ORDINANCE #549

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL USES AS CONDITIONAL USES IN THE TOWN'S COMMERCIAL AND MANUFACTURING DISTRICTS, AND TO CLARIFY OTHER REGULATIONS DESCRIBED THEREIN; AND, AMENDING ORDINANCE #491 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS IN R1-12.5 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

Whereas, the Town Council of Yacolt, Washington, is in regular session this 19th day of September, 2016;

Whereas, each member of the Town Council has had notice of the time, place and purpose of said meeting;

Whereas, the Town Council desires to amend the Town of Yacolt's Zoning Ordinance, Ordinance #371, to provide desired flexibility for the Town's zoning districts and to correct mistakes in the original Ordinance;

Whereas, the Town Council desires to amend the Town of Yacolt's Ordinance #491 to better describe the Local Health Officer's authority to increase the lot size and impose other conditions for building and development permits in the Town's R1-12.5 zoning classification; and,

Whereas, the Town Council has satisfied the public hearing and notice requirements of Ordinance #371 prior to adoption of this Ordinance:

NOW THEREFORE, be it ordained by the Town Council of Yacolt, Washington:

Section 1 – Amendments to Ordinance #371.

a). Section 3, (Establishment of Zone Districts and Maps), of Ordinance #371, adopted February 3, 1997, (and as amended by Ordinance #409, adopted April 2, 2001), is hereby amended by replacing sub-section E in its entirety with the following language:

E. **Copies of maps**. The Mayor shall maintain or cause to be maintained up-to-date copies of the zoning maps in Town Hall. The Mayor shall cause the copies of the zoning maps to be revised so that they accurately portray changes to zone boundaries and the location of conditional use permits.

b). Section 4, (Single-Family Residential Districts), sub-section B, (Single-Family Residential: R-6, R-5 (Subject to Public Sewer Availability)), sub-section 4, (Lot Requirements), of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing the sentence below Table 4B that reads "The minimum street side yard shall be ten (10) feet" with the following language:

The minimum street side yard shall be fifteen (15) feet.

c). Section 4, (Single-Family Residential Districts), sub-section B, (Single-Family Residential: R-6, R-5 (Subject to Public Sewer Availability)), sub-section 4, (Lot Requirements), of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing the title of the first column of Table 4B, which currently reads "Rear Classification (feet)", with a new title that reads "Classification".

d). Section 4, (Single-Family Residential Districts), sub-section B, (Single-Family Residential: R-6, R-5 (Subject to Public Sewer Availability)), sub-section 4, (Lot Requirements), of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing the title to the third column in Table 4B that reads "Average Minimum Lot Area 2 (sq. ft.)" with the following language:

Minimum Lot Area (sq. ft.)

e). Table 5A of Section 5, (Commercial Districts), of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing each and every zoning use designation of "X" with a zoning use designation of "C". The purpose of this amendment is to convert each and every illustrative use that was specifically prohibited by Table 5A into a conditional use which may be permitted subject to the approval of a conditional use permit.

f). Table 5B of Section 5, (Commercial Districts), of Ordinance #371, adopted February 3, 1997, is hereby amended to read as follows:

TABLE 5B

	C1	**C2**
A. Minimum square feet of new zoning district.	10,000	10,000
B. Minimum square lot area.	10,000	10,000
C. Minimum front yard setback feet.	25	0
D. Minimum side yard setback feet.		
1. Abutting all single-family residential uses.	5	0
2. Not abutting one of above.	5	None
E. Minimum rear year. (only if adjacent to a residential district)	25	10 feet plus an additional ½ foot for each foot the building exceeds 20 feet in height.
F. Minimum landscaped area. (type subject to section 12).	15%/L1	15%/L1

g). Section 5, (Commercial Districts), of Ordinance #371, adopted February 3, 1997, is hereby amended by adding a new sub-section K which shall read as follows:

