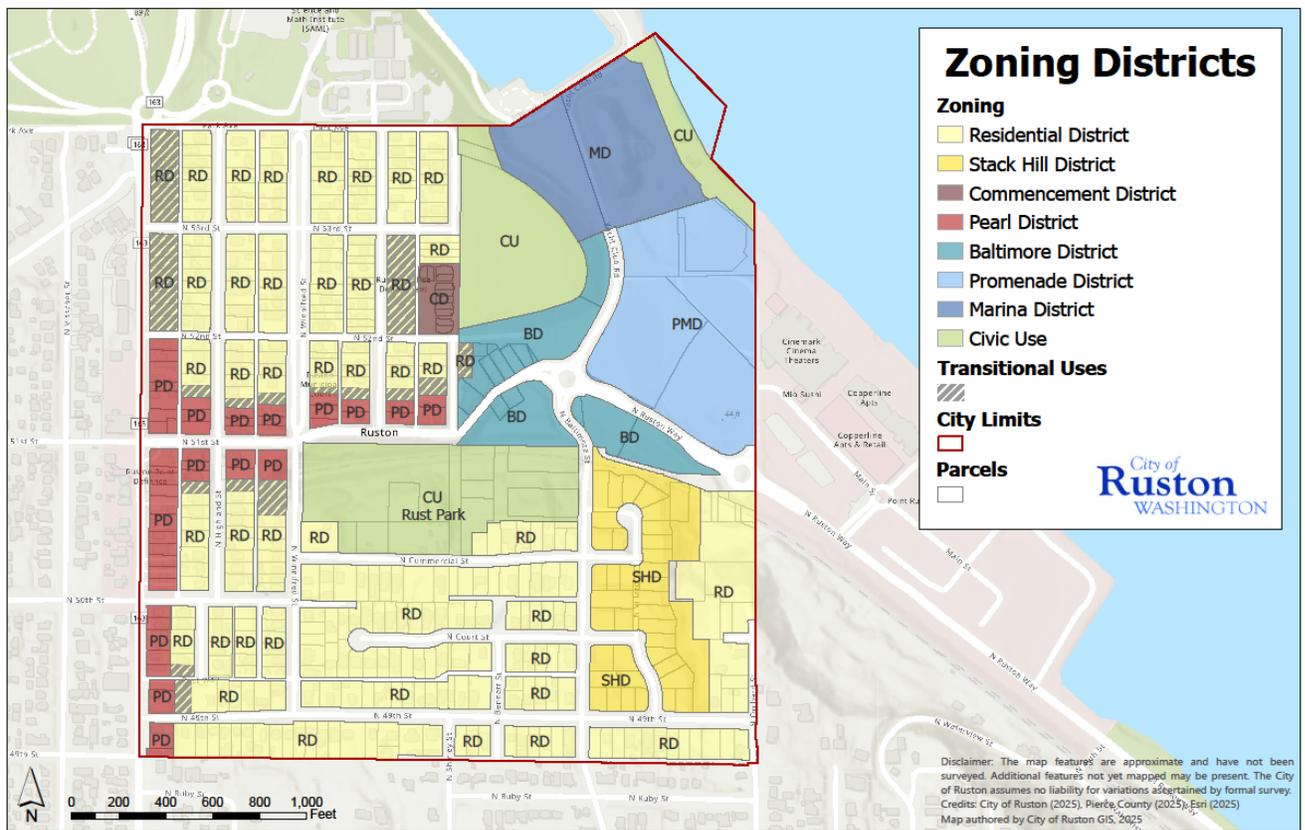


TITLE 25 ZONING

Chapter 25.01 INTENT, ESTABLISHMENT OF ZONING DISTRICTS AND MAP

25.01.010 Official Ruston Zoning Map.

Zoning Map. Boundaries of the various zones are shown on the zoning map on file with the Mayor. Zone boundaries may be changed by Town ordinance.



25.01.020 Purpose

(a) Purpose. This "Ruston Zoning Code" is an official land use control, adopted under Chapters 36.70 and 36.70A RCW, to serve the public health, safety and welfare, to provide for orderly planned use of land resources, and to further the policies of the Comprehensive Plan of the Town of Ruston. This code governs all uses of land within the Town, including use of buildings, streets, utilities, open space and other physical amenities. This code is intended to be consistent with the Town's Comprehensive Plan and serves to implement the goals and policies of the plan.

25.01.030 Establishment of Zoning Districts.

- (a) Purpose of Use Classifications (Zones). Use classifications are adopted to enhance the lifestyle of citizens of Ruston and the region by:
 - (1) Regulating the locations of land uses;
 - (2) Ensuring that different land uses are compatible and mutually beneficial;
 - (3) Making possible efficient and economical public services, including streets, sewers, drainage systems, schools, and other public buildings;
 - (4) Requiring orderly arrangements to facilitate movement of people and goods; and
 - (5) Protecting natural and cultural resources.
- (b) List of Zones Established. The City of Ruston is hereby divided into eight types of use districts as follows:

Zoning District	Use Classification
RESIDENTIAL DISTRICT	Residential
STACK HILL DISTRICT	Residential
COMMENCEMENT DISTRICT	Residential
PEARL DISTRICT	Mixed Use
BALTIMORE DISTRICT	Mixed Use
CIVIC USE DISTRICT	Public Use and Open Space
PROMENADE DISTRICT	Mixed Use
MARINA DISTRICT	Mixed Use

25.01.040 Regulatory Compliance

- (a) Regulations of the Zoning Code. All land uses in the Town of Ruston must comply with the applicable requirements of this code, including requirements of this and other relevant codes.
- (b) Other Land Use Laws and Regulations. This code is intended to supplement, but avoid unnecessary duplication with, all other applicable federal, State, regional and local laws and regulations, including but not limited to the following:
 - (1) State Subdivision Law. Subdivision of property is subject to the requirements of the State Subdivision Act, Chapter 58.17 RCW, and the Town's subdivision ordinance. Certain light industrial and commercial developments may utilize the binding site plan provisions of the Subdivision Act.
 - (2) State Environmental Policy Act. All land uses are subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, as implemented by State regulations, Chapter 197-11 WAC, and the Town's SEPA ordinance.
 - (3) Shoreline Management Act. Land uses within "shorelines" are subject to the State Shoreline Management Act (SMA), Chapter 90.58 RCW, as implemented by State regulations, Chapter 173-14 WAC and the Town's Shoreline Master Program.
 - (4) Water Pollution. Water pollution is regulated under the Federal and State Clean Water Acts, and the implementing regulations of the State Department of Ecology.

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- (5) Air Pollution. Air pollution is regulated under the Federal Clean Air Act and Federal Environmental Protection Agency (EPA regulations, by the State Clean Air Act, Chapter 70.04 RCW, and implementing DOE regulations, and by the Puget Sound Air Pollution Control Authority.
 - (6) Hazardous Waste. Hazardous wastes are regulated under federal laws and regulations, the State Hazardous Waste Disposal Act of 1976 and implementing DOE regulations.
 - (7) International Building Codes. Mechanical, plumbing, electrical and building as adopted by the Town Council.
 - (8) Other Regulations. Numerous other federal, State and local regulations regulate various aspects of land use in the Town, including those relating to construction, dredging and filling in navigable waters (U.S. Army Corps of Engineers), solid waste (DOE), radioactivity (Nuclear Regulatory Commission), pesticides (EPA and State Department of Agriculture), drinking water quality (EPA and State Department of Social and Health Services), sewage (DOE and DSHS), fire protection and suppression (State Fire Marshal and DNR), surface mining (DNR), and noise (DOE).
 - (9) Standard Plans and Specifications for Road, Bridge and Municipal Construction by the Washington State Department of Transportation as adopted by the Town Council.
- (ec) Mayor's Duties. The Mayor or his or her designee is authorized to administer and interpret this code. Violations shall be administratively addressed by him/her where compliance can be obtained without legal action.

25.01.050 Rezones.

- (a) Initiation. An amendment of the existing zoning ordinance or map, whether it is a rezone or an addition, may be initiated by the Planning Commission, the Town Council or any interested property owner.
- (b) Application. Applications for a rezone of property within the Town shall be made with the Town Clerk on forms provided and upon payment of the appropriate fee. Applications must include a detailed vicinity map and plot plan, if applicable. Applications will be considered once a year during the Town's annual review of the Comprehensive Plan.
- (c) Plot Plans. Whenever an applicant seeks a rezone of property, the Planning Commission shall require that a detailed plot plan and vicinity map be submitted with the application to show all entrances, exits, setbacks, building height, off-street parking, streets and sidewalks, storage yards and screening. The items set out in this section and such other items as pertain to health, safety and the general community welfare shall be subject to approval by the Commission and the Council.
- (d) Planning Commission Review and Recommendation. Commission review and recommendation shall comply with Section 25.01.051.
- (e) Town Council Action.
 - (1) Within 60 days after the public hearing, the Commission shall transmit its findings and recommendations to the Council for decision. The Council may hold additional public hearings provided due notice is given as set forth in Section 25.01.051(e).
 - (2) Within a reasonable time after receipt of the recommendations of the Commission, the Council shall, in a public meeting, either affirm, modify or return the application to the Commission for further consideration. In the event the Council modifies the recommendation of the Commission, the Council shall make its own findings of fact and set forth in writing its reasons for the action taken.
 - (3) Criteria for Council review shall include consistency with the Comprehensive Plan, consideration of the public health, safety and welfare, and any demonstration of changes in conditions warranting the rezone.

