>

17.18.030 Mixed use zoning districts - Bulk, dimensional and density requirements.

A. The standards contained in Table 17.18.030 PTMC apply to all mixed use zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this title.

B. Application of building frontage and clear ceiling height requirements. All structures located within mixed use zoning districts shall comply with the building frontage requirements of Table 17.18.030 PTMC. However, in order to allow a horizontal as well as a vertical mixture of commercial and residential uses, only those structures or portions of structures constructed to satisfy the minimum commercial building frontage requirements of Table 17.18.030 PTMC shall comply with the minimum clear ceiling height requirements set forth in the table.

C. Open space requirement. Projects located within one-quarter mile, street distance, from any P/OS(A) or P/OS(B) zoning district shall be exempt from the minimum open space requirements established in Table 17.18.030. Additionally, the open space requirement in Table 17.18.030 PTMC may take the form of urban open space, as defined in Chapter 17.08 PTMC.

D. Setbacks and minimum yard requirements. Notwithstanding any other ordinance or provision of this title, all setbacks (yard requirements) shall be measured from the lot line to the building line, as defined in Chapter 17.08 PTMC; provided, however, that the roof or eaves of a roof of a building may extend beyond the building line a maximum distance of two feet into the applicable minimum yard area.

E. Construction and permits. From and after the effective date of the ordinance codified in this section, no building permit shall be issued and no building shall be constructed on any tract, lot or site in the city unless the building is situated on such tract, lot or site in conformance with the requirements of Title 17 PTMC and any other applicable provision of law.

Table 17.18.030
Mixed Use Zoning Districts - Bulk, Dimensional and Density Requirements

DISTRICT	C-I/MU	C-II/MU
MINIMUM LOT SIZE	None <u>5,000 sf</u>	None <u>5,000 sf</u>
MINIMUM FRONT YARD SETBACKS	None	None
MAXIMUM FRONT YARD SETBACKS	10' <u>None</u>	10' <u>None</u>
MINIMUM REAR YARD SETBACKS	None except: 20' if abutting an R-I, R-II zoning district; <u>5' if abutting an R-III or R-IV zoning district.</u>	None except: 20' if abutting an R-I, R-II, zoning district; <u>5' if abutting an R-III, or R-IV zoning district</u>
MINIMUM SIDE YARD SETBACKS	None except: 10' if abutting an R-I or R-II zoning district; <u>5' if abutting an R-III or R-IV zoning district.</u>	None except: 10' if abutting an R-I or R-II zoning district; <u>5' if abutting an R-III, or R-IV zoning district</u>
MINIMUM NUMBER OF STORIES (in any principal building)	2	2
MAXIMUM BUILDING HEIGHT	35'	45' except: 2 stories, up to 35' within 100' of an abutting R-I or R-II district
MINIMUM GROUND FLOOR CLEAR CEILING HEIGHT	10'	10'
MINIMUM BUILDING FRONTAGE ALONG ABUTTING PUBLIC R-O-Ws	40' or 70% of front lot width, whichever is greater	40' or 70% of front lot width, whichever is greater
MINIMUM GROUND FLOOR COMMERCIAL NONRESIDENTIAL BUILDING FRONTAGE ALONG ABUTTING PUBLIC R-O-Ws (<u>Except as provided in § 17.18.020(C) PTMC</u>)	70% of overall building frontage	70% of overall building frontage
MAXIMUM FLOOR AREA RATIO	2 sf of gross floor area per 1 sf of lot	3 sf of gross floor area per 1 sf of lot
MAXIMUM AMOUNT OF ANY INDIVIDUAL COMMERCIAL USE	5,000 sf	None
MAXIMUM AMOUNT OF COMMERCIAL FLOOR SPACE (in any one structure)	30,000 sf	60,000 sf

MAXIMUM HOUSING DENSITY (units per <u>40,000 square foot area</u>)	16 (<u>2,500 sf of lot area per unit</u>)	24 (<u>1,666 sf of lot area per unit</u>)
MINIMUM AVERAGE HOUSING DENSITY (units per <u>40,000 square foot area</u>)	9 (<u>not more than 4,444 sf of lot area per unit</u>)	17 (<u>not more than 2,352 sf of lot area per unit</u>)
MINIMUM OPEN SPACE	10% of total gross floor area	10% of total gross floor area

Chapter 17.20 COMMERCIAL ZONING DISTRICTS

Sections:

17.20.010 Purposes.

17.20.020 Commercial zoning districts - Permitted, conditional and prohibited uses.

17.20.030 Commercial zoning districts - Bulk, dimensional and density requirements.

17.20.010 Purposes.

A. The general purposes of the commercial districts are as follows:

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the city in a manner consistent with the comprehensive plan.

2. To provide employment opportunities for existing and future residents of the city and those of adjacent communities.

3. To provide for land uses which meet the needs of local populations and attract populations located throughout the northeastern Olympic Peninsula.

4. To provide adequate space to meet the needs of commercial development, including off-street parking and loading.

5. To protect commercial and adjacent areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.

6. To provide for an intensity of development and activity within commercial areas which will increase their vitality, facilitate transit, and make better use of available infrastructure.

7. To accommodate a balanced mix of commercial, residential, and recreational uses in commercial areas which will enable people to live, shop, work, and play within walking distance; thereby reducing dependence on motor vehicles and potentially reducing traffic congestion, energy consumption, and air pollution.

B. The purpose of each commercial district is as follows:

1. C-I - Neighborhood Commercial: This is an exclusively a neighborhood commercial district, providing convenience shopping and small retail establishments which offer a limited range of goods and services within a residential neighborhood. The district allows for the retailing of neighborhood commodities and the provision of neighborhood professional and personal services. It should be located not less than one-half mile from another neighborhood commercial district, or any other commercial district providing similar services or facilities. Neighborhood commercial districts are intended to have a maximum size of no more than 1 acre. The size, scale, and expansion of such areas should be limited in order to minimize traffic volumes and congestion and other adverse impacts on the neighborhood in which these districts are located. The C-I district occurs in only two locations in the city: the southeast corner of the intersection of San Juan and F Streets; and the southwest corner of the intersection of Kearney and 19th Streets.

2. C-II - General Commercial: This district accommodates a wide range of general commercial uses which serve a local or City-wide market area. This district provides for those commercial uses and activities which are most heavily dependent on convenient vehicular access, and is located on sites having safe and efficient access to major transportation routes. Uses allowed within this district include retail businesses, professional offices, hotels, restaurants, and personal services shops. This district occupies more area of the city than any other commercial district, and occurs in various locations along Sims Way, Washington Street and Water Street, and in the triangular area bounded by SR 20 to the south, Howard Street to the east, and Discovery Road to the northwest.

3. C-II(H) - Hospital Commercial: This district permits the clustering of interrelated and complementary health care facilities. This district accommodates medical clinics, offices, pharmacies, nursing homes, and other medical-related uses in areas close to major medical facilities. Accessory or supporting uses which provide convenience services primarily to medical facility users and employees are also allowed. This district occurs in areas near Jefferson General Hospital, between Sims Way and 11th Street, and to the Kah Tai Care Center on the west side of Kearney Street.

4. C-III - Historic Commercial: This district is intended to accommodate the mix of uses that have occurred over time in the city's downtown and uptown historic districts. The district makes provision for general retail uses on the ground floor of structures, and promotes a mix of uses on the upper floors of historic buildings, including: residences; artist and craft studios; and professional offices. The district is intended to permit development of a scale, type, height, and bulk which reinforces the city's historic character, buildings, places, and street layout. It is designed to promote pedestrian-oriented land uses and design consistent with the character of the city's historic districts.

5. C-IV - Regional Commercial: The purpose of this district is to provide areas for diversified commercial activities which serve a broader regional clientele. The uses generally attract traffic from a broader area than the general commercial district, and are usually larger in scale than in other commercial districts. This district accommodates large scale retail stores, shopping centers, and specialty stores. The C-IV district has not been applied to areas within the present City limits, although it may be applied to portions of the unincorporated Glen Cove area, if designated by Jefferson County as part of Port Townsend's Final Urban Growth Area (FUGA).

17.20.020 Commercial zoning districts - Permitted, conditional and prohibited uses:

Limitations on use.

A. Table 17.20.020 PTMC identifies land uses in the commercial zoning districts that are permitted outright (P), subject to a conditional use permit (C), subject to the specific conditional use requirements for uses in commercial historic structures contained in Section 17.84.060 PTMC (H), or prohibited (X). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. Uses not specifically identified within Table 17.20.020 PTMC are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited.

B. Requirements for the uses identified in Table 17.20.020 PTMC which are contained within other provisions of this title are referenced under the heading “applicable regulations/notes,” although this should not be construed as comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, “Off Street Parking and Loading,” and Chapter 17.76 PTMC, “Signs” shall apply to all uses, even if not noted in Table 17.20.020.

C. Lighting requirements in commercial zoning districts: Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as not to provide glare toward any residential district (i.e., R-I, R-II, R-III and R-IV).

D. Incidental uses which are identified in this Title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed as a minor CUP (Type II) in accordance with Chapter 20.01 subject to the approval criteria codified in Chapter 17.84.

Table 17.20.020
Commercial Zoning Districts - Permitted, Conditional and Prohibited Uses

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited						
DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
FOOD SERVICE USES						
Bakeries, retail	P	P	X	P	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
<u>Confectionaries</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>Same as above.</u>
Drinking establishments (bars, cocktail lounges, night clubs, and taverns)	X	P	X	P	X	Same as above.
Micro breweries	P	P	X	P	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements." The manufacturing component within any micro brewery located within a mixed use zoning district must be subordinate and accessory to a primary retail use.
Other food service establishments including coffee houses, delicatessens, ice cream parlors, juice bars etc.	P	P	P	P	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements." A manufacturing component may be permitted within any such use, provided that it is subordinate and accessory to a primary retail use (e.g., coffee roasting, meat curing, etc.). Within the C-II(H) zoning district, food service uses must be subordinate and accessory to a medical services establishment.
Restaurants with drive-in or drive-through service	X	P	X	X	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
Restaurants without drive-in or drive-through	P	P	X	P	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
MANUFACTURING USES						
Apparel and other related products manufacture and assembly	X	C	X	H	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements"; Section 17.84.060 PTMC, "Additional approval criteria - Conditional uses in historic commercial structures."

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited

DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Electrical and electronic goods manufacture and assembly	X	C	X	H	X	Same as above.
<u>Fuel storage facilities</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Same as above.</u>
Furniture and fixtures manufacture and assembly	X	C	X	H	X	Same as above.
Computer equipment manufacture and assembly	X	C	X	H	X	Same as above.
Custom, art and craft work	X	C	X	H	X	Same as above.
Medical and optic goods manufacture and assembly	X	C	C	H	X	Same as above.
Printing, noncommercial	X P	C P	X	X	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
Mini-storages and mini-warehouses	X	C	X	X	X	Same as above.
Welding and fabrication	X	C	X	X	X	Same as above.
Wholesaling	X	C	X	X	X	Same as above.
OFFICE USES						
Offices, bank Banks	X	P	X	P	X	Same as above.
<u>Business services</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>Same as above.</u>
<u>Financial institutions</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>Same as above.</u>
Offices, business and professional	P	P	P	P	X	Same as above.
Offices, government	X	C	C	C	X	Same as above.
Offices, medical	P	P	P	P	X	Same as above.
Offices, veterinary clinics <u>Veterinary hospitals</u>	C	P	X	C	X	Same as above.
RECREATIONAL AND CULTURAL USES						
<u>Amusement activities</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Same as above.</u>
<u>Amusement parks or centers</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Same as above.</u>
Arcade, game/video	X	P	X	X	X	Same as above.
Art galleries	P	P	X	P	X	Same as above.
Bowling alleys	X	P	X	X	X	Same as above.
Health clubs, dance studios, martial arts studios	X	P	X	P	X	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited						
DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Libraries	X	C	X	C	X	Same as above.
Museums	X	C	X	P	X	Same as above.
Recreation, commercial	X	P	X	X	X	Same as above.
Stadiums, arenas and assembly halls	X	P	X	C	X	Same as above.
Theaters, not including drive-ins	X	P	X	P	X	Same as above.
RESIDENTIAL USES						
Apartment houses	X	X	X	P	X	Section 17.20.030 PTMC, "Commercial bulk, density and dimensional requirements"; and Chapter 17.36 PTMC, "Multifamily Development Standards."
Boarding houses (4 or fewer roomers) and lodging and rooming houses (5 or more roomers)	X	X	X	P	X	Same as above.
Multi-family dwellings	X	X	X	P	X	Same as above.
Owner/operator residences	P	P	P	P	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements"; such uses shall only be allowed if clearly subordinate and accessory to a primary commercial use.
Residential Treatment Facility	X	X	P	X	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
COMMERCIAL RETAIL USES						
Antique and gift sales	X	P	C	P	X	Same as above.
Apparel and accessory stores	X	P	X	P	X	Same as above.
Automobile sales and service establishments, new or used	X	P	X	C	X	Same as above.
Boat sales and rentals	✕ C	P	X	✕ C	X	Same as above.
Building materials, garden and farm supplies stores	X	P	X	✕ C	X	Same as above.
Convenience stores	C	P	X	X	X	Same as above.
Plant nurseries, landscaping materials, greenhouses (commercial)	X	P	X	X	X	Same as above.
Farmer's markets	X	P	X	P	X	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited

DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Flea markets	X	P	X	P	X	Same as above.
Food stores and grocery stores	P	P	X	P	X	Same as above.
Furniture, home furnishings, and appliance stores	X	P	X	P	X	Same as above.
General merchandise stores	P	P	X	P	X	Same as above.
Mobile, manufactured and modular housing sales	X	P	X	X	X	Same as above.
Motor vehicle sales	X	P	X	C	X	Same as above.
Motor vehicle supply stores	X	P	X	X	X	Same as above.
Office supplies and equipment	X	P	X	P	X	Same as above.
Pharmacies and medical supply stores	P	P	P	P	X	Same as above.
Regional retail establishments	X	X	X	X	P	Same as above. All uses permitted in the C-II district are permitted so long as the structure and use meets the definition for "regional retail."
Specialty stores	P	P	C	P	X	Same as above. § 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements"
Swap meets	X	P	X	P	X	Same as above.
SERVICE USES, HEALTH						
Hospitals	X	X	P	X	X	§ 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements." Preferred uses in this district are medical related.
Massage clinic or center	X	P	P	P	X	Same as above.
Nursing, rest or convalescent homes	X	X	P	X	X	Same as above.
Offices, medical	X	P	P	P	X	Same as above.
SERVICE USES, LODGING						
<u>Apartment hotels</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>Same as above.</u>
Bed and breakfast inns	X	X	X	P	X	Same as above.
Hotels/Motels	X	P	X	P	X	Same as above.
Lodging Houses	X	X	X	P	X	Same as above.
Tourist Homes	X	X	X	P	X	Same as above.
PERSONAL SERVICE USES						

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited						
DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Child day care centers, child day care facilities, and preschools	X	P	P	X	X	Chapter 17.52 PTMC, "Day Care Facilities; and Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
Funeral parlors and mortuaries	X	P	X	X	X	Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
Laundromats	P	P	X	P	X	Same as above.
Laundry services	X	P	X	P	X	Same as above.
Other personal services	C	P	X	P	X	Same as above.
SERVICE USES, MISCELLANEOUS						
Automobile rental agencies	X	P	X	X	X	Same as above.
<u>Automobile towing services</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Same as above.</u>
Automotive repair establishment, minor repair	X	P	X	C	X	Same as above.
<u>Car washes</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Same as above.</u>
Catering establishments	X	P	X	P	X	Same as above.
Equipment rental services, commercial	X	P	X	P	X	Same as above.
Mini-storages and mini-warehouses	X	P	X	X	X	Same as above.
Printing, commercial	X	P	X	P	X	Same as above.
Radio and television studios (including recording studios)	X	P	X	P	X	Same as above.
Schools, commercial	X	P	X	P	X	Same as above.
Service stations, automotive and marine	C	P	X	X	X	Same as above.
Servicing of personal apparel and equipment	P	P	X	P	X	Same as above.
Small appliance repair shops	X	P	X	P	X	Same as above.
Truck, trailer and recreational vehicle rental	X	P	X	X	X	Same as above.
PUBLIC FACILITY USES						
Electrical distribution substations	X	C	X	X	X	Same as above.
Municipal improvements	P	P	P	P	P	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited						
DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Offices, government	X	P	P	P	X	Same as above.
Recycling facilities, minor	P	P	P	P	P	Same as above.
Stormwater retention, detention, and treatment facilities	P	P	P	P	P	Same as above.
TEMPORARY USES						
Contractor offices	P	P	P	P	P	Chapter 17.60 PTMC, "Temporary Uses"; and Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements."
Christmas tree sales	P	P	P	P	P	Same as above.
Carnivals/circuses	P	P	P	P	P	Same as above.
Outdoor art and craft sales	P	P	P	P	P	Same as above.
Parking lot/sidewalk sales	P	P	P	P	P	Same as above.
Rummage sales	P	P	P	P	P	Same as above.
<u>Swap meets</u>	X	P	X	P	X	Same as above.
Retail or service activities conducted out of temporary structures and/or trailers	P	P	P	P	P	Same as above.
OTHER USES						
Accessory buildings and structures	P	P	P	P	P	Same as above.
Churches	X	P	X	X	X	Same as above.
Conference Centers	X	P	X	C	X	Same as above.
Docks and piers for pleasure craft	X	P	X	P	X	Same as above.
Ferry landings	X	P	X	P	X	Same as above.
Fraternal organizations	X	P	X	P	X	Same as above.
Garage, public parking	X	P	C	C	X	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; H = Subject to conditional use requirements for historic structures; X = Prohibited						
DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV	APPLICABLE REGULATIONS/NOTES
Radio, television and other telecommunications towers and antennae	C	C	C	C	C	Such facilities are allowed in all zoning districts subject to the conditional use permit requirements of Chapter 17.84 PTMC; however, such facilities are prohibited within the limits of the Port Townsend National Register Historic District; and Section 17.20.030 PTMC, "Commercial bulk, dimensional and density requirements," <u>except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>
Satellite dishes and antennae	P	P	P	P	P	Same as above. <u>Satellite dishes and antennae shall meet the requirements of § 17.20.030 PTMC, "Commercial bulk, dimension and density requirements," except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>

17.20.030 Commercial zoning districts - Bulk, dimensional and density requirements.

A. The standards contained in Table 17.20.030 PTMC apply to all commercial zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this title.

B. Setbacks and minimum yard requirements. Notwithstanding any other ordinance or provision of this title, all setbacks (yard requirements) shall be measured from the lot line to the building line, as defined in Chapter 17.08 PTMC; provided, however, that the roof or eaves of a roof of a building may extend beyond the building line a maximum distance of two feet into the applicable minimum yard area.

C. Construction and permits. From and after the effective date of the ordinance codified in this section, no building permit shall be issued and no building shall be constructed on any tract, lot or site in the city unless the building is situated on such tract, lot or site in conformance with the requirements of Title 17 PTMC and any other applicable provision of law.

Table 17.20.030
Commercial Zoning Districts - Bulk, Dimensional and Density Requirements

DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV
RESIDENTIAL REQUIREMENTS	Owner/operator residences allowed subject to the requirements below	Owner/operator residences allowed above commercial uses subject to the requirements below	Owner/operator residences allowed above commercial uses subject to the requirements below	Multi-family residences allowed above the ground floor	No residential uses are allowed in the C-IV zoning district
MINIMUM LOT SIZE	None 5,000 sf	None 5,000 sf	None 5,000 sf	None 5,000 sf	None 5,000 sf
FRONT YARD SETBACKS	None	10' None	10'	None	45' except: 30' with side or rear parking
REAR YARD SETBACKS	5' except: none when contiguous with another commercial zoning district	10' except: 15', + 5' for each building floor above 2 stories, when contiguous with an R-I or R-II zoning district	10' except: 15', + 5' for each building floor above 2 stories, when contiguous with an R-I or R-II zoning district	None, <u>except: 10' when contiguous with an R-II or R-III zoning district</u>	20' except: 1 additional foot for each foot of building height over 30' when abutting a residential zoning district
SIDE YARD SETBACKS	5' except: none when contiguous with another commercial zoning district	No minimum on interior lot lines; 5' minimum otherwise except: 10', + 5' for each building floor above 2 stories, when contiguous with an R-I or R-II zoning district	No minimum on interior lot lines; 5' minimum otherwise except: 10', + 5' for each building floor above 2 stories, when contiguous with an R-I or R-II zoning district	None	20' except: 1 additional foot for each foot of building height over 30' when abutting a residential zoning district
<u>MAXIMUM BUILDING SIZE</u>	<u>None</u>	<u>75,000 square feet</u>	<u>None</u>	<u>None</u>	<u>None</u>
MAXIMUM BUILDING HEIGHT	2 stories, up to 35', whichever is less	3 stories, up to 35', whichever is less	3 stories, up to 35', whichever is less	50' or as specified by the Port Townsend Urban Waterfront Plan 17.28 PTMC	45'

DISTRICT	C-I	C-II	C-II(H)	C-III	C-IV
MAXIMUM LOT COVERAGE FLOOR AREA RATIO	1 sf of gross floor area per 2 sf of lot	2 sf of gross floor area per 1 sf of lot	2 sf of gross floor area per 1 sf of lot	3 sf of gross floor area per 1 sf of lot	1 sf of gross floor area per 3 sf of lot
GREENBELT REQUIREMENTS	When abutting an R-I or R-II zoning district, any permit application must be accompanied by landscape plans to obscure and limit access	When abutting an R- I or R-II zoning district, any permit application must be accompanied by landscape plans to obscure and limit access	When abutting an R-I or R-II zoning district, any permit application must be accompanied by landscape plans to obscure and limit access	When abutting an R-I or R-II zoning district, any permit application must be accompanied by landscape plans to obscure and limit access	When abutting an R-I or R-II zoning district, any permit application must be accompanied by landscape plans to obscure and limit access
MAXIMUM FENCE HEIGHT	Front = 4' Side = 8' Rear = 8'	Front = 4' Side = 8' Rear = 8'	Front = 4' Side = 8' Rear = 8'	Front = 4' Side = 8' Rear = 8'	Front = 4' Side = 8' Rear = 8'

Chapter 17.22

MARINE-RELATED AND MANUFACTURING ZONING DISTRICTS

Sections:

17.22.010 Purposes.

17.22.020 Marine-related and manufacturing zoning districts - Permitted, conditional and prohibited uses.

17.22.030 Marine-related and manufacturing zoning districts - Bulk, dimensional and density requirements.

17.22.010 Purposes.

A. The general purposes of the marine-related and manufacturing districts are as follows:

1. To permit a variety of manufacturing and marine-related uses in limited and appropriate areas, which if located elsewhere, would be unacceptable.
2. To protect residential and other non-manufacturing and non-marine areas from adverse and damaging impacts emanating from manufacturing-type or marine-related activities.
3. To protect manufacturing and marine-related areas from other uses that may interfere with the purpose and efficient operation of these areas.
4. To promote economic diversification and provide for employment opportunities for present and future residents.
5. To protect the viability of water-dependent manufacturing enterprises by ensuring adequate and appropriate areas for locating marine-related activities.

B. The purposes of each specific manufacturing and marine-related district are as follows:

1. M/C - Mixed Light Manufacturing and Commercial: This district accommodates small-scale manufacturing businesses, along with associated and subordinate on-site retailing. The purpose of this district is to provide for manufacturing and commercial enterprises which do not predominate within either the light manufacturing or commercial land use categories. These are uses which may combine aspects of both on-site manufacturing and retailing (e.g., specialty crafts or artisans). Manufacturing to commercial floor area ratios are necessary for this district to ensure that certain uses do not dominate at the expense of others. The M/C district occurs in areas south of Sims Way and west of Thomas Street. The district may also be appropriate for significant portions of the Glen Cove area, if designated by Jefferson County as part of Port Townsend's Final Urban Growth Area (FUGA).

2. M-I - Light Manufacturing: The M-I district provides for light manufacturing, processing, fabrication, and assembly of products and materials, warehousing and storage, and transportation facilities. This district has not been applied to any areas within the city, although it may be appropriate for portions of the Glen Cove area, if designated by Jefferson County as part of Port Townsend's Final Urban Growth Area (FUGA).

3. M-II(A) (Boat Haven) - Marine-Related Uses: This district accommodates a variety of uses including marina, recreational boating, manufacturing, assembly, haul out, and repair. The M-IIA district occurs primarily on Port-owned lands at the Boat Haven. It is intended for larger

scale and more intensive water-dependent or marine-related uses at the Boat Haven. Uses within the district that also lie within the jurisdiction of the Port Townsend Shoreline Master Program (i.e., within 200 feet of the shoreline) are subject to the policies and standards of both this title and the Port Townsend Shoreline Master Program.

4. M-II(B) (Point Hudson) - Marine-Related Uses: Similar to the M-IIA district, this district accommodates a variety of marine-related uses, but on a less intensive scale, appropriate to Point Hudson. This district promotes mixed-use projects which incorporate water-oriented uses, consistent with the historic, marine-related character of the area. Uses within this district that also lie within the jurisdiction of the Port Townsend Shoreline Master Program (i.e., within 200 feet of the shoreline) are subject to the policies and standards of both this title and the Port Townsend Shoreline Master Program.

5. M-III - Heavy Manufacturing: The M-III district accommodates heavy manufacturing activities including processing, fabrication, assembling of products or materials, and bulk storage. This district is intended to provide for the continuation and development of heavy manufacturing enterprises in locations where they will be compatible with other similar uses, and which do not negatively impact adjacent land uses. This district has not been applied to any areas within the city, although it may be appropriate for portions of the Glen Cove area, if designated by Jefferson County as part of Port Townsend's Final Urban Growth Area (FUGA).

17.22.020 Marine-related and manufacturing zoning districts - Permitted, conditional and prohibited uses: Limitations on use.

A. Table 17.22.020 PTMC identifies land uses in the marine-related and manufacturing zoning districts that are permitted outright (P), permitted in the M-II(A) and M-II(B) zoning districts if marine-related (M), subject to a conditional use permit (C), or prohibited (X). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. Uses not specifically identified within Table 17.22.020 PTMC are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited. Marine-related uses are the goods and services which are primarily intended to support boating, sailing, water sports, marine research, or similar water-oriented activities.

B. Requirements for the uses identified in Table 17.22.020 PTMC which are contained within other provisions of this title are referenced under the heading "applicable regulations/notes," although this should not be construed as comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, "Off Street Parking and Loading," and Chapter 17.76 PTMC, "Signs" shall apply to all uses, even if not noted in Table 17.22.020.

C. Limitations on use -- Buffering requirements
All sites in marine-related and manufacturing districts (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III) having a common boundary with residential districts (i.e., R-I, R-II, R-III and R-IV), shall have planted and maintained along such common boundary a view-obscuring greenbelt of

shrubs, trees and native vegetation which will grow to not less than eight feet in height nor less than 10 feet in width within five years, for screening purposes and controlling access.

D. Limitations on use -- General requirements

Marine-related and manufacturing uses shall be subject to the following conditions:

1. Noise. In all marine-related and manufacturing districts (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III), the noise emanating from the premises used for marine-related and manufacturing activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and where any marine-related or manufacturing district adjoins a residential district, the noise loudness measured at the boundary line shall not exceed 40 decibels between the hours of 11:30 p.m. and 6:00 a.m., and 60 decibels at other hours.

2. Light and Glare. Exterior lighting shall not be used in such a manner that produces glare on public streets or roads and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

3. Fire and Safety Hazards.

a. The storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances;

b. Bulk storage of inflammable liquids below ground shall be permitted, and the tank shall be located not closer to the property line than the greatest dimension (diameter, length, or height) of the tank.

4. Interferences. Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical or electrical equipment, uses or processes with electrical apparatus in nearby buildings or land uses.

5. Waste Products. Liquid and solid wastes, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in a marine-related or manufacturing district (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III).

E. Incidental uses which are identified in this Title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed as a minor CUP (Type II) in accordance with Chapter 20.01 subject to the approval criteria codified in Chapter 17.84 PTMC.

Table 17.22.020

Marine-Related and Manufacturing Districts - Permitted, Conditional and Prohibited Uses

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
MANUFACTURING USES						
Apparel and other finished products manufacture and assembly	P	P	X M	X M	P	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Boat building and related products manufacture	P	X	P	P	X	Same as above.
Building construction yards and offices occupying up to 10,000 sf total area	P	P	X	X	P	Same as above.
Building construction yards and offices occupying more than 10,000 sf total area	X	X	X	X	P	Same as above.
Computer equipment manufacture and assembly	P	P	X	X	P	Same as above.
Custom, art and craft work	P	P	M	M	X	Same as above.
Electrical and electronic goods manufacture and assembly	P	P	M	M	P	Same as above.
Food and beverage processing	P	P	X	X	P	Same as above.
Freezer plants, food mills and fertilizer production	X	X	X	X	P	Same as above.
Furniture and fixtures manufacture and assembly	P	P	M	M	P	Same as above.
Heavy manufacturing not otherwise listed, provided such manufacturing is similar and not detrimental to other uses allowed in M-III	X	X	X	X	P	Same as above.
Marine-related products manufacture, fabrication and assembly	P	P	P	P	P	Same as above.
Metal products manufacture, fabrication and assembly	X	X	M	M	P	Same as above.