K. Single-Family Residences. The regulations and minimum requirements for single-family residences in any residential zoning classification described in Section 4 of this Ordinance, as amended, shall apply as minimum standards to the location of any single-family residence in any Commercial zoning district of the Town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the Town Council and expressed in the conditional use permit.

h). Section 6, (Manufacturing Districts (ML, MH)), of Ordinance #371, adopted February 3, 1997, is hereby amended by adding a new sub-section I which shall read as follows:

I. Single Family Residences. Single-family residences are permitted as a conditional use in the Light Manufacturing District (ML) and in the Heavy Manufacturing District (MH). The regulations and minimum requirements for single-family residences in any residential zoning classification described in Section 4 of this Ordinance, as amended, shall apply as minimum standards to the location of any single-family residence in any Manufacturing zoning district of the Town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the Town Council and expressed in the conditional use permit.

Section 2 – Amendments of Ordinance #491. Ordinance #491, entitled "An Ordinance Establishing a Minimum Building Lot Size of 12,500 in the Town of Yacolt Pursuant to Zoning Ordinance #371 Section 4, Table 4A for All Newly Annexed Property", adopted April 2, 2012, is hereby amended by deleting the language in said Ordinance that reads as follows:

> THE MINIMUM LOT SIZE WILL BE ESTABLISHED USING METHOD 2, IN THE BUILDING LOT SIZE OF 12,500 PROVIDED THERE ARE NO SOIL CONCERNS THAT WOULD RESULT IN THE CHANGE OF THE MINIMUM BUILDING LOT SIZE.

And inserting the following language:

> The Minimum Lot Area of 12,500 square feet described for all R1-12.5 zoning districts may be increased and other conditions imposed by direction of the local health officer. No building or development permit may be issued by the Town except in compliance with the conditions described in a recommendation for approval from the local health officer, who shall determine the minimum lot size or minimum land area required for the development using Method II as described in Washington Administrative

Code Chapter 246-272A, (ON-SITE SEWAGE SYSTEMS), Section 246-272A-0320, (Developments, subdivisions, and minimum land area requirements), as those regulations are now enacted or may hereafter be amended.

Section 3 - Savings Clauses.

a). All terms of Ordinance #371, as amended, shall remain in full force and effect until the effective date of this Ordinance #549. As of and following the effective date of this Ordinance #549, the remaining terms of Ordinance #371, as amended, shall remain in full force and effect as amended hereby.

b). All terms of Ordinance #491 shall remain in full force and effect until the effective date of this Ordinance #549.

Section 4 – Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 5 - Effective Date.

This Ordinance shall take effect on September 28, 2016, following publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #549

The Town Council of the Town of Yacolt adopted Ordinance #549 at its regularly scheduled Town Council meeting held on September 19, 2016. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL USES AS CONDITIONAL USES IN THE TOWN'S COMMERCIAL AND MANUFACTURING DISTRICTS, AND TO CLARIFY OTHER REGULATIONS DESCRIBED THEREIN; AND, AMENDING ORDINANCE #491 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS IN R1-12.5 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

The effective date of the Ordinance is September 28, 2016.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 28th day of September, 2016.
Cindy Marbut, Town Clerk/Treasurer

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19th day of September, 2016.

TOWN OF YACOLT

Jeff Carothers, Mayor

Attest:

Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: Lister, Hancock, Myers, Tester, Wallway
Nays: Ø
Absent: Ø
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #549 of the Town of Yacolt, Washington, entitled "AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL USES AS CONDITIONAL USES IN THE TOWN'S COMMERCIAL AND MANUFACTURING DISTRICTS, AND TO CLARIFY OTHER REGULATIONS DESCRIBED THEREIN; AND, AMENDING ORDINANCE #491 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS IN R1-12.5 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS" as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Cindy Marbut

Cindy Marbut, Town Clerk/Treasurer

Published: 9-28-16
Effective Date: 9-28-16
Ordinance Number: 549