(4) Any appeal from the decision of the council may be made in accordance with Section 25.01.051(e).
(Ord. 991 § 2, July 28th, 1997; Ord. 1178 § 1, Nov. 21st, 2005).

25.01.060 Administration, site plans, appeals and amendments.

- (a) Purpose. This chapter describes the administrative procedures governing applications for permits and approvals required by the City of Ruston Zoning Code and Comprehensive Plan and should be read in conjunction with Title 19 of the Ruston Municipal Code.
- (b) Applicability.
- (1) Conditional Use Permit. A conditional use permit is required for any proposed use which is listed as a conditional use in the zone use classifications. A conditional use permit is also required for the siting of essential public facilities as defined in RCW 36.70A.200.
 - (2) Unclassified Use Permit. An unclassified use permit is required for any proposed use which is not explicitly listed as a permitted or conditional use in the zone use classifications subject to the requirements listed in Section 25.50.010(b).
 - (3) Variance Permit. A variance permit is required for any proposed use which includes a feature which is at variance with a stated requirement in the zone use classifications.
 - (4) Comprehensive Plan Amendment. An amendment for any modification to the Comprehensive Plan, Comprehensive Plan map, zoning code, or zoning map must be reviewed through the City's annual review process.
 - (5) Special Use Permit. A special use permit, where required in this code, shall be reviewed under the provisions of this chapter.
 - (6) Site Plan Approval. Site plan approval shall be required for all development in every zone within the City limits and shall consist of review of a site plan meeting the requirements of subsection (d)(3) of this section for compliance with the provisions of the zoning code. Site plan approval is an administrative decision requiring review for compliance with adopted codes and other applicable standards.
- (c) Related Measures. Additional procedures and permits may be required which are in addition to the requirements set forth in this chapter and governed by other ordinances, laws or regulations. If a project requires more than one permit or approval, the Mayor may order a consolidation of applications to avoid unnecessary costs and delays.
- (d) Applications.
- (1) Pre-Application Meeting. All applicants for permits or approvals are encouraged to meet with the Mayor or designee, prior to submitting an application, to discuss the project, application requirements, obtain any necessary application and checklist forms, and determine any necessary information for the subsequent review meeting.
 - (2) Conditional Use, Unclassified Use, Special Use, Site Plan Approval and Variance Permits Applications. An application for these permits or approvals shall contain a site plan which shall include:
 - (A) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
 - (B) Legal description and tax lot of subject property.
 - (C) Statement of proposed use or action.

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- (D) Statement of how proposed use complies with the goals, objectives, and policies of the Comprehensive Plan.
 - (E) A vicinity map.
 - (F) A plot plan at one inch equals 50 feet, or other appropriate scale as determined by the Mayor or designee, showing:
 - (i) North point; and
 - (ii) Setbacks and heights; and
 - (iii) Proposed lot line adjustments and improvements; and
 - (iv) Boundaries, easements, and ownerships as set forth in the legal description; and
 - (v) Topography at two-foot contour intervals; and
 - (vi) Existing structures and improvements, parking; and
 - (vii) Location of all proposed and existing vegetation including all trees over 10 inches in diameter that might be impacted by the proposal, watercourses, other natural features and environmentally sensitive areas; and utilities and/or septic design, if appropriate; and
 - (viii) Adjacent streets and rights-of-way; and
 - (ix) The terms, conditions, covenants, and agreements under which the subject property is bound, if any; and
 - (x) An environmental checklist, when required.
 - (G) A calculation of the subject property area.
 - (H) Statement of compliance with subsections of  Section 25.50.010 that apply to the application being submitted.
 - (I) Permit and application fees as established by ordinance and recorded in the City's schedule of land use application fees.
 - (J) Other information deemed appropriate by the Mayor, Mayor's designee, Hearing Examiner, City Council or Planning Commission, depending on applicable hearing body, including, but not limited to:
 - (i) Soils map and general description of soil types and their suitability for the proposed uses.
 - (ii) Landscape and pedestrian connectivity plan showing all proposed landscaping, pedestrian routes and paving materials.
 - (iii) A calculation of the number of dwelling units (if involving residential), gross floor area (if involving nonresidential) building coverage area, impervious surface area, number of employees (if nonresidential) and parking spaces.
 - (iv) Building elevations.
 - (v) Grading plan and evidence of compliance with Title 30.
 - (vi) Storm drainage plan and evidence of compliance with Title 30.
 - (vii) Utilities plan and evidence of compliance with Comprehensive Plan goals, objectives, and policies related to utilities.
 - (viii) A draft of any proposed conveyance, conditions, and restrictions related to maintenance of open space and commonly owned improvements.

(3) Amendment Approval Application.

- (A) An application for an amendment to the Comprehensive Plan or zoning code shall contain:
- (i) A precise statement of the proposed amendment and reasons for proposing.
 - (ii) Any other information deemed appropriate by the Mayor, Council or Planning Commission.
- (B) An application for an amendment to the Comprehensive Plan map or zoning map shall contain:
- (i) A complete legal description of the subject property.
 - (ii) The names and addresses of all recorded owners of the subject property.
 - (iii) The names and notarized signatures of record owners of at least 51 percent of the tax parcels within the subject property who support the amendment (if an application for a zoning map amendment only, or by other than City Council).
 - (iv) The names and addresses of all record owners of property lying within 300 feet of the exterior boundary of the subject property.
 - (v) Permit and application fees as established by ordinance and recorded in the City's schedule of land use application fees (if application by other than City Council).
 - (vi) Any other information deemed appropriate by the Mayor, Council or Planning Commission.

(e) Review, Notice, Hearing, and Decisions.

- (1) The applicable hearing body will hear and review all applications under this chapter pursuant to the procedures in Title 19 of the Ruston Municipal Code.

(f) Effect of Approval. All permits and approvals granted pursuant to this code shall be binding on the applicants and their successors, assignees, contractors and any other party participating in the development, if the project is undertaken.

An approved amendment shall be binding on all persons after their effective date, except where rights to building permits and other City approvals are vested under a prior building permit application or an approved site plan.

- (1) Expiration. Any permit or approval granted pursuant to this code becomes null and void if use or development is not commenced pursuant to the approval within the time specified in such permit or approval or, if no date is specified, before the time noted in the following schedule:
- (A) Conditional use: two years;
 - (B) Unclassified use: two years;
 - (C) Variance: two years;
 - (D) Site Plan Approval: two years;

The Mayor may extend an approval or permit if the applicant applies for such extension at least 90 days prior to expiration and the applicant demonstrates that substantial progress has been made toward completing the requirements, or that the delay is caused by factors beyond the applicant's control. The Mayor's extension shall be issued in writing and submitted to all parties and the City Council.

(Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1156 § 1, Nov. 1st, 2004; Ord. 1178 § 1, Nov. 21st, 2005; Ord. No. 1345, § 1, Feb. 21st, 2012; Ord. 1409, § 2, June 4th, 2013; Ord. 1435, § 1, Aug. 19th, 2014; Ord. 1468, § 2, Nov. 3rd, 2015).

Chapter 25.02 LAND USE MATRIX

25.02.010 Interpretation of land use matrix.

- (a) The land use matrix in this chapter identifies uses permitted in each individual zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of this matrix.
- (b) If a dash appears in the box at the intersection of the column and the row, the use is not permitted in that district.
- (c) If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in that district.
- (d) If the letter "T" appears in the box at the intersection of the column and the row, the use is permitted as a transitional use. A transitional use refers to a land use that is not otherwise permitted in a given zone, but may be allowed on lots that provide a physical or functional transition between zoning districts, subject to specific locational criteria intended to promote compatibility between different land uses. Please refer to the official zoning map in RMC 25.01.010 for specific locations designated for Transitional Uses.
- (e) If the letter "C" appears in the box at the intersection of the column and the row, the use is conditionally permitted subject to the conditional use permit review procedures and criteria specified in RMC 25.01.110.
- (f) If a footnote appears in the box at the intersection of the column and the row, the use may be permitted subject to the appropriate review process indicated above and the specific conditions indicated by the corresponding footnote.
- (g) All applicable requirements shall govern a use whether or not they are cross-referenced in the matrix. To determine whether a particular use is allowed in a particular zoning district and location, all relevant regulations must also be consulted in addition to this matrix.
- (h) Any use that is not specifically permitted or conditionally permitted under the Ruston Municipal Code shall be prohibited, unless state or federal law mandates otherwise.

(Ord. 1408, § 1, June 4th, 2013; Ord. 1426, § 1, Nov. 19th, 2013; Ord. 1551 § 5, Oct. 5th, 2021).