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
Light manufacturing or processing not otherwise named	C	C	X M	X M	X	Same as above.
Lumber and wood products processing	X	C	X	X	P	Same as above.
Medical and optic goods manufacture and assembly	P	P	X	X	P	Same as above.
Printing, noncommercial	P	P	X	X	P	Same as above.
Rubber, plastic, and fiberglass products manufacturing	X	P	M	M	P	Same as above.
Seafood processing	X	P	P	C	P	Same as above.
Stone, clay, glass and concrete products manufacturing	X	C	X	X	P	Same as above.
Transportation equipment manufacturing and assembly	X	X	M	M	P	Same as above.
Welding and fabrication	P	P	M	M	P	Same as above.
MANUFACTURING SERVICE USES						
Automobile repair establishments, major repair, paint or body shop	P	P	X	X	X	Same as above.
Boat repair establishments	P	P	P	P	X	Same as above.
Bulk plant facilities	X	C	X	X	C	Same as above.
Marine haulout facilities	X	X	P	P	X	Same as above.
Automobile wrecking yards	X	X	X	X	P	Same as above.
Janitorial services	P	P	X	X	X	Same as above.
Laundry plants and dry cleaning plants	P	P	X	X	P	Same as above.
Mechanical and electronic equipment repair establishments	P	P	M	M	P	Same as above.
COMMERCIAL USES						
Automobile towing services	P	P	X	X	X	Same as above.
Equipment rental service, commercial	P	P	M	M	X	Same as above.
Marinas	X	X	CP	CP	X	Same as above.
Marine supply and accessory stores, chandlers	X	X	P	P	X	Same as above.

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
Retail sale of goods or products manufactured on the premises, or used in manufacturing, repairing, or servicing activities which are permitted in this district	P	X	M	M	X	Same as above.
Child day care centers, child day care facilities, and preschools	C	C	C	C	C	Chapter 17.52 PTMC, "Day Care Facilities"; and Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements."
RESIDENTIAL USES						
Residential quarters as an accessory use (i.e., guard's quarters in large establishments, where such quarters are customarily provided for security and/or insurability of the premises)	P	P	P	P	P	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements."
OFFICE USES						
Offices, business and professional	X	X	M	M	X	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; and Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Offices, government	X	X	M	✕ <u>M</u>	X	Examples of marine-related government offices include: U.S. Coast Guard and the Port of Port Townsend; Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
PUBLIC FACILITY AND UTILITY USES						
Airports and heliports	X	X	C	C	X	"Airports" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."; Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Correctional facilities	C	C	X	X	C	Same as above.
Electrical distribution substations	C	C	X	X	C	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; and Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Municipal improvements	P	P	P	P	P	Same as above.
Other facilities designated as essential public facilities by the Washington State Office of Financial Management	C	C	C	C	C	Under RCW 36.70A.200, the siting of "essential public facilities" "... cannot be precluded by development regulations ..."; Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
Recycling facilities, minor	P	P	P	P	P	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; and Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
State or regional transportation facilities	C	C	C	C	C	"State and regional transportation facilities" are considered "essential public facilities" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."; Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Stormwater retention, detention, and treatment facilities	P	P	P	P	P	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; and Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
Solid waste handling facilities, including major recycling facilities	X	X	X	X	C	"Solid waste handling facilities" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."; Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited						
DISTRICT	M-C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS
Water and wastewater treatment facilities	C	C	C	C	C	Section 17.22.030 PTMC, "Marine-related and manufacturing bulk, dimensional and density requirements; and Chapter 17.44 PTMC, "Commercial, and Marine-Related and Manufacturing Uses - Development Standards."
STORAGE USES						
Boat storage facilities	X	P	P	P	X	Same as above.
Freight distribution centers	X	P	X	X	P	Same as above.
Mini-storage and mini-warehouse facilities	X	P	X	X	X	Same as above.
Warehousing operations	X	P	X	X	P	Same as above.
OTHER USES						
Ferry landings	X	X	C	C	X	Same as above.
Docks and piers for pleasure craft	X	X	€ P	€ P	X	Same as above.
Accessory buildings and structures	P	P	P	P	P	Same as above.
Garages, public parking	C	C	C	C	C	Same as above.
Radio, television and other telecommunications towers and antennae	C	C	C	C	C	Same as above; <u>except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>
<u>Satellite dishes and antennae</u>	P	P	P	P	P	<u>Satellite dishes and antennae shall meet the requirements of § 17.22.030 PTMC. "Marine-related and manufacturing bulk, dimensional and density requirements," except as provided in applicable Federal Communications Commission rules and regulations; see Ch. 17.78 PTMC.</u>

17.22.030 Marine-related and manufacturing zoning districts - Bulk, dimensional and density requirements.

A. The standards contained in Table 17.22.030 PTMC apply to all marine-related and manufacturing zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this title.

B. Setbacks and minimum yard requirements. Notwithstanding any other ordinance or provision of this title, all setbacks (yard requirements) shall be measured from the lot line to the building line, as defined in Chapter 17.08 PTMC; provided, however, that the roof or eaves of a roof of a building may extend beyond the building line a maximum distance of two feet into the applicable minimum yard area.

C. Construction and permits. From and after the effective date of the ordinance codified in this section, no building permit shall be issued and no building shall be constructed on any tract, lot or site in the city unless the building is situated on such tract, lot or site in conformance with the requirements of Title 17 PTMC and any other applicable provision of law.

Table 17.22.030
Marine-Related and Manufacturing Zoning Districts -
Bulk, Dimensional and Density Requirements

DISTRICT	M/C	M-I	M-II(A)	M-II(B)	M-III
MINIMUM LOT SIZE	None 5,000 sf	None 5,000 sf	None 5,000 sf	None 5,000 sf	None 5,000 sf
MINIMUM FRONT YARD SETBACKS	10'	10'	None	10'	20'
MINIMUM REAR YARD SETBACKS	10'	10'	None	None	20'
MINIMUM SIDE YARD SETBACKS	5' each side	5' each side	None	None	15' each side
MAXIMUM BUILDING HEIGHT	35'	35'	50'	35'	50'
MAXIMUM LOT COVERAGE FLOOR AREA RATIO	2 sf of gross floor area per 1 sf of lot	2 sf of gross floor area per 1 sf of lot	2 sf of gross floor area per 1 sf of lot	2 sf of gross floor area per 1 sf of lot	1 sf of gross floor area per 1 sf of lot
MAXIMUM FENCE HEIGHT	Front = 4' Side = 8' Rear = 8'	Front = 4' Side = 8' Rear = 8'	Front = 10' Side = 10' Rear = 10'	Front = 4' Side = 8' Rear = 8'	Front = 10' Side = 10' Rear = 10'

Chapter 17.24
PUBLIC, PARK AND OPEN SPACE ZONING DISTRICTS

Sections:

17.24.010 Purposes.

17.24.020 Public, park and open space zoning districts - Permitted, conditional and prohibited uses.

17.24.030 Public, park and open space zoning districts - Bulk, dimensional and density requirements.

17.24.010 Purposes.

A. The general purposes of the public, park, and open space districts are as follows:

1. To provide opportunities for existing and future outdoor recreational activities.
2. To preserve scenic qualities and resources and provide contrasts to the built environment.
3. To protect environmentally sensitive areas.
4. To provide adequate opportunities for location of existing and future public utilities, facilities, and services.
5. To preserve the function, capacity, and water quality of the city's stormwater drainage system.

B. The specific purposes of each individual public, park, and open space district are as follows:

1. P/OS(A) - Existing Park and Open Space: This district has been applied to existing City, County, and State-owned parks, recreation areas, and City-owned or controlled lands which provide valuable natural and open space functions.
2. P/OS(B) - Mixed Public/Infrastructure/Open Space: This district occurs on lands used to provide public utilities, facilities, and services which also provide valuable natural and open space functions. Allowed uses include stormwater detention facilities and wastewater treatment facilities.
3. P-I - Public/Infrastructure: The district occurs on lands used to provide public utilities, facilities, and services. Allowed uses include, schools, libraries, public utilities, and government buildings.

17.24.020 Public, park and open space zoning districts - Permitted, conditional and prohibited uses.

A. Table 17.24.020 PTMC identifies land uses in the public, park and open space zoning districts that are permitted outright (P), subject to a conditional use permit (C), or prohibited (X). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. Uses not specifically identified within Table 17.24.020 PTMC are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited.

B. Requirements for the uses identified in Table 17.24.020 PTMC which are contained within other provisions of this title are referenced under the heading “applicable regulations/notes,” although this should not be construed as a comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, “Off Street Parking and Loading,” and Chapter 17.76 PTMC, “Signs” shall apply to all uses, even if not noted in Table 17.22.020.

C. Incidental uses which are identified in this Title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed as a minor CUP (Type II) in accordance with Chapter 20.01 subject to the approval criteria codified in Chapter 17.84 PTMC.

Table 17.24.020
Public, Park and Open Space Zoning Districts -
Permitted, Conditional and Prohibited Uses

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited				
DISTRICT	P/OS(A)	P/OS(B)	P-I	APPLICABLE REGULATIONS/NOTES
RECREATIONAL AND CULTURAL USES				
Community centers	X C	X C	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Community gardens	P	P	P	N/A
Conference centers	C	X	X	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Fairgrounds	X	X	P	Same as above.
Golf courses and driving ranges	C	X	P	Same as above.
Libraries	X	X	P	Same as above.
Museums	C	X	P	Same as above.
Open spaces and trails	P	P	P	N/A
Parks	P	P	P	N/A
Recreation areas	P	P	P	N/A
Recreation facilities	C	X	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Stadiums, arenas and assembly halls	C	X	P	Same as above.
Swimming pools	C	X	P	Same as above.
Zoos	C	X	P	Same as above.
PUBLIC FACILITY AND UTILITY USES				
Airports and landing fields	X	X	C	"Airports" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."
Bus and transit storage and maintenance facilities	X	X	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Correctional facilities (jails and prisons)	X	X	C	"Correctional facilities" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited				
DISTRICT	P/OS(A)	P/OS(B)	P-I	APPLICABLE REGULATIONS/NOTES
Electrical distribution substations and power generating facilities	X	X	C	Same as above.
Institutions, educational	X C	X	P	Same as above.
Municipal improvements	P	P	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Offices, government including public buildings and public facilities	X C	C	P	Same as above.
Other facilities designated as essential public facilities by the Washington State Office of Financial Management	X	X	C	The siting of "essential public facilities" cannot be precluded by development regulations under RCW 36.70A.200.
Schools, public	X	X	P	"Public schools" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."; Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Solid waste facilities, including major recycling facilities	X	C	C	"Solid waste handling facilities" are considered an "essential public facility" under RCW 36.70A.200; "... their siting cannot be precluded by development regulations ..."
Stormwater retention, detention, and treatment facilities	P	P	P	N/A
Water and wastewater facilities (pump stations, treatment plants, water towers)	P	P	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
OTHER USES				
Docks and piers for pleasure craft	P	C	P	Such facilities require compliance with the Shoreline Master Program.
Cemeteries, crematoriums and mausoleums	X	X	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Emergency shelters	C	C	P	Same as above.

Key to table: P = Permitted outright; C = Subject to a conditional use permit; X = Prohibited				
DISTRICT	P/OS(A)	P/OS(B)	P-I	APPLICABLE REGULATIONS/NOTES
Ferry landings	X	X	P	Such facilities required compliance with the Shoreline Master Program; Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Hospitals	X	X	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Radio, television and other telecommunications towers and antennae	C	C	C	Same as above.
Recycling facilities, minor	X	C	P	Same as above.
ACCESSORY USES				
Accessory buildings and structures	P	P	P	Section 17.24.030 PTMC, "Public, park and open space bulk, dimensional and density requirements."
Public parking garages	X	C	P	Same as above.
Satellite dishes and antennae	P	P	P	Same as above, <u>except as provided in applicable Federal Communications Commission rules and regulations: see Ch. 17.78 PTMC.</u>

17.24.030 Public, park and open space zoning districts - Bulk, dimensional and density requirements.

A. The standards contained in Table 17.24.030 PTMC apply to all public, park and open space zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this title.

B. Setbacks and minimum yard requirements. Notwithstanding any other ordinance or provision of this title, all setbacks (yard requirements) shall be measured from the lot line to the building line, as defined in Chapter 17.08 PTMC; provided, however, that the roof or eaves of a roof of a building may extend beyond the building line a maximum distance of two feet into the applicable minimum yard area.

C. Construction and permits. From and after the effective date of the ordinance codified in this section, no building permit shall be issued and no building shall be constructed on any tract, lot or site in the city unless the building is situated on such tract, lot or site in conformance with the requirements of Title 17 PTMC and any other applicable provision of law.

Table 17.24.030
Public, Park and Open Space Zoning Districts -
Bulk, Dimensional and Density Requirements

DISTRICT	P/OS(A)	P/OS(B)	P-I
MINIMUM LOT SIZE	None	None	None
MINIMUM FRONT YARD SETBACKS	20'	50'	20'
MINIMUM REAR YARD SETBACKS	10'	100'	10'
MINIMUM SIDE YARD SETBACKS	10'	100'	10'
MAXIMUM BUILDING HEIGHT	35'	35'	50'
MAXIMUM FLOOR AREA RATIO LOT COVERAGE	1 sf of gross floor area per 10 sf of lot	1 sf of gross floor area per 10 sf of lot	3 sf of gross floor area per 10 sf of lot
MAXIMUM FENCE HEIGHT	Front = 10' 4' Side = 10' 8' Rear = 10' 8'	Front = 10' Side = 10' Rear = 10'	Front = 10' Side = 10' Rear = 10'

Chapter 17.26 OVERLAY DISTRICTS

Sections:

17.26.010 Overlay districts - Generally.

17.26.020 Application of regulations.

17.26.010 Overlay districts - Generally.

Overlay districts are established to protect, maintain and enhance the unique physical and cultural resources and character of the city.

17.26.020 Application of regulations.

Property located within an overlay district as described in this title and the Port Townsend Shoreline Management Master Program and shown on the official overlay maps of the city is subject both to its zone classification regulations and to the additional requirements imposed for the overlay district. In any case where the provisions of an overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply. In any case where the use provisions of the Port Townsend Shoreline Management Master Program conflict with the use provisions of the underlying zone, the use provisions of the Port Townsend Shoreline Management Master Program shall govern over the use provisions of this title even if a use is permitted pursuant to the Port Townsend Shoreline Management Master Program which would not otherwise be permitted under this title.

Chapter 17.28
SPECIAL HEIGHT OVERLAY DISTRICT

Sections:

17.28.010 Purpose.

17.28.020 Boundaries of district - Height overlay subdistricts.

17.28.030 Development standards.

17.28.040 Application of regulations.

17.28.010 Purpose.

The purpose of this chapter is to establish a "special height overlay district" which will protect the visual and physical prominence of the bluff which is a unique and dominant land form of the city.

17.28.020 Boundaries of district - Height overlay subdistricts.

The special height overlay district shall extend from the waterfront to the top of the bluff and shall be divided into certain subdistricts as described in PTMC 17.28.030. The boundaries of the special height overlay district and the height overlay subdistricts are shown on the official height overlay map, which is hereby made a part of this title, just as if such information set forth on the map were fully described and set out herein. The official height overlay map, attested by the signatures of the mayor and the city clerk, with the seal of the city affixed, shall be kept on file in the office of the building official, and shall be available for inspection by the public.

17.28.030 Development standards.

A. No structure shall be erected, or altered, in any area defined in this section to a height in excess of the limits established in this section unless otherwise provided.

B. The maximum building heights in each of following described subdistricts of the Original Townsite of Port Townsend shall be as follows:

Subdistricts: All within the Original Townsite of Port Townsend	Maximum height in feet
Blocks 2, 47, 50, 95 and 98 (Pt. Hudson)	25
Block 94 (Pt. Hudson)	32
Block 99 (Pt. Hudson) and Lots 1, 3, and 5-8 of Block 45	34
Block 4	30
Block 5	36
Block 6	46
Blocks 7, 8, 9, 40, 41 and 42	50
Blocks 10 and 38	46
Blocks 11 and 52, plus Lots 2 and 4 of Block 45	37
Block 12	35
Blocks 36 and 44	40
Block 37	42
Block 39	48

Block 43	47
Blocks 93 and 100	43
The subdistrict bounded on the southeast by Washington Street, on the northeast by Quincy Street, and on the northwest by the face of the bluff	50
The subdistrict bounded on the southeast by Washington Street, on the southwest by Quincy Street, on the northeast by Monroe Street, and on the northwest by the face of the bluff	45

17.28.040 Application of regulations.

All properties located within the special height overlay district shall be subject to both its underlying zone classification and to the requirements imposed by the special height overlay district. In any case where the provisions of the special height overlay district conflict with the provisions of an underlying zone, the more restrictive height limitation shall apply.

Chapter 17.30
WATERFRONT DESIGN GUIDELINES OVERLAY DISTRICT

Sections:

- 17.30.010 Purpose.
- 17.30.020 Subdistricts - Boundaries.
- 17.30.030 Design review - Application, review and appeals.
- 17.30.040 Design review guidelines - Overall.
- 17.30.050 Design review guidelines - Subdistricts.
- 17.30.060 Limitation on actions.

17.30.010 Purpose.

The purpose of this chapter is to establish the waterfront design guidelines overlay district to protect, maintain and enhance the diversity of the waterfront area of the city and the unique characteristics of certain subdistricts within that area.

17.30.020 Subdistricts - Boundaries.

A. The waterfront design guidelines overlay district shall be divided into subdistricts as follows:

1. Urban wetlands district;
2. Boat Haven marina district;
3. Crossroads district;
4. Bluff Narrows district;
5. Ferry retail district;
6. Historic commercial district;
7. Civic district;
8. Point Hudson marina district.

B. The boundaries of the waterfront design guidelines overlay district and the subdistricts are shown on the official waterfront design guidelines map, which is hereby made a part of this title, just as if such information set forth on the map were fully described and set out herein. The official waterfront guidelines map, attested by the signatures of the mayor and the city clerk, with the seal of the city affixed, shall be kept on file in the office of the building official, and shall be available for inspection by the public.

17.30.030 Design review - Application, review and appeals.

A. Certificates of Review Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, or make any visible change to the exterior appearance of any structure or to the public rights-of-way or other public spaces in the waterfront design guidelines overlay district, and no one shall remove or substantially alter any existing sign or erect or place any new sign within the waterfront design guidelines overlay district, and no city permit or approval for such activity shall be issued unless a certificate of review has been issued by the city's historic

preservation committee ("HPC") created by Ordinance No. 2035 and codified in Chapter 2.72 PTMC.

Emergency repairs, ordinary maintenance and repairs, interior remodeling or decorations are exempt from the requirements of this chapter. There are no other exceptions to the requirement of a certificate of review.

B. Optional Design Review. Design review will be provided by the HPC for projects located outside the waterfront design guidelines overlay district, but within the urban waterfront planning area, at the option of the project proponent.

C. Preapplication Consultation. Preapplication consultations with HPC staff are strongly recommended to assist project proponents in achieving acceptable designs and to facilitate timely review. Project proponents should contact the HPC as early as possible in the design phase and arrange for a meeting to discuss the design guidelines and the review process.

D. Application.

1. Application for design review shall be submitted to the HPC at the building and community development department and shall consist of a completed application on a form prescribed by the HPC, accompanied by a site plan showing the location of the building or buildings, parking, exterior lighting, signs and landscaping; exterior elevations of the front and side with a description of the type and finished color of exterior siding, windows and roofing to be used; detailed drawings or architectural features, signs and trim; and "as is" photographs of the subject building or site and adjacent structures. All diagrams shall be drawn to scale. The HPC may request additional information necessary for their review and recommendation.

2. Applicants for a conditional use permit or variance pursuant to PTMC Title 17, or an environmental determination pursuant to PTMC Title 19, or a shorelines substantial development permit pursuant to the shoreline master program shall submit their plans for review and recommendation to the HPC at least 60 days prior to the first hearing or meeting of the planning commission, shoreline management advisory commission or city council scheduled on the proposed development.

E. Review Process.

1. Upon receipt of a completed application for review, the building official shall notify the HPC and forward the application to its members.

2. The HPC shall set a public meeting time and place as soon as possible to review the application according to the design review standards established pursuant to PTMC 17.30.040 and 17.30.050. The HPC shall request the applicant, and any design professionals assisting the applicant, to attend the meeting. If the applicant, or the applicant's representative responsible for project design, fails to attend the meeting, an alternate meeting shall be scheduled by the HPC within 30 days of the initial meeting; provided, that in such event, the 60-day review period, prescribed in subdivision 5 of this subsection, shall not commence from the date of the application but shall instead commence on the date to which the meeting on the subject application is continued. Failure of the applicant, or the applicant's representative responsible for project design, to attend both the initial and the continued meeting set for review of the application shall constitute a failure of the application requirements and no permits shall be granted by the city on

the project unless and until the applicant has reapplied for review and obtained a certificate of review under this chapter.

3. The HPC may schedule additional meetings as it may find necessary and desirable to complete its review. The HPC may, in the execution of its review, assign any portion of the review of any application to any member or committee of the HPC; provided, that final action to issue a certificate of review shall be made by a majority vote of a quorum of the HPC.

4. Upon receipt of an application for a permit for development subject to review under this chapter, the building official shall:

- a. Inform the applicant of the review requirements;
- b. Report receipt of the application to the HPC;
- c. Assist the HPC in considering the building, zoning, shoreline, sign and fire code requirements which may apply to the proposed development; and
- d. Shall not issue any such permit until a certificate of review has been obtained.

5. Unless an extension is authorized by the applicant, the HPC shall complete its review within 60 days of receipt of a complete application. In the event the HPC fails to issue a certificate of review within such period, a certificate of review shall be deemed to have been issued without recommendation as if the HPC had so acted.

F. Binding Review. Within the waterfront design guidelines overlay district, the recommendations of the HPC under this chapter shall be binding on the applicant and compliance with such recommendations is mandatory. For projects located outside the waterfront design guidelines overlay district electing to participate in the design review process under subsection C of this section, the recommendations of the HPC under this chapter are advisory only and compliance is optional.

G. Appeals. Any person may file an appeal from the recommendations of the HPC by paying the required fees and deposits and submitting in writing to the city council the reasons for the appeal within 30 days of the date the HPC issues a certificate of review on the matter or, in the event the HPC fails to issue a certificate of review, within 30 days after the expiration of the 60-day review period provided in subsection E.5 of this section. The fee for such an appeal shall be \$250.00, plus the costs of any and all transcriptions, photocopying and notifications required to process the appeal. At the time of filing of an appeal, the appellant shall also make a cash deposit in the amount determined by the city clerk to defray costs. Valid appeals shall be considered and decided by the city council as follows:

1. Within 30 days of receipt of a valid appeal, the city clerk shall obtain a complete record and verbatim transcript of the proceedings before the HPC on the matter and distribute copies of same to the city council.

2. The city council shall, within 45 days of receipt of the appeal, meet in public session to determine whether or not the record of the HPC on the matter is adequate to make a decision on the appeal. If the city council determines that the record is adequate, it shall then and there deliberate and decide on the appeal without additions to the record of the HPC. If, however, the city council determines that the record is not adequate, it shall set forth by resolution the extent to which the record is inadequate and shall either:

- a. Remand the matter to the HPC for reconsideration; or
- b. Set a time and place for a public hearing on the appeal. Public notice of the hearing shall be provided in the same manner as that required for a conditional use permit. The city council may limit testimony and submission of additional information on the appeal to the specific scope of inadequacy of the record cited in its resolution.

3. **Standard of Review.** In making its decision on the appeal, the city council shall give substantial weight to the recommendations of the HPC and shall adopt written findings of fact and conclusions in support of its decision. In order to grant any appeal from the recommendations of the HPC, the city council must find that the historic preservation committee was clearly erroneous in its conclusions or that the HPC failed to adhere to the design guidelines established by the ordinance codified in this chapter or as it may be hereafter amended.

17.30.040 Design review guidelines - Overall.

In its review of projects within the waterfront design guidelines overlay district which are subject to this chapter, the HPC shall be guided by the following design guidelines:

A. City Form.

1. Designs should acknowledge the role of the shoreline and the bluff as the traditional determinants of the form of the city's development by preserving and continuing the linear organization of the city between the shoreline and the bluff.

2. Designs should assist the redirection of the city's focus to the waterfront by enhancing public access to the waterfront, creating public open spaces oriented to the waterfront, and encouraging waterfront uses and activities which are consistent with the carrying capacities of the aquatic environment.

3. New buildings or redeveloped buildings shall preserve and enhance the city's pyramidal form through compliance with the special height overlay district regulations set forth in Chapter 17.28 PTMC.

4. New development or redevelopment shall follow and enhance the unique character of its environs through compliance with the design guidelines set forth for the subdistricts in PTMC 17.30.050.

5. New development should recognize the city's historic architectural heritage through the use of building materials, construction methods, building proportions and architectural devices compatible with those used in existing buildings, but should not attempt to replicate existing historical buildings.

6. In the development of streets and parking areas, functional requirements for vehicular movement and parking should not compromise the safety of or inhibit the movement of pedestrians. Streets should have easy and well-marked pedestrian crossings. Parking lots should be small, incremental, well-lit and secure. Pedestrian movement should be enhanced through the location of landscaping, lighting and signage.

B. City Connections.

1. Property owners are encouraged to make available areas within and around developments where monuments and markers can be established by the city to commemorate

historic people and events, mark places of urban celebration, and give visual orientation to users of the city.

2. Designs shall protect views of the water and the bluff through compliance with the shoreline master program, the special height overlay district regulations set forth in Chapter 17.28 PTMC, and other design guidelines established in this chapter.

3. Any new development or redevelopment of properties adjacent to the shoreline shall comply with the policies and performance standards of the shoreline master program and the Washington State Department of Ecology Shorelands and Coastal Zone Management Program Shoreline Public Access Handbook, relating to visual and pedestrian access to and along the waterfront. In furtherance of those policies, public access to and along the waterfront should be coordinated and linked with other public access to create a continuous public walkway along the waterfront described in the plan as the "Waterwalk."

4. Designs should include and incorporate visual and physical connections between pedestrian spaces and public access areas which encourage easy and inviting movement between adjoining spaces. Designs should incorporate views through developments, where feasible.

5. Any redevelopment of existing public rights-of-way and public access connections along the bluff line, should preserve, create and enhance vehicular and pedestrian connections between the downtown and uptown areas of the city. Where these conflict, pedestrian considerations should prevail.

C. Civic Spaces.

1. Streets should be designed to function as public open spaces bordered by buildings, in addition to facilitating traffic movement. Buildings should be designed to enhance the pedestrian experience through the use of such features as building articulation (i.e., variations in building materials, surface texture, windows, doors, porches and other facade features), landscaping, lighting and signage without encumbering the efficient movement and parking of vehicles.

2. Development at street intersections should enhance intersections in ways that extend beyond functional needs through the location of building entries and the incorporation of building details, street lighting, landscaping and signage which respect and conform to the character of existing structures at the intersection.

3. Designs are encouraged to make natural areas and open space accessible to the public in ways that do not destroy or endanger wildlife habitats or water quality. Designs should utilize lighting, furniture and landscaping in a way that natural areas and open spaces can be used in a safe and secure manner. Where possible through public/private partnerships, vacant lots within the city, until developed, should be made available as parks and courtyards which are accessible to citizens and visitors.

4. Open spaces and enclosed or sheltered public spaces should be designed to be flexible and to accommodate a variety of functions, including both organized use, such as outdoor concerts and group gatherings, and casual use.

5. Public open spaces created within the urban waterfront area should incorporate appropriate landscape and hardscape elements in accordance with the character of the subdistrict and the natural environment within which the development is being designed.

6. Street furniture, lighting and signage should be designed in accordance with the character and predominant theme of the subdistrict in which it is located.

D. Buildings.

1. New construction should preserve and continue the traditional block development pattern of the city by creating buildings that follow in scale and proportion the traditional modularity of existing block faces with buildings constructed to street property lines and main access from the street. In areas immediately adjacent to traditional blocks where the traditional block pattern has not been followed, new development and redevelopment should be designed with the same scale and proportions as would be found within the traditional block pattern with buildings constructed to the property line and main access from the street.

2. New structures built between or among existing structures should reflect the principles of design of the surrounding buildings in proportion, composition and detail. New buildings should be designed to fit into the context of the existing block within which they are built and be good “background” buildings, which respect and support existing structures, rather than “image” buildings, which depart significantly in architectural style. To accomplish these goals, building designs should adhere to the following: proportions of the facade should be similar to those of adjacent buildings; existing cornice lines should be continued; storefronts should be aligned; and windows, storefronts and other openings should be in the same proportions as those of adjacent buildings both on upper and ground floor levels.

3. Design facades for new buildings should build on the qualities of existing facades with predominant attention given to the design integrity of the vertical wall.

4. Designs which incorporate artificial or synthetic decorative detail to replicate historic precedent are discouraged, while designs which utilize traditional materials and craftsmanship to create the same quality and detail that is fundamental to the historic buildings of the district are encouraged.

5. In new development or redevelopment building materials should be limited to those predominant materials used in the existing structures within the particular subdistrict as defined in PTMC 17.30.020. Synthetic or artificial materials are discouraged in exterior applications.

17.30.050 Design review guidelines - Subdistricts.

In addition to the design guidelines set forth in PTMC 17.30.040, the HPC shall be guided within each of the subdistricts by the following design guidelines:

A. Urban Wetlands District.

1. Development shall be limited to uses or activities that protect or enhance “wetlands.” For the purpose of these guidelines, “wetlands” are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as more specifically defined at RCW 36.70A.030.

2. Any construction (i.e., trails and access pathways) should be constructed of nontoxic, natural materials, which have low environmental impact.

B. Boat Haven Marina District.

1. Roads, walkways and other public areas within this subdistrict shall be designed to address vehicular and pedestrian needs while maintaining the character of this subdistrict.

2. Any new development shall be consistent with the Port of Port Townsend Comprehensive Management Plan, dated May, 1982, including any amendments and revisions to that plan, and future city plans.

C. Crossroads District.

1. The use of existing and planned pedestrian connections to Kah Tai Lagoon, Water Street and the proposed Jefferson Street Hill Climb described in the plan shall be encouraged and facilitated through landscaping, paving, signage and lighting.

2. The city shall design and implement landscape treatment of the "Triangles" as a key open space resource of this area. "Triangles" are defined as those publicly owned parcels of property resulting from the angular intersection of existing streets.

3. Designs are encouraged to enhance pedestrian traffic in this subdistrict without impeding vehicular traffic through the use of paving textures, fencing, landscaping and signage which make a greater distinction between automobile traffic and pedestrian circulation systems.

4. Designs should enhance public access to and along the shoreline of this subdistrict.

D. Bluff Narrows District.

1. Buildings shall be designed with the building facade set back at least five feet at each floor level along the following view corridors: Calhoun Street, Pierce Street, Cass Street, Benton Street and Water Street. This setback will apply from each abutting street right-of-way such that the second floor shall be set back at least five feet from the facade of the first floor and each higher floor shall be set back at least five additional feet from the facade of the floor immediately below.

2. Streetscape designs must comply with the Streetscape Design/Main Street Project Manual adopted January 17, 1989, by Ordinance No. 2143. Parking lots must provide a five-foot planted buffer between the lot and all public rights-of-way. Storage areas must be screened from view from all public rights-of-way and the Waterwalk, as defined in the plan, by five-foot high fencing or landscaping of equal height and density.

3. Electrical and communication wiring shall be located underground.

4. Designs should maximize public access provisions between buildings along the Bluff Narrows.

E. Ferry Retail District.

1. New development should acknowledge and continue the continuity of the street facade and the predominance of ground level street-front retail bays along Water Street and enclose or otherwise conceal parking facilities.

2. Street landscaping shall be similar to existing landscaping on other areas of Water Street, including the planting of trees. Landscaping shall be used along the waterfront to screen utility structures, such as dumpsters, oil tanks, and service entrances, from public view.

3. Towers of no larger than 100 square feet in plan may exceed the building height limit by a maximum of 10 feet; provided that no building shall exceed a total of 50 feet.

4. Brick and sheathing materials used in all new construction shall be compatible in color,

texture and size with materials used in existing structures within the adjacent historic commercial district.

5. Building color, signage, lighting and landscaping shall be compatible with, and similar to, those of existing structures within the historic commercial district.

6. Designs should encourage and facilitate public access on the water-side of the ferry retail district.

7. New development shall provide a similar block pattern as found in the adjacent historic commercial district. Buildings should be built to the property line along the following view corridors: Water Street, Polk Street, Fillmore Street, Harrison Street, and Van Buren Street. Elements occurring in public rights-of-way, such as signs, fountains and monuments shall be low in form with vertical elements limited to slender obelisks.

F. Historic Commercial District.

1. Designs which provide water access, walkways and other water-side improvements are encouraged.

2. Designs should preserve and restore public art and historic signage and art on existing buildings.

3. Towers of up to 100 square feet in plan may exceed the height limit by 10 feet, excluding finials or other architectural features of not more than five feet; provided that no building shall exceed a total of 50 feet.

G. Civic District.

1. Streetscape design shall comply with the Streetscape Design/Main Street Project Manual adopted January 17, 1989, by Ordinance No. 2143, including the specification of Norway Maples as street trees. The city shall provide additional landscaping and hardscape features, including special paving on Madison Street, monuments and banners that delineate and explain the civic purpose of this subdistrict.

2. Brick that is compatible in color, texture and size with brick used in existing structures in this subdistrict should be the dominant building material used in any future construction.

3. Designs should protect the view corridors along the Water Street axis to Point Hudson and the Madison Street axis from Memorial Field and to the City Dock through compliance with the height restrictions set forth in Chapter 17.28 PTMC. Buildings framing these view corridors are encouraged to be built to the street property lines. Elements occurring in public rights-of-way, such as signs, fountains and monuments, should be low in form with vertical elements limited to slender obelisks.

4. City Hall should remain the dominant feature of the cityscape in this subdistrict. No building shall be erected in this subdistrict that is greater in height than City Hall. Buildings adjacent to or adjoining City Hall shall be of lower height and building facades shall be designed with less detail and ornamentation than City Hall to defer to the architectural significance of City Hall. Buildings connected to City Hall shall not directly abut City Hall at the street property line, but shall be set back at least five feet from the property line for a length of at least five feet.

H. Point Hudson Marina District.

1. New development or redevelopment should be compatible in style, height, size,

proportions and material used with the former Coast Guard and shipyard buildings in this subdistrict. However, new developments are also encouraged to provide a transition to the civic district and the historic commercial district by incorporating features of those subdistricts, such as building materials and construction styles in the design.

2. Buildings more than 30 feet in length or width shall be designed to give the appearance of groups of small buildings by varying building height, massing, setbacks, and facade features, such as windows and doors, every 30 feet along the length of the building.

3. Towers of up to 100 square feet may exceed the height limit by 10 feet; provided that no building shall exceed a total of 50 feet.

4. Public access to and along the shoreline is encouraged in all new development in this subdistrict.

5. Mixed use projects, incorporating both water-dependent and water-related uses as those terms are defined in the plan are strongly encouraged.

6. New parking facilities and additional roads should be minimized.

17.30.060 Limitation on actions.

Any decision, finding, ruling, determination, or binding recommendation of the HPC or the city council made pursuant to the design review requirements and authority under this chapter shall be final at the time a vote is cast and recorded on any such matter and no action to set aside or modify the same shall be brought in the Superior Court or other tribunal unless the action shall be filed within 30 days from the date of such decision, finding, ruling, determination or binding recommendation.

Chapter 17.32 PLANNED UNIT DEVELOPMENTS

Sections:

- 17.32.010 Purpose.
- 17.32.020 Scope.
- 17.32.030 Minimum lot area.
- 17.32.040 Application submittal and contents.
- 17.32.050 Consolidated applications.
- 17.32.060 Innovative residential development.
- 17.32.070 Modification of permitted densities - Bonus density.
- 17.32.080 Modification of permitted uses - Commercial uses.
- 17.32.090 Modification of development standards.
- 17.32.100 Preliminary approval criteria.
- 17.32.110 PUD review process.
- 17.32.120 Performance guarantees - PUD Agreement.
- 17.32.130 Modifications to an approved preliminary PUD.
- 17.32.140 Building and occupancy permits - Issuance after final PUD approval.
- 17.32.150 Final PUD plan requirements.
- 17.32.160 Time limitation on final PUD submittal.
- 17.32.170 Filing of final PUD plan.

17.32.010 Purpose.

The purpose of this chapter is to implement the goals and policies of the Port Townsend Comprehensive Plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential and mixed residential/commercial development in order to protect and enhance environmental features, encouraging the development of affordable housing, and providing other public benefits. This chapter provides performance criteria to encourage flexibility in the choice of the types of living units available to the public through the planned unit development (PUD) process. More specifically, it is the purpose of this chapter to:

- A. Allow development of land with physical constraints, while at the same time preserving the natural characteristics of a site, including topography, native vegetation, wildlife habitat, environmentally sensitive areas, and other natural amenities of value to the community;
- B. Create and/or preserve open space for recreation and aesthetic enjoyment of residents and employees;
- C. Provide for the management and control of stormwater;
- D. Permit developers to use innovative methods and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the diverse housing needs of Port Townsend residents, to promote the affordable housing goals and policies of the Port Townsend Comprehensive Plan;
- E. Provide for the economic provision of public facilities and services by allowing choices in

the layout of streets, utility networks, and other public improvements through superior site design and the use of clustering;

F. Avoid the overburdening of present or planned capacity of public utilities, services, facilities and streets, which may occur under conventional site development and zoning methods; and

G. Encourage infill within areas of the city which are characterized by existing development.

17.32.020 Scope.

A. This chapter shall apply to all permitted uses within all residential districts (R-I, R-II, R-III and R-IV) and mixed use districts (C-I/MU and C-II/MU), and constitutes a "floating" overlay zone over these districts; provided, however, this chapter permits the development of limited multi-family housing in R-I and R-II zones, and limited commercial development in all residential zones, so long as the requirements of this chapter are satisfied. This chapter may be applied to existing subdivisions and lots of record on which no development has yet occurred, or where adequate vacant land exists within an existing development to meet standards and criteria of this chapter.

B. The PUD process provides an alternative to traditional development under prescriptive zoning and subdivision standards. This chapter shall not be applied to single-family residential lots incapable of further subdivision due to lot size, or as a means to avoid other procedures more appropriately reviewed as variance applications under Chapter 17.86 PTMC.

C. A PUD application must be processed with either an application for short subdivision, full subdivision, or binding site plan approval. The scope of this chapter is to allow more innovative ways of designing such development applications, enabling applicants to take advantage of incentives, including flexible zoning standards, modification of requirements of the city's engineering design standards, and bonus densities in appropriate circumstances, in exchange for public benefits.

17.32.030 Minimum lot area.

The minimum lot area required for property proposed for a PUD shall be:

- A. R-I and R-II districts - 40,000 square feet;
- B. R-III and R-IV districts - 20,000 square feet; and
- C. C-I/MU and C-II/MU districts - no minimum.

17.32.040 Application submittal and contents.

To be considered complete, the application shall include the following:

A. The application for approval of a PUD shall be submitted to the building and community development department on forms to be provided by the department along with the appropriate fees established by Chapter 20.09 PTMC;

B. A completed land use permit application form, including all materials required in accordance with section 20.01.100 PTMC; ~~B. The application shall include-~~

C. Five copies of a PUD site plan prepared in accordance with the following requirements:

1. ~~A completed land use permit application form, including all materials required pursuant to Section 20.01.100 PTMC;~~

~~2. The area of each proposed lot or parcel shall be drawn~~ to accurately show that each lot or parcel contains sufficient area to satisfy minimum zoning and health requirements;

23. Five copies of The PUD plan drawing shall be prepared by a Washington State licensed engineer or land surveyor registered or licensed by the State of Washington. The PUD plan shall be consolidated with any plan or plat submitted under Title 18 PTMC. The preparer shall certify on the plan that it is a true and correct representation of the lands actually surveyed. The preparation of the plan shall comply with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC. The plan drawing shall have minimum dimensions of ~~17~~ 18 inches by 24 inches and contain all information required in Chapter 18.16 PTMC for subdivisions of property.

34. If the applicant proposes a site design providing for a variety of separate residential or commercial areas, uses and/or densities within the site, the site plan shall include a table providing the following information for each distinct residential area:

- a. Proposed land use in each area (e.g. single family, duplexes, multi-family, neighborhood-serving commercial use);
- b. Number of dwelling units or commercial units/establishments;
- c. Gross acreage;
- d. Approximate area of the smallest lot;

45. A form for the endorsement of the Director of BCD, as follows:

APPROVED BY CITY OF PORT TOWNSEND

Building & Community Development Director

Date

~~DE.~~ Where site conditions require geotechnical ~~geologic~~ analysis to assess or address any probable significant adverse environmental impacts, including environmentally sensitive area conditions, a geotechnical report or study prepared by a competent geologist or geological engineer or other similar professional may be required if deemed necessary by the public works director or the BCD director;

~~ED.~~ The applicant shall supply a narrative statement substantiating how the proposed development will be superior to or more innovative than conventional development undertaken under the city's land use regulations. The statement shall also substantiate how the proposed PUD will provide a benefit to the public beyond that available through conventional development. The applicant shall specifically identify all code requirements and criteria proposed for modification;

~~EE.~~ The applicant shall supply completed information and materials for all other land use permit and development applications consolidated with the PUD application;

G. A conceptual landscape plan, showing the proposed location and types of proposed

vegetation;

H. Building profiles if the PUD proposes multi-family residential development; and

IF. Any additional pertinent information required by the BCD director and/or public works director.

17.32.050 Consolidated applications.

The PUD application shall be considered simultaneously with an application for one or more of the following: a preliminary plat or short plat; binding site plan; boundary line adjustment; conditional use permit; multi-family development permit; variance; or any other permitting action.

17.32.060 Innovative residential development.

A. Innovative Residential Development - Purpose.

1. More efficient use can be made of land, energy and resources and more livable development can be achieved when the designer has flexibility in residential types, placement and density. Such flexibility can be achieved while safeguarding the public interest by review of the proposed planned unit development plan which shows the type and placement of residential structures. Therefore, the city allows planned residences at varied densities where specified in the appropriate zones of the city.

2. Upon compliance with this Chapter 17.32, the use of land may comply with the provisions in this section in lieu of the provisions of the zone where located.

3. It is intended that innovative residential developments encourage imaginative design to achieve these purposes. Therefore, incentives and flexibility may be allowed such as clustered housing and bonus densities, lot averaging, zero-lot lines, condominium development, and mixed residential types. The city may approve the use of these tools as provided in this section as deemed reasonable and warranted by the excellence of the resulting design and its benefits to the community.

B. Innovative Residential Development - Techniques.

1. **Clustered Housing.** When residences are clustered in design groups in a planned unit development with common open space, the clustered housing may, in lieu of the zone restrictions, be designed with building locations, lot sizes, yards and/or density standards as prescribed on the plat or on plans for the planned unit development approved by the city.

2. **Bonus Density Bonus.** When a plat, planned unit development, or other instrument is submitted under this chapter as an innovative development, and is of sufficient excellence in design and planning, a higher density may be allowed therein in accordance with section 17.32.070 PTMC.

3. **Lot Area Averaging.** Lot area may be varied. Except as provided in section 17.32.060_C PTMC, the combined area of all lots and the private common open space in the planned unit development shall be equal to the density or lot size allowed in the zone where located.

4. **Flexible Yards.** Yards may be reduced to zero provided the structures are shown on the plat or planned unit development and a ten-foot access for maintenance is given by yard

and/or easement along each outside wall.

5. **Residential Types.** To achieve the most efficient use and conservation of land, energy, resources, view and terrain, mixed residential types may be designated and allowed in innovative residential planned unit developments as prescribed in this chapter.

C. **Minimum lot size.** The minimum permissible size for a single residential lot permitted through use of the incentives allowed in this chapter shall be 3,000 square feet.

D. **Buyer Notification.** The planned unit development plan shall note that the residences thereon constitute an innovative residential development and must be constructed as shown on the planned unit development plan. Building permits may be issued only for structure types and placements as shown on the planned unit development plan. Sales agreements and titles for land and residences sold in innovative residential developments shall note this restriction.

17.32.070 Modification of permitted densities - Bonus density.

A. **Purpose for Bonus Densities.** Bonus densities are intended to provide the incentive to encourage the development of affordable housing, provide additional public amenities, or preserve valuable natural or cultural resources and features. The satisfaction of any of the bonus density criteria specified in subsection D of this section is considered to be in the public interest and worthy of a bonus density.

B. **Eligibility for Bonus Densities.** Eligibility to obtain a bonus density is based upon site plan review and approval by the city after a public hearing. Such bonus densities may be granted to a deserving application if the PUD plan submitted is judged by the city to have achieved one or more of the bonus density criteria.

C. **Maximum Bonus Density.** The maximum bonus density allowed is limited to an additional 30 ~~20~~ percent over the density allowed in the underlying zone. In zones where a bonus density may be allowed, either the bonus density allowance in these PUD provisions or that allowed in the zone may be utilized in the PUD, but not both. Based upon attributes of a proposal and the characteristics of the development site, the city may determine that a bonus density of less than 30 ~~20~~ percent is appropriate. In addition to criteria provided in this section, the density shall be compatible with the site's natural constraints and the character and density of the surrounding area. Compatibility for bonus density shall also be determined by proximity of the site to arterials, transit service, employment and shopping areas and planned amenities.

D. **Basis for Approval of Bonus Density Criteria.** Upon submittal of the PUD application, the director shall review the proposed project and submit a report to the planning commission, containing recommendations and proposed findings of fact and conclusions with respect to the allocation of bonus densities for the project. The allocation of bonus densities should be based upon a comprehensive review of the entire project. It is the intention of this section to allow bonus densities where a PUD applicant proposes design attributes providing public benefits in addition to those required by local, state or federal land use or environmental regulations. Bonus densities will not be allowed for site design proposals which merely reflect mandatory requirements of local, state and federal codes or regulations. Consideration of the following criteria should be given, but need not be limited to these:

1. Preservation of Agricultural Land and Open space and Natural, Historical and Cultural Features (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include the quality of agricultural soils; preservation and minimum disturbance of natural features and wildlife habitat; preservation of unique historical or cultural features; preservation of open space; dedication to the city of land within the city's potential park or open space areas and corridor as designated in the comprehensive plan and as shown on the land use map; and preservation of air, sunlight and scenic resources.

2. Public Service and Facility Availability (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include the provision of public schools; public park or other public facilities and/or sites; bicycle and pedestrian pathway systems; public transit and arterial access to the site; and special site design for special needs residents to situate or cluster uses within a reasonable distance of fire and police protection, medical, shopping, church and other such amenities.

3. Energy Efficiency (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; common wall construction; transportation management strategies, including transportation demand management ("TDM") strategies; the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and other structures; and higher insulation levels.

4. Private Public Recreation Facilities (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include provision for public private recreational features such as tennis courts, active play areas, swimming pools, passive open space areas, bicycle and pedestrian pathway systems.

5. Environmental Design (Exceeding Mandatory Code Requirements). Items for consideration in this section may include on-site designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; flood control measures, particularly those measures serving regional needs; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; and the use of recycled materials and resource conserving designs.

6. Affordable Housing (Exceeding Mandatory Code Requirements). Items for consideration include the provision of a mix of housing types, utilization of townhouses, condominiums and apartments directed to providing a reasonable mix or diversity of *bona fide* affordable housing opportunities for a diverse segment of the community. Bonus densities will also be allowed for projects providing low-income housing in market rate developments. In such developments and other developments seeking bonus densities for the provision of low income housing opportunities, the amount of bonus will be linked to the level of affordability, *i.e.*, the lower the cost or rental rate per unit, the greater the bonus afforded to the development. Density bonuses for low income housing projects will be granted only where all of the following conditions are satisfied:

a. The developer must agree to sell or rent the units to qualifying residents (*i.e.*, only low income and very low income households);

b. The developer must ensure the continued affordability of the units by qualified residents for a minimum of 40 years through the use of restrictive covenants or other deed restrictions approved by the city; and

c. The units must be of an innovative design and compatible with existing neighborhood character, with adequate assurances that such design and compatibility will be maintained throughout the 40-year period.

7. Provision of Innovative Design. Items for consideration include the provision of innovative design in a PUD similar, but not limited, to that described in section 17.32.060.B. PTMC and innovative design which provides compact, attractive urban development in areas of the city identified through the comprehensive plan for infill development.

8. Other suitable items believed by the city to be worthy of consideration may also be included as bonus density criteria.

17.32.080 Modification of permitted uses - Commercial uses.

A. A planned unit development may allow commercial uses in residential zones which are not otherwise permitted in the underlying use zone only under the following circumstances:

1. The use shall be part of a planned development in which not more than 10 percent of the gross floor area of the development is devoted to a commercial use which is not otherwise permitted in the underlying use zone;

2. The use shall be supportive of and/or complementary to the other uses within a planned development and scaled to meet primarily the needs of the inhabitants of the project;

3. The use shall be compatible with the uses permitted on other properties in the surrounding area; and

4. There is public benefit to be realized by allowing the proposed use.

B. Basis for Approval of Commercial Uses in Residential PUDs. Commercial uses may be located within the planned unit development when the proposed development includes residential use as an integral component of the planned development and when commercial uses are situated and developed in such a manner as to be compatible with any residential uses that are existing or which could be developed in the adjoining residentially zoned area.

C. In proposing a commercial use in a residential zone, the applicant shall establish specific community economic need for the use and facilities. The BCD director may require a competent market analysis to demonstrate that need.

D. Building permits for commercial uses in a residential PUD situated within R-I, R-II, R-III and R-IV districts may not be issued until at least two-thirds of the proposed residential units are completed, including issuance of final certificates of occupancy.

17.32.090 Modification of development standards.

A. The following development standards may be modified in approving a PUD application:

1. Building setbacks (excepting side yard setbacks and other setbacks adjacent to or

abutting residentially-zoned properties);

2. Height of building or structure in C-I/MU and C-II/MU zones, not to exceed 40 feet in the C-I/MU zone and 50 feet in the C-II MU zone;

3. Required off-street parking spaces;

4. Landscaping requirements;

5. Lot size, except as provided in 17.32.060.D (minimum lot size is limited to 3,000 square feet);

6. Lot width;

7. Engineering design standards;

8. Design Multi-family and mixed use development standards contained in this Title 17 Chapters 17.36 and 17.40 PTMC.

B. Standards which may not be modified or altered are:

1. Height of building or structure in all residential zones;

2. Shoreline regulations when the property is located in an area under the jurisdiction of the Port Townsend Shoreline Master Program;

3. Standards pertaining to development in environmentally sensitive areas;

4. Regulations pertaining to nonconforming uses; and

5. Regulatory standards and requirements pertaining to the preservation of historic structures located within the National Register Historic District.

C. Basis for Approval of Alternative Development Standards. Approval of alternative development standards for PUDs differs from the variance procedure described in Chapter 17.86 PTMC in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a planned unit development shall be based upon the criteria listed in this section. In evaluating a planned development which proposes to modify the development standards of the underlying use zone, the city shall consider and base its findings upon the ability of the proposal to satisfy the following criteria:

1. The proposed planned development shall be compatible with surrounding properties, especially related to:

a. Landscaping and buffering of buildings, parking, loading and storage areas;

b. Public safety;

c. Site access, on-site circulation and off-street parking;

d. Light and shadow impacts;

e. Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or other undesirable impacts;

f. Architectural design of buildings and harmonious use of materials;

2. The unique characteristics of the subject property;

3. The unique characteristics of the proposed use(s);

4. The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;

5. Visual impact of the planned development upon the surrounding area;

6. Public improvements proposed in connection with the planned development;
7. Preservation of unique natural features of the property; and
8. The public benefit derived by allowing the proposed alteration of development standards.

17.32.100 Preliminary approval criteria.

The following criteria are the minimum measures by which each proposed PUD will be considered:

A. PUDs shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the city that all of the following have been satisfied:

1. The proposed PUD conforms to:
 - a. Port Townsend Comprehensive Plan;
 - b. All provisions of the Port Townsend Zoning Code which are not proposed for modification;
 - c. All engineering design standards which are not proposed for modification;
 - d. Environmentally Sensitive Areas Ordinance (Chapter 19.05 PTMC); and
 - e. Any other applicable city, state or federal regulations, policies or plans, except those standards proposed for modification;
2. Utilities and other public services necessary to serve the needs of the proposed PUD shall be made available, including open spaces, drainage ways, streets, alleys, other public ways, potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks and other improvements that assure safe walking conditions for students who walk to and from school;
3. The probable significant adverse environmental impacts of the proposed PUD together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with Chapter 19.04 PTMC and Chapter 43.21C RCW;
4. Approving the proposed PUD will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare;
5. The proposed PUD satisfies all criteria set forth in PTMC sections 17.32.070 through 17.32.090, as applicable; and
6. The proposed PUD will be superior to or more innovative than conventional development and will provide greater public benefit without additional probable significant adverse impacts to public health, safety or the environment, than available through the use of conventional zoning and/or development standards.

B. Notwithstanding approval criteria set forth in subsection A, in accordance with RCW 58.17.120, as now adopted and hereafter amended, a proposed PUD may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed PUD lies within both a flood control zone, as specified by Chapter 19.05 PTMC and Chapter 86.16 RCW, and either the one percent flood hazard area or the regulatory floodway, the city shall not approve the PUD unless it imposes a condition requiring the applicant to comply with Chapter 19.05 PTMC and any written recommendations of the Washington Department of Ecology. In such cases, no

development permit associated with the proposed PUD shall be issued by the city until flood control problems have been resolved.

C. Preliminary approval does not constitute approval to obtain any building permits or begin construction of the project.

17.32.110 PUD review process.

A. An application for preliminary PUD approval shall be processed according to the procedures for Type III land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations.

B. PUD Consolidated with Short Subdivision. A PUD consolidated with a short subdivision application shall be reviewed for compliance with all standards and criteria in Chapter 18.12 PTMC.

C. PUD Consolidated with Full Subdivision. A PUD consolidated with a full subdivision application shall be reviewed for compliance with all standards and criteria in Chapter 18.16 PTMC.

D. PUD Consolidated with Binding Site Plan. A PUD consolidated with a binding site plan application shall be reviewed for compliance with all standards and criteria in Chapter 18.20 PTMC.

E. In addition to review under all requirements of Title 18 PTMC, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all the provisions of this chapter.

17.32.120 Performance guarantees - PUD Agreement.

To ensure that the development is carried out in accordance with the proposed design and the conditions of project approval, prior to final approval, the city shall require that the applicant enter into written agreement with the city, which agreement shall constitute CC&Rs binding upon all future purchasers, tenants and occupants of the PUD. Recordation of a signed PUD Agreement shall be a precondition to final approval of the PUD. The PUD agreement may include as applicable, and without limitation, the following:

A. An adequate guarantee providing for the permanent preservation, retention and maintenance of all open space and other public areas;

B. Where private reservation of open space area(s) are to be reserved and protected against building development, the applicant shall convey to the city an open space easement over such open space areas restricting the area against any future building or use except as is consistent with providing landscaped open space for the aesthetic and recreational enjoyment of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan;

C. The care and maintenance of open space reservations shall be assured either by establishment of appropriate management organization for the project or by agreement with the

city for establishment of a special service district for the project area on the basis of which the city shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. The agreement shall provide the city with the right to carry out, and levy an assessment for the cost of, any maintenance as necessary if it is not otherwise taken care of to the satisfaction of the city. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final PUD project plans and shall be included in the title to each property;

D. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the city;

E. Where bonus densities are obtained for low income housing development, the applicant shall provide an assurance that the low income housing will be maintained on the property for not less than 40 years and that project design and measures to ensure compatibility with adjacent land uses shall be maintained throughout the 40-year term.

17.32.130 Modifications to an approved preliminary PUD.

A. Minor modifications to a previously approved preliminary PUD, not involving the location or relocation of a lot, tract or parcel boundary line and not involving the location or relocation of a street, may be requested by the applicant and approved by the BCD Director subject to the provisions for Type I decisions in Chapter 20.01 PTMC. Before approving such amendment, the BCD Director shall make written findings and conclusions that the following exist:

1. The modification will not violate the terms and agreements of the PUD approval and the intent of the original conditions of approval is not altered.

2. The modification will not cause the PUD to violate any applicable City policy or regulation; and

3. The modification will not be inconsistent or cause the preliminary PUD to be inconsistent with the decision of the city preliminarily approving the application. Without limitation, a proposed modification will be deemed to be inconsistent with the preliminary approval if the modification will:

- a. Increase the residential density;
- b. Reduce the area set aside for common open space;
- c. Relocate the open space in a manner which makes it less accessible or usable to the public or the occupants of the development;
- d. Reduce any of the landscape buffers in width or density of planting between the development and the adjoining properties;
- e. Change the point(s) of access to different streets;
- f. Increase the total ground area covered by buildings or other impervious surfaces;
- g. Fail to preserve trees or other unique natural features which were required to be preserved by the preliminary PUD approval; or
- h. Impair or reduce the goals and requirements of the PUD to provide affordable or low income housing opportunities.

B. Modifications which exceed the criteria above shall be processed as a new PUD

application.

17.32.140 Building and occupancy permits - Issuance after final PUD approval.

A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved PUD prior to a determination by the Fire Chief or designee that adequate fire protection and access for construction needs exists.

B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved PUD until either:

1. All required improvements which will serve the subject lot or parcel have been constructed and the city has accepted a properly executed bill of sale for such improvements; or
2. All required improvements have been bonded or otherwise guaranteed; or
3. An improvement bond in an amount adequate, in the determination of the public works director, to guarantee construction of those required public improvements necessary to serve the lot or parcel for which a building permit is sought, has been accepted by the city.

C. No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved PUD prior to final inspection and approval of all required improvements which will serve such lot or parcel, to the satisfaction of the public works director and the city building official.

17.32.150 Final PUD plan requirements.

A. The applicant must submit a reproducible copy of the proposed final PUD plan to the BCD Director.

B. PUDs Consolidated with Subdivision or Short Subdivision Approval. Where the PUD is consolidated with a short subdivision or full subdivision, the applicant shall submit all information required for submittal under Chapter 18.12 PTMC (Short Subdivisions) or Chapter 18.16 PTMC (Full Subdivisions) as applicable.

C. PUDs Consolidated with Binding Site Plan Approval. Where the PUD is consolidated with a binding site plan application, the applicant shall submit all information required for submittal under Chapter 18.20 PTMC (Binding Site Plans).

D. In cases where any restrictive deed covenants or CC&Rs will apply to lots or parcels within a PUD, a typewritten copy of such covenants, bearing all necessary signatures, shall be submitted along with the final plat. Where the recordation of specific deed restrictions or CC&R provisions have been required as a condition of PUD approval, the BCD Director shall approve and sign the deed restriction or CC&Rs prior to final PUD approval. The CC&Rs shall clearly delineate the provisions which the city has imposed as a condition of PUD approval and those provisions voluntarily imposed by the applicant/declarant for private purposes. The CC&Rs shall provide that the city will not enforce any private CC&R provisions.

E. The final PUD plan shall be accompanied by a current (within 30 days) title company certification of:

1. The legal description of the total parcel subject to the application;

2. Those individuals or corporations holding an ownership interest and any security interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said parcel. Such individuals or corporations shall sign and approve the final plan prior to final approval;

3. Any lands to be dedicated to the city shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate;

4. Any easements or restrictions affecting the property with a description of purpose and referenced by the auditor's file number and/or recording number; and

5. If lands are to be dedicated or conveyed to the city as part of the proposal, an A.L.T.A. title policy may be required by the public works director.

G. The applicant shall submit for final approval any PUD Agreement which may be required in conformance with Section 17.32.120 PTMC.

F. The final PUD plan shall be processed as a Type IV application as set forth in Chapter 20.01 PTMC, Land Development Administrative Procedures, and shall be approved by the city council upon satisfaction of all conditions of approval and all requirements as provided in this section.

17.32.160 Time limitation on final PUD submittal.

Approval of a preliminary PUD shall expire unless the applicant submits a proposed final PUD with all supporting documents in proper form for final approval within five years after preliminary approval.

17.32.170 Filing of final PUD plan.

Upon review and approval of the final PUD, the BCD Director shall return the original to the applicant for recording. The final PUD plan shall be filed in accordance with the applicable procedures provided in Title 18 PTMC.

Chapter 17.36

MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Sections:

- 17.36.010 Purpose and intent.
- 17.36.020 Applicability - Permit required.
- 17.36.030 Application process.
- 17.36.040 Orientation.
- 17.36.050 Parking location and design.
- 17.36.060 Fences and walls adjacent to pedestrian scale streets.
- 17.36.070 Support facilities.
- 17.36.080 Grading and tree/vegetation retention.
- 17.36.090 Open space.
- 17.36.100 Neighborhood scale.
- 17.36.110 Privacy.
- 17.36.120 Facade, footprint, and roof articulation.
- 17.36.130 Entries.
- 17.36.140 Materials and colors.
- 17.36.150 Landscape design.