25.02.020 Land use matrix.

Zoning District	Residential District	Stack Hill District	Pearl District	Baltimore District	Marina District	Promenade District	Commencement District	Civic Use District
Uses								
Dwelling, Accessory	P	P	P	-	-	-	-	-
Dwelling, Single-Family	P	P	-	-	-	-	-	-
Dwelling, Duplex - Stacked	P	P	-	-	-	-	-	-
Dwelling, Duplex - Side by Side	P	P	-	-	-	-	-	-
Dwelling, Triplex	-	-	-	-	-	-	-	-

Zoning District	Residential District	Stack Hill District	Pearl District	Baltimore District	Marina District	Promenade District	Commencement District	Civic Use District
Uses								
Dwelling, Fourplex	-	-	-	-	-	-	-	-
Dwelling, Cottage Housing	P	P	-	P	P	P	-	-
Dwelling, Rowhouse	T	-	-	P	P	P	-	-
Dwelling, Fiveplex	T	-	-	P	P	P	-	-
Dwelling, Sixplex	T	-	-	P	P	P	-	-
Dwelling, Co-living housing	-	-	-	P	P	P	P	-
Dwelling, Courtyard Building	P	P	-	P	P	P	-	-
Dwelling, High-Rise Multifamily Building	-	-	-	P	P	P	P	-
Automobile Service Station	-	-	-	P	P	P	-	-
Automotive Fuel Dispensing Facility	-	-	C ²	-	-	-	-	-
Adult Day Care	-	-	p ⁸	p ⁸	p ⁸	p ⁸	-	-
Adult Entertainment Facility	-	-	C ³	-	-	-	-	-
Adult Family Home	P	P	P	P	P	P	-	-
Airport, Heliport or Airfield	-	-	-	-	-	-	-	-
Church	-	-	P	P	P	P	-	-
Commercial Parking Lot	C ⁵	C ⁵	C ⁵	-	-	-	C ⁵	C ⁵
Commercial Child Care	-	-	p ⁸	P	P	P	-	p ⁸
Drive-Through Facility	-	-	C ⁶	p ⁶	p ⁶	p ⁶	-	-
Emergency Housing	-	-	C ¹¹	-	-	-	-	-
Emergency Shelter	-	-	p ¹¹	-	-	-	-	-
Family Day Care Home	C	C	-	-	-	-	-	-
Government Facilities	C	C	P	P	P	P	P	P
Home Occupation	P	P	P	P	P	P	P	-
Hospital	-	-	C	P	P	P	-	-
Hotel	T	-	P	P	P	P	-	-
Live-Work Units	T	-	P	P	P	P	-	-
Light Industrial	-	-	C	P	P	P	-	-
Marine-Related Uses	-	-	-	P	P	P	-	-
Mixed-Use Buildings	T	-	p ¹	P	P	P	-	-
Mobile/Manufactured Home	C	-	-	-	-	-	-	-
Mobile Food Vending	-	-	-	P	P	P	-	-
Motel	-	-	P	P	P	P	-	-
Nursing, Convalescent or Retirement Home	-	-	p ⁷	P	P	P	-	-
Park	P	P	P	P	P	P	P	P
Permanent Supportive Housing	C ¹¹	C ¹¹	C ¹¹	-	-	-	-	-
Professional Office	T	-	P	P	P	P	-	-
Public and Private Schools	T	-	P	-	-	-	-	-
Recreational Facility	T	-	P	P	P	P	P	P
Restaurant	-	-	P	P	P	P	-	-
Sales Level 1	-	-	P	P	P	P	-	-
Sales Level 2	-	-	-	-	-	-	-	-

Zoning District	Residential District	Stack Hill District	Pearl District	Baltimore District	Marina District	Promenade District	Commencement District	Civic Use District
Uses								
Services Level 1	-	-	P	P	P	P	-	-
Services Level 2	-	-	C	-	-	-	-	-
Services Level 3	-	-	-	-	-	-	-	-
Transitional Housing	C ¹¹	C ¹¹	C ¹¹	-	-	-	-	-
Transportation and Utility Facilities	C	C	C	C	C	C	C	C
Temporary Encampment	p ¹⁰	p ¹⁰	p ¹⁰	-	-	-	-	-
Accessory Uses and Structures	P	P	P	P	P	P	P	P
Short Term Rental	C ⁹	C ⁹	C ⁹	-	-	-	-	-

¹ Single and multiple-unit dwellings are permitted in the Pearl District provided that they are located above retail space occupying the entire first floor and have separate, direct access to the sidewalk.

² An automotive fuel facility may not be located closer than 500 feet from another automotive fuel facility.

³ Subject to Chapter 25.56 RMC, Adult Entertainment Facilities.

⁴ Provided that buildings do not cover more than 20 percent of the lot; and no buildings, active play area or parking lot is closer than 20 feet to any residential lot.

⁵ Commercial parking lots are allowed only as an accessory to another permitted or conditional use and must be located below grade.

⁶ Drive-through facilities are not permitted between the front of a structure and any right of way and must have one point of access from an alley.

⁷ Facilities may have no more than 30 beds.

⁸ Facilities may not exceed a maximum occupancy of 50 persons.

⁹ Short Term Rental regulations are contained in Chapter 25.58 RMC.

¹⁰ Temporary Encampment regulations and permitting requirements are contained in Chapter 25.60 RMC.

¹¹ Emergency Housing, Emergency Shelters, Permanent Supportive Housing, and Transitional Housing shall comply with the occupancy and spacing requirements applicable to all housing as set forth in RMC 25.01.055.

(Ord. 1408, § 1, June 4th, 2013; Ord. 1472, § 2, Nov. 17th, 2015; Ord. 1505, § 2, Feb. 5th, 2019; Ord. 1531 § 2, June 2nd, 2020; Ord. 1551 § 6, Oct. 5th, 2021).

Chapter 25.03 ZONING DISTRICTS

25.03.010 Residential District (RES) Zones.

- (a) Illustrations and Intent. The Residential District is zoned primarily for residential uses. This districts is represented by Ruston's traditional residential-style buildings with small front, side and rear yards along tree-lined streets. Structures are one to two stories in height with front porches and pitched roof forms. Neighborhoods include single-family homes, middle housing units , and accessory dwelling units. Home occupations and accessory dwellings are encouraged where impacts to nearby residential uses are minimized.

Pedestrian-oriented street-side facades with clear entries and front porches are a high priority. Vehicle access is limited to on-street parallel parking and alleys where available.

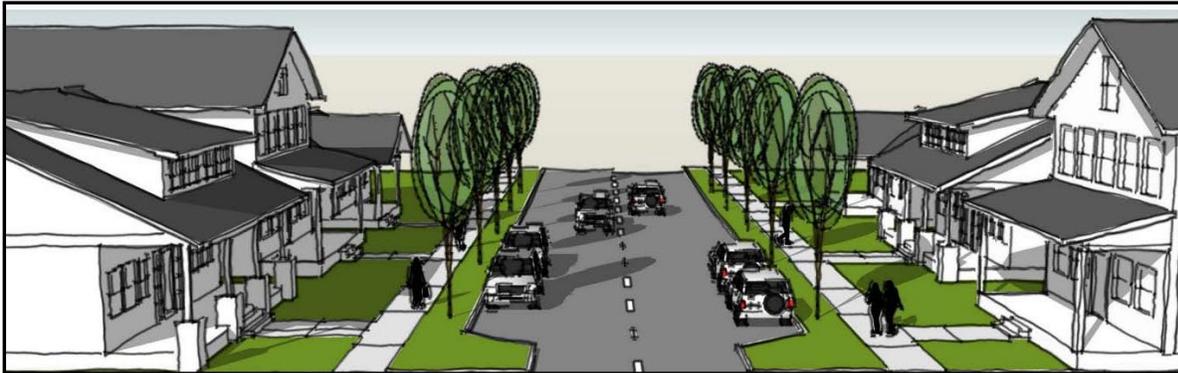


Figure 1 - Typical Residential District Form

Note: The illustrations in this section are advisory only. Refer to the standards in the following sections for the specific requirements of the Residential District.

- (b) Permitted Uses. Refer to RMC 25.02 for uses permitted in the RES zone.
- (c) Conditional Uses. Refer to RMC 25.02 for uses conditionally permitted in the RES zone.
- (d) Minimum Lot Area and Width. Every lot in the RES zone shall provide a lot area of at least 4,400 square feet with a minimum width of 45 feet. No lot which is less than the area and width specified herein may be developed unless meeting the requirements for a nonconforming lot as set forth in RMC 25.62.
- (e) Unit density. The maximum permitted unit density in the RES zone is two primary units per lot, or a single primary unit and two accessory dwelling units. This standard does not apply to lots after subdivision below 1,000 square feet, which will have a maximum permitted unit density of one unit per lot.
- (f) Setback Requirements and Build-to Zone (BTZ).