17.36.010 Purpose and intent.

The general purposes of the multi-family development standards are as follows:

- A. To describe how new multifamily buildings can be compatible with their surroundings;
- B. To ensure new multifamily development is compatible with and enhances the character of Port Townsend's residential neighborhoods;
- C. To enhance the built environment for pedestrians in higher density areas;
- D. To provide for development of neighborhoods with attractive, well-connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops;
- E. To ensure adequate light, air, and readily accessible open space for multifamily developments in order to maintain public health, safety, and welfare;
- F. To ensure the compatibility of dissimilar adjoining land uses;
- G. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances; and,
- H. To encourage creativity and flexibility in the design of multifamily developments in a manner that maximizes unique site attributes and is compatible with the character and intensity of adjoining land uses.

17.36.020 Applicability - Permit required.

A. Applicability. The multi-family development standards contained within this chapter shall apply to all multi-family projects regardless of their location or form of ownership (i.e., multi-family dwellings containing five units or more, and to townhouse or rowhouse projects of five units or more).

B. Permit Required. Prior to obtaining a building permit for a multi-family development project, the applicant shall first obtain a multi-family development permit in accordance with this chapter.

17.36.030 Application process.

A. Applications. The application for a multi-family development permit shall be submitted to BCD on forms provided by the department, along with the appropriate fees established by Chapter 20.09 PTMC. The application shall include all materials required pursuant to Section 20.01.100 PTMC and shall also include architectural renderings and site plans (including landscaping details) sufficiently complete to show comprehensive project design.

B. Approval process. Applications for multi-family development permits shall be processed according to the procedures for Type I land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations. The director shall enter findings and conclusions supporting the decision.

C. Variance. Where site constraints or other property development limitations render compliance with all requirements of this chapter impracticable, an applicant may apply for a variance in accordance with Chapter 17.86 PTMC, Variances.

17.36.040 Orientation.

A. Requirement. Multi-family projects shall be designed to orient to public streets and to provide pedestrian and vehicular connections to existing neighborhoods.

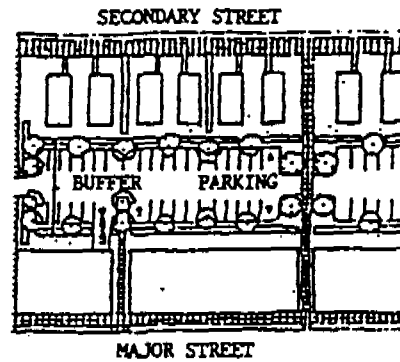
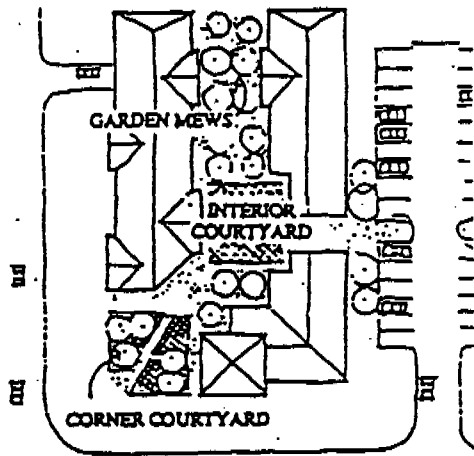
B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Using a modified street grid system where most buildings in a project front on a street. Where no public streets exist, creating a grid street system within the project.

2. Locating parking areas behind or under buildings and accessing such parking from alley-type driveways. If driveway access from streets is necessary, minimum width driveways meeting the Fire Code Access Standards should be used.

3. Providing each building with direct pedestrian access from the main street fronting the building and from the back where the parking is located.

C. The following illustrations depict site planning techniques that orient multifamily projects to streets, adding value and identity to the complex, by siting parking behind the buildings:



17.36.050 Parking location and design.

A. Requirement. The impact of driveways and parking lots on pedestrians and neighboring properties shall be minimized by designing, and locating, and screening parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk, or building facade.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Locating surface parking at the rear or side of lot;
2. Breaking large parking lots into small ones in a way that provides easy access for pedestrians;
3. Minimizing the number and width of driveways and curb cuts;
4. Sharing driveways with adjacent property owners;
5. Locating parking in areas that are less visible from the street;
6. Locating driveways so they are visually less dominant, and berming and landscaping them when they are visible from the street;
7. Screening parking lots abutting single-family residences with landscaping and/or fencing (see Section 17.36.140, Landscape Design); and,
8. Limiting parking lots on street frontages to 30 percent of the street frontage.

17.36.060 Fences and walls. ~~adjacent to pedestrian scale streets:~~

A. Requirement. The site shall be designed to minimize the need for fences and walls which inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to, ~~1. Keeping front and side yards which abut a street visually open to the~~

street; 2. ~~P~~ placing pedestrian breaks and/or crossings at frequent intervals where a fence, wall or landscaped area separates a sidewalk from a building or one development from another, ~~and;~~
3. ~~Employing small setbacks, indentations, stepped fenced heights, or other means of breaking up the wall or fence surface height where fences or walls are necessary to reduce noise, provide buffers, create private yards or provide security, to maintain a pedestrian scale along the street.~~

17.36.070 Support facilities.

A. Requirement. Provide adequate lighting, screening, and pedestrian access to supporting facilities such as tot lots, mailboxes, bus stops, and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well lit areas with access to the multi-family walkway network. Provide for shielding and directing of lighting to minimize impacts upon residents and abutting property owners.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Site Lighting:
 - a. Providing site lighting along walkways throughout the project that is pedestrian scale, and low in height and intensity;
 - b. Providing security lighting in parking areas and play areas;
 - c. Preventing lighting from shining into the dwelling units in the development; and,
 - d. Directing lighting away from neighboring development.
2. Bus Stops: Ensuring that the multi-family walkway network provides convenient pedestrian access to the nearest transit stop.
3. Support Facilities:
 - a. Locating support facilities such as trash receptacles, dumpsters, and mechanical equipment in areas adjacent to interior walkways; and,
 - b. Fully screening and landscaping support facilities.

17.36.080 Grading and tree/vegetation retention.

A. Requirement. To the extent reasonable and practicable, multi-family projects shall be designed to minimize impacts to existing topography and vegetation, ~~and to reduce the visibility of multi-family buildings on the horizon or skylines.~~

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Incorporating the natural grades in the overall design of the project;
2. Incorporate existing groups of tree/vegetation that will be protected and retained;
3. Minimizing disturbance of open space areas to better facilitate stormwater infiltration; and,
4. Avoiding the placement of buildings adjacent to ridgetops, so the rooftops do not extend above the crest of the ridgetops of the hillside, especially where views of historic sites are concerned.

~~C. The following illustrations depict how multifamily buildings can be located down-slope to preserve views from neighboring sites:~~

~~[RESERVED - GRADING AND TREE RETENTION ILLUSTRATIONS]~~

17.36.090 Open space.

A. Requirement. Usable open space shall be provided in a multi-family development for all the residents of the development.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Where possible, combining the open space of contiguous properties to provide for larger viable open space areas;
2. Siting permanent outdoor recreation equipment away from storm drainage facilities;
3. Using walkways to connect the open space to the multifamily buildings, parking areas, and adjacent neighborhoods; and,
4. Incorporating a variety of activities for all age groups in the open space.

17.36.100 Neighborhood scale.

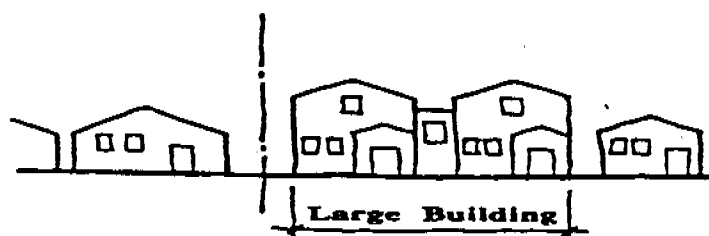
A. Requirement. To the extent reasonable and practicable, the architectural scale of new buildings proposed for existing neighborhoods shall be compatible with or complement the architectural character of neighboring buildings.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

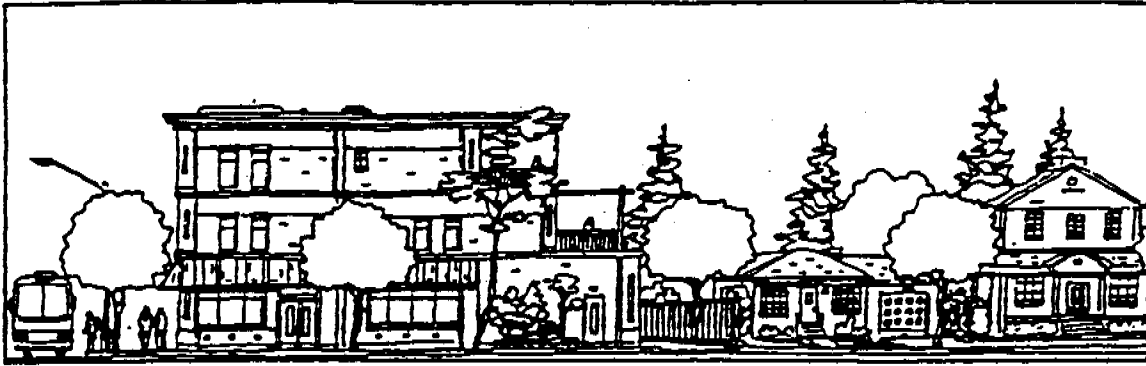
1. Breaking a multi-family building into house size building elements, especially where there is a building height transition from adjoining development; and,
2. Using the existing separation pattern and orientation of buildings in the adjacent neighborhood to establish the pattern of the new developments.

C. The following illustrations depict how multifamily buildings can be integrated into existing neighborhoods:

Zone allowing greater bulk.



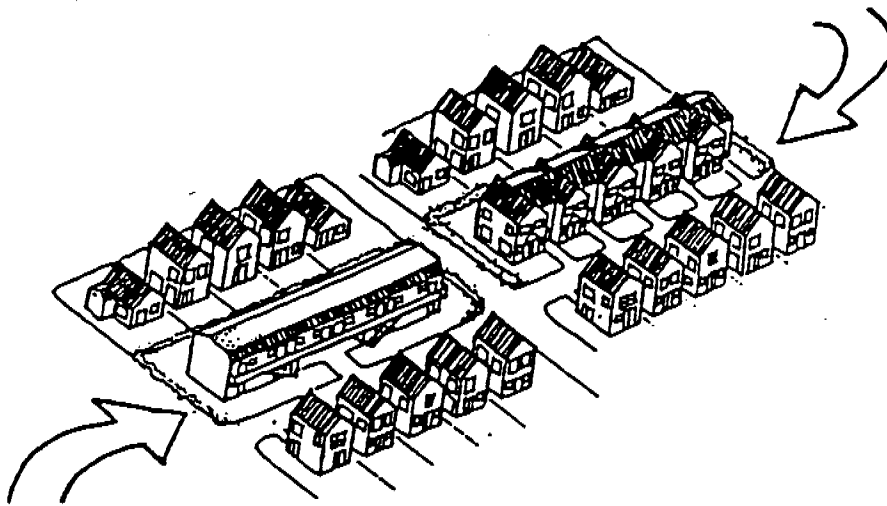
Good use of articulation could result in a form similar to this.



This higher density multifamily building “steps back” to conform to the abutting lower density property. This use of modulation helps the multifamily building fit into the neighborhood.

Preferred: This is The multifamily buildings depicted as “A” and “B” below that has have been built on an identical site. However, building example “A” but which incorporates design clues from the surrounding neighborhood. This Building example “A” covers roughly the same lot area as building example “B” and provides for the same number of units, while “fitting in” with its surroundings.

Building example “A”



Building example “B”

Undesirable: This Multi-family building example “B” has been built on a site surrounded by single-family development. The building bears no resemblance to the existing neighborhood, and looks out of place.

17.36.110 Privacy.

A. Requirement. Buildings shall be oriented for privacy, to the extent practical, both within the project and to the neighborhood.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Reducing the number of windows or decks on the proposed building which overlook the neighbors;
2. Staggering windows to avoid aligning with adjacent windows;
3. Increasing the side or rear yard setback, or stepping back the upper floors so that window areas are farther from the property line.

C. The following illustrations depict how multifamily buildings can be sited and designed to preserve the privacy of adjacent homes:

Inappropriate siting and design of large buildings can reduce the privacy of adjacent homes.



Preferred



Undesirable

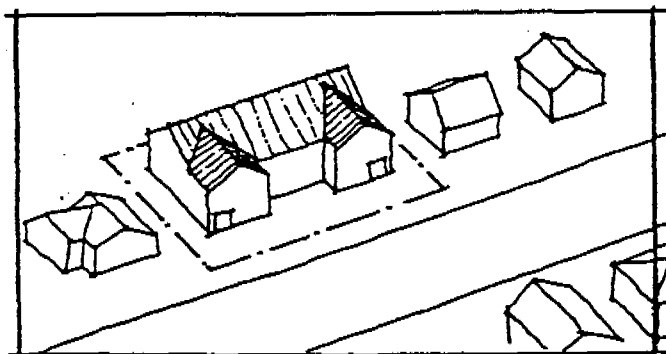
17.36.120 Facade, footprint, and roof articulation.

A. Requirement. Buildings shall have a common design theme that provides variety and character within a project. Walls and roofs shall include separations, changes in plane and height, and architectural elements such as balconies, porches, dormers, and cross-gables.

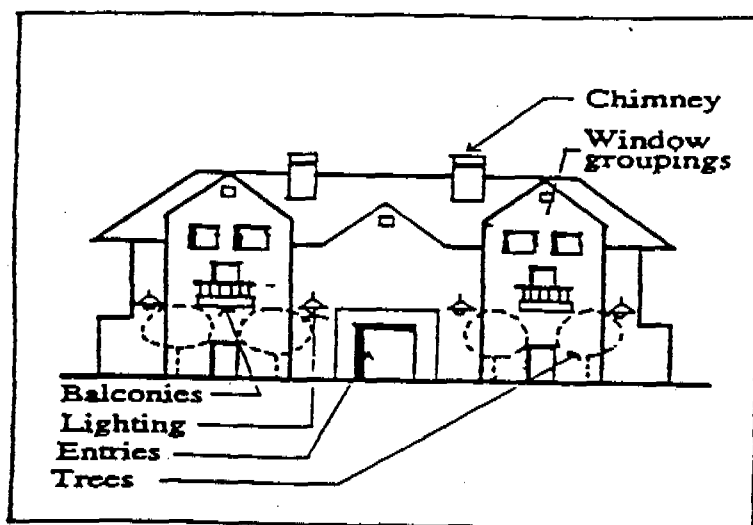
B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Facade modulation - stepping back or extending forward a portion of the facade for each interval;
2. Articulating each interval with architectural elements like a porch, balcony, bay window, and/or covered entry;
3. Articulating the roof line by stepping the roof and by emphasizing dormers, chimneys, or gables; and,
4. Providing a ground or wall-mounted fixture, a trellis, a tree, or other site feature within each interval.

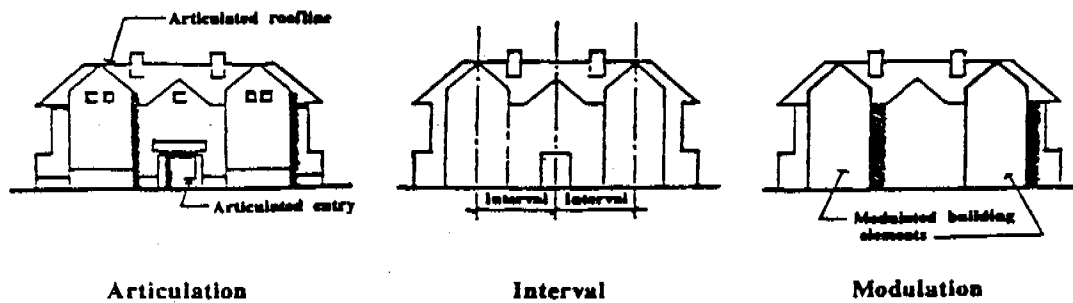
C. The following illustrations depict multifamily design themes that provide project variety and character:



Building details can reinforce the articulation interval.



Modulation of the principal building facade adds interest to a long building.

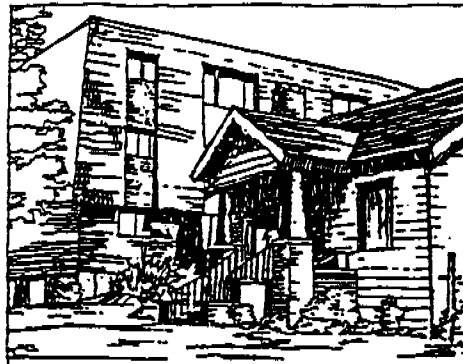


Desirable



Multifamily buildings with well detailed facades, cornice detail that gives the building a top, and covered, recessed entries can contribute quality to a neighborhood. An example of a project emphasizing varied rooflines, window details, facade articulation, a trellis, chimneys, entry details and other features to add interest and a greater sense of quality.

Undesirable



A multifamily building with a blank wall that faces the street and that lacks architectural and cornice detail does not contribute quality or maintain human scale in this neighborhood.

17.36.130 Entries.

A. Requirement. Clearly defined building entries shall be provided that are well-lighted, easily accessible, and satisfy Washington State Barrier-Free Regulations.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Making entrances plainly visible from the fronting street and walkway;
 2. Using distinctive architectural elements and materials to denote prominent entrances;
- and,
3. Ensuring that entries include a transition space from the sidewalk, such as steps, a terrace, or a landscaped area.

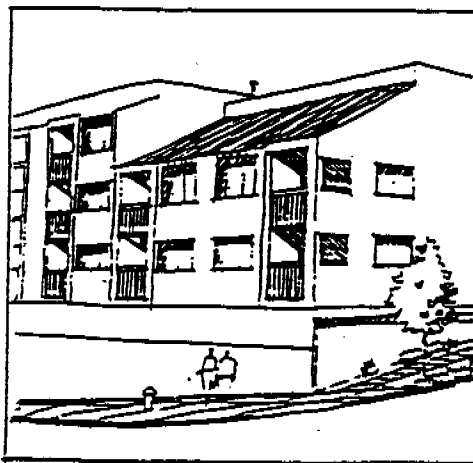
C. The following illustrations depict desirable and undesirable multifamily building entries:

Preferred



Clear entries to the sidewalk encourage pedestrian circulation.

Undesirable



Lack of clear entries on the street can create an unfriendly streetscape.

17.36.140 Materials and colors.

A. Requirement. Exterior materials and colors in new building construction shall be compatible with or complement the character of surrounding buildings.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Using building materials that are durable and easily maintained;
2. Using materials with textures or patterns; and,
3. Using exterior colors that are subdued and emphasize earth tones.

17.36.150 Landscape design.

A. Requirement. Landscaping (including living plant material) and supporting elements (such as trellises, planters, site furniture, or similar features) shall be appropriately incorporated into the project design.

B. Techniques for complying with the requirement in subsection (A) of this section include, but are not limited to:

1. Minimizing tree removal and incorporating larger caliper trees to obtain the immediate impact of more mature trees when the project is completed;
2. Providing frameworks such as trellises or arbors for plants to grow on;
3. Incorporating planter guards or low planter walls as part of the architecture;
4. Landscaping the open areas created by building modulation;
5. Incorporating upper story planter boxes or roof plants;
6. Retaining natural greenbelt vegetation that contributes to greenbelt preservation;
7. On streets with uniform plantings of street trees and/or distinctive species, planting street trees that match the street tree spacing and/or species; and,
8. Using plants that require low amounts of water, including native drought-resistant species, and require low amounts of chemicals and fertilizers.

Chapter 17.40
MIXED USE DEVELOPMENTS

Sections:

17.40.010 Purpose.

17.40.020 Scope.

17.40.030 Mixed use development standards. [Section Reserved]

~~17.40.040 Binding site plan required.~~

17.40.010 Purpose.

The general purposes of the mixed use development standards are as follows:

A. To promote a compatible mix of multi-family housing and neighborhood commercial businesses and services within multistory structures;

B. To protect established neighborhoods surrounding mixed use centers from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances;

C. To ensure that mixed use developments are arranged, scaled, and designed to be compatible with surrounding land uses and provide sensitive transitions between significantly different land uses (e.g., commercial and residential uses).

D. To ensure that mixed use buildings are arranged, designed, and oriented to facilitate pedestrian and transit access.

E. To ensure adequate light, air, and readily accessible open space for mixed use developments in order to maintain public health, safety, and welfare.

F. To foster development that supports the safe and efficient movement of goods and people.

G. To encourage creativity and flexibility in the design of mixed use developments in a manner that maximizes unique site attributes and is compatible with the character and intensity of adjoining land uses.

17.40.020 Applicability.

The mixed use development standards contained within this chapter shall apply to all mixed use projects located within the C-I/MU and C-II/MU mixed use zoning districts.

17.40.030 Mixed use development standards. [Section Reserved]

~~17.40.040 Binding site plan required:~~

~~A. Binding site plan approval shall be required for any development occurring within a mixed-use zoning district where:~~

- ~~1. The development would result in the division property for sale or lease;~~
- ~~2. A condominium form of ownership would result under Chapters 64.32 or 64.34 RCW;~~
- ~~3. Application is made for planned unit development (PUD) approval under Chapter 17.32 PTMC, and the development would not otherwise require the subdivision of land into separate, legally segregated lots or parcels.~~

~~—B. Binding site plans shall be processed in accordance with the provisions set forth in Chapter 18.20 PTMC, "Binding Site Plans."~~

Chapter 17.44

~~COMMERCIAL, AND MARINE-RELATED AND MANUFACTURING USES - DEVELOPMENT STANDARDS~~

Sections:

~~17.44.010 Purpose:~~

~~17.44.020 Applicability:~~

~~17.44.030 Lighting requirements - Commercial, and marine-related and manufacturing zoning districts:~~

~~17.44.040 Buffering requirements - Marine-related and manufacturing zoning districts:~~

~~17.44.050 General requirements - Marine-related and manufacturing zoning districts:~~

~~17.44.010 Purpose:~~

~~To protect the health, safety and welfare of the public, address area character, an address environmental concerns associated with development occurring in the city's commercial, and marine-related and manufacturing zoning districts. In addition, the provisions of this chapter provide certainty to property owners, developers, and neighbors regarding the limits of what is allowed:~~

~~17.44.020 Applicability:~~

~~This chapter applies to all development occurring within the city's commercial, and marine-related and manufacturing zoning districts unless specifically noted otherwise within the following provisions:~~

~~17.44.030 Lighting requirements - Commercial, and marine-related and manufacturing zoning districts:~~

~~Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as not to provide glare toward any residential district (i.e., R-I, R-II, R-III and R-IV):~~

~~17.44.030 Buffering requirements - Marine-related and manufacturing zoning districts:~~

~~All sites in marine-related and manufacturing districts (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III) having a common boundary with residential districts (i.e., R-I, R-II, R-III and R-IV), shall have planted and maintained along such common boundary a view-obscuring greenbelt of shrubs, trees and native vegetation not less than eight feet in height nor less than 10 feet in width, for screening purposes and controlling access:~~

~~17.44.040 General requirements - Marine-related and manufacturing zoning districts:~~

~~Marine-related and manufacturing uses shall be subject to the following conditions:~~

~~—A. Noise. In all marine-related and manufacturing districts (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III), the noise emanating from the premises used for marine-related and~~

~~manufacturing activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and where any marine-related or manufacturing district adjoins a residential district, the noise loudness measured at the boundary line shall not exceed 40 decibels between the hours of 11:30 p.m. and 6:00 a.m., and 60 decibels at other hours.~~

~~— B. Light and Glare. Exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.~~

~~— C. Fire and Safety Hazards.~~

~~1. The storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances;~~

~~2. Bulk storage of inflammable liquids below ground shall be permitted, and the tank shall be located not closer to the property line than the greatest dimension (diameter, length, or height) of the tank.~~

~~— D. Interferences. Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses.~~

~~— E. Waste Products. Liquid and solid wastes, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in a marine-related or manufacturing district (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III).~~

Chapter 17.48
ACCESSORY DWELLING UNITS

Sections:

~~17.48.010 Purpose:~~

~~17.48.020 Applicability:~~

~~17.48.030 Requirements:~~

~~17.48.040 Exception for legal, nonconforming accessory dwelling units:~~

~~17.48.010 Purpose:~~

~~— This chapter provides standards for the establishment of accessory dwelling units within the structure of a single-family residence or an outbuilding which is accessory to such residence.~~

~~Accessory dwelling units are allowed in order to:~~

- ~~— A. Allow more energy efficient use of large, older homes;~~
- ~~— B. Provide more affordable housing opportunities for Port Townsend residents;~~
- ~~— C. Provide additional density with minimal cost and disruption to existing neighborhoods;~~
- ~~and,~~
- ~~— D. Allow individuals and smaller households to retain large houses as residences:~~

~~17.48.020 Applicability:~~

~~— This chapter applies to all accessory dwelling units as defined in Chapter 17.08 PTMC.~~

~~17.48.030 Accessory dwelling units:~~

~~— One accessory dwelling unit (ADU) may be established as an accessory use to a single-family residence provided the following conditions are continuously met:~~

~~— A. A certificate of occupancy pursuant to the Uniform Building Code shall be obtained from the building official and posted within the ADU. The code inspection and compliance required to obtain a certificate of occupancy in an existing building shall be restricted to the portion of the building to be occupied by an ADU and shall apply only to new construction rather than existing components, except that any high hazards (i.e., smoke detectors, fire exits, stairways, LP gas appliances and fire separation) shall be corrected. Where additional fire separation is unduly burdensome, the building official may authorize a fire alarm system in lieu of required fire separation:~~

~~— B. The owner of the subject property shall reside on the premises, whether in the main or accessory dwelling; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the director may, upon a finding that discontinuance of the ADU would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one-year. The director may grant an extension of such suspension for one additional year, upon a finding of continued hardship. In the case of an ADU established prior March 6, 1995 but after August 17, 1971, if the ADU complies with all of the requirements of this section except owner-occupancy, the ADU~~

~~may continue without occupancy by the owner until the property is sold, exchanged or otherwise transferred to a different owner:~~

~~—C. Neither the main or accessory dwelling unit shall be used as a transient accommodation:~~

~~—D. ADUs established in an outbuilding shall not exceed 800 square feet in floor area, and under no circumstance shall the total lot coverage of the primary residence along with the ADU exceed 35 percent of the total lot area. Additionally, no ADU shall be established in an outbuilding constructed after March 6, 1995 if the total floor area of the portion of the outbuilding occupied by the ADU exceeds 50 percent of the total floor area of the main residence building:~~

~~—E. In order to preserve the outward appearance of single-family neighborhoods, the front of the house shall have only one exterior entrance:~~

~~—F. An ADU may be established in a residence or outbuilding which is legal, nonconforming with respect to required setbacks if entrances are no closer than five feet to neighboring property lines, and if each side window which is closer than five feet to a side property line and which is also closer than 20 feet to either the front or rear property line is permanently glazed with translucent material; provided that the director may permit an entrance as close as three feet to a neighboring property line upon a finding that no feasible alternative exists:~~

~~—G. No additional off-street parking is required to establish an ADU, provided that the off-street parking requirements for the other uses on the site are continuously met:~~

~~17.48.040 Exception for legal, nonconforming accessory dwelling units:~~

~~—In the case of an ADU established prior to August 17, 1971 and continuously occupied thereafter, the ADU may continue without compliance with subsections 17.48.030(B) and 17.48.030(D) PTMC, provided a certificate of occupancy is obtained pursuant to subsection 17.48.030(A) PTMC. [Note: The fee for inspection and issuance of a certificate of occupancy for an accessory dwelling unit shall be the same as that established in the currently adopted Uniform Building Code for a special inspection. For the purposes of determining system development charges or utility or infrastructure requirements, a single-family residence with an accessory dwelling unit which does not separately connect to city water or sewer service shall have the same charges and the same requirements as a single-family residence without an accessory dwelling unit]~~

Chapter 17.52 DAY CARE FACILITIES

Sections:

- 17.52.010 Purpose.
- 17.52.020 Family day care homes.
- 17.52.030 Child day care centers.
- 17.52.040 Registration.
- 17.52.050 Conflicting provisions.

17.52.010 Purpose.

The city council finds that affordable, good quality, and licensed child day care within the city is critical to the well-being of parents and children in the community and is a needed community service. Further, it is the purpose of this chapter to facilitate the siting of licensed child day care facilities in the city in a manner which simplifies the review and approval process while ensuring conformance with the surrounding land uses.

17.52.020 Family day care homes.

A. A family day care home shall be permitted by right in all residential, mixed use and commercial districts. For the purposes of this chapter, the city's regulatory role for family day care homes shall be limited to the following: Family day care homes shall:

1. Apply for a city business license and obtain a license concurrently with DSHS approval and state licensing;
2. Comply with all building, fire safety, health code and business licensing requirements;
3. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district in which the facility is located except if the structure is a legal nonconforming structure;
4. Be certified by the State Department of Licensing as providing a safe passenger loading area, provided that the state has a procedure for providing such certification;
5. Include signage, if any, that conforms to Chapter 17.76 PTMC;
6. Limit hours of operation to facilitate neighborhood compatibility, while at the same time providing appropriate opportunity for person(s) who use family day care and who work a nonstandard work shift;
7. The operator of the home shall file a child day care registration form with the city as provided for in Section 17.52.040 PTMC;
8. Provide to the building and community development department, written proof of notification to immediately adjoining neighbors informing them of the intent to locate and maintain such a facility. This proof must be provided prior to state licensing. If a dispute arises between the neighbors and the family day care provider over licensing requirements, under state law DSHS may provide a forum to resolve the dispute. (RCW 35.63.185).