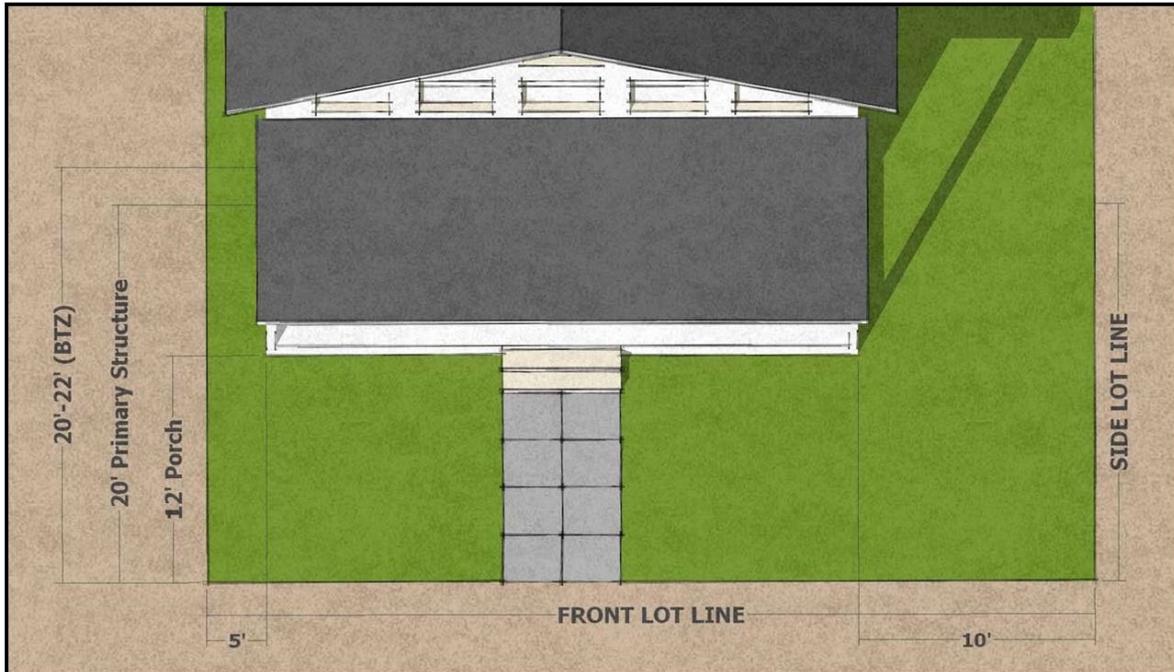


Figure 2 - Primary Structure Setbacks

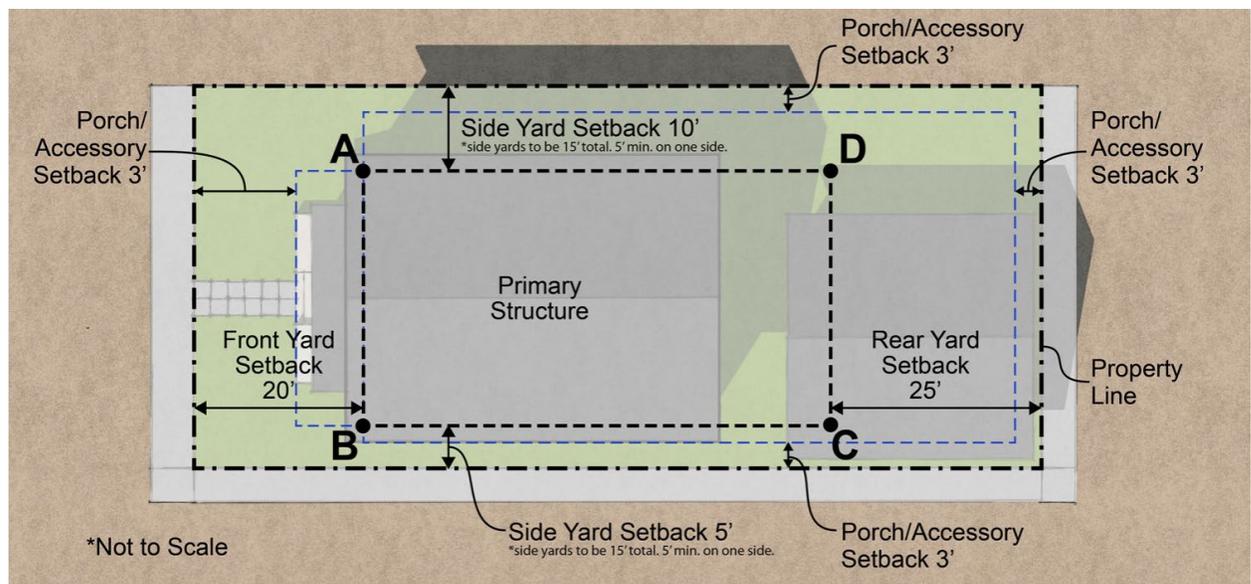
- (1) Front Yard.
 - (A) The primary structure minimum setback is 20 feet from the front lot line. The primary structure (BTZ) is located between 20 and 22 feet from the front lot line. At least 50 percent of the ground floor front facade of the primary structure must be located within the BTZ.
 - (B) Porches may be located as close as 12 feet from the front lot line, provided that the finished floor elevation of the primary structure is at least 18 inches above the average elevation of the front lot line, as described in subsection (f) below.
 - (C) Garages and accessory structures must be set back at least 26 feet from the front lot line, subject to subsection (l) of this section.
- (2) Rear Yard.
 - (A) Primary structure minimum setback is 25 feet from the rear lot line.
 - (B) Garages and accessory structures must be set back a minimum of three feet from the rear lot line, subject to subsection (l) of this section.
- (3) Side Yards.
 - (A) Primary structures, attached garages and porches, must be set back a minimum of five feet from the side yard, with a combined total of 10 feet of setback space for both side yards. Existing lots of record which do not comply with the minimum lot width may reduce the combined total side yard width to no less than ten feet.
 - (B) Detached garages and accessory structures, three feet from the side yard lot line, subject to subsection (l) of this section, and RMC 25.20.010.
- (4) Setback Requirement Exception:

(A) Detached Accessory Dwelling Units may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snow plows.

(g) Permitted Height.

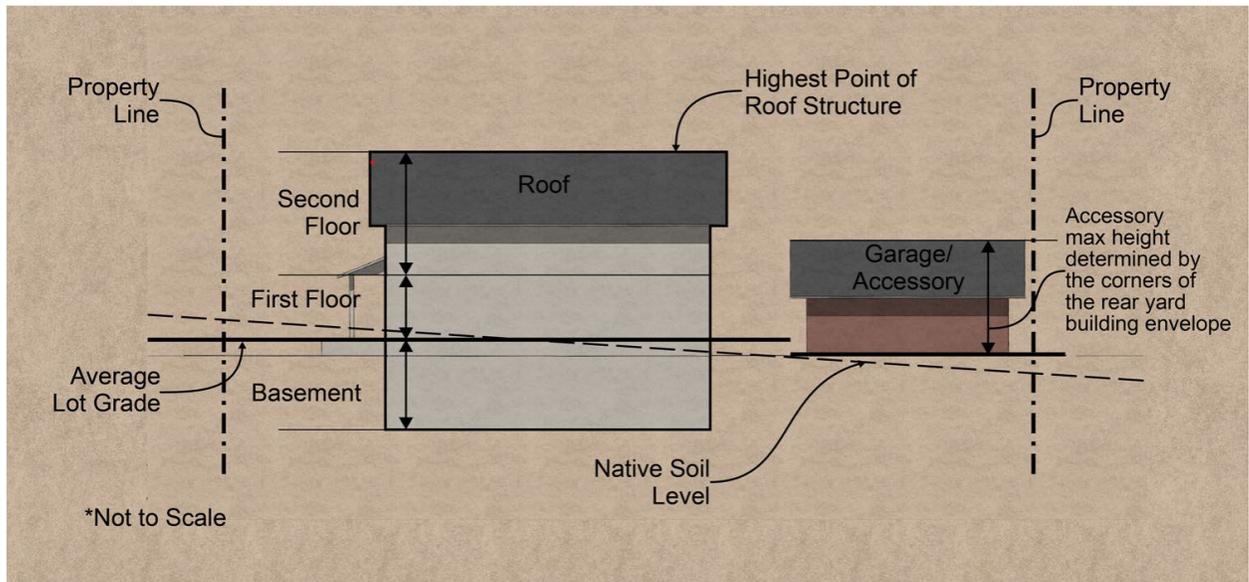
- (1) No structure shall exceed 25 feet in height as measured from the lot grade as defined in Section 25.01.020 (lot grade definition); provided, that the ridge of the roof runs parallel to the view corridor and a minimum eight-foot (rise)/12-foot (run) roof pitch, with no dormers is proposed, permitted height shall be allowed to be no more than 30 feet from the lot grade.
- (2) Grade elevations by a licensed surveyor showing the lot grade must be provided on a site plan with building permit application (refer to Illustration A).
- (3) A roof elevation must be provided by a licensed surveyor to the City Building Official or designated person within five working days after rafters are installed on a new or remodeled structure. See illustration B below. This requirement may be waived by written permission of the City Building Official for structures that are clearly more than 24 inches below maximum permitted height.
- (4) No accessory building, including detached garages, shall exceed 18 feet in height as measured from the lot grade. This height limitation does not apply to accessory dwelling units. For the accessory buildings, lot grade will be determined by the corners of the rear yard building envelope defined in subsection (l) of this section. The following diagram illustrates subsection (f) of this section:

Illustration A – Determination of Lot Grade



$$\text{Lot Grade Calculations} = \text{Elevation of (A+B+C+D)/4}$$

Illustration B – Measurement of Height for Proposed Structures



Height Measurement Figure

- (h) **Minimum Open Space.** A minimum amount of open space equal to at least 50 percent of the total lot area shall be required, provided that for cottage housing, the minimum amount of open space shall be equal to at least 20 percent of the total lot area. For the purposes of this section, open space shall include areas such as landscaping, patios, and decks. Additionally, up to 25 percent of the required minimum open space may include private porches, balconies, and rooftop gardens. Impervious driveway and vehicle parking areas shall not be included as open space.
- (i) **Site Plan Requirements.** Site plan approval is required under Section 25.01.060 for a development of more than four residential units.
- (j) **Yard Variation on Corner Properties.** The City may issue special permits under the variance procedures contained in RMC 25.50 allowing variations of positions of side, front and rear entrances of houses to be built on corner properties formed by the intersection of two or more streets. Such approvals may result in substitution of front and/or rear yard depths for side yard depths and vice versa, but shall not otherwise result in placing any house in a position which would be illegal. No such approval shall be granted if the resulting setback does not harmonize with other residential buildings in the same block. Every application for a variance under this subsection shall be accompanied by complete plans showing all entrances to the house, and a sketch map showing accurately the location of the house on the property and locations of other residential buildings in the same block, and any other requirements under the variance procedures contained in RMC 25.50.
- (k) **Garages, Surface Parking, Driveways and Accessory Structures.** Garages, surface parking, driveways and accessory structures are permitted within the rear yard setback, subject to the following provisions:
 - (1) When alley access is available, garages, surface parking and driveways are prohibited from accessing the site through front or side yards. If alley access is not available, then side yard access shall be utilized. If neither alley nor side yard access is available, then the following standards will apply to all garages, surface parking and driveways:

-
- (A) Side-loaded garages are preferred over front-loaded garages when access is provided through front yards.
 - (B) Front-loaded garages with vehicle doors facing the front lot line that are attached to the primary structure shall include habitable space above the garage with windows facing the street, (habitable space must also meet International Building and Fire Code egress standards for bedrooms). The area of habitable space shall be at least 50 percent of the area of the garage.
 - (C) Driveways and surface parking areas located within ten feet of the front lot line shall have a maximum width of ten feet and shall either contain a three-foot wide grass strip along its center (perpendicular to the right-of-way or access street) or be paved with grass pavers.
 - (D) See RMC 25.01.065 for provisions related to the conversion of garage space into an Accessory Dwelling Unit.
- (m) Fences—Height Restrictions. See Section 25.06.040 for further regulations related to rockery/retaining wall height and height of fences on rockeries.
- (1) Fence in required front yard: 60 inches maximum height.
 - (2) Fence in required side yard: 72 inches, 60 inches within 15 feet of the front property line.
 - (3) Fence in required rear yard: 72 inches.
 - (4) On corner lots, fences shall be limited to 42 inches in height for a distance of 15 feet from the intersection of the property lines abutting the street and to 60 inches in height for the remainder of the required front yard facing on both streets; except that fences may be permitted to a maximum height of 72 inches from the ground in the front and/or side yard on a flanking street.
- (n) Projections into Yard Setbacks. Steps and patios are permitted within setbacks. Steps providing access to a second story or higher may not be located within three feet of any side lot line. Also see Section 25.50.010(d)(3) for other allowable projections into yard setbacks.
- (o) Architectural Standards. All development within the residential district is subject to the architectural standards contained within Chapter 25.06 RMC.
- (p) Alley Access and Parking. Lots with existing alley access shall not be modified to eliminate such access. Any newly created lot shall provide alley access, except where provision of such access is not physically feasible due to extreme topography, as determined by the City Engineer. In cases where newly created or modified lots cannot feasibly provide alley access, then access shall be provided by easement or lot configuration to the nearest side street as illustrated in Figure 3 below. If access to a side street is not available, then provision of shared side yard access shall be required as illustrated in Figure 4 below.

Lots which include both (1) the provision of vehicle access via an alley; and (2) are adjacent to on-street public parking, may decrease the total number of required parking stalls for the lot by one stall for every 20 lineal feet of street frontage providing on-street parking.

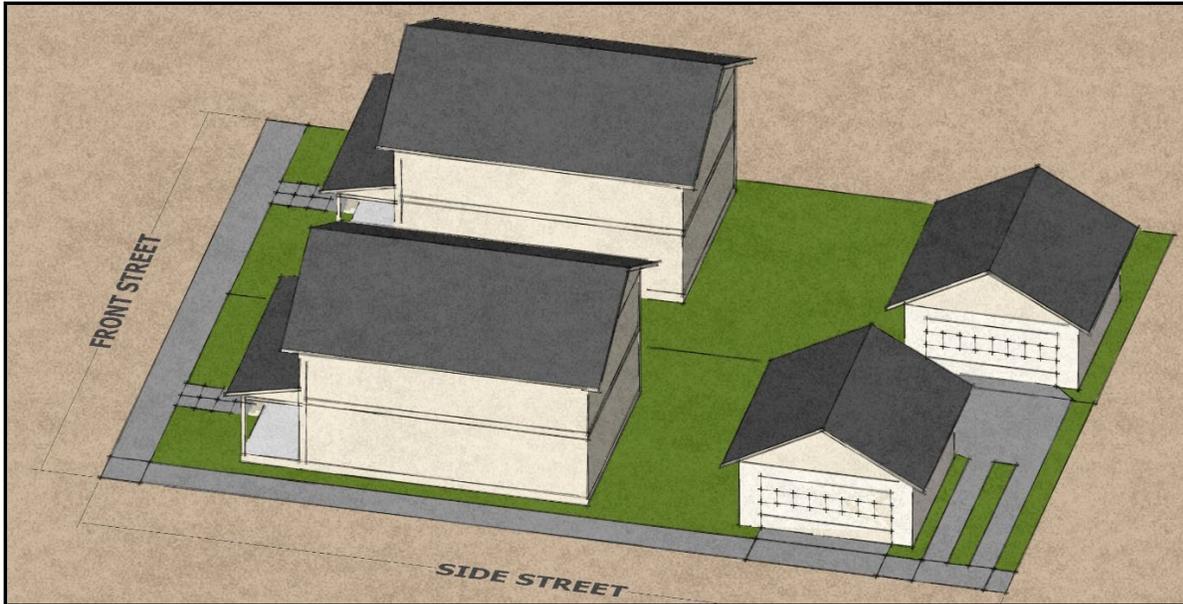


Figure 3 - Example Providing Access to Side Street via Easement/Lot Configuration



Figure 4 - Example Providing Access to Front via Shared Driveway

;hn0; (Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1409, § 2, June 4th, 2013; Ord. 1440, § 1, Aug. 5th, 2014; Ord. 1459, § 1, Dec. 1st, 2015).

25.03.020 The Pearl District.

- (a) Purpose. The Pearl District is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near

Pearl Street. Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.

- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Pearl District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Pearl District.
- (d) Minimum Lot Area. There is no minimum lot area in the Pearl District.
- (e) Permitted Height. No structure within the Pearl District shall exceed 35 feet in height and no more than two stories, including all mechanical equipment, except that structures located between 50th Street and 52nd Street shall have additional height allowed so that no structure shall exceed 45 feet in height and no more than three stories, including all mechanical equipment.
- (f) Setback and Buffer Requirements.
 - (1) Yard setback requirements:
 - (A) Front yard: 0 feet to property line.
 - (B) Rear yard: 25 feet to property line.
 - (C) Side yards: 0 feet to property line.
- (g) Site Plan Requirements. Site plan approval is required under Section 25.01.060 for any development within the Pearl District.
- (h) Design Standards. All development within the Pearl District is subject to the design standards contained within Chapter 25.06 RMC.

(Ord 1212 §§ 2, 3, May 7th, 2007; Ord. 1292, § 1, July 20th, 2009; Ord. 1382 § 2, Feb. 5th, 2013; Ord. 1409, § 4, June 4th, 2013)

25.03.030 Baltimore District (BD).

- (a) Purpose. The Baltimore District (BD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Baltimore Street, Ruston Way, Yacht Club Road, and 51st Street. Upper floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.
- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Baltimore District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Baltimore District.
- (d) Minimum Lot Area. There is no minimum lot area in the Baltimore District.
- (e) Permitted Height. No structure in the Baltimore District shall exceed 2535 feet in height and no more than two stories, including all mechanical equipment, except that structures with frontage on 51st Street shall have additional height allowed so that no structure shall exceed 45 feet in height and no more than three stories, including all mechanical equipment. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (f) Setback and Buffer Requirements.
 - (1) Yard Setback Requirements.

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- (A) Front yard: 0 feet to property line.
 - (B) Rear yard: 25 feet to property line.
 - (C) Side yards: 0 feet to property line.
 - (D) Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.
- (g) Off-Street Parking Requirements. Off-street parking shall comply with Section 25.20.010 and the City's design standards contained within Chapter 25.06 RMC.
 - (h) Site Plan Requirements. Site plan approval is required under Section 25.01.060 for any development within the COM zone.
 - (i) Design Standards. All development within the Baltimore District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

(Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1409, § 3, June 4th, 2013; Ord. 1484 § 1, Nov. 15th, 2016).

25.03.040 The Marina District.

- (a) Purpose. The Marina District (MD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Yacht Club Road, Dune Peninsula Park and the Point Defiance Marina. Upper floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This Marina District is intended to promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.
- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Marina District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Marina District.
- (d) Minimum Lot Area. There is no minimum lot area in the Marina District.
- (e) Permitted Height. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (f) Setback and Buffer Requirements. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.060 for any development within the Marina District.
- (h) Design Standards. All development within the MD zone is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

25.03.050 The Promenade District.

- (a) Purpose. The Promenade District (PMD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Ruston Way, Central Avenue, Main Street, Grand Loop, and Grand Plaza. Upper floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This Promenade District is intended to promote retail frontages with street amenities

and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.

- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Promenade District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Promenade District.
- (d) Minimum Lot Area. There is no minimum lot area in the Promenade District.
- (e) Permitted Height. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (f) Setback and Buffer Requirements. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.060 for any development within the Promenade District.
- (h) Design Standards. All development within the MD zone is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

25.03.060 Stack Hill District.

- (a) Purpose. The Stack Hill District is zoned primarily for residential uses. This District is represented by Ruston's traditional residential-style buildings with small front, side, and rear yards along tree-lined streets. Structures are one to two stories in height with front porches and pitched roof forms. Neighborhoods include single-family homes, with allowances for Tier 3 middle housing units. Home occupations and accessory dwellings are encouraged where impacts to nearby residential uses are minimized. Pedestrian-oriented street-side facades with clear entries and front porches are a high priority. Vehicle access is limited to on-street parallel parking and alleys where available.
- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Stack Hill District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Stack Hill District.
- (d) Minimum Lot Area. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.
- (e) Permitted Height. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.
- (f) Setback and Buffer Requirements.
 - (1) Yard setback requirements. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.060 for any development within the Stack Hill District.
- (h) Design Standards. All development within the Stack Hill District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Stack Hill District must also comply with the requirements of Ordinances 1224, 1261, and 1268.

25.03.070 The Commencement District.

- (a) Purpose. The Commencement District (CD) is zoned primarily for high rise multi-family residential uses in accordance with the master development plan approved under Ordinance 1155.
- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Commencement District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Commencement District.
- (d) Minimum Lot Area. There is no minimum lot area in the Commencement District.
- (e) Permitted Height. Lots located within the Commencement District must comply with the requirements of Ordinance 1155.
- (f) Setback and Buffer Requirements. Lots located within the Commencement District must comply with the requirements of Ordinance 1155.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.060 for any development within the Commencement District.
- (h) Design Standards. All development within the Commencement District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Commencement District must also comply with the requirements of Ordinance 1155.

25.03.080 The Civic Use District.

- (a) Purpose. The Civic Use District (CU) is intended to provide designated areas within Ruston that prioritize the development and preservation of civic uses for public benefit. This District aims to foster the creation and maintenance of government buildings, public parks, open spaces, and other essential facilities that serve the community at large.
- (b) Permitted Uses. Refer to Chapter 25.02 RMC for uses permitted in the Civic Use District.
- (c) Conditional Uses. Refer to Chapter 25.02 RMC for uses conditionally permitted in the Civic Use District.
- (d) Minimum Lot Area. There is no minimum lot area in the Civic Use District.
- (e) Permitted Height. No structure within the Civic Use District shall exceed the maximum height established for the Residential District.
- (f) Setback and Buffer Requirements. The Civic Use District does not require setbacks for civic or open space uses, except that lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.060 for any development within the Civic Use District.
- (h) Design Standards. All development within the Civic Use District is subject to the design standards contained within Chapter 25.06 RMC.

Chapter 25.04 HEIGHT DISTRICTS

25.04.010 Purpose and Intent

Reserved for future height district purpose and intent.

25.04.020 Height District Map

Reserved for future height district map.

25.04.030 Height Survey Method and Submittal Requirements

Reserved for future height survey methodology and submittal requirements.

25.04.040 HD-25 – Two-Story Limited (Stack Hill District along Baltimore)

Reserved for future height district.

25.04.050 HD-30 – Two-Story Bonus (All RES, plus Stack Hill not along Baltimore)

Reserved for future height district.

25.04.060 HD-35 – Three-Story (Pearl District / Baltimore District)

Reserved for future height district.

25.04.070 HD-45 – Three-Story Bonus (Pearl District + Landmark)

Reserved for future height district.

Chapter 25.06 ARCHITECTURAL STANDARDS¹

25.06.010 Intent.

This chapter is intended to implement the goals and policies established in the City's Comprehensive Plan by providing design standards for the review of projects described herein.

The architectural standards contained herein are intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the City's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well-designed commercial districts which attract customers and businesses.

(Ord. 1407, § 1, June 4th, 2013; Ord. 1458, § 2, Dec. 1st, 2015).

25.06.020 Applicability.

The requirements of this chapter apply to all proposals to subdivide land under the provisions of RMC Title 29 and to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public, quasi-public, or commercial locations, outdoor lighting

¹Editor's note(s)—Ord. 1458, § 1, adopted Dec. 1st, 2015, changed the title of Chapter 25.06 from "Design standards" to "Architectural standards".

fixtures, fences, walls and roofing materials. Any development subject to this chapter shall be reviewed for compliance and processed under the site plan approval process as described in Title 19 RMC.

(Ord. 1407, § 1, June 4th, 2013; Ord. 1428, § 1, Dec. 23rd, 2013).

25.06.030 General Standards

(a) General Applicability. The design standards of this section are required to implement the goals of the City of Ruston for all development in the City. The building design standards apply to all new development in the City except as follows:

- (1) Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
- (2) Temporary. Temporary structures are exempt from the design standards of this section. Temporary structures require review under the building code. Temporary structures, regardless of International Building Code (IBC) classification shall be required to comply with the standards of this chapter if they occupy a site for more than 180 calendar days.
- (3) Remodel. Interior remodel projects valued below 60 percent of the building value, as determined by the Building Code, are exempt from the design standards of this section.
- (4) Single-family residences, accessory buildings to single-family residences, middle housing residences, and accessory dwelling units are not subject to the non-residential design standards included in this chapter.
- (5) All lots designated as "prominent places", regardless of their underlying zoning designation or use, are subject to the development standards contained in RMC 25.10.030, Prominent Places and Landmark Buildings.

25.06.040 Residential Standards

(ba) Residential Design Standards. The design standards of this section are applicable to all residential development, including middle housing and accessory dwelling units, regardless of size or type.

- (1) Weather Protected Entries.
 - (A) General Requirement. Every residential unit must have at least one weather-protected pedestrian entry that is visible from and faces the street.
 - (B) Multiple Unit Developments. These developments may offer a shared common entry, such as a front porch or courtyard leading to a shared lobby with internal entries to individual units.
 - (C) Sidewalk Connection. Each entry must be connected to the nearest public sidewalk along the property frontage by a pedestrian sidewalk that is at least five feet wide and made of brick, stone, or concrete. For Accessory Dwelling Units (ADU) located in the rear yard and providing pedestrian access via a rear alley, access to the alley is permitted instead of the frontage sidewalk. This access must be incorporated into a private outdoor space, designed as a courtyard enclosed by a six-foot-high wall with a gate. The enclosure must be constructed of concrete with stucco, split-face masonry blocks, brick, or stone and must also comply with the requirements for private outdoor open space.

- (D) Size and Usage. Each weather-protected entry must be at least 50 square feet per unit. This space can also count towards the requirement for common outdoor open space, when shared by multiple units.
- (2) Private outdoor open space.
 - (A) Minimum Requirement. Each residential unit must have at least 100 square feet of private outdoor open space.
 - (B) Examples of Compliant Spaces. Acceptable private outdoor spaces include porches, balconies, rooftop or ground-level patios, stoops, or similar structures.
 - (C) Exclusive Use and Location. The private outdoor open space must be solely for the use of the individual unit and must be located directly adjacent to the unit’s pedestrian entry.
 - (D) Separation of Adjacent Spaces. In developments where multiple private outdoor spaces are required, each space must be visually and functionally separated from the others.
- (3) Common Outdoor Open Space.
 - (A) Minimum Requirement. All residential development must provide at least 100 square feet of common outdoor space per unit.
 - (B) Examples of Compliant Spaces. Suitable common outdoor open spaces include main entry porches, entry courtyards, patios with outdoor gathering structures (e.g., benches, tables, fireplaces, barbecues, gazebos), community gardens with raised garden beds, greenhouses, and similar structures.
 - (C) Combining Space. Where feasible, the required square footage for common outdoor spaces should be combined into larger areas.
 - (D) Landscaping. Landscaping such as planters and lawns may be included within the common outdoor open space but does not count toward the square footage requirements.

25.06.050 Non-Residential Standards

(a) Mass Reduction. The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation

Mass Reduction Requirements	a. Buildings under 7,000 square feet; gross floor area are not required to provide mass reduction.
	b. Buildings from 7,000 square feet; gross floor area to 30,000 square feet gross floor area shall provide at least one mass reduction feature from the mass reduction choices listed in the next section.
	c. Buildings over 30,000 square feet; gross floor area shall provide at least two mass reduction features from the choices listed in the mass reduction choices listed in the next section.
Mass Reduction Choices	a. Upper story. Building with a maximum footprint of 7,000 square feet gross floor area, that do not exceed 14,000 square feet gross floor area, may count use of a second story as a mass reduction feature.
	b. Upper story setback. An eight-foot minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of two elevations.

	<p>c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum two feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</p>
	<p>d. Public plaza. A public plaza of at least 800 square feet of gross floor area or five percent of gross floor area, whichever is greater shall be required. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, bike rack, or artwork for each 200 square feet of gross floor area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza.</p>

- (b) Rooflines. These requirements are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

<p>1. Roofline Choices (All buildings shall use one or more of the roofline options)</p>	<p>a. Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p>
	<p>b. Modulated roof. Use of features such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated. Parapet walls shall be designed in such a way as to prevent the back side of the parapet wall from being visible from outside the building footprint.</p>
	<p>c. Corniced roof. A cornice of two parts with the top projecting at least six inches from the face of the building and at least two inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings ten feet or less in height; 18 inches for buildings greater than ten feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p>

- (c) Windows and Openings. These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

<p>1. Street Level</p>	<p>a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 60 percent of the area of the ground level wall area, which is defined as the area between two feet and eight feet above the sidewalk on a minimum of two such building elevations. The window and opening requirements shall be reduced to 40 percent of the ground level wall area for building elevations that are impacted by steep grades, as outlined below in the steep grade exemption section. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this</p>
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	<p>standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</p> <p>b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks.</p> <p>c. Limited alternatives. Alternatives of decorative grilles, artwork, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light-sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.</p>
2. Upper Levels	<p>a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of two such building elevations.</p> <p>b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>c. For purposes of this requirement, a window type is either a grouping of windows, or a window size, or a window shape.</p>
3. Exemptions	<p>a. Steep grades. The window and opening requirement shall not apply to that portion of a facade where the grade level of the sidewalk of the abutting street is four feet or more above or below the adjacent floor level of the building.</p> <p>b. Residential privacy. On sides where COM or COM-P district boundaries adjoin residential district boundaries, structures within the COM or COM-P district that are set back at least seven feet from the property line and screened by landscaping to a minimum height of six feet are exempt from the window and opening requirements on the effected side.</p>

(d) Facade Surface. These requirements are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of facade materials and/or treatment and to encourage more active consideration of the surrounding setting.