17.52.030 Child day care centers.

A child day care center, as defined by state law, may be allowed as follows:

A. All Zoning Districts. A child day care center may be allowed in all zoning districts only upon issuance of a conditional use permit pursuant to Chapter 17.84 PTMC.

1. Conditional Use Permit Requirements.

- a. The child day care center shall meet state child day care licensing requirements.
- b. The child day care center shall comply with all building, fire safety, health code and business licensing requirements.
- c. Lot size, building size, setbacks and lot coverage shall conform to those applicable to the zoning district.
- d. Signage, if any, shall conform to the requirements for the applicable zoning district.
- e. The operator of the child day care center shall file a child day care registration form with the city as provided for in Section 17.52.040 PTMC.
- f. Parking requirements shall conform to Chapter 17.72 PTMC.
- g. A fence at least four feet high must be installed around the play yard.
- h. The site must be landscaped in a manner compatible with adjacent residences.
- i. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
- j. The child day care center shall not be located within 300 feet of another child day care center nor located in the residence of the care provider, excluding any child day care center which is an accessory use pursuant to subsection B of this section.
- k. In the director's evaluation he or she shall consider:
 - i. Current traffic volumes of the subject streets and the capacity of the existing road network;
 - ii. Conformance of the subject streets with city street standards set out in Chapter 12.04 PTMC;
 - iii. Conformance of the subject streets with emergency vehicle access standards.
 - iv. The conditional use standards and criteria set forth in Chapter 17.84 PTMC.

B. Accessory Use. A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.

C. For the purposes of this section, any child day care center in operation in a zoning district other than R-I, R-II, R-III, or R-IV which was permitted as a matter of right before February 27, 1995, may continue as a pre-existing use.

17.52.040 Registration.

Each child care service provider must register with the city building and community development department by completing a child day care registration form as provided by the department prior

to the initiation of the use. Upon registration, the child day care provider must be able to demonstrate compliance with the applicable conditions of this chapter.

17.52.050 Conflicting provisions.

In the event of conflict between this chapter and any ordinance or zoning provision for the city, the provisions of this chapter shall prevail.

Chapter 17.56 HOME OCCUPATIONS

Sections:

- 17.56.010 Purpose.
- 17.56.020 Permit required.
- 17.56.030 Application process.
- 17.56.040 Exemptions.
- 17.56.050 Ineligible activities.
- 17.56.060 Minimum standards.
- 17.56.070 Required conditions.
- 17.56.080 Permit administration and enforcement.

17.56.010 Purpose.

A. The intent of this chapter is to ensure that home occupations are properly permitted, are undertaken only within a dwelling unit or associated accessory structure located in a residential use district, are incidental to the primary residential use of the structure and land and are compatible with the residential character of the neighborhood.

B. In addition, the intent of this chapter is to ensure that business activities that are allowed in residential neighborhoods are regulated as home occupations, and that activities not able to meet the requirements of this chapter are performed in mixed use, commercial, or manufacturing zoning districts.

C. This chapter is not intended to regulate typical family or personal activities, or occasional visits by business associates and outside service providers, except as otherwise provided.

D. It is not the intent of this chapter to involve the city in the enforcement of private restrictive covenants.

17.56.020 Permit required.

A. Applicability. No home occupation shall be operated within the city except in accordance with the provisions of this chapter. A home occupation permit is required for all home occupations except those exempted pursuant to section 17.56.040 PTMC.

B. Transferability. A home occupation permit is not transferrable to another person, entity or business and is valid only for the property address set forth on the permit.

17.56.030 Application process.

A. Applications. The application for a home occupation permit shall be submitted on forms obtained from the Director, and shall be acknowledged by the property owner, if other than the applicant. The application shall contain all of the information required by the Director. The applicant shall also include with his/her request a scaled plot plan detailing the property, improvements to the property, and the location of the home business.

B. Procedure. The Director shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a city business license.

C. Approval process. Home occupations shall be processed as Type I permits, in accordance with the administrative approval procedures of Chapter 20.01 PTMC.

D. Limitation. Only one home occupation permit may be in effect at any one time with regard to any residential dwelling unit, including any accessory building, and the home business will under no circumstance be subdivided from the residential property for the purpose of sale, lease or rent.¹

¹ This provision should not be construed as limiting the number of home occupations under any one permit; more than one such home occupation may be governed by the same permit. However, under no circumstances shall the home occupations under any one permit, cumulatively, exceed the standards set forth in Section 17.23.060 PTMC (e.g., two home occupations may be associated with the same residence, but may employ a total of no more than three (3) nonresident employees).

17.56.040 Exemptions.

The following activities are exempt from the permit requirements of this chapter, but shall otherwise comply with the substantive requirements of this chapter:

A. Any activities that involve no more than five (5) vehicle visits per week, no nonresident employees, and which are incidental to the residential use of the property;

B. Instructional activities involving up to ten (10) nonresidents, which occur not more than one time per week; and,

C. Child care services involving twelve (12) or fewer children, including children who reside in the home; provided, however, that these services comply with Section 17.52.030 PTMC, Family Day Care Homes.

17.56.050 Ineligible activities.

The following activities are not eligible for a home occupation permit because of their incompatibility with the maintenance of residential neighborhood character:

A. Retail activities, except for merchandise crafted on site or items clearly accessory to a service (e.g., sales of paintings, crafts or art work, and sales of hair care products incident to a beauty salon);

B. Stables, kennels, animal husbandry or farming activities except as provided in Chapter 17.16 PTMC;

C. Vehicle repair, automobile detailing or automobile servicing activities;

D. Any activities involving more than five (5) customer or business visits per day; and,

E. Other uses not allowed outright or conditionally in residential zones.

17.56.060 Minimum standards.

Every home occupation shall meet all of the following minimum standards:

- A. No variation from the residential character of the dwelling or neighborhood shall be permitted, and no physical change shall be made to the exterior of the structure solely to accommodate the home occupation;
- B. All activities shall be conducted entirely within the principal or accessory structure;
- C. Maximum floor area devoted to the home occupation shall not exceed fifty percent (50%) of the floor area, or eight hundred square feet (800 sq. ft), whichever is less;
- D. There shall be no outside display of any goods or material associated with the home occupation;
- E. Except for the purchase of merchandise crafted on site or items clearly accessory to a service (e.g., paintings, crafts or artwork, and hair care products incident to a beauty salon) no retail customers shall visit the home premises at any time;
- F. There shall be no business visits or nonresident worker arrivals or departures permitted before 8:00 a.m. or after 9:00 p.m.;
- G. One sign identifying the home business shall be permitted, which shall be no larger than three square feet (3 sq. ft.) in size, without illumination, and mounted flat to the main wall of the dwelling;
- H. Except for three (3) nonresident workers, and except for occasional visits by business associates and outside service providers, persons who do not reside on the premises shall be prohibited from working at the home occupation;
- I. Materials, goods or commodities shall be delivered to or from the home occupation only from 8:00 a.m. to 6:00 p.m. Monday through Friday; truck delivery or pick-up not common to a residential dwelling is not allowed;
- J. No more than one worker vehicle may be parked on-street, and under no circumstances shall parking for the home occupation cause traffic hazards or parking problems on adjacent rights-of-way;
- K. Heavy equipment, large power tools or noise or power sources not compatible with residential areas shall not be allowed, and no electrical or other similar interference shall be perceptible beyond the property boundary;
- L. No production, generation of any hazardous substance, or storage of any hazardous waste shall be permitted; and,
- M. The home occupation shall comply with all other applicable requirements contained within the Port Townsend Municipal Code.

17.56.070 Required conditions.

The Director may issue a permit for a home occupation provided that the following affirmative findings are made:

- A. The home occupation does not involve equipment or processes that introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or hazards in excess of those normally found in residential areas;

- B. The home occupation does not significantly increase local vehicular or pedestrian traffic;
- C. The home occupation is not materially injurious or detrimental to adjoining or abutting properties;
- D. The home occupation does not endanger the public health, morals, safety and welfare;
- E. The home occupation complies with all applicable local, state and federal laws and regulations;
- F. At least one (1) person residing on the premises is engaged in the operation;
- G. The home business does not adversely affect the use or enjoyment of adjacent properties, and maintains the character of the area in which it is located;
- H. The home occupation is fully enclosed within the primary residence or an accessory structure that is architecturally and aesthetically compatible with the surrounding residential area; and,
- I. The home business does not involve any outside storage of materials, goods, supplies or equipment, or an outside display of any kind.

17.56.080 Permit administration and enforcement.

Home occupations shall be processed as Type I permits in accordance with Chapter 20.01 PTMC, and enforced in accordance with the procedures detailed in Chapter 20.10 PTMC.

Chapter 17.60 TEMPORARY USES

Sections:

- 17.60.010 Purpose.
- 17.60.020 Permit required.
- 17.60.030 Application process.
- 17.60.040 Exemptions.
- 17.60.050 Required findings.
- 17.60.060 Time limitation.
- 17.60.070 Limitation on activity.
- 17.60.080 Removal of a temporary use.
- 17.60.090 Abatement.
- 17.60.100 Assurance device.

17.60.010 Purpose.

To provide an administrative approval process whereby the city may permit uses to locate within the city on an interim basis without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted.

17.60.020 Permit required.

A. Applicability. No temporary use shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses except those specifically exempted pursuant to Section 17.60.040 PTMC.

B. Who may apply. The property owner or the owner's agent may apply for a temporary use permit on private property. Any person may apply for a temporary use permit within a public right-of-way.

17.60.030 Application process.

A. Applications. The application for a temporary use permit shall be submitted on forms obtained from the director of the building and community development department, and shall be acknowledged by the property owner. The application shall contain all of the information required by the director.

B. Procedure. The director shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a city business license, if applicable.

C. Approval process. Temporary uses shall be processed as Type I permits, in accordance with the administrative approval procedures of Chapter 20.01 PTMC.

17.60.040 Exemptions.

The following activities are exempt from the permit requirements of this chapter, but shall otherwise comply with the substantive requirements of this chapter, unless specifically noted otherwise:

A. Contractors' offices, model homes, on and off-site contractors' construction yards and other temporary structures in conjunction with an approved development application. Such uses shall be subject to the time limitation set forth in Section 17.60.060 PTMC, but may be renewed immediately upon expiration at the discretion of the director of the building and community development department.

B. Garage and yard sales; and,

C. City sponsored uses and activities not occurring within a structure, and occurring at regular periodic intervals (i.e., weekly, monthly, yearly, etc.).

17.60.050 Required findings.

The director of the building and community development department may approve, or modify and approve an application for a temporary use permit if all of the following findings are made:

A. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;

B. The temporary use is compatible with the purpose and intent of this title, and the specific zoning district in which it will be located;

C. The temporary use is compatible in intensity and appearance with existing land uses in the immediate vicinity;

D. Structures proposed for the temporary use comply with the setback and clear vision area requirements of this title, and with applicable provisions of the Building and Fire Codes;

E. Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking facilities for adjacent or nearby uses.

F. Hours of operation of the temporary use are specified;

G. The temporary use will not cause noise, light, or glare which adversely impacts surrounding land uses; and,

H. If applicable, the applicant has obtained approval of a street use agreement pursuant to Chapter 12.10 PTMC.

17.60.060 Time limitation.

A temporary use is valid for up to ~~120~~ 180 calendar days from the effective date of the permit, however, the director of the building and community development department may establish a shorter time frame.

17.60.070 Limitation on activity.

A property owner or other holder of a temporary use permit may not file an application for a successive temporary use permit for ~~30~~ 60 days following the expiration of an approved permit applying to that property.

17.60.080 Removal of a temporary use.

A. The director of the building and community development department shall establish, as a condition of each temporary use permit, a time within which the use and all physical evidence of the use must be removed.

B. If the applicant has not removed the use as required by the temporary use permit, the City may abate the use as provided in Section 17.60.090 PTMC.

17.60.090 Abatement.

Prior to the approval of a temporary use permit, the applicant shall submit to the director of the building and community development department an irrevocable, signed and notarized statement granting the city permission to summarily enter the applicant's property with reasonable notice and abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use under the authority of this chapter.

17.60.100 Assurance device.

In appropriate circumstances, the director of the building and community development department may require a reasonable performance of maintenance assurance device, in a form acceptable to the city attorney, to assure compliance with the provisions of this title and the temporary use permit as approved.

Chapter 17.64

~~MANUFACTURED AND MOBILE HOME PARKS~~

Sections:

~~17.64.010 Purpose:~~

~~17.64.020 Manufactured homes on individual lots:~~

~~17.64.030 Manufactured and mobile home park regulations:~~

~~17.64.010 Purpose:~~

~~— This chapter provides standards that allow the placement of manufactured homes, mobile homes, and manufactured and mobile home parks in residential zoning districts without adversely affecting the character of existing neighborhoods. These regulations promote additional housing options for Port Townsend residents, and provide locational opportunities for manufactured and mobile homes.~~

~~17.64.020 Manufactured homes on individual lots:~~

~~— A. Purpose. The purpose of this section is to allow affordable housing opportunities in structures that have an appearance similar to housing built to the uniform building code as amended by the state and adopted by the City of Port Townsend in Chapter 16.04 PTMC.~~

~~— B. Locational requirements - Types of manufactured homes allowed. Manufactured homes that meet the requirements of the Washington State Energy Code or its equivalent, are allowed on individual lots in the R-I, R-II and R-III residential zoning districts, except within the limits of the Port Townsend National Register Historic District where they are prohibited. Trailer homes and recreational vehicles are prohibited on individual lots.~~

~~— C. Development standards. Manufactured homes must meet the bulk, dimensional and density requirements of Section 17.16.030 PTMC.~~

~~17.64.030 Manufactured and mobile home park regulations:~~

~~— A. Purpose. Manufactured and mobile home parks are allowed in single-family residential zoning districts to provide locational opportunities for concentrations of such housing without adversely affecting the character of existing neighborhoods, and to provide standards for orderly development, adequate emergency vehicle access, open space areas, and landscaping.~~

~~— B. Locational requirements. Manufactured and mobile home parks require issuance of a conditional use permit pursuant to Chapter 17.84 PTMC, and may be located only within the R-I and R-II residential zoning districts, however, within the limits of the Port Townsend National Register Historic District they are prohibited.~~

~~— C. Density. The maximum density allowed in a manufactured or mobile home park is that allowed by the applicable residential zoning district. In calculating density, the area of the entire park is included, except public or private streets or driveways that serve two or more home spaces.~~

~~—D. Types of structures allowed. All types of manufactured and mobile homes are allowed in manufactured and mobile home parks. Recreational vehicles, including trailer homes and recreational vehicles, may be parked on the required parking space but may not be used for residential purposes.~~

~~—E. General park requirements.~~

~~——1. Perimeter landscape area. A 10 foot deep landscaped area must be provided around the perimeter of the manufactured or mobile home park, to provide both a physical and visual separation between the home park and surrounding residential uses. The landscaped area must include a vegetative screen at least six feet in height and 95 percent opaque year round. In addition, one tree is required per 30 lineal feet of landscaped area, or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. When applied along front and side lot lines abutting public streets, the screen is to be placed along the interior side of the landscaped area.~~

~~——2. Individual landscaped areas. An individual landscaped area is required for each home space. While primarily consisting of ground cover plants, the landscaped area should also include a mixture of trees, high shrubs, and low shrubs. The minimum size for the landscaped area is 50 square feet. The minimum dimension is five feet. The individual landscaped area must be placed on or adjacent to each home space. Common outdoor areas, as required by subsection (E)(3) of this section, may not be counted towards meeting this requirement.~~

~~——3. Required outdoor areas. A required outdoor area of 2,500 square feet, or 100 square feet per each unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required open area must be available for the use of all park residents. The open area(s) must be landscaped or developed as a playground for children, or a combination of both options.~~

~~——4. Accessory structures. Other structures within the manufactured or mobile home park for uses accessory to the operation of the home park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the development standards contained in Section 17.16.030 PTMC. Any accessory use that draws its trade from outside the park is prohibited. Accessory structures may not be located within required outdoor areas.~~

~~—F. Parking and circulation.~~

~~——1. Circulation. Access and circulation within the manufactured or mobile home park may be provided by streets, public or private, or driveways. Access must be provided to each space. All private streets and driveways that serve two or more home spaces must be a minimum of 20 feet in width, or 30 feet if parking is allowed on the street or driveway. Streets and driveways that serve two or more home spaces which do not allow parking must be posted as not allowing parking. All private streets must be named and posted with their names. Driveways that serve two or more home spaces may be named and posted with their names. Circulation plans for manufactured and mobile home parks must be approved by the Port Townsend Fire Department.~~

~~——2. Parking. One parking space per unit is required. This parking space must be located in the area designated as part of a home space. The parking space must be paved.~~

~~—G. Individual manufactured and mobile home space requirements:~~

~~——1. Minimum size. Spaces for manufactured and mobile homes must be a minimum of 30 feet in width and a minimum of 40 feet in depth.~~

~~——2. Access. Each space must have access to a street or driveway serving two or more home spaces.~~

~~——3. Other regulations. All manufactured or mobile home parks must meet all applicable standards of the Port Townsend Municipal Code regarding building, sanitation, lighting, plumbing, and fire protection.~~

Chapter 17.68 FENCES, WALLS, ARBORS AND HEDGES

Sections:

17.68.010 Purpose.

17.68.020 Applicability.

17.68.030 Fences, walls, arbors, and hedges - Requirements.

17.68.040 Prohibitions - Walls with sharp elements.

17.68.050 Fences, walls, arbors, and hedges that create potential safety hazards.

17.68.010 Purpose.

The purpose of this chapter is to provide regulations for fences, walls, arbors, hedges and other partially or totally sight obscuring installations, to assure that desirable objectives of providing privacy, security, and screening of properties can be met while limiting unsafe obstructions of motorists', cyclists', and pedestrians' vision.

17.68.020 Applicability.

These regulations shall apply to fences, walls, arbors, hedges and other partially or totally sight obscuring installations within residential zoning districts.

17.68.030 Fences, walls, arbors, and hedges - General requirements.¹

¹ Please refer to the following definitions in Chapter 17.08 PTMC: "arbors"; "clear vision area"; "fence"; "hedge"; and "wall."

A. No fence, wall, arbor, hedge or other partially or totally sight obscuring installation shall be allowed within any public right-of-way, unless a street use agreement has been approved pursuant to Chapter 12.10 PTMC.²

B. Fences, walls, arbors, hedges and other partially or totally sight obscuring installations may be permitted within any required front, side, or rear setback area or along the edge of any yard, provided that:

1. No fence, wall, arbor, hedge or other partially or totally sight obscuring installation which poses a traffic safety hazard shall be located within a clear vision area;
2. Except as provided in subsections (B)(3) and (B)(4) below, no fence or wall, or other partially or totally sight obscuring installation shall exceed eight feet (8') in height;
3. No fence, wall, or other partially or totally sight obscuring installation shall exceed four feet (4') in height within any required setback area abutting a public street right-of-way;
4. No arbor located outside of a clear vision area shall exceed ten feet (10') in height.
5. None of the height limits established in this section shall apply to hedges, including any closely planted trees or vegetation.

² The burden shall rest upon the property owner to demonstrate to the satisfaction of the Director that such fence, wall, arbor, hedge or other partially or totally sight obscuring installation does not encroach upon a public right-of-way.

C. Variation from the requirements outlined in subsection (B)(3), above, may be allowed provided that:

1. The overall height of all parts of the structure does not exceed eight feet (8') in height; and,
2. Any portion of the structure above four feet (4') shall be predominately open, such that there is free circulation of air and passage of light.

D. Maximum heights specified by this chapter shall be measured from the elevation of the ground within two feet of the installation on the lower side.

E. Notwithstanding any of the provisions contained in this section, all fences and walls shall comply with the requirements of the Uniform Building Code (UBC), as adopted under Chapter 16.04 PTMC.

17.68.040 Prohibitions - Walls with sharp elements.

No wall shall have attached to it any barb, spike, broken glass or other pointed or sharp instrument. This prohibition shall not be construed to limit the placement of barbed wire fences.

17.68.050 Fences, walls, arbors and hedges that create potential safety hazards.

Notwithstanding the provisions of Section 17.36.030 PTMC, no fence, wall, arbor, hedge or other partially or totally sight obscuring installation over three feet (3') in height shall be placed within five feet (5') of any dwelling or dwelling unit where such installation runs parallel with an outside wall of a dwelling unit and substantially interferes with access to such dwelling unit for fire and public safety purposes, or substantially impairs the ability of an occupant of a dwelling unit to use windows, doors, etc., as emergency exits.

Chapter 17.72
OFF-STREET PARKING AND LOADING

Sections:

- 17.72.010 Purpose.
- 17.72.020 Applicability.
- 17.72.030 Off-street parking and loading requirements.
- 17.72.040 Existing off-street parking facilities.
- 17.72.050 Expansion.
- 17.72.060 Change of use.
- 17.72.070 Mixed occupancies.
- 17.72.080 Table of minimum parking space requirements.
- 17.72.090 Fractional spaces.
- 17.72.100 Uses not specified.
- 17.72.110 Location.
- 17.72.120 On-street parking spaces.
- 17.72.130 Residential transient accommodations - Parking requirements.
- 17.72.140 Joint use.
- 17.72.150 Waiver of requirements - Fee-in-lieu-of-parking spaces - Waiver of prior conditions of development approval.
- 17.72.160 In-lieu parking fees - Fund created - Parking improvement plan.
- 17.72.170 Parking facilities - Plan required.
- 17.72.180 Parking facilities - Minimum dimensions.
- 17.72.190 Parking facilities - Landscaping.
- 17.72.200 Parking facilities - Maintenance.
- 17.72.210 Off-street loading and queuing spaces - Number required.

17.72.010 Purpose.

A. The purpose of this chapter is to reduce congestion in the streets, promote and protect property values, and to provide for the health, safety, welfare, prosperity and enjoyment of residents, shoppers and visitors.

B. An exemption threshold, and reduced or waived off-street parking requirements are provided for in the C-III zoning district and the other commercial zones lying within the Historic District, because of the relative scarcity of available land, more efficient use of available parking in such densely used areas, and in support of the economic development and urban infill goals of the city.

C. An exemption from the off-street parking, and loading and queuing requirements has been established for uses changed, relocated or established in historic structures that lie within the C-III zoning district in support of the historic preservation goals of the city.

D. On-street parking spaces are allowed in lieu of off-street parking spaces for bed and breakfast inns in historic buildings in support of tourism and historic preservation goals.

E. Parking provisions are set forth as minimum standards in order to preserve land for other purposes.

17.72.020 Applicability.

A. Unless specifically exempted, every land use shall provide parking and loading areas in accordance with the following regulations whenever:

1. Any structure is constructed, erected, relocated or expanded; or
2. Any use is established, changed or relocated.

B. Any land uses established, changed or relocated within "historic structures" as defined under Chapter 17.08 PTMC, that also lie within the C-III zoning district, are exempt from all off-street parking requirements, and loading and queuing requirements; however, if parking facilities are provided, they must meet the requirements established pursuant to Sections 17.72.170 through 17.72.200 PTMC regarding parking plan requirements, minimum dimensions, landscaping, and maintenance.¹

C. Any new construction and any land uses established, changed, or relocated within "nonhistoric structures" as defined under Chapter 17.08 PTMC, that lie within the C-III zoning district or the other commercial zones lying within the Historic District, which would require ten (10) or fewer parking spaces as calculated pursuant to Section 17.72.080 PTMC, are exempt from all off-street parking requirements; however, if parking facilities are provided, they must meet the requirements established pursuant to Sections 17.72.170 through 17.72.200 PTMC regarding parking plan requirements, minimum dimensions, landscaping and maintenance.

D. For new construction within the commercial zones lying within the Historic District that exceeds the exemption threshold established by subsection C, above, the off-street parking requirement computed pursuant to Section 17.72.080 PTMC shall be reduced by ten (10) parking spaces.

17.72.030 Off-street parking and loading requirements.

A. Where current or anticipated parking congestion warrants, requirements in addition to those provided in this title may be imposed by the decision-maker pursuant to a conditional use permit (Chapter 17.84 PTMC) or determination pursuant to Title 19 PTMC.

B. Parking and loading requirements shall be developed to the plans and specifications provided and approved pursuant to Section 17.72.170 PTMC.

C. The provisions of off-street parking and loading in the manner and extent required in this chapter shall be a continuing obligation of the owner of a given building or use as long as the use is in existence, provided, however, that any owner granted a waiver of certain requirements pursuant to Section 17.72.150 PTMC shall be thereafter relieved of such requirements provided that all required fees have been paid. Off-street parking

¹ This exemption does not apply to expansions/additions to historic structures; such expansions are subject to the provisions of this chapter pursuant to sections 17.72.020(A)(1), and 17.72.050 PTMC.

facilities for one use shall not be considered as providing parking facilities for any other use, except as may be provided in Section 17.72.140 PTMC, Joint use.

D. Except as otherwise provided herein, required parking areas shall be used for motor vehicle parking only, with no sales, storage, repair work or dismantling of any kind. Removal, discontinuance or reduction of such required parking and loading facilities from practical use by obstruction, erection of building, or other actions which reduce the parking or loading capacity or usefulness thereof is prohibited unless replacement facilities are established which meet the requirements of this chapter; provided, however, that up to 10 percent of required parking areas which have at least 10 parking spaces may be used for bicycle racks and/or solid waste recycling facilities.

17.72.040 Existing off-street parking facilities.

Unless otherwise provided by the decision-maker pursuant to a conditional use permit (Chapter 17.84 PTMC) or determination pursuant to Title 19 PTMC, existing off-street parking facilities which serve existing uses which were established prior to August 17, 1971, shall be considered optional off-street parking, and may be removed or eliminated at the discretion of the owner without notice, penalty or obligation.

17.72.050 Expansion.

Whenever any building is expanded in floor area, or whenever an outdoor use is expanded in activity area, off-street parking shall be provided for the uses to be established in such expansion in accordance with the requirements of this chapter; provided, however, that for expansions of structures that lie within the C-III zoning district or the other commercial zones within the Historic District, if the parking requirement determined for the area of such expansion, together with the total area of all expansions to the facility which have occurred within the 10 years preceding the proposed expansion (not including expansions permitted prior to the effective date of the ordinance codified in this chapter), is ten or fewer parking spaces, there shall be no off-street parking requirement for such expansion.

17.72.060 Change of use.

A. Except as provided in subsection E of this section, whenever use of an existing building or portion is changed to a different use, off-street parking shall be provided in accordance with the provisions of this chapter; provided, however, that such requirement shall be reduced by the number of spaces required for the pre-existing use as if such pre-existing use had been established pursuant to this chapter. For example, if a 2,000-square-foot clothing store was to be replaced by a restaurant, the parking requirement would be computed as follows:

$$\begin{array}{lcl} \text{Restaurant (2,000/100 sq. ft.)} & = & 20 \text{ spaces} \\ \text{less pre-existing use} & & \\ \text{requirement clothing store} & & \\ \text{(2,000/300 sq. ft.)} & = & \underline{7 \text{ spaces}} \end{array}$$

Required parking for new use = 13 spaces

B. The reduction provided in subsection A of this section applies whether or not the preexisting use was established pursuant to this chapter.

C. In the event the building in which the new use is to be established is served by existing off-street parking facilities, the required parking for the new use shall be reduced by the number of existing off-street parking spaces which exceeds the required parking for the existing uses in the building.

D. For the purposes of this section, any use or portion thereof which has been discontinued for a period of two years or more shall not be considered a pre-existing use.

E. For a use to be established in any nonhistoric structure or portion of a nonhistoric structure within either the C-III zoning district or the other commercial zones within the Historic District, the off-street parking requirement computed pursuant to subsection A of this section shall be reduced by 10 parking spaces; provided, however, that for any such use other than restaurants, apartments, condominiums, hotels or uses subject to a conditional use permit, which are to be located on a separate floor above street level, there shall be no off-street parking requirement.

17.72.070 Mixed occupancies.

A. In the case of two or more uses in the same building, the total off-street parking requirements for the various uses shall be the sum of the requirements for the principal uses computed separately.

B. Any reductions which may apply to such requirements shall also be computed separately for each use.

17.72.080 Table of minimum parking space requirements.

Unless otherwise provided in this title, the required number of off-street parking spaces shall be in conformance with Table 17.72.080. For purposes of this chapter, gross floor area shall not include elevator shafts, stairwells or mechanical equipment rooms. Where alternative requirements result in conflicting computations, the greater shall apply.

Table 17.72.080
Minimum Parking Space Requirements

Use	Required Parking Spaces
Banks and other financial offices with customer services on premises	1 per each 200 sq. ft. of gross floor area
Bed and breakfast inns, tourist homes	2 plus 1 per sleeping room
Boat building/repair	1 per 1500 sq. ft. gross floor area of the building
Child day care centers as defined in Ch. 388-73 WAC or as hereafter amended	1 loading space if serving 12 or fewer children, otherwise 1 parking space per employee plus 2 loading spaces
Churches, mortuaries, auditoriums and similar places of assembly used for assembly purposes	1 per 4 seats or 60 lineal inches of pew or 40 square feet of gross floor area
Convalescent homes for aged	1 per each 5 beds
Dance halls, skating rinks, similar recreation uses	1 per 200 sq. ft. of floor area used for recreation
Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, similar front counter uses	1 per 500 sq. ft. of gross floor area
Ferry landing	Determined by the decision-maker when considering conditional use permit application
Furniture, major appliance, floor covering, hardware stores if less than 1,500 sq. ft. floor area if more than 1,500 sq. ft. floor area	1 per 300 sq. ft. gross floor area 5 spaces + 1 per each 600 sq. ft. in excess of 1,500 sq. ft.
Health and physical fitness clubs and facilities	1 per 200 sq. ft. of gross floor area
Hospitals	1 per each 2 beds excluding bassinets
Libraries and museums	1 per 300 sq. ft. of gross floor area
Manufacturing uses, research testing and processing, assembling, all industries except boat building/repair	1 per each 2 employees on maximum shift and not less than 1 per 800 sq. ft. of gross floor area

Use	Required Parking Spaces
Medical, dental or veterinary offices	1 per each 200 sq. ft. of gross floor area
Moorage facility other than those reserved for exclusive use of an adjacent residence	1 per each 2 slips, excluding slips used only for transient moorage
Motels, hotels, motor hotels	1 per sleeping unit
Motor vehicle, machinery, plumbing, heating, ventilating, building supply, stores and services	1 per 1,000 sq. ft. of gross floor area or 1 per each 3 employees
Motor vehicle, motorcycle and small engine repair	1 per 400 sq. ft. of gross floor area
Offices, business and professional (other than banks, medical, dental or veterinary offices) with on-site customer service	1 per 300 sq. ft. of gross floor area
Offices not providing on-site customer services	1 per 4 employees or 1 per 400 sq. ft. of gross floor area
Recreation, commercial center	4 per each bowling alley, tennis or racquetball court, pool or billiard table; or 1 per each miniature golf hole or each 3 video games
Residential, single-family; mobile home parks	2 per dwelling unit or mobile home space
Residential, duplex or multi-family	1.5 per dwelling unit, plus recreational vehicle spaces for large developments pursuant to footnote 1 below
Residential, government assisted housing or residents subject to footnote 2 below	1 per each 3 bedrooms
Restaurant or tavern with sales and consumption on premises	1 per 100 sq. ft. of gross floor area
Restaurant, fast food	1 per 50 sq. ft. of gross floor area
Retail, not otherwise listed if less than 5,000 sq. ft. floor area if over 5,000 sq. ft. floor area	1 per 300 sq. ft. gross floor area 17 + 1 per each 100 sq. ft. in excess of 5,000 sq. ft.