1. Blank Wall Limitation	<p>a. Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least one foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</p> <p>b. COM and COM-P district facades. Pedestrian access to uses above or below street level shall not exceed a maximum of 25 percent of the width of the structure's front facade.</p>
2. Facade Variety	<p>a. Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.</p> <p>b. Buildings from 2,000 square feet gross floor area to 30,000 square feet gross floor area shall use at least two different materials, textures, or patterns on each building elevation.</p>

	c. Buildings over 30,000 square feet gross floor area shall use at least three different materials, textures, or patterns on each building elevation.
	d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of ten percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.
3. Building Face Orientation	a. The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.
	b. This requirement applies to a maximum of two building elevation on any given building.

- (e) Pedestrians. These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

1. Customer Entrances	a. Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only one elevation.
	b. Non-residential or mixed-use buildings shall provide at least one direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of gross floor area, the maximum distance is increased to 60 feet.
2. Street Level Weather Protection	a. Weather protection shall be provided to cover a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along facades containing customer and/or public building entries or facing public street frontage.
	b. Weather protection may be composed of awnings, canopies, overhangs, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.
	c. Weather protection must cover at least 50 percent of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, streetlights, bay windows, or similar building accessories to not less than three feet in width.
	d. Irrespective of above requirements, the weather protection shall not extend closer than four feet to the curb.

- (f) Screening and Mechanical Equipment. These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

1. Mechanical Equipment Screening	a. Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form, or an equivalent architectural feature, which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In
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	<p>those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. The function of the HVAC equipment may not be compromised by the screening requirement. Building height requirements include utility screening.</p> <p>b. All ground level mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed four feet in height must use fencing, structure, or other form of screening, beyond landscaping.</p> <p>c. Small ground level items that do not exceed four feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within three years of planting.</p> <p>d. Chain link fencing, with or without slats, is prohibited for required screening.</p>
2. Fencing Type	<p>a. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to either a public street or to an adjacent residential use.</p> <p>b. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. Chain link fencing, when allowed, shall be black or brown color coated only.</p> <p>c. Electrified. The use of electrified fencing is prohibited.</p> <p>d. Fencing between the front of the building line and sidewalk may not be higher than 36 inches and shall have ornamental design and be made of material such as wrought iron or metal chain with bollards or glass and frame.</p>

(g) Residential Compatibility Standards. The following items apply when any nonresidential zone or use is located adjacent to residential zones. The standards are required to help ensure compatibility between nonresidential development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of green space, and visual separation:

1. Upper Story Setback	a. Structures with frontage along Pearl Street and N. 51st Street shall not intercept a 25° daylight plane inclined into the residential district measured at a height of 25 feet above existing grade from the rear building line setback of the commercial lot.
2. Storage Parking and/or Service	<p>a. Vehicle parking, and building loading or service areas shall be screened from any residentially zoned property.</p> <p>b. Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage along Pearl Street and N. 51st Street.</p> <p>c. Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas</p>
3. Lighting	a. As required by RMC 25.18.010

(h) **Off Street** Parking Requirements. Three on-site parking spaces are required for every 25 feet of arterial frontage. The minimum dimensions for the first three on-site spaces is eight feet by 19 feet. Additional parking shall comply with RMC 25.20.010, except that one business and three units of housing may be developed without providing additional on site parking between N. 50th and N. 52nd Streets. One business and two units of housing may be developed without providing additional parking on site south of 50th Street and north of N. 52nd Street.

Parking must comply with RMC 25.20.010 for development over the levels listed in the previous paragraph; except that, multiple unit residential units may provide one parking space per unit.

Commercial space existing at the time of this Code amendment may be remodeled for any commercial use without providing additional parking. Building enlargements will require additional parking at rates set forth in this section. Parking must be located in the rear yard if alley access is available. If additional on site parking is required, it may not be located within 20 feet of the front lot line and must be screened from view.

Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage; garbage and loading areas.

25.06.060 Fences, retaining walls and rockeries.

(a) Location in Required Yard.

- (1) Fences, retaining walls and rockeries may be located within any required yard.

(b) Location in Street.

- (1) Fences. No fence shall be located in any improved street. Fences may be allowed in unimproved public streets subject to approval of the Mayor's designee. The granting of an encroachment agreement must clearly state that the Town of Ruston may remove any structure that is permissively allowed in the rights-of-way. As a condition of the agreement between the Town and the applicant, the applicant shall agree that if the Town desires to remove the structure from any rights-of-way that the applicant shall not be entitled to any financial or other forms of reimbursement.
- (2) Retaining Walls and Rockeries. Retaining walls and rockeries may be allowed in any street subject to the approval of the Mayor or designated representative and the granting of an encroachment agreement covering any public street as required.

(c) Height Measurement.

- (1) Fences. The height of a fence is measured from the top of the fence, including posts, to the existing grade or finished grade, whichever is lower, directly below the section of the fence being measured.
- (2) Retaining Walls and Rockeries. The height of a retaining wall or rockery is measured from the top of the retaining wall or rockery to the bottom of the footing or the bottom of the footer rock or pile.

(d) Fences – Requirements

- (1) Fences less than 20 feet from front property line: 36 inches maximum height. Fences must be made of material such as wrought iron or metal chain with bollards or glass and frame. Chain link fencing is prohibited in any yard abutting Pearl Street or N. 51st Street.
- (2) Fences in required side yard: 72 inches maximum height, 36 inches maximum height within 20 feet of the front property line.
- (3) Fences in required rear yard: 72 inches maximum height.
- (4) Chain link fencing, when permitted, must be black or brown color coated.

(e) Retaining Walls and Rockeries — Requirements.

- (1) Building Permit. A building permit is required for retaining walls or rockeries over four feet in height, as determined by IBC Section 106.2.

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- (2) Engineer. Any rockery requiring a building permit shall be approved by the Mayor's designee, who may require a design be submitted by a licensed engineer with proper engineering expertise.
 - (3) Drainage Control. Drainage control of the area behind the rockery shall be provided for all rockeries.
 - (4) Maximum Height in Required Yard.
 - (A) Cut Slopes. No retaining walls or rockeries, or any combination of retaining walls or rockeries, within any required yard, shall exceed a total of 144 inches in height. All retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 144 inches. Such retaining walls or rockeries, or combination of retaining walls or rockeries, may be topped by a fence in accordance with the fence height requirements for the zone.
 - (B) Fill Slopes. No retaining walls or rockeries, or any combination of retaining walls or rockeries, shall exceed a total of 72 inches in height within any required yard. All retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 72 inches. A fence or guardrail may be placed on top of such retaining wall or rockery, but in no event shall the combined height of the fence and any retaining wall or rockery exceed 72 inches; provided, rockeries, retaining walls, fences, or any combination thereof, are limited to a maximum height of 42 inches within that portion of any required yard which lies within 20 feet of any street rights-of-way.
 - (5) Fill/Berms. No person shall place fill upon which to build a fence unless the total height of the fill plus the fence does not exceed the maximum height allowable for the fence without the fill.
 - (6) Shorelines. Fence, rockeries and retaining walls located within any shoreline shall also comply with Section 15.01.010 and the shoreline program as set forth in Ordinance 651.
 - (f) Fence Height Deviations. Deviations from the height limitations set out in this section shall be reviewed in the manner set out below:
 - (1) A request for a deviation up to ten percent beyond the requirements above shall be reviewed by the Mayor's designee under the following procedure:
 - (A) The applicant shall submit two copies of plot plans and elevations, drawn to scale, showing size and construction of the proposed fence, the location of all existing structures, streets, driveways, and landscaping.
 - (B) The code official shall review the submitted plans with the city engineer or designated party and shall base the decision to approve or disapprove the requested deviation on factors of traffic visibility and other public and private safety considerations, lot shape, location and topography, and the nature, location and extent of adjoining public and private structures.
 - (2) Deviations ten percent to 20 percent beyond the requirements in subsections (a) to (d) of this section shall be reviewed by the Planning Commission under the procedures set forth in Section 1.07.030 and criteria set forth in Section 25.50.010(d)(2). The Commission review is advisory to the administrative official and does not constitute a permit decision subject to the procedures of Title 19, Administration of Development Regulations.
 - (g) Electric and Barbed Wire Fences. Electric fences and barbed wire fences are not allowed.
 - (h) Exceptions. These provisions do not apply to fences required by State law to enclose public utilities, or to chain link fences enclosing school grounds or public playgrounds, or to screens used for safety measures in public recreation areas such as ball fields or storm water retention ponds.
- (Ord. 1178 § 1, Nov. 21st, 2005).