Use	Required Parking Spaces
Rooming houses, similar uses	1 per sleeping unit
Schools, preschool	1 loading space if serving 12 or fewer children, otherwise 1 parking space per employee plus 2 loading spaces
Schools, elementary and junior high	1 per classroom, plus two loading spaces
Schools, senior high	6 per classroom
Schools, adult education	1 per each 4 fixed seats or 1 per 50 sq. ft. of gross floor area used for classrooms, exercise, dance or rehearsal
Stadiums, sports arenas and similar open assemblies	1 per 8 fixed seats and 1 per 100 sq. ft. of assembly space without fixed seats
Storage areas which are incidental and subordinate to a principal use which other-wise conforms to this chapter	No requirement
Theaters	1 per 4 seats
Warehouse, storage and wholesale business	1 per each 2 employees on maximum working shift

Footnotes to Table 17.72.080:

1. For multi-dwelling developments of more than 50 dwelling units, one visually screened space for each 10 dwelling units shall be provided for recreational vehicles.
2. Sufficient land area must be reserved to provide parking as a multi-family residential use in the event the development is later converted, scheduled public transit service must be available within 200 feet of the main entrance to each building, and sidewalks must be installed to and along each street frontage. If scheduled public transit service is not available within 200 feet, the parking requirement shall be one space per bedroom.

17.72.090 Fractional spaces.

If the provisions of this chapter result in a parking requirement which includes a fractional parking space, any fraction less than one-half shall be disregarded, and fractions of one-half or greater shall require one parking space.

17.72.100 Uses not specified.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the decision-maker based on similar uses for which requirements are specified.

17.72.110 Location.

A. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured along the shortest safe pedestrian way from the nearest point of the parking facility to the nearest entrance to the building which the facility is required to serve:

1. For one and two family dwellings: on the same lot with the dwellings the parking spaces are to serve;
2. For multiple dwellings, boardinghouses, retirement homes, congregate care facilities, and tourist homes: not more than 100 feet;
3. For restaurants, taverns, retail establishments, hospitals, sanitariums, convalescent homes: not more than 200 feet;
4. For uses in the C-III zoning district and the other commercial zones lying within the Historic District: not more than 900 feet;
5. For bed and breakfast inns: not more than 200 feet; and,
6. For uses other than those specified above: not more than 500 feet.

17.72.120 On-street parking spaces.

A. If the proposed parking area plan submitted pursuant to Section 17.72.170 PTMC would require elimination of one or more existing on-street parking spaces within the C-III zoning district, the parking requirements prescribed in Section 17.72.080 PTMC are increased by two off-street spaces for each on-street space to be eliminated; provided, that the building official may waive all or part of any such increase upon a showing to his/her satisfaction that one or more of the spaces to be eliminated had been created by permission of the applicant within the six years preceding the proposed building, use or expansion.

B. If, however, such parking area plan would restore one or more existing on-street parking spaces within the C-III zoning district by reducing existing curb cuts or other conflicts, the off-street parking requirements prescribed in Section 17.72.080 PTMC are reduced by two off-street parking spaces for each on-street parking space restored by said plan.

17.72.130 Residential transient accommodations - Parking requirements.

A bed and breakfast inn or a tourist home shall provide two off-street parking spaces for the owner's use plus the off-street parking space for each guest room, provided that for a bed and breakfast inn in an historic structure as defined under Chapter 17.08 PTMC, the required number of off-street parking spaces shall be reduced by the number of on-street parking spaces which are located on that portion of the public street right-of-way which is abutting the front and side lot lines of the property. In such instances, one on-street parking space shall be counted for each continuous 20 feet of abutting street frontage, less the 20 closest to each street intersection and any frontage which may not be safely used for on-street parking due to the presence of driveways, hydrants or other conflicting uses.

17.72.140 Joint use.

A. The decision-maker may authorize joint use of parking facilities required by this chapter through a joint use agreement between a use which requires parking primarily during the day (hereinafter, "daytime uses") and a use which requires parking primarily during the night (hereinafter, "nighttime uses"). Daytime uses are such establishments as banks, offices, retail and personal service shops, clothing, furniture, manufacturing, or wholesale and related uses. Nighttime uses include theaters, auditoriums, bowling alleys, bars, restaurants, lodgings and related uses.

B. The portion of parking facilities serving retail stores selling groceries and related items may not be used for joint use parking.

C. No more than one joint use parking agreement may be applied to each portion of any parking facility.

D. The applicant shall show that there is no substantial conflict between the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.

E. The applicant shall present a binding legal agreement, executed by the parties holding an ownership interest in the properties subject to the proposed joint use parking agreement. The agreement shall be irrevocable for the term of the proposed joint use parking and shall provide that in the event that the joint use parking becomes unavailable, replacement off-street parking shall be provided or the use shall be discontinued. Such instrument, after approval as to form and manner of execution by the city attorney, shall be approved by the decision-maker, recorded with the county auditor, and filed with the building official.

17.72.150 Waiver of requirements - Fee-in-lieu-of-parking spaces - Waiver of prior conditions of development approval.

A. Within the C-III zoning district or the other commercial zones lying within the Historic District, the decision-maker may waive all or part of the parking requirements prescribed in Section 17.72.080 PTMC upon request by the applicant to pay a fee into the parking improvement fund pursuant to Section 17.72.150 PTMC in lieu of furnishing the required parking spaces. In making its determination on the request, the decision-maker shall consider:

1. The extent to which the parking requirements which apply to the proposed development impose a particular hardship upon the applicant;
2. Whether granting the request would be unreasonably burdensome to other property owners in the C-III zoning district or the other commercial zoning districts within the Historic District; and,
3. Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of this chapter for the purposes of encouraging appropriate land uses, improving pedestrian circulation and achieving better parking design.

B. The fee-in-lieu of parking spaces shall be \$3,660 per space required or such other amount as the city council shall hereafter set by ordinance.

C. Any such agreement shall be made in compliance with applicable state laws.

D. Any off-street parking spaces required as a condition of development approval prior to December 31, 1996, whether owned or leased, are hereby waived; provided, that this waiver shall only apply if the off-street parking spaces would not be required as a condition of development approval if application were made under this chapter, as amended.

17.72.160 In-lieu parking fees - Fund created - Parking improvement plan.

A. There is created in the city treasury a special fund designated the "parking improvement fund" into which in-lieu parking fees shall be deposited to be expended only for public improvements listed in a parking improvement plan adopted by the city council. The city council may from time to time direct that other moneys be transferred into the fund to be used for the purposes of the fund.

B. The fund shall be used exclusively for planning, acquisition, design, development, construction, financing, maintenance and operation of off-street parking facilities within or immediately adjacent to the C-III zoning district or the other commercial zones that lie within the Historic District, all consistent with the specific project priorities set forth in the parking improvement plan as hereafter adopted or amended by the city council.

17.72.170 Parking facilities - Plan required.

The applicant shall submit a plan of proposed parking facilities at the time of the application for the building or use which the parking facilities will serve. The plan shall include the following:

- A. North point and scale;
- B. All adjacent streets, alleys, sidewalks and curbs;
- C. Storm drainage facilities, designed and approved in accordance with Chapter 13.33 PTMC;
- D. Ownership of entire lot or parcel to be developed;
- E. Existing and proposed land contours;
- F. Existing trees which have a trunk diameter of six inches or greater measured four feet above grade;
- G. Outline of all existing and proposed structures;
- H. Completely dimensioned parking layouts, clearly showing all parking stalls, driveways and aisles; with parking stalls sequentially numbered;
- I. All traffic control devices such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs, and other developments;
- J. Parking stalls, aisles and driveways shall be clearly marked as follows:
 - 1. Hard-surfaced parking areas shall use white paint or equivalent material to delineate stalls and directional arrows; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the parking surface,
 - 2. Gravel or unsurfaced parking areas shall use wood or concrete bull rails or wheel stops to delineate stalls, with posted signs to direct traffic; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the bull rails or wheel stops of each stall;

K. Where pedestrian walkways are delineated, they shall be separated from vehicular traffic by curbs or shall be raised at least six inches above the lot surface;

L. All driveways and off-street parking areas which have four or more parking spaces and which exit onto a hard-surfaced public street, shall be surfaced with a minimum of two inches of asphaltic concrete for a driving distance of at least 40 feet from such street;

M. Landscaping shall be shown pursuant to Section 17.72.190 PTMC;

N. Lighting of areas provided for off-street parking shall be designed and arranged to prevent a nuisance or hazard to passing traffic, and where a parking facility shares a common boundary with any residentially zoned property, the lighting devices shall be shaped and directed to shield the light from such neighboring property.

17.72.180 Parking facilities - Minimum dimensions.

A. Preliminary parking plans which do not show each parking space, access aisle and driveway pursuant to Section 17.72.170 PTMC, or areas reserved for future parking on a gross area basis, shall allow 300 square feet per vehicle.

B. Standard Sized Parking Spaces.

1. Standard sized parking spaces placed parallel to the access driveway or aisle shall be a minimum of nine feet wide and 23 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 20 feet wide for two-way traffic or 12 feet wide for one-way traffic.

2. Standard sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for standard sized cars set forth in Table 17.72.180.

C. Compact Sized Parking Spaces.

1. When more than 10 parking spaces are required for a particular use, one-half of the parking spaces may be designated as "compact" spaces and be developed in conformance with the minimum dimensional requirements for compact sized cars set forth in Table 17.72.180.

2. Compact car sized parking placed parallel to the access driveway or aisle shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles exclusively serving compact sized parallel parking spaces shall be a minimum of 20 feet wide for two-way traffic or 11 feet wide for one-way traffic.

3. Compact sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for compact sized cars set forth in Table 17.72.180.

4. Every compact sized parking space developed pursuant to this chapter shall be clearly identified as such by painting the word "COMPACT" in upper case, block letters on the pavement within the space or, in the case of unpaved parking stalls, on the bull rails or wheel stops of each such stall.

D. Tandem parking spaces (allows forward car to be blocked by second car parked immediately behind) are permitted as follows:

1. One per single- or two-family dwelling;
2. One per each four multi-family dwelling units;

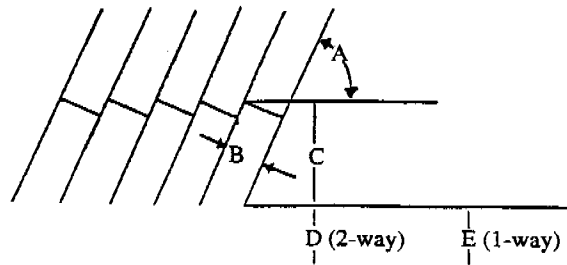
3. Otherwise, one per each four employees.

E. The minimum number and dimensions of parking spaces for disabled persons shall be provided pursuant to applicable state laws and regulations.

F. No single curb cut shall be wider than 25 feet. For parking lots with fewer than 10 parking spaces, a single curb cut which is no wider than 12 feet is allowed. Parking lots with separate points of ingress and egress shall have curb cuts of maximum width of 12 feet separated by a distance of at least 20 feet.

Table 17.72.180 Minimum Parking Lot Dimensions				
Standard Sized Spaces				
A	B	C	D	E
30°	9.0'	17.3'	12.0'	12.0'
45°	9.0'	19.8'	15.0'	12.0'
60°	9.0'	21.0'	18.0'	17.0'
90°	9.0'	19.0'	24.0'	19.0'
Compact Sized Spaces				
A	B	C	D	E
30°	8.0'	14.9'	12.0'	12.0'
45°	8.0'	17.0'	13.0'	12.0'
60°	8.0'	17.9'	16.0'	15.0'
90°	8.0'	16.0'	22.0'	18.0'

Key to Table



17.72.190 Parking facilities - Landscaping.

A. Purpose. The purpose of this section is to achieve the following:

1. Provide an opportunity for preservation and development of a pleasing visual environment in the multi-family residential, mixed use, commercial, marine-related and manufacturing districts of the city from the viewpoint of residents and visitors.
2. Preserve land values of properties surrounding off-street parking facilities.
3. Avoid and reduce visual blight which may be created by large expanses of barren asphalt which often make up parking lots.
4. Provide for the health, safety, and general welfare of the citizens by minimizing discordant and unsightly surroundings, assuring vehicular visibility at intersections, and providing for the beauty and balance of the city, as are the proper and necessary concerns of the city council.

B. Applicability. This section applies to all surface, off-street parking lots in the City of Port Townsend, excluding those which are accessory to single or two-family dwellings.

C. Performance Standards. The applicant shall submit a parking landscaping plan as required by Section 17.72.170 PTMC in accordance with the following standards:

1. Provide visual relief and shade in parking areas;
2. Provide visual separation and screening of parking areas from public streets, pedestrian areas and surrounding uses;
3. Preserve and protect existing, significant trees;
4. Plant species which:
 - a. Fulfill the screening, shading and appearance purposes of the landscaping in all seasons;
 - b. Provide a desirable diversity of species;
 - c. Will be comparable in scale to surrounding existing and anticipated uses when plants reach maturity;
 - d. Are native to the regional environment or readily adaptable to local conditions;
 - e. Will not create particularly burdensome maintenance or damage problems such as large leaf debris, dripping sap, or pavement damage;
 - f. Will not require regular irrigation under normal local weather conditions after five years of growth.
5. Planting methods which follow accepted nursery standards and practices suited to the particular conditions of the site;
6. Provide protection of trees from vehicular damage;
7. Provide adequate watering system and unpaved areas around plantings;
8. Preserve necessary sight triangles at intersections so vegetation will not create a vehicular sight hazard.

D. Minimum Standards. Excepting the Downtown Parking District, or excepting alternate plans authorized pursuant to subsection F of this section, each parking lot landscaping plan shall provide for the following minimum landscaping installations:

1. Perimeter landscaping adjacent to public rights-of-way: off-street parking lots which will not be entirely screened visually by an intervening building or structure from any abutting public right-of-way, excluding dedicated alleys, shall provide landscaping between the parking lot and such right-of-way in accordance with the following minimum requirements:

- a. A five-foot-wide planting strip along the entire street frontage, excluding driveways.
- b. One tree for each 35 lineal feet of street frontage or fraction thereof, excluding driveways.
- c. Each tree shall be healthy "balled and burlapped" stock and carefully planted in a planting area of at least 25 square feet, unless planted as a street tree within a sidewalk in accordance with city street tree planting standards.
- d. Each required deciduous tree shall measure a minimum of two inches in diameter at three feet above the ground level at time of planting.
- e. Each required evergreen tree shall have a minimum height of eight feet at time of planting.
- f. The remaining planting strip area shall be planted with shrubs and ground cover sufficient to provide substantial visual screening to a height of approximately four feet within three years.
- g. Required shrubs shall be a minimum height of two feet at time of planting.
- h. All property other than the required landscaped strip lying between the right-of-way and off-street parking area shall be landscaped with at least grass or other ground cover.

2. Perimeter landscaping abutting other properties: off-street parking lots which will not be entirely screened visually by an intervening building or structure from abutting property shall provide landscaping between the parking lot and such abutting property in accordance with the following minimum requirements:

a. Where parking lots abut residentially zoned property, a wall, hedge, or other durable landscape barrier not less than five feet in height shall be placed to form a continuous visual screen between the parking lot and such abutting property. One of the following methods shall be used to provide such barrier:

i. Suitable hedge-type shrubs sized and planted to provide a solid screen within five years of planting.

ii. Solid fencing with shrubs planted in front a minimum of 10 feet on center to grow to at least five feet within five years of planting.

If such barrier consists all or in part of plant materials, such plant material shall be planted in a planting strip of not less than five feet in width. Where such parking lot abuts an existing hedge, wall or other durable landscaping barrier on abutting property, such barrier may be used to satisfy the requirements of this subsection, provided that such existing barrier substantially meets the standards of this section and protection against vehicular encroachment is provided for hedges.

b. One tree shall be placed for each 50 lineal feet of such landscape barrier or fraction thereof, otherwise planted to the standards set forth for perimeter landscaping in subsection (1) above.

c. Where such parking lot abuts a dedicated alley, no landscaping shall be required.

3. Parking lot interior landscaping: each parking area which has 20 or more parking spaces shall provide interior landscaping in accordance with the following minimum standards:

a. At least 10 percent of each such parking area shall be used for interior landscaping.

b. No parking space shall be greater than 50 feet from a landscaped area.

c. Each landscaping area shall contain at least one deciduous tree which measures a minimum of two inches in diameter at three feet above the ground level at time of planting. The remaining ground area shall be landscaped with plant materials.

E. Preservation of Significant Trees.

1. The applicant shall retain all significant trees within the required perimeter landscaping strip, excluding those which will constitute a safety hazard. Within the interior of parking areas, at least 15 percent of healthy trees over 60 feet in height shall be preserved.

2. Up to 10 percent of the required parking spaces may be eliminated at the rate of one parking space for each additional significant tree preserved, provided such trees do not provide a safety hazard.

3. For the purposes of this subsection, any healthy tree which has a trunk diameter of six inches or larger shall be considered a significant tree.

F. Alternate parking lot landscaping plans may be approved by the planning director upon a showing to his/her satisfaction that:

1. Due to the physical characteristics of the site or those of abutting properties, strict adherence to the minimum standards set forth in subsection D of this section would be unsafe or unnecessary to achieve the purposes of this title or unreasonably burdensome upon the applicant; and,

2. The alternative plan proposed would satisfy the performance standards set forth in subsection C of this section.

17.72.200 Parking facilities - Maintenance.

A. It shall be the responsibility of the property owner to maintain all off-street parking, pedestrian and landscaping facilities on his/her property and any abutting public sidewalks and landscaping areas. Such maintenance shall include removal and replacement of dead and dying trees, grass and shrubs; removal of trash and weeds; and within the off-street parking facilities, repair of traffic control devices, signs, light standards, fences, walls, surfacing material, curbs and railings.

B. Cutting and pruning of trees in any public rights-of-way shall be conducted in accordance with the provisions of Title 12 PTMC.

17.72.210 Off-street loading and queuing spaces - Number required.

A. Each department store, freight terminal, hospital, sanitarium, industrial or manufacturing establishment, retail or wholesale store, supply house, laundry, dry cleaning establishment, storage warehouse or similar use where large amounts of goods are received or shipped shall provide the minimum number of truck loading spaces indicated by the following table:

Aggregate Gross Floor Area (in square feet)	Minimum Number of Spaces
Less than 10,000	None
10,000 to 15,999	1
16,000 to 39,999	2
40,000 to 65,000	3
each additional 16,000	1 additional

B. Each auditorium, convention or exhibit hall, sports arena, hotel, office building, restaurant, or similar use shall provide the minimum number of truck loading spaces indicated by the following table:

Aggregate Gross Floor Area (in square feet)	Minimum Number of Spaces
Less than 40,000	None
50,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
each additional 60,000	1 additional

C. Each loading space shall be not less than 10 feet in width and 25 feet in length, and shall have a vertical clearance of at least 14 feet in height.

D. All banks, savings and loan associations, fast food restaurants, and other businesses which maintain drive-in facilities shall provide sufficient vehicular queuing space to prevent obstruction of public rights-of-way or private driveways or aisles during peak business hours.

Chapter 17.76 SIGNS

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Article I. Statement of Purpose

17.76.010 Statement of purpose.

A. The city council finds that it is necessary to regulate signs in the city to help assure that Port Townsend is a safe and attractive place in which to live and to do business.

B. Measures taken in this chapter to achieve this purpose reflect the city council's consideration of:

1. The vantage points of pedestrians, motorists, cyclists, visitors, residents, and occupants of homes, shops, other buildings; and real property;
2. Safety through care in placement, sizing and illumination of signs so as to avoid visual clutter, distraction or obstruction of vision of pedestrians and motorists, or obstruction of rights-of-way;
3. Communication between businesses, organizations and the general public;
4. Economy for those erecting signs, or maintaining or modifying already-existing signs, through care in specifying style and construction; by reducing the need to replace signs which might become obscured by unnecessarily large neighboring signs; by providing adequate time to replace signs which do not comply with the new standards; by protecting property values; and by preserving the community character which attracts visitors and new residents, and sustains business development;
5. Aesthetic benefits to business districts and the community at large through consistency in style, placement, and scale and harmony of signs with buildings, natural settings and other signs;
6. Compatibility of signs with the architectural and historical qualities of Port Townsend;
7. General public health, safety and welfare; and,
8. Fair and consistent enforcement of these sign regulations.

C. The people of Port Townsend are proud of its national historic district. Our national government declared Fort Worden and the district as two of the few national landmarks in the state of Washington. The National Trust for Historic Preservation has assisted the city with a sign provision for the historic district. Specific guidelines for signs were included in the Field Report on the Water Street Historic District, National Trust for Historic Preservation, 1974. The city council finds that special sign regulations are required to preserve and reflect the historic character of the historic district.

D. The city council intends that to the fullest extent authorized by Chapter 47.24 RCW, now or as hereafter amended, the provisions of this chapter shall also govern within any street, bridge or wharf which also forms a part of any state highway in the city. In addition, the provisions of Chapter 47.42 RCW, the Highway Advertising Control Act-Scenic Vistas Act, now or as hereafter amended, shall not authorize erection of any sign contrary to the provisions of this chapter.

Article II. Regulations

17.76.020 General provisions.

The following provisions shall apply to all zoning districts and to all signs regulated by this chapter, subject however to the specific regulations in each zoning district:

A. No sign shall be erected, caused to be erected, or allowed to remain erected except in compliance with all the regulations established in this chapter. No owner or lessee of any real property located within the corporate limits of the city shall knowingly allow any sign to be erected on any such property in violation of the provisions of this chapter. No person shall take

any action intending to, or having the effect of, circumventing the purpose and intent of this chapter.

B. Signs subject to design review as provided in this title must obtain approval of the historic preservation committee before a sign permit may be issued.

C. Safe and Secure Installation. Signs, sign structures and bracing systems shall be designed and constructed to support the weight of the sign and the vertical and lateral forces which may occur from winds, snow or seismic activity. For signs on buildings these loads and forces shall be transmitted through the structural frame of the building in such a manner as not to over stress any of the elements of the building or sign structure. The working stresses of wire rope or its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto with metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No wooden blocks or plugs or anchors with wood used in connection with the screws or nails shall be used, except in the case of signs attached to wood framing. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the Uniform Building Code as adopted in PTMC Title 16. All electrified signs shall be designed, installed and inspected in conformance with the National Electrical Code.

D. Clearance and Sight Distance. Marquees, canopy signs or projecting signs which project over areas where motor trucks may be required to pass beneath them shall maintain a minimum vertical clearance of 15 feet. No marquee, canopy sign or projecting sign may project closer than two feet from the curb line of the street. All marquees, canopy signs and projecting signs must maintain a minimum of eight feet of vertical clearance over pedestrian ways. Freestanding and portable signs may not be placed within a clear vision area at the intersection of any streets, alleys or driveways.

E. Light and Glare from Signs. The light source for signs which are illuminated by indirect lighting shall be no farther away from the sign than the height of the sign and shall be shielded so that direct rays from the light are visible only on the lot where the sign is located and in a manner that hazardous glare to motorists or pedestrians will not occur.

17.76.030 Historic district.

The following sign regulations shall apply within any mixed use, commercial, and public, park, and open space zoning districts (i.e., C-I/MU, C-II/MU, C-I, C-II, C-II(H), C-III, C-IV P/OS(A), P/OS(B), and P-I), wherever lands within these zoning districts are also within the historic district.

A. Total allowable sign area is determined as follows:

1. One square foot of sign area for each lineal foot of primary street frontage of the primary building.
2. But, not less than 40 square feet for each principal building or, in the case of a multiple-business complex, for each separate store front.
3. Forty square feet for an outdoor business which operates without a building.

4. Should more than one business share an entry, an additional six square feet may be added for a multiple-tenant directory.

5. Includes all types of signs on all sides and all stories of the building or premises. Exceptions: parking lot identification signs, symbol signs, commemorative plaques, window sign letters less than six inches in height, window signs above the first floor, mural signs approved pursuant to subsection I below, and signs listed as exempt in PTMC 17.76.070 are not included in determining allowable sign area.

6. Within the total allowable sign area determined above, the total area of signs attached to any given wall shall not exceed 40 square feet or the sign area calculation derived from the street frontage of that wall, whichever is the greater area.

B. Maximum Sign Height. No sign may be placed higher than the second story window sill level, or on or above the cornice line of any building. Exceptions:

1. Window signs advertising an establishment located on an upper floor and placed in the window of such an establishment;

2. Freestanding and portable signs are limited to five feet in height, except sandwich board signs which are limited to four feet in height.

C. Projecting signs are subject to the following additional regulations:

1. No larger than 12 square feet per side;

2. May project no more than four feet from the building;

3. Minimum clearance of eight feet must be maintained above the sidewalk and six inches from the vertical wall;

4. Only one projecting sign, including symbol signs, is allowed for each main entry;

5. Projecting signs may be illuminated only by indirect lighting.

D. Window Signs.

1. Window signs require a sign permit unless lettering is less than six inches in height.

2. Window signs above the first floor are allowed only to businesses located exclusively above the first floor, are restricted to a total sign area of one square foot for each lineal foot of the width of the window glass; and such signs are not included in allowable sign area of the building.

E. Freestanding Signs.

1. Monument signs shall be no more than 12 square feet in sign area per side.

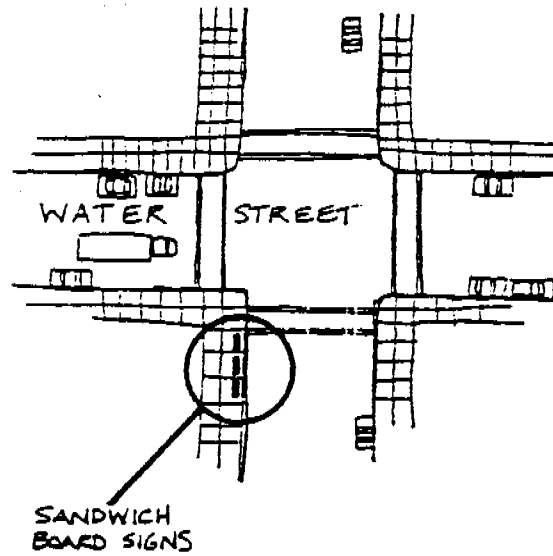
2. Pole signs are permitted only if mounted on two poles placed at the outermost sides of the sign face.

3. Sandwich board signs may be placed upon a public or private sidewalk subject to the following restrictions and requirements:

a. Written permission must be obtained from the owner of the property in front of which the sign is to be placed.

b. Signs may be placed near markings separating parking spaces, but not within a crosswalk and not closer than 15 feet from the intersection of the extension of the curb lines (edge of curbs on the vehicular traffic side) of each intersecting street or from another sandwich board sign. Exception: Up to three sandwich board signs may be placed on the sidewalk of any street

which intersects Water Street when placed adjacent to but not obstructing the crosswalk adjacent to Water Street.



c. Maximum sign area is eight square feet per sign face; maximum sign width is 30 inches; maximum sign height is four feet; minimum sign height is 30 inches.

d. Signs must be placed at least 30 inches but no further than six feet from curb, or if placed adjacent to a building, no further than three feet from the building line. Exception: Signs may be placed within 12 inches of the curb line wherever parking is prohibited in the adjacent street.

e. Signs may not be placed closer than 12 inches from any tree grate or other planting.

f. No sandwich board sign may be placed within the historic district which advertises a business or premises which is located outside of the historic district.

g. The sign area of each sandwich board sign shall be included in the total allowable sign area calculated pursuant to subsection A of this section for the premises in which the business advertised is located. Exception: The sign area of tour assembly signs erected pursuant to subsection J of this section shall not be included in the sign area calculation of any building.

h. Continuous proof of liability insurance must be provided naming the city as additional insured in amount and policy provisions as approved by the clerk-treasurer of the city.

i. Each sign must be of sound construction and designed to the satisfaction of the director to withstand high winds.

j. No more than one sandwich board sign may be erected for each business advertised.

4. No other pole signs, portable, sandwich board, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.

F. Illuminated Signs.

1. Subdued, indirect lighting of signs is encouraged.

2. The total area of signs illuminated by internal lighting shall not exceed six square feet per separate store front.

3. Signs illuminated by neon lighting may have a total sign area of up to 12 square feet per separate store front.

G. Signs identifying rear entrances shall be no more than four square feet in area.

H. Signs directed toward the water are not allowed unless the building has a public waterside entrance.

I. Mural Signs. In addition to the allowable sign area prescribed in subsection A above, additional mural signs are allowed subject to prior approval of the Port Townsend historic preservation committee. Upon application, the historic preservation committee may authorize such mural signs upon a finding that the design and placement of the proposed sign contributes to the historic district. The historic preservation committee may also authorize specific placement of such mural signs off-premises or in a manner which exceeds the applicable size or height limits prescribed herein. The findings of the historic preservation committee shall be based upon specific standards adopted by the committee and shall be submitted in writing to the director who shall attach same to the application for sign permit.

J. Tour Assembly Signs. Each business which has been authorized by franchise agreement with the city to conduct public tours within the public rights-of-way may, if such business does not have business premises within the historic district, place one portable sandwich board sign on the sidewalk at a location and in a manner approved by the director. The business owner shall also obtain and submit to the director written permission of the owner of the property immediately abutting the location of the proposed sign, and shall also submit proof of liability insurance naming the city as additional insured. The clerk-treasurer shall approve the amount and policy provisions of such liability insurance. The sign area of such sign shall not exceed six square feet per sign face and such sign area shall not be included in the allowable sign area of the abutting property.

K. Kiosks. The director is hereby authorized to permit erection of kiosks by the city or by one or more nonprofit community organizations representing a large number of retail businesses. Such kiosks must be shown to provide community bulletin board services of broad public interest and a current directory of retail businesses. No more than three such kiosks may be placed within the downtown commercial area of the historic district, nor more than one within the uptown commercial area.

L. Prohibited Signs.

1. In addition to those signs listed as prohibited in PTMC 17.76.090, readerboard signs and off-premises real estate signs are not permitted in the historic district.

17.76.040 Residential districts (R-I, R-II, R-III and R-IV).

In addition to the other applicable provisions of this chapter, the following regulations also apply in each residential zoning district (i.e., R-I, R-II, R-III and R-IV):

A. Total Allowable Sign Area.

1. Each residential building is allowed one permanent, wall-mounted, identification sign per street frontage and one temporary yard sign and each such sign may not exceed three square feet in sign area. No sign permit is required for either sign.

2. Each multifamily complex, subdivision or nonresidential use permitted outright or by conditional use permit in residential zones is allowed 24 square feet of sign area.

3. Home occupations are allowed one wall-mounted sign not to exceed three square feet in sign area.

4. Government buildings, schools and churches are allowed one identification sign not to exceed 16 square feet and one readerboard sign not to exceed 24 square feet.

B. Maximum sign height is five feet.

C. Freestanding Signs.

1. Permanent freestanding signs must be monument signs or pole signs mounted on two poles placed at the outermost sides of the sign face.

2. Temporary yard signs may be displayed for up to 15 days and may be mounted on a single pole or stake. Exceptions:

a. Garage or rummage sale signs pursuant to Article III, Special Category Signs.

b. Real estate and political signs pursuant to PTMC 17.76.070.

3. Freestanding signs must be set back at least five feet inside property lines.

4. No other pole signs, portable, sandwich board, sidewalk or other freestanding signs are allowed.

D. Off-premises signs are not permitted. Exception: Signs authorized to be erected off-premises pursuant to PTMC 17.76.100, Special Category Signs.

E. Illuminated Signs. Only indirect lighting is permitted.

17.76.050 Mixed use, commercial, and public, park and open space districts outside the historic district (C-I/MU, C-II/MU, C-I, C-II, C-II(H), C-III, C-IV, P/OS(A), P/OS(B), and P-I).

In addition to the other applicable provisions of this chapter, the following regulations also apply in each mixed use (i.e., C-I/MU and C-II/MU), commercial (C-I, C-II, C-II(H), C-III, C-IV), and public, park and open space (i.e., P/OS(A), P/OS(B) and P-I) zoning district:

A. Total allowable sign area is determined as follows:

1. One square foot of sign area for each lineal foot of primary street frontage of the principal building.

2. But, not less than 100 square feet for each principal building, nor less than 32 square feet for each business in a multiple business complex.

3. Forty square feet for an outdoor business which operates without a building.

4. Government buildings, schools, churches and the Port Townsend Visitors Center are permitted one identification sign not to exceed 32 square feet.

5. Includes all types of signs on all sides and all stories of the building or premises.

Exceptions: parking lot identification signs, symbol signs, incidental signs, window sign lettering less than six inches in height, motor fuel price signs erected pursuant to subsection G below,

monument signs erected as a directory sign for a multiple-business complex pursuant to subsection (E)(2) of this section, service club signs authorized pursuant to PTMC 17.76.100, and signs listed as exempt in PTMC 17.76.070 are not included in the determination of allowable sign area.

B. Maximum sign height is as follows:

1. Seventeen feet, but in no event may signs extend higher than the nearby surface of the roof of the building.

2. Canopy signs or signs mounted on a marquee may not extend higher than the highest roof surface of the canopy or marquee, but in no event may extend higher than the nearby roof surface of the building.

3. Five feet for a monument sign of a single business or multiple-tenant building.

4. Five feet plus one foot per each separate business advertised on a monument directory sign of a multiple-business complex.

C. Projecting signs are subject to the following additional regulations:

1. No larger than 16 square feet per side.

2. May project no more than four feet from the building.

3. Minimum clearance of eight feet must be maintained above the sidewalk and six inches from the vertical wall.

4. Only one projecting sign, including symbol signs, is allowed for each main entry.

D. Window signs require a sign permit unless lettering is less than six inches in height.

E. Freestanding Signs.

1. Each single-business or multiple-tenant building shall be allowed one monument sign not to exceed a sign area of 24 square feet.

2. Each multiple-business complex is allowed one monument sign per street frontage for a directory sign. The sign area of such directory sign is not to exceed 32 square feet plus eight square feet per separate business advertised and an additional 12 square feet to allow display of the name of the complex.

3. Each such allowed monument sign may not exceed a sign area of 102 square feet per sign face, nor a sign face width of 10 feet, nor a height of 17 feet.

4. Monument signs must be set back from property lines a distance of one foot for each one foot of sign height in excess of five feet. Exception: The director is authorized to permit alternate monument sign placement as part of a streetscape improvement project in conformance with the Gateway Development Plan.

5. Each monument sign shall have a landscaped area at the base of the sign of at least twice the size of the sign area.

6. No other freestanding or portable signs are allowed.

F. Illuminated Signs.

1. Indirect lighting is encouraged.

2. Signs illuminated with internal or neon lighting are limited to a sign face area of 25 square feet.

G. Readerboard signs may not exceed 12 square feet per sign face. Exceptions:

1. In addition to the sign area allowed pursuant to subsection A of this section, any business selling motor fuel to the public may have one permanently mounted motor fuel price sign not to exceed 18 square feet per sign face. If such sign is incorporated as part of the monument sign allowed pursuant to this section, the allowable height of such monument sign may be increased by four feet.

2. The director is authorized to permit one permanently mounted readerboard sign for community event announcements on premises owned by the city or a nonprofit organization under contract with the city. Such sign may not exceed a sign area of 50 square feet per sign face.

3. Portable readerboard signs are not permitted.

17.76.060 Marine-related and manufacturing districts (M/C, M-I, M-II, M-II(A), M-II(B) and M-III).

In addition to the other applicable provisions of this chapter, the following regulations also apply in each marine-related and manufacturing (i.e., M/C, M-I, M-II, M-II(A), M-II(B) and M-III) zoning district:

A. Total allowable sign area is determined as follows:

1. Sixty-four square feet for each principal building.
2. But, each separate business in a multiple-tenant building or multiple-business complex shall be allowed at least 32 square feet of sign area.

3. Each multiple-tenant building is allowed an additional six square feet for a directory sign.

4. Government buildings and schools are permitted one identification sign not to exceed 32 square feet.

5. Includes all types of signs on all sides and all stories of the building or premises.
Exceptions: Parking lot identification signs, incidental signs, monument signs, window sign letters less than six inches in height, and signs listed as exempt in PTMC 17.76.070 are not included in determining allowable sign area.

B. Maximum sign height is as follows:

1. Five feet for monument signs, plus one foot for each separate business advertised on the sign, but no higher than 10 feet.

2. Ten feet for other signs.

C. Projecting signs are subject to the following additional regulations:

1. No larger than 16 square feet per side.
2. May project no more than four feet from the building.
3. Minimum clearance of eight feet must be maintained above the sidewalk and six inches from the vertical wall.

4. Only one projecting sign, including symbol signs, is allowed for each main entry.

D. Window signs require a sign permit unless lettering is less than six inches in height.

E. Freestanding Signs.

1. Each multiple-business complex is allowed one monument sign per street frontage for a directory sign. The sign area of each such directory sign shall not exceed 16 square feet plus six square feet per separate business advertised, but not larger than 64 square feet.

2. Monument signs must set back from property lines a distance of one foot for each one foot of sign height in excess of five feet.

3. No other freestanding or portable signs are allowed.

17.76.070 Exemptions.

The following types of signs are allowed in all areas without a sign permit. These exemptions shall not be construed as relieving the owner of any sign for the responsibility of its erection and maintenance, or for compliance with the provisions of this chapter, or any other law or ordinance regulating same.

A. Community event signs if no larger than six square feet per sign face and displayed no longer than 21 days before the event and removed within 48 hours after the event; provided, however, that the location of any signs to be placed in the public right-of-way shall be approved by the director;

B. Community fund raising signs pertaining to a specific proposed public construction project or fundraising campaign; provided, that only one such sign may be erected at a time, the sign area may not exceed 32 square feet, and the sign may not be displayed for longer than two years or the conclusion of the project or campaign, whichever occurs soonest;

C. Real estate signs limited to one sign of four and one-half square feet maximum area per sign face on each parcel of property offered for sale in residential zones. In other zones, one sign is allowed up to 16 square feet per sign face on each separate parcel of property offered for sale. Each real estate sign must be removed no later than five business days after closing of sale of the property advertised. Closing of sale shall be considered the date of recording with the Jefferson County auditor. Off-premises real estate signs are not permitted. Exception: Real estate signs advertising an open house may be placed off-premises if:

1. Placed on private property;

2. Signs are no larger than three square feet per sign face; and,

3. Displayed for no longer than four consecutive days. Exception: Off-premises real estate signs are not allowed under any circumstances in the historic district. Real estate signs are not permitted within any public right-of-way;

D. On-premises or on-vehicle incidental signs not exceeding two square feet each;

E. On-premises directional signs not exceeding six square feet, the sole purpose of which is to provide for vehicular and pedestrian traffic direction and which display no advertising;

F. Political signs erected on private property up to four and one-half square feet per sign face in residential zones and 16 square feet per sign face in other zones; provided, that political signs shall be removed within 10 days after the final election involving the candidate or ballot proposition advertised by the sign;

G. Temporary construction signs limited to a total sign area of 32 square feet per construction site, displayed no longer than one year and removed no later than 10 days after completion or occupancy of the project;

H. Traffic, directional or informational signs lawfully installed, or required to be installed, by a government entity; provided that, in the event of any conflict between the provisions of this chapter and the provisions of any applicable state law, the provisions of this chapter shall govern unless expressly preempted by the laws of the state;

I. Signs not intended to be viewed from, and which are not readable from, a public right-of-way;

J. Window merchandise display;

K. Flags of the United States, the state, the city, the county, foreign nations, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction; provided, that such a flag shall not exceed 60 square feet in sign area and shall not be flown from a pole the top of which is more than 40 feet in height. Such flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and be subject to regulation as such;

L. Decorative banners if no more than five per each premises;

M. Legal notices required by law;

N. Barber poles;

O. Grave markers;

P. Incidental, nonilluminated signs identifying small specialized community service structures, such as phone booths, public transit shelters, and collection containers for used goods or recyclable materials;

Q. Incidental, nonilluminated signs limited to three per storefront;

R. Nonilluminated informational signs pertaining to motor fuel which are affixed to the surface of fuel pumps, but not including signs projecting from the sides or top of such pumps;

S. Temporary signs limited to a 15-day display;

T. Lettering or symbols painted directly onto or mounted magnetically onto an operable motor vehicle operating in the normal course of business; provided no part of such signs shall project higher than the roof surface of any such vehicle other than franchised buses or taxis;

U. Signs attached to franchised buses or taxis;

V. One nonilluminated bulletin board not larger than 12 square feet in area for each public, charitable or religious institution when the same is erected on the premises of the institution;

W. Mural signs within the national historic district in existence on the effective date of the ordinance codified in this chapter;

X. Nonilluminated religious symbols mounted on church premises.

17.76.080 Special exemption - Grand opening signs.

A. During a grand opening not to exceed 10 days, temporary signs may be displayed on the premises without a sign permit and regulations with respect to sign area, roof placement, sign

height and type of signs are temporarily suspended.

B. All other regulations provided herein and not expressly suspended by this section shall apply to grand opening signs.

C. The provisions of this section may not be applied to more than one grand opening event at any business location within any 12-month period; provided that each separate business location within a multiple-business complex shall be entitled to a grand opening event separate from a grand opening event for the complex as a whole.

17.76.090 Prohibited signs.

The following signs are prohibited within the city:

- A. Abandoned signs;
- B. Bench signs;
- C. Billboards;
- D. Flashing, revolving or any other moving signs; provided, that the moving hands of a clock or changing numerals of a time and/or temperature device may be permitted subject to the other regulations provided in this chapter;
- E. Off-premises signs except real estate signs, political signs, community event signs, mural signs, sandwich board signs, and garage sale signs specifically authorized or exempted herein;
- F. Off-premises real estate signs within the national historic district;
- G. Portable readerboard signs;
- H. Roof-mounted signs, including any signs painted directly on the roof surface;
- I. Signs or sign structures, which by coloring, shape, working or location resemble or conflict with traffic control signs or devices;
- J. Signs which create a safety hazard for pedestrian or vehicular traffic;
- K. Signs larger than two square feet in area attached to or placed on a vehicle or trailer on public or private property; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses or taxis are exempt from this provision;
- L. Signs attached to utility poles or traffic signs;
- M. Signs within the public right-of-way except community event signs, kiosks and signs which overhang the public right-of-way as specifically authorized herein;
- N. Signs in city-designated buffer zones or greenbelt area;
- O. Signs which display the symbol, slogan or trademark of national brands of soft drinks or other products which do not form the bulk of the business transactions of the premises;
- P. Signs contrary to the provisions of this chapter;
- Q. Streamers;
- R. Signs with any sign face larger than 25 square feet which is illuminated all or in part by internal lighting.

Article III. Special Category Signs

17.76.100 Special category signs.

The following regulations shall apply to the special categories of signs set forth below, in addition to all the other requirements of this chapter which may be applicable:

A. **Parking Lot Identification Signs.** Parking lot identification signs may be erected without a sign permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business may be included. The total sign area for parking lot identification signs shall not exceed sign square feet for each 1,000 square feet of parking lot area and each sign face shall not exceed six square feet; provided that each lot shall be allowed at least one parking lot identification sign; and provided further, that these restrictions may be exceeded to the extent required by any applicable laws of the state. Parking lot identification signs shall not exceed a sign height of six feet.

B. **Community Announcement Signs.** Community announcement signs are signs erected or authorized by the city on or over public right-of-way. Such signs shall be limited to 75 square feet per sign face; provided, however, that the ground clearance, vision clearance and methods of construction in suspension are approved by the director. Erection of signs over public rights-of-way shall be by or under the supervision of the city, and all costs incurred by the city relating thereto shall be reimbursed to the city by the permittee. Community announcement signs require a sign permit, are permitted in any zoning district, and are limited to a 42-day display. Signs announcing an upcoming event shall be removed within 48 hours after the event.

C. **Service Club Signs.** Service club signs are signs which display the recognized shield, logo or symbol of an international service club which has an established chapter in Port Townsend, has regularly scheduled meetings, but does not own or lease premises within the city. Each such sign may not exceed five square feet. Service club signs require a sign permit and may be displayed only at a single location which has been approved by the director.

D. **Garage or Rummage Sale Signs.** Garage or rummage sale signs are temporary signs not to exceed three square feet per sign face which provide direction to a household sale. Up to three such signs may be placed without a sign permit on the property on which the sale is held and/or in nearby public rights-of-way. Signs placed in public rights-of-way must be self-supported by a stake or similar device and may not be attached to utility poles or traffic signs. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists. Garage or rummage sale signs may not be displayed for longer than three days and must be removed within 24 hours after the sale. Garage or rummage sale signs may not be displayed more than once during any 12-month period for direction to a sale on the same premises.

E. **Special Purpose Sign.** A special purpose sign is a temporary sign to be displayed less than 60 consecutive days for a purpose not anticipated by this chapter, but not in conflict with it, or in a unique situation as determined by the director. The total area of all special purpose signs intended to be displayed on any one premises shall be determined by the director; provided,

however, that the total area shall not exceed 32 square feet. All special purpose signs shall require a sign permit.

Article IV. Permit Requirements

17.76.110 Permit - Required.

No sign or portion of any sign, except those exempted in PTMC 17.76.070 or 17.76.100, shall be erected, reerected, replaced, revised, attached, structurally altered, or relocated by any person, firm or corporation from and after the effective date of the ordinance codified in this chapter without a permit issued by the city. No permit shall be required for repair, cleaning, or other normal maintenance, nor for changing the message on a readerboard sign, as long as the sign structure is not modified in any way.

17.76.120 Permit - Application.

Applications for sign permits shall be made to the director upon permit forms provided by the city. Such application shall require:

- A. Name of business and address where the work is to be performed;
- B. Name and title of applicant;
- C. Name, address and telephone number of the firm doing installation work;
- D. Name and address of the sign owner if other than the business installing the sign;
- E. A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises, and date installed;
- F. A site plan showing the location of the affected lot, buildings, and signs, showing both existing signs and proposed signs;
- G. A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material specifications, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws;
- H. Electrical load with name of electrical contractor responsible for installation of service feed wire if other than sign contractor. Amperage and voltage must be prominently displayed on the sign. (Note: Electric signs must conform to the National Electrical Code);
- I. An application for right-of-way permit if the sign or canopy will extend over a public right-of-way;
- J. Written consent of the owner of the building, structure, or property where the sign is to be erected.

17.76.130 Permit - Fees and approval.

Permit fees shall be in accordance with the current fee schedule adopted by city ordinance. Upon approval of plans and payment of the required fee, the director shall issue the sign permit. Permits shall be numbered in the order of their issuance and shall disclose:

- A. The type and description of sign(s) as defined in this chapter;

- B. The street address of the property upon which the sign will be installed;
- C. The amount of the fee paid for the permit;
- D. The date of issuance;
- E. The name of the person or company installing the sign;
- F. The name of the sign owner.

17.76.140 Permit - Identification - Permanent sticker.

With each permit issued, the director shall issue a corresponding permanent, numbered sticker indicating issuance of the sign permit. It shall be the responsibility of the permittee or his/her agent to attach the sticker in a location on the sign(s) or sign structure(s) where it can be readily seen from the street. The absence of such label shall be prima facie evidence that the sign has been installed in violation of this chapter.

Article V. Administration and Enforcement

17.76.150 Variance.

The director shall have the authority to grant a variance from the requirements of this chapter in accordance with the following procedures and considerations:

A. The person seeking a variance shall prepare and submit an application on forms provided by the director accompanied by a fee in the amount of \$125.00, or an amount as hereafter may be specified by ordinance.

B. Upon receipt of an application, the director shall first review the application for completeness. If the application is incomplete, the director shall promptly return it to the applicant and indicate the additional information needed to make the application complete.

C. Within 15 days of receipt of a complete application, the director shall make a preliminary determination of whether to grant the application, grant the same under specified conditions, or to deny the variance. In making his/her determination, the director may grant a variance only upon specific, written findings of fact setting forth and showing that the following conditions exist:

1. Literal interpretation and strict application of the provisions and requirements of this chapter would cause either:

a. Undue hardship on the applicant because of unique or unusual conditions pertaining to the subject property; or

b. Loss or substantial modification of a sign which has been found by the historic preservation committee to contribute significantly to the historic district;

2. The unique or unusual conditions do not result from actions of the applicant or owner of the subject property;

3. Granting the variance would not confer a special privilege to the subject property that is denied to other similarly situated properties;

4. Granting the variance would not be materially detrimental to the property owners in the vicinity or to the traveling public;

5. Granting the variance would not be contrary to the objects of this chapter relating to the placement of signs and the reduction of clutter; and,

6. Granting the variance would be in harmony with the purpose and intent of this chapter and would not establish a precedent for subsequent variance requests which could diminish the effect of this chapter in furthering these purposes.

D. In granting any variance, the director may attach thereto such conditions regarding the location, character and other features of the proposed sign as he/she may deem necessary to carry out the spirit and purpose of this chapter in the public interest.

E. Within five days of making of his/her preliminary determination, the director shall cause to be mailed a notice of the determination to the owner or reputed owner of the properties within 200 feet of the subject property, as shown by the property tax records of the Jefferson County assessor, and by posting notice in a conspicuous place on the subject property and at the Port Townsend City Hall. The notice shall identify the applicant, the street address or legal description of the subject property, the variance requested, the director's preliminary determination and where the application and director's findings may be inspected, and shall indicate that written comments or objections will be received and considered by the director for a period of 10 days following the date of mailing.

F. Within five days of expiration of the comment period, the director shall consider any comments or objections made and render a final decision. The director shall cause to be mailed notice of his/her final decision to the applicant and to each person from whom written comments or objections to the preliminary determination have been received. Such decision shall be final and binding unless appealed in writing to the city council within 15 days of the date of mailing of the director's final decision. Any person may file such an appeal by letter addressed to the city council, accompanied by an appeal filing fee in the amount of \$100.00.

G. In the event of an appeal, the city council will review the reasons and information set forth in the letter of appeal; the findings, conclusions, and decision of the director, together with any written material submitted by the director; and may take public comment. The city council shall affirm the decision of the director unless it finds the decision to be clearly erroneous, or arbitrary and capricious, or contrary to law, in which case the council may modify the decision or any conditions in connection therewith, or remand the same to the director.

H. No action to set aside or modify the decision of the city council may be brought in any court or other tribunal unless the action shall be filed within 30 days of the effective date of the decision.

17.76.160 Interpretations.

Where there is any dispute concerning the interpretation of this chapter, the decision of the director shall prevail, subject to appeal to the appeal provisions set forth in Chapter 20.01 PTMC.

17.76.170 Enforcing official - Powers and duties.

The enforcing official of this chapter shall be the director who is hereby authorized and directed to enforce all the provisions of this chapter. Upon presentation of proper credentials, the director

may enter at reasonable times any building, structure, or premises to perform any duty imposed upon him/her by this chapter. Signs for which a permit is required may be inspected periodically by the director for compliance with this chapter.

17.76.180 Removal of signs.

A. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within 60 days after the business or service advertised by the sign is no longer conducted on the premises.

B. The director may order the removal of any sign erected, installed or allowed to remain in violation of this chapter. He or she shall give at least 30 days' notice in writing, to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with this chapter. The director may order removal of the sign at the expense of the owner of the premises if compliance with the written order is not obtained. Notice to the owner shall be deemed to be given as of the date of deposit in the United States mail addressed to the address on record that date at the office of the Jefferson County assessor. Exception: In the case of temporary signs, banner signs, portable signs or streamers, only five days' notice need be given.

C. The director may cause any sign which is erected or displayed in violation of this chapter to be summarily removed without notice and at the expense of the owner of the sign and/or premises if:

1. The condition or placement of the sign presents in the opinion of the director an immediate threat to the safety of the public; or
2. The sign is placed in the public right-of-way or upon city property or attached to a utility pole, tree or traffic sign in violation of this chapter.

17.76.190 Nonconforming signs.

A. Nonconforming signs shall be removed or brought into compliance with this chapter no later than the expiration of the amortization period of each such sign, determined as follows:

1. For signs made nonconforming by passage of Ordinance 2039, July 31, 1997;
2. For signs made nonconforming by the passage of the ordinance codified in this chapter, July 31, 1997;
3. For signs made nonconforming by passage of any subsequent ordinance, six years after the effective date of said ordinance.

B. Exception Pertaining to Certain Flashing, Blinking or Revolving Signs. Insofar as any sign or parts thereof flash, blink, move, or revolve in a manner prohibited by PTMC 17.76.090, such nonconformity shall be terminated no later than 30 days after the effective date of the ordinance codified in this section. Otherwise, such other nonconforming conditions of such sign are subject to the provisions of this section pertaining to nonconforming signs.

C. Exception Pertaining to Portable Signs, Banner Signs and Streamers. All nonconforming portable signs, banner signs and streamers shall be removed within 90 days of the effective date of the ordinance codified in this section.

D. Incentive for Early Compliance. Whenever a nonconforming, permanent roof-mounted or pole sign is voluntarily removed or otherwise brought into compliance with this chapter at least one year earlier than required by this section, the business advertised by such sign shall be entitled to a sign area bonus equal to 10 square feet of sign area for each year prior to the expiration of the amortization period of the subject sign. Such bonus shall be in addition to the sign area otherwise permitted by the provisions of this chapter, and shall remain in effect for a period of 10 years or until the business ceases to operate, whichever occurs first.

E. Loss of Nonconforming Status.

1. A nonconforming sign shall immediately lose its legal, nonconforming status if:
 - a. The sign is altered in any way in structure, color or copy, except for readerboard signs; or,
 - b. The sign is damaged in excess of 50 percent of the original cost of the sign; or,
 - c. The sign is relocated; or,
 - d. The sign is replaced.
2. On the occurrence of any of the events described in subsection E.1 of this section, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed; provided, however, that the director may authorize specific alterations of such nonconforming signs if s/he finds that:
 - a. The end of the nonconforming sign's amortization period is more than two years away; and,
 - b. The total amount of aggregate noncompliance of the sign area of the existing signs on the premises is reduced at least 50 percent by the proposed alterations; and,
 - c. The alteration shall not affect the original amortization period for the nonconforming sign.

F. Notice of Nonconforming Signs. The director shall endeavor to give notice of the legal nonconformance and amortization periods set forth in this section to the owners of signs required to be removed. Such notice should be given to the owners of the signs as shown by city records within 60 days of the effective date of the ordinance codified in this section or of the ordinance which renders the signs nonconforming, whichever occurs later. Only one such notice need be given. Failure of the director to give the notice specified in this section, or failure of the sign owner to receive any such notice shall not limit or affect the city's power to enforce this chapter, or in any way reduce the ability of the city to require removal of the nonconforming signs as provided by law.

G. Administrative Appeal. The owner of a nonconforming sign may appeal to the director to request an extended period of use of such sign beyond the amortization period determined by this section. Any such appeal must be made to the director upon forms provided by the city and must be accompanied by an appeal filing fee in the amount of \$100.00. The director shall require that the appellant provide as part of his/her appeal a general description of the sign, its dimensions and physical position; evidence sufficient to establish the date and cost of the sign as originally constructed and installed; the amount of depreciation claimed and the depreciation schedule used for such sign as reflected by Internal Revenue Service schedules for prior years; the estimated cost

of relocation or alteration of such sign, where applicable; together with any other information or documents specified by the director which are reasonably necessary to assist the city in making a determination on the appeal. The director shall consider the statements and documentary evidence contained in the application and any supplementary information which s/he may reasonably require. In addition, s/he shall inspect the subject sign to determine its general condition, state of repair, and the extent to which the sign does not conform to the requirements and limitations of the ordinance codified in this section. In making his/her determination, the director shall consider the unrecoverable cost invested in the sign, the estimated remaining life of the sign and the degree of nonconformity. The director shall prepare and make available for public inspection the specific method s/he intends to use in processing such appeals. All determinations of appeals made pursuant to this section shall be made in writing with specific findings of fact and conclusions in support of the decision. All such determinations of the director are subject to appeal as provided by Chapter 20.01 PTMC.

17.76.200 Liability.

This chapter shall not be constituted to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing or moving any sign in the city for damages to anyone injured or damaged either in person or property by any defect or action in this chapter, nor shall the city or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents.

Chapter 17.78
WIRELESS TELECOMMUNICATIONS FACILITIES - DEVELOPMENT STANDARDS

[CHAPTER RESERVED]

Chapter 17.80
DESIGN REVIEW - NATIONAL REGISTER HISTORIC DISTRICT

Sections:

- 17.80.010 Purpose and intent.
- 17.80.020 Scope.
- 17.80.030 Design review - Required.
- 17.80.040 Exemptions.
- 17.80.050 Design review - Not binding on applicant.
- 17.80.060 Preapplication review - Optional.
- 17.80.070 Design review - Application.
- 17.80.080 Design review - Process.
- 17.80.090 Design review - Standards.
- 17.80.100 Certificate of review.
- 17.80.110 Effect of review on other approvals.
- 17.80.120 Port Townsend Historic District - Pivotal, primary and secondary buildings.

17.80.010 Purpose and intent.

The city council finds and declares as a matter of public policy that it is the intent of this chapter to:

- A. Preserve, protect, enhance and perpetuate those structures, buildings and improvements which reflect significant elements of the city's cultural, artistic, social, and economic, political, architectural, engineering, historic or other heritage;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Promote the use and perpetuation of significant structures within the district for the education, stimulation and welfare of the people of the city;
- D. Develop and maintain appropriate settings and environments for structures within said district;
- E. Preserve and encourage a city of harmonious architectural styles, reflecting the distinct phases of its history;
- F. Foster knowledge of the living heritage of the past;
- G. Promote and protect the public health, safety and general welfare of the citizens of the city, including orderly development and coordination of municipal growth and services;
- H. Minimize visual blight and avoid inappropriate and poor quality of design;
- I. Promote and encourage continued private ownership and use of buildings and other structures to further the objectives of this chapter.

17.80.020 Scope.

This chapter shall establish a mandatory design review for all developments within the historic district which are also:

- A. Within the C-III, P/OS(A), P/OS(B) or P-I zoning districts; or,

B. On property subject to a conditional use permit. The results of such review shall be advisory only and shall not be binding upon the applicant.

17.80.030 Design review - Required.

A. Municipal Improvements. City officials charged with design responsibility for any municipal improvement, structure or sign within the historic district shall hold preliminary discussions on the proposed project with the HPC to obtain its preliminary recommendations with respect to environmental, historic, architectural, aesthetic and design considerations of the project. The HPC shall review substantial municipal improvements at the completion of the design development phase and construction document phase, or at any other time it deems necessary to further the purposes of this chapter. Any significant deviations from a plan approved by the HPC shall be resubmitted to the HPC for its further review and recommendation. The HPC's recommendations on municipal improvements shall not be binding upon the city, but shall be given considerable weight in the decisions of city officials and the city council. The meaning of "substantial municipal improvements" and "significant deviations" shall be determined by a memorandum of agreement between the HPC and the mayor.

B. Requirement. No person shall begin or substantially change any development subject to review under this chapter without first obtaining design review by the HPC and obtaining a certificate of review or in the case of demolition, a waiver, as a result of review.

C. Permits. No city permit or approval shall be issued for any development for projects requiring HPC review without first obtaining design review by the HPC and obtaining a certificate of review or in the case of demolition, a waiver, as a result of review.

D. Demolition. No demolition of any building or structure subject to review under this chapter shall begin without first obtaining design review by the HPC of the proposed replacement development and obtaining a certificate of review. In the event the applicant has not determined a replacement development, the HPC may, after reviewing the effects of the demolition, issue a waiver of design review prior to demolition if it finds that the proposed demolition prior to design review would not be detrimental to the purposes of this chapter. In the event of a finding by the city of an unsafe condition, an abatement order may be issued by the city without compliance with this subsection, provided that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than damage or demolish valuable buildings, structures or objects.

17.80.040 Exemptions.

The following activities do not require a certificate of review or review by the HPC: ordinary repair or maintenance; emergency repairs; interior remodeling or interior decoration.

17.80.050 Design review - Not binding on applicant.

A. The recommendations of the HPC set forth in a certificate of review shall be advisory only and shall not be binding on the applicant or any other person; provided, however, that the applicant may at his/her option agree to certain binding conditions contained therein in the course

of approval of a variance, conditional use permit, environmental determination, reduction of off-street parking requirements or other city approval related to the development.

B. Nothing in this section shall, however, be construed to limit the substantive authority of the city pursuant to the State Environmental Policy Act (Chapter 43.21C RCW).

17.80.060 Preapplication review - Optional.

Prior to submitting an application for design review and/or building permit, any person proposing a development which is subject to review under this chapter may submit the plans required in PTMC 17.80.070 in preliminary or sketch form so that the comments and advice of the HPC may be incorporated into the plans submitted for application. Such preapplication consultations are encouraged to assist project proponents to achieve the best possible development and to facilitate timely review of the proposal whenever an application is made on the project.

17.80.070 Design review - Application.

A. Applications for design review shall be submitted to the HPC at the building and community development department and shall consist of a completed application on a form prescribed by the HPC, accompanied by a site plan showing the location of the building or buildings, parking, exterior lighting, signs and landscaping; exterior elevations of the front and side with a description of the type and finished color of exterior siding, windows and roofing to be used; detailed drawings of architectural features, signs and trim; and historic and "as is" photographs of the subject building or site and adjacent structures. All diagrams shall be drawn to scale. The HPC may request additional information necessary for their review and recommendation.

B. Applicants for a conditional use permit pursuant to Chapter 17.84 PTMC or variance pursuant to Chapter 17.86 PTMC, or an environmental determination pursuant to Title 19 PTMC, shall submit their plans for review and recommendation to the HPC at least 30 days prior to the first hearing scheduled on the proposed development.

17.80.080 Design review - Process.

A. Upon receipt of a completed application for review, the building official shall notify the HPC and forward the application to its members.

B. The HPC shall set a public meeting time and place as soon as possible to review the application according to the design review standards established pursuant to PTMC 17.80.090. The HPC shall request the applicant, and any design professionals assisting the applicant, to attend the meeting. If the applicant, or the applicant's representative responsible for project design, fails to attend the meeting, an alternate meeting shall be scheduled by the HPC within 30 days of the initial meeting; provided, that in such event, the 30-day review period, prescribed in subsection E of this section, shall not commence from the date of the application but shall instead commence on the date to which the meeting on the subject application is continued. Failure of the applicant, or the applicant's representative responsible for project design, to attend either the

initial or continued meeting set for review of the application shall constitute a failure of the application requirements and no permits shall be granted by the city on the project unless and until the applicant has reapplied for review and obtained a certificate of review pursuant to this chapter.

C. The HPC may schedule additional meetings as it may find necessary and desirable to complete its review. The HPC may, in the execution of its review, assign any portion of the review of any application to any member or committee of the HPC; provided, that final action to issue a certificate of review shall be made by a majority vote of the quorum present.

D. Upon receipt of an application for a permit for development subject to review under this chapter, the building official shall:

1. Inform the applicant of the review requirements;
2. Report receipt of the application to the HPC;
3. Assist the HPC in considering building, zoning, shoreline, sign and fire code requirements which may apply to the proposed development; and,
4. Shall not issue any such permit until a certificate of review has been obtained.

E. Unless an extension is authorized by the applicant, the HPC shall complete its review within 30 days of receipt of a complete application. In the event the HPC fails to issue a certificate of review within such period, a certificate of review shall be deemed to have been issued without recommendation as if the HPC had so acted.

17.80.090 Design review - Standards.

A. In its review of proposals which are subject to this chapter, the HPC shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised, 1983), including but not necessarily limited to the following standards for rehabilitation set forth therein:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended use.

2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

6. Distinctive architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of

missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. In addition, for proposals in the downtown, the HPC shall consult the guidelines provided in Water Street Historic District: A Field Report of the National Trust for Historic Preservation, reprinted in 1977.

C. The HPC may also from time to time adopt by rule additional or modified standards and guidelines as authorized by PTMC 2.72.060A.4, as provided in this chapter.

17.80.100 Certificate of review.

Whenever the HPC has completed its review, it shall issue a certificate of review on a form prescribed by the HPC. The certificate of review shall include, but not necessarily be limited to, the following information: The name of the applicant, the date the certificate is issued, the location of the proposed development, a brief narrative description of the development, specific reference to any and all plans submitted by the applicant, whether or not the HPC finds the proposed development to be contributing to the historic district, and any and all specific design recommendations made by the HPC on the application.

17.80.110 Effect of review on other approvals.

A. Issuance of a certificate of review by the HPC does not constitute or imply approval of any other permit or approval which may be required for the development.

B. No provision of this chapter shall be interpreted as limiting the authority of the hearings body or decision-making body to impose conditions as authorized elsewhere in this title, or pursuant to PTMC Title 19, Environmental Protection.

C. Properties subject to review pursuant to this chapter shall be subject to the provisions set forth in this chapter, as well as the bulk, use, setback and other provisions of the zoning district in which they are located. Nothing contained in this chapter shall be construed to repeal, modify or waive any applicable provisions of state or local laws, rules, regulations or ordinances.

D. Neither the HPC nor its committees are delegated any executive or legislative power, authority or responsibility.

17.80.120 Port Townsend Historic District - Pivotal, primary and secondary buildings.

A. The following buildings are identified as pivotal, primary or secondary (see subsection (B), below for definitions) on the map which accompanied the certification of the Port Townsend Historic District on May 17, 1976:

Building Name	Classification
Kuhn Building	Primary
Pioneer Building	Primary
Capt. Tibbals Building	Primary
Old Lytle Building (western 1/3 only)	Secondary
Light House Cafe Building (L H Cafe only)	Primary
James and Hastings Building	Primary
Water Street Deli Building	Secondary
Alley Building (922 Water St.)	Secondary
Sterming Block/Lido Restaurant	Primary
Zee Tai Building	Secondary
Mt. Baker Block	Primary
Admiralty Apartments Building	Secondary
McCurdy Building	Primary
Hastings Building	Pivotal
Eisenbeis Building (Olympic Hardware)	Primary
Cracker Factory Building	Primary
Bartlett Building	Primary
Siedenbaum Building	Primary
Kinney's Closet Building	Secondary
First National Bank Building (810 Water Street)	Primary
C. F. Clapp Building	Primary
Waterman and Katz Building (3-story section)	Primary
Waterman and Katz Building (1-story addition)	Secondary
Alaska Power and Telephone Building	Primary
N. D. Hill Building	Primary
Franklin House	Primary
Fred Lewis Building	Primary
Elevated Ice Cream Building	Secondary
Port Townsend Police Station	Secondary
Port Townsend City Hall	Primary
Public Defender's Building	Secondary
Terry Building	Primary

Washington Street Cafe Building	Secondary
Washington Street Garage	Secondary
Bishop Block	Primary
Eagles Hall	Secondary
Miller and Burkett Block (Elks Lodge)	Primary
First American National Bank Building	Secondary
Showhouse Building	Secondary
227 Taylor Street Building	Secondary
The Duplex Building (632 Water)	Secondary
Athletic Club Building	Secondary
Fowler Building (Leader)	Primary
Union Wharf (Wharf only)	Primary
Union Wharf (Building)	Secondary
Marine Park Building	Secondary
Aldrich's Building	Secondary
Sunshine Cafe to Co-op Complex	Secondary
Fibrearts Building	Secondary
Printery Building	Secondary
Warm Windows Building	Secondary
Jack and Jill Building	Secondary
Odd Fellows Hall (Theater)	Secondary
Puffin Shoe Repair Building	Secondary

B. The National Register of Historic Places used the following definitions of these three classes in the designation of the Port Townsend Historic District:

1. Pivotal: Buildings which were the landmarks of the district, hallmarks of architectural or historical distinction; on their own merits, these buildings are eligible for National Register Listing.

2. Primary: Buildings which have strong architectural or historical qualities and which maintain good integrity but which may not be individually eligible for National Register listing.

3. Secondary: Buildings which have moderate historical or architectural qualities and which have maintained good (but not perfect) integrity.

Chapter 17.84 CONDITIONAL USES

- 17.84.010 Purpose.
- 17.84.020 Scope.
- 17.84.030 Application submittal and contents.
- 17.84.040 Permit review process.
- 17.84.050 Approval criteria.
- 17.84.060 Additional approval criteria - Conditional uses in historic commercial structures.
- 17.84.070 Additional conditions.
- 17.84.080 Use of property before final decision.
- 17.84.090 Conditional use permits - Effective period.
- 17.84.100 Extension of time.
- 17.84.110 Modification of conditional use permit.
- 17.84.120 Conditional use permit to run with the land.
- 17.84.130 Assurance device.
- 17.84.140 Permit suspension or revocation.

17.84.010 Purpose.

The purpose of the conditional use permit process is to provide flexibility in the city's land use regulations in order to accommodate uses which may be appropriate in an established zone under certain circumstances, but inappropriate in the same zone under others. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to the goals and policies established in the Port Townsend Comprehensive Plan and to adopted development standards. This review shall determine whether the proposed use should be permitted by weighing the public need or the benefit to be derived from the use, against the impact which it may cause.

17.84.020 Scope.

This chapter shall apply to each application for a conditional use permit. Only those uses indicated by a "C" or an "H" opposite the use in the tables contained in the sections listed below will be considered for a conditional use permit: Section 17.16.020 PTMC; Section 17.18.020 PTMC; Section 17.20.020 PTMC; Section 17.22.020 PTMC; and Section 17.24.020 PTMC.

17.84.030 Application submittal and contents.

A. ~~The director of the building and community development department shall specify the submittal requirements, including type, detail and number of copies, for a conditional use permit application to be deemed complete and accepted for filing:~~ The application for a conditional use permit shall be submitted to BCD on forms provided by the department, along with the appropriate fees established by Chapter 20.09 PTMC. The application shall include all materials required pursuant to Section 20.01.100 PTMC.

B. The director of the building and community development department may waive specific submittal requirements determined to be unnecessary for review of an application.

17.84.040 Permit review process.

A. Except as specified in subsection (B) of this section, applications for conditional uses shall be processed according to the procedures for Type III land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations.

B. Applications for minor conditional uses (i.e., a conditional use which is to be established entirely within an existing building) shall be processed according to the procedures for Type II land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations.

17.84.050 Approval criteria.

The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:

A. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and,

B. The conditional use will be served by adequate public facilities including streets, fire protection, water, sanitary sewer, and storm water control; and,

C. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel; and,

D. The conditional use has merit and value for the community as a whole; and,

E. The conditional use is consistent with the goals and ~~purposes~~ policies of the Port Townsend Comprehensive Plan; and,

~~F. The conditional use complies with the requirements of this title for the land use district in which it would be located; and,~~

~~G. The conditional use complies with all other applicable criteria and standards of the Port Townsend Municipal Code.~~

G. That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.

17.84.060 Additional approval criteria - Conditional uses in historic commercial structures.

Those uses indicated by an "H" under the column for the C-III zoning district in Section 17.20.020 PTMC may be permitted as conditional uses provided that in addition to the standards and criteria governing conditional use permits set forth in Section 17.84.050 PTMC, the following criteria shall also be met:

A. The proposed use is to be established within a building which is:

1. Individually listed on the National Register of Historic Places; or,

2. Identified as either a pivotal, primary or secondary building on the map which accompanied the certification of the Port Townsend Historic District on May 17, 1976, the names of which buildings are listed in PTMC 17.80.120; or,

3. Has been certified by the Secretary of the Interior to be contributing structure to the Port Townsend Historic District; provided, that if the building has been significantly altered since so listed, identified or certified, the city may require that the building be recertified by the Secretary of the Interior before granting a conditional use permit pursuant to this chapter; and,

B. The use shall not require significant alteration of the architecturally or historically significant features of the structure; and,

C. The proposed use will not occupy street level space which is better suited for retail sales or services; and,

D. The design of the structure makes uses permitted in the C-III district impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the structure feasible.

17.84.070 Additional conditions.

The city may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:

A. Increase requirements in the standards, criteria or policies established by this title.

B. Stipulate an exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic.

C. Require structural features or equipment essential to serve the same purposes as set forth in subsection (B) above.

D. Impose conditions similar to those set forth in subsections (B) and (C) above, as deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters.

17.84.080 Use of property before final decision.

No business license or building permit shall be issued for any use involved in an application for approval for a conditional use permit until the permit application ~~becomes effective~~ has been approved pursuant to Chapter 20.01 PTMC.

17.84.090 Conditional use permits - Effective period.

A. A decision granting a conditional use permit ~~does not shall~~ become effective ~~until the expiration of five days from upon~~ the date of such decision, ~~unless it is found that an immediate effective date is necessary for the preservation of property or personal rights.~~

B. A conditional use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the conditional use permit unless:

1. The applicant has received an extension of time for the conditional use permit subject to Section 17.84.100 PTMC; or,
2. The conditional use permit approval provides for a greater time period.

17.84.100 Extension of time.

A. The director of the building and community development department may extend a conditional use permit, not to exceed one year, if:

1. Unforeseen circumstances or conditions necessitate the extension of the permit; and,
2. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and,
3. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

B. The director of the building and community development department may grant no more than two extensions. A second extension may be granted only if:

1. The criteria listed in subsection (A) are met; and,
2. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and,
3. Conditions in the immediate vicinity of the subject property have not changed substantially since the conditional use permit was first approved.

17.84.110 Modification of conditional use permit.

The city may initiate a modification to an approved conditional use permit. A modification will be processed as a Type II land use decision pursuant to Chapter 20.01 PTMC, Administration of Land Development Regulations. Through the modification procedure, the city may delete, modify or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

17.84.120 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application. No other use is allowed without approval of an additional conditional use permit.

17.84.130 Assurance device.

In appropriate circumstances, the ~~city director of the building and community development department~~ may require a reasonable performance of maintenance assurance device, in a form acceptable to the city attorney, to assure compliance with the provisions of this title and the conditional use permit as approved.

17.84.140 Permit suspension or revocation.

The city may suspend or revoke an approved conditional use permit pursuant to Chapter 20.10 PTMC only upon finding that:

- A. The use for which the approval was granted has been abandoned for a period of at least one year; or,
- B. Approval of the permit was obtained by misrepresentation of material fact; or,
- C. The permit is being exercised contrary to the terms of approval.

Chapter 17.86 VARIANCES

Sections:

- 17.86.010 Purpose.
- 17.86.020 Scope.
- 17.86.030 Application submittal and contents.
- 17.86.040 Permit review process.
- 17.86.050 Approval criteria.
- 17.86.060 Alternative approval criteria - Restoration of historic structures.
- 17.86.070 Additional conditions.
- 17.86.080 Limitation on authority.
- 17.86.090 Variances - Effective period.
- 17.86.100 Extension of time.
- 17.86.110 Assurance device.

17.86.010 Purpose.

To provide a mechanism whereby the city may grant relief from the provisions of this title where practical difficulty renders compliance with the provisions of this title an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this title and of the Port Townsend Comprehensive Plan can be fulfilled.

17.86.020 Scope.

This chapter shall apply to each application for a variance from the provisions of this title.

17.86.030 Application submittal and contents.

A. ~~The director of the building and community development department shall specify the submittal requirements, including type, detail and number of copies, for a variance application to be deemed complete and accepted for filing:~~ The application for a variance shall be submitted to BCD on forms provided by the department, along with the appropriate fees established by Chapter 20.09 PTMC. The application shall include all materials required pursuant to Section 20.01.100 PTMC.

B. ~~The director of the building and community development department may waive specific submittal requirements determined to be unnecessary for review of an application.~~

17.84.040 Permit review process.

A. Except as specified in subsection (B) of this section, variance applications shall be processed according to the procedures for Type III land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations.

B. Applications for minor variances as defined in Chapter 17.08 PTMC shall be processed according to the procedures for Type II land use decisions established in Chapter 20.01 PTMC, Administration of Land Development Regulations.

17.86.050 Approval criteria.

The decision-maker may approve or approve with modifications an application for a variance from the provisions of this title if:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located; and,

B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located; and,

C. 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 zoning district in which the subject property is located; and,

D. The special circumstances of the subject property make the strict enforcement of the provisions of this title an unnecessary hardship to the property owner; and,

E. The special circumstances of the subject property are not the result of the actions of the applicant; and,

F. The variance is the minimum necessary to fulfill the purpose and the need of the applicant; and,

G. The variance is consistent with the purposes and intent of this title; and,

H. The variance is consistent with the goals and policies of the Port Townsend Comprehensive Plan; and,

I. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

17.86.060 Alternative approval criteria - Restoration of historic structures.

In the case of a variance requested for the restoration of a historic building designated as pivotal, primary or secondary within the city, and in lieu of the approval criteria required under Section 17.86.050 PTMC, the decision maker shall have the authority to grant the variance if a finding is made and it is concluded that the restoration relates to and is reasonably necessary to permit the addition or restoration of a previous condition of historical significance to the building, and that granting of the variance will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated.

17.86.070 Additional conditions.

In granting any variance, the decision maker may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this title will not be violated.

17.86.080 Limitation on authority.

The decision maker shall not grant a variance to:

A. The provisions of this title establishing allowed, conditional, and prohibited uses within the various zoning districts (i.e., Sections 17.16.020; 17.18.020; 17.20.020; 17.22.020; and 17.24.020 PTMC); or,

B. The provisions of Title 20 PTMC, or any other procedural or administrative provision of the Port Townsend Municipal Code; or,

C. Any provisions of this title which, by the explicit terms of the applicable chapter, are not subject to a variance.

17.86.090 Variances - Effective period.

A. A decision granting a variance does not become effective until the expiration of five days from the date of such decision, unless it is found that an immediate effective date is necessary for the preservation of property or personal rights.

B. A variance automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the variance unless:

1. The applicant has received an extension for the variance pursuant to Section 17.86.100 PTMC; or,
2. The variance approval provides for a greater time period.

17.86.100 Extension of time.

A. The director of the building and community development department may extend a variance, not to exceed one year, if:

1. Unforeseen circumstances or conditions necessitate the extension of the variance; and,
2. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and,
3. An extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

B. The director of the building and community development department may grant no more than two extensions. A second extension may be granted only if:

1. The criteria listed in subsection (A) are met; and,
2. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and,
3. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first approved.

17.86.110 Assurance device.

In appropriate circumstances, the director of the building and community development department may require a reasonable performance of maintenance assurance device, in a form acceptable to the city attorney, to assure compliance with the provisions of this title and the variance as approved.

Chapter 17.88
NONCONFORMING LOTS, STRUCTURES AND USES

Sections:

- 17.88.010 Purpose.
- 17.88.020 Nonconforming lots - Consolidation.
- 17.88.030 Nonconforming structures.
- 17.88.040 Nonconforming uses.
- 17.88.050 Building permits and certificates of occupancy prohibited.
- 17.88.060 Removal of illegal nonconforming structures and uses.

17.88.010 Purpose.

These provisions provide for the consolidation of nonconforming lots of record in common ownership, and the orderly termination of nonconforming structures and uses to promote the public health, safety, and general welfare, and to bring these structures and uses into conformity with the goals and policies of the Port Townsend Comprehensive Plan. This chapter is intended to prevent the expansion of nonconforming structures and uses to the maximum extent feasible, to establish criteria under which such structures and uses may be continued or possibly expanded, and to provide for the correction or removal of such nonconformities in an equitable, reasonable and timely manner. Nonconforming lots are legally buildable only if in conformance with the provisions of this chapter. Nonconforming structures and uses shall be eliminated as rapidly as possible without infringing upon the constitutional rights of property owners.

17.88.020 Nonconforming lots - Consolidation.

Lots of record in existence prior to the effective date of this title and any amendments thereto which do not meet the requirements set forth in this title are considered nonconforming lots of record and are legally buildable subject to the following conditions:

A. Where two or more adjacent contiguous nonconforming lots of record are under one ownership, they are considered to be consolidated and may not be sold or otherwise separated so as to create any resulting nonconforming lots; provided, however, transfers, sales and conveyances of lots for the purpose of acquisition of property to preserve environmentally sensitive areas, and property purchases by the city shall be exempt from this section. This subsection A shall be inapplicable to all transactions for the sale or conveyance of nonconforming lots where the parties have executed a real estate purchase and sale agreement, real estate contract or other legally valid transaction document on or before April 11, 1997.

B. Under the limited circumstances where construction is permitted without connection to the city's wastewater treatment facility (pursuant to Chapter 13.22 PTMC, Sewer Connections), all lots must be in compliance with the rules and regulations of the Jefferson County Health Department, regarding on-site sewerage disposal to be legally buildable. Where there is a conflict between the provisions of this section and the rules of the Jefferson County Health Department, the more restrictive rules shall apply.

C. All new structures or additions to structures on any lot must meet all setback, height and other construction requirements for the zone in which the property is located. Additionally, the permit applicant shall comply with all applicable engineering design standards.

D. A lot line adjustment or restrictive covenant approved by the city shall be required prior to issuance of a building permit when a nonconforming and conforming lot are adjacent contiguous and owned by the same person.

E. Where ~~two or more adjacent~~ nonconforming lots are under one ownership, the owner is encouraged to seek development approval taking advantage of the flexible standards, incentives and procedures set forth in Chapter 17.32 PTMC, Planned Unit Developments.

F. Notwithstanding this section, for any lots created by platting prior to 1937 (the effective date of the State Subdivision Act, RCW 58.17), ~~and Title 18 PTMC~~, the city may require compliance with RCW 58.17 and Title 18 PTMC prior to issuing building permits for the development of lots in common ownership. The applicant shall comply with the requirements of Chapter 18.18 PTMC, Subdivision and Recognition of Lots of Record.

17.88.030 Nonconforming structures.

A structure that lawfully existed prior to the effective date of this title and does not meet the applicable bulk, dimensional and density requirements, is a nonconforming structure, and may continue even though the structure fails to conform to the present requirements of the zoning district in which it is located. A nonconforming structure may be maintained as follows:

A. A nonconforming structure which is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this title. However, any residential structures, including multi-family structures, in a residential zoning district destroyed by a catastrophe, including fire, may be reconstructed up to the original size, placement and density. Structural repair shall be complete within two years after the catastrophe.

B. Necessary repairs and alterations may be made to nonconforming residential structures, including multifamily structures, located in residential zoning districts.

C. A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall include only necessary repairs and incidental alterations, which alterations, however, shall not extend the nonconformity of such building or structure, provided that necessary alterations may be made as required by other law or ordinance.

~~Reasonable repairs and alterations may be made to nonconforming commercial, mixed use, and marine-related or manufacturing structures, provided that no structural alterations are made that would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders. Structural elements may be modified or repaired only if the building official determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed one-half of the replacement cost limitations, provided that such retrofitting is strictly limited to compliance with earthquake safety standards.~~

D. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial, mixed use, and marine-related or manufacturing structures, provided that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five year period.

E. The replacement cost of a structure shall be determined by the director of the building and community development department.

~~F. Any additional development of a parcel with a nonconforming structure will require that all new structures be in conformance with the provisions of this title.~~

~~G. If the use of a nonconforming structure is discontinued for a period of six or more consecutive calendar months, the structure shall lose its nonconforming status, and shall be removed or altered to conform to the provisions of this title. A use of a nonconforming structure shall be considered discontinued when any of the following apply:~~

~~1. Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy or use has been discontinued for a period of six or more consecutive calendar months; or,~~

~~2. Where there are not business receipts available for the six month period.~~

F. A building or structure, nonconforming as to height or density regulations, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title.

G. Historic structures. [RESERVED]

17.88.040 Nonconforming uses.

A nonconforming use is one that lawfully existed prior to the effective date of this title, but which is no longer permitted in the zoning district in which it is located. The continuance of a nonconforming use is subject to the following provisions:

A. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that the use ~~and intensity of the use~~ does not change or intensify.

B. If a nonconforming use is discontinued for a period of ~~six~~ 365 or more consecutive calendar ~~days~~ months, it shall lose its nonconforming status, and the continued use of the property shall be required to conform with the provisions of this title.

C. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to the provisions of this title.

D. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

E. No nonconforming use may be replaced by another nonconforming use, nor may any nonconforming use be expanded, intensified, or changed in any way.

17.88.050 Building permits and certificates of occupancy prohibited.

A. Nonconforming structure. When any nonconforming structure ~~or use~~ is no longer permitted pursuant to the provisions of this chapter, no permit for a structure shall thereafter ~~to be~~ issued for further continuance, alteration, or expansion. Any permit issued in error shall not be construed as allowing the continuance of the nonconforming structure ~~or use~~.

B. Nonconforming uses. When any nonconforming use is no longer permitted pursuant to the provisions of this chapter, no permit for a use shall thereafter be issued for further continuance, alteration or expansion. Any permit issued in error shall not be construed as allowing the continuance of the nonconforming use.

17.88.060 Removal of illegal nonconforming structures and uses.

Nothing contained in this chapter shall be construed to allow for the continuation of illegal structures and uses. Illegal structures and uses shall be removed ~~immediately~~ subject to the provisions of Chapter 20.10 PTMC, Land Use Administration and Enforcement.

Chapter 17.90
RULES OF CONSTRUCTION AND INTERPRETATION OF CODE

Sections:

- 17.90.010 Authority.
- 17.90.020 Classification of uses.
- 17.90.030 Rules of construction.
- 17.90.040 Minimum requirements.
- 17.90.050 Interpretations -- Chapter 20.02 PTMC.

17.90.010 Authority.

The director of the building and community development department shall review and resolve any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department, board, council, or commission affected. The director's decision shall be consistent with the spirit and intent of this title and the Port Townsend Comprehensive Plan.

17.90.020 Classification of use.

Recognizing that uses may be encountered which are not specifically defined and classified in this title, because of societal, technological, or other changes, the director may permit or condition such use if it is clearly evident that the use is consistent with the principal uses of the zoning district in which it is to be located.

17.90.030 Rules of construction.

In administering this Title 17 PTMC, where, in administering any permit application, different sections of this code specify different, varying, or inconsistent standards, the most restrictive provision shall govern, unless the director determines that standards, limitations, or requirements have been revised or adopted to implement a specific policy directive of the Comprehensive Plan. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

17.90.040 Minimum requirements.

When interpreting and applying the provisions contained within this title, its provisions shall be considered minimum requirements unless otherwise stated.

17.90.050 Interpretations -- Chapter 20.02 PTMC.

In order to ensure the uniform application of this Title 17 PTMC, the director is authorized to render or make interpretations. All code interpretations shall be processed in accordance with Chapter 20.02 PTMC, Interpretation of Land Development Codes.

Chapter 17.94 ADMINISTRATION AND ENFORCEMENT

Sections:

17.94.010 Permits.

17.94.020 Amendments.

17.94.030 Enforcement and Penalties.

17.94.010 Permits.

All permits required under the provisions of this title shall be governed by the procedures established in Chapter 20.01 PTMC, Land Development Administrative Procedures. Application fees for all permits required under the provisions of this title shall be governed by the provisions of Chapter 20.09 PTMC, Land Development Permit Application and Appeal Fees.

17.94.020 Amendments.

Proposed zoning text, development regulation, comprehensive plan and/or land use map amendments shall be governed by the provisions of Chapter 20.04 PTMC.

17.94.030 Enforcement and penalties.

A. Director's authority. Whenever the director of the building and community development department or his or her designee (i.e., "director") determines that a condition exists in violation of this title or any standard required to be adhered to by this title, or in violation of any permit issued hereunder, he or she is authorized to enforce the provisions of this title.

B. Chapter 20.10 PTMC applicable. All violations of any provision of this title or any incorporated standards, or any permit issued hereunder, are made subject to the provisions of Chapter 20.10 PTMC. The director is authorized to order correction and discontinuance of any violative condition of the provisions of this title under the procedures of Chapter 20.10 PTMC, which provide for voluntary correction orders, notice and orders to correct the violation, abatement orders, stop work and emergency orders, and assessment of civil penalties.

C. Order to cease violation. Whenever any such violation is found, pending commencement and completion of the voluntary correction and/or notice and order procedures of Chapter 20.10 PTMC, the director may order the cessation of activity causing the violative condition by notice in writing served on or mailed to the person(s) engaged in or causing such condition. The effect of such order shall be to require immediate cessation of any activity causing the violative condition. Such order shall not be affected by any right of appeal afforded by this or any other title of this code.

D. Public nuisance. All violations of this title and standards required thereby are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by the director to be in violation of this title or standards required thereby shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in Chapter 20.10 PTMC.

E. Alternative remedies. As an alternative to any other judicial or administrative remedy provided in this title or by law or other ordinance, any person who willfully or knowingly violates or fails to comply with any stop work order or emergency order issued pursuant to Chapter 20.10 PTMC is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 20.10.060 PTMC. Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense.

*** * *E N D TITLE 17* * ***

ORDINANCE 2571

EXHIBIT B -- OFFICIAL ZONING MAP

NOT SCANNED