25.06.070 Curb and sidewalk construction.

Every subdivision approval, and every building permit for new construction on property where a sidewalk or curb in conformity with Town standards does not exist, shall include as a condition a requirement that such sidewalk and curb be constructed in conformity with such standards prior to issuance of an occupancy permit.

If a structure remodel is proposed with value of 60 percent or more of replacement cost of the structure, in the judgment of the Town's Building Official, curb and sidewalk must conform to this section. For this section, the value shall mean the total replacement cost, including all engineering, surveying, architectural and consultant fees, as well as all licensed and bonded contractor fees, including the contractor's profit. If labor is provided at no cost, the comparative value of this labor shall be computed, as if being performed by a licensed and bonded contractor.

(Ord. 1038 § 1, Nov. 1st, 1999; Ord. 1178 § 1, Nov. 21st, 2005).

Chapter 25.08 BUILDING TYPOLOGIES

25.08.010 Purpose

New section reserved for future building typology chapter purpose.

25.08.020 Single-Family

New section reserved for future single-family building typology.

25.08.030 Accessory Dwelling Units.

- (a) Accessory Dwellings Units. Accessory dwellings units may be conditionally allowed following review and approval by the community development director subject to the following conditions:
- (1) Up to two accessory dwelling units may be permitted on a lot per each single-family dwelling located on the same lot, provided that the unit density set forth in RMC 25.03.010(e) for that lot is not otherwise exceeded. If a lot is developed with a duplex, or with two units meeting the definition of middle housing, then no accessory dwelling unit is permitted on that lot.
 - (2) Accessory dwelling units shall comply with the development standards of the zoning district in which the accessory dwelling unit is located, including but not limited to, minimum lot coverage, setbacks, etc.
 - (3) The maximum gross floor area for an accessory dwelling unit is 1,000 square feet.
 - (4) Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal unit under the code. In addition, for any lot which is the result of a subdivision or a lot split and which is below the minimum lot size for the zone, no additional dwelling units, including accessory dwelling units, shall be allowed.
 - (5) The maximum roof height for an accessory dwelling unit is no more than twenty-five (25) feet, or the maximum height allowed for the primary unit on the lot, whichever is lower.
 - (6) Accessory dwelling units shall not be allowed on any lot that contains critical areas or buffers or that is not connected to a public sewer system.
 - (7) Accessory dwelling units shall not be allowed within the shoreline jurisdiction.
 - (8) Parking for accessory dwelling units must meet the requirements of RMC 25.20.010.

- (9) Garage space and other accessory buildings may be converted into an accessory dwelling unit provided that the unit density set forth in RMC 25.03.010(e) is not exceeded. However, if the converted accessory building contained parking, the minimum parking standards for both the principal unit and any accessory dwelling unit must be replaced elsewhere on the property. Nonconforming use rules as set forth in RMC 25.62.010 apply to any accessory buildings that are converted which are not consistent with the applicable codes at the time of conversion.
- (10) An ADU may be sold as a condominium unit or as a separate piece of property through the unit lot subdivision process.
- (11) Detached ADUs may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snow plows.
- (12) Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design or it shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling. Compliance with Chapter 25.06, Architectural Standards is required.
- (13) Enforcement. If a unit cannot be legalized because it fails to meet the standards herein and the unit cannot or will not be brought into conformance with these standards, the use will have to be discontinued. The City may cite owners of illegally occupied units who do not apply for legalization. Owners who do not apply for a permit will be subject to civil penalties and other enforcement penalties under Chapter 25.90 of this Code.

25.08.030 Duplex

New section reserved.

25.08.040 Triplex

New section reserved.

25.08.050 Fourplex

New section reserved.

25.08.060 Live-Work

New section reserved.

25.08.070 Co-Living Housing

New section reserved.

25.08.080 Other Building Typologies and Uses

New section reserved for mixed use main street, gas station/car wash/service, drive through, and other typologies.

Chapter 25.10 LANDMARK OPPORTUNITY SITES

25.10.010 Purpose and Intent

New section reserved.

25.10.020 Landmark Opportunity Sites Map

New section reserved.

25.10.030 Prominent Places.



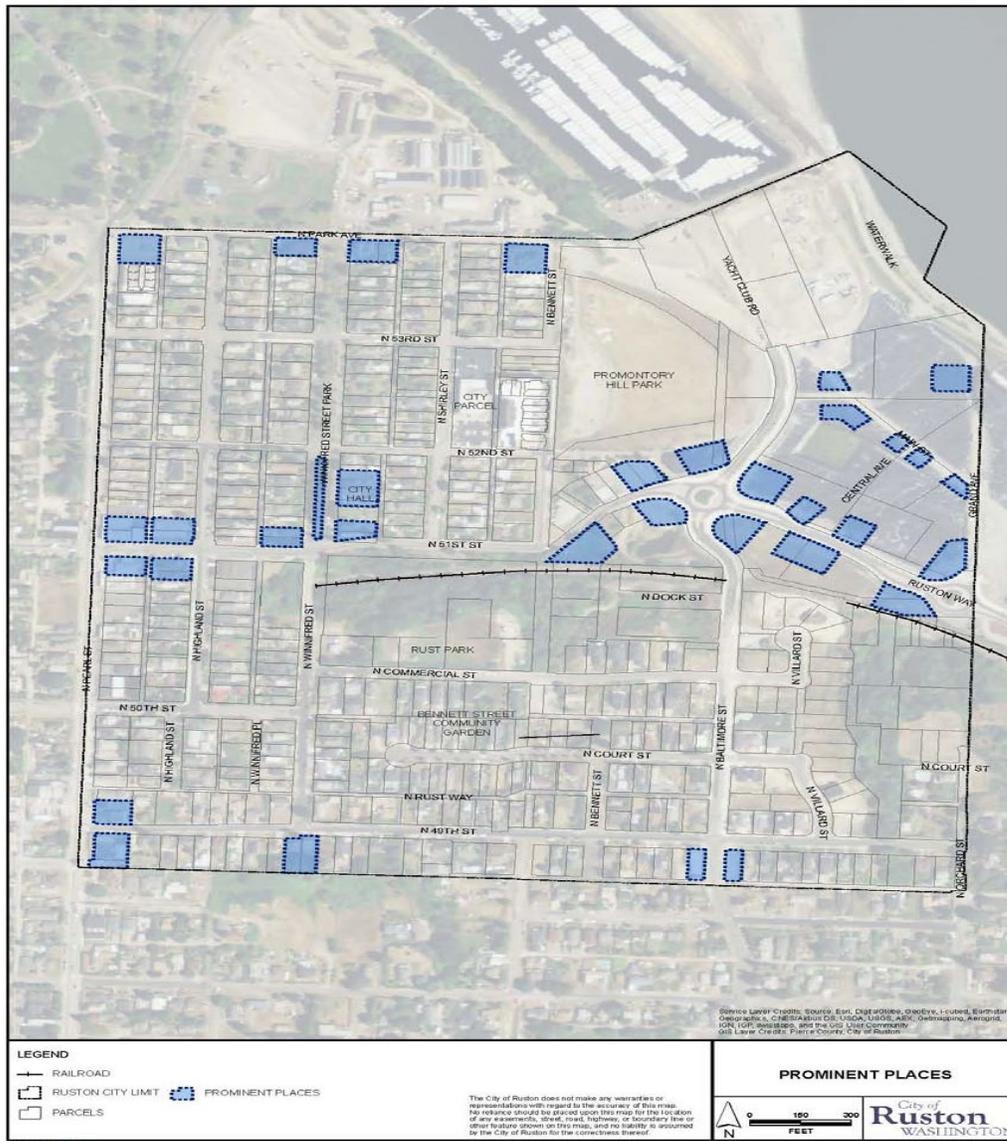
Figure 1. This demonstrates the typical application of the prominent places standards.

"Prominent places" are locations within Ruston that are prominently visible due to their location and/or topography. Prominent locations typically include street corners, street ends that serve as a visual terminus, and atop bluffs visible from Commencement Bay and beyond. In these locations it is important to provide opportunities for architectural creativity and significance by encouraging the construction of landmark buildings

TITLE 25 - ZONING
Chapter 25.09 SIGN CODE

that include quality building materials, prominent architecture, exceptional building design and allowing increased building height to make these buildings draw the eye and stand out. Examples of prominent architecture include spires, steeples, turrets, clock towers, bell towers, and penthouses with terraced patios or roof-top gardens.

(a) Prominent Places Map. The "Prominent Places Map" is adopted as part of the Ruston Zoning Code and those parcels so designated on the map are subject to the requirements of this section. The locations shown on the Prominent Places Map are designated as "Prominent Places" in the Ruston Zoning Code and those parcels shall be allowed to exceed underlying zoning district standards as described in subsection (b) below.



(b) Lots designated as "prominent places" shall be allowed to incorporate an additional story of up to 2,000 square feet in area or 50 percent of the building footprint at the first story level (whichever is greater), provided that the overall height of all stories combined does not exceed the maximum height of the underlying zoning district by more than 12 feet, unless specifically provided below.

- (A) Sloped roof forms with a minimum roof pitch of at least four-foot rise/12-foot run, (including habitable attic space), shall not be included within the maximum height calculation.
- (B) Parapet walls, mechanical equipment, elevator shafts and stairways shall not be included within the maximum height calculation.
- (C) Spires, steeples, clock towers, bell towers and turrets incorporated within the bonus story space provided in subsection (b) above which are between 250 square feet and 650 square feet in area may project an additional five feet above the maximum height level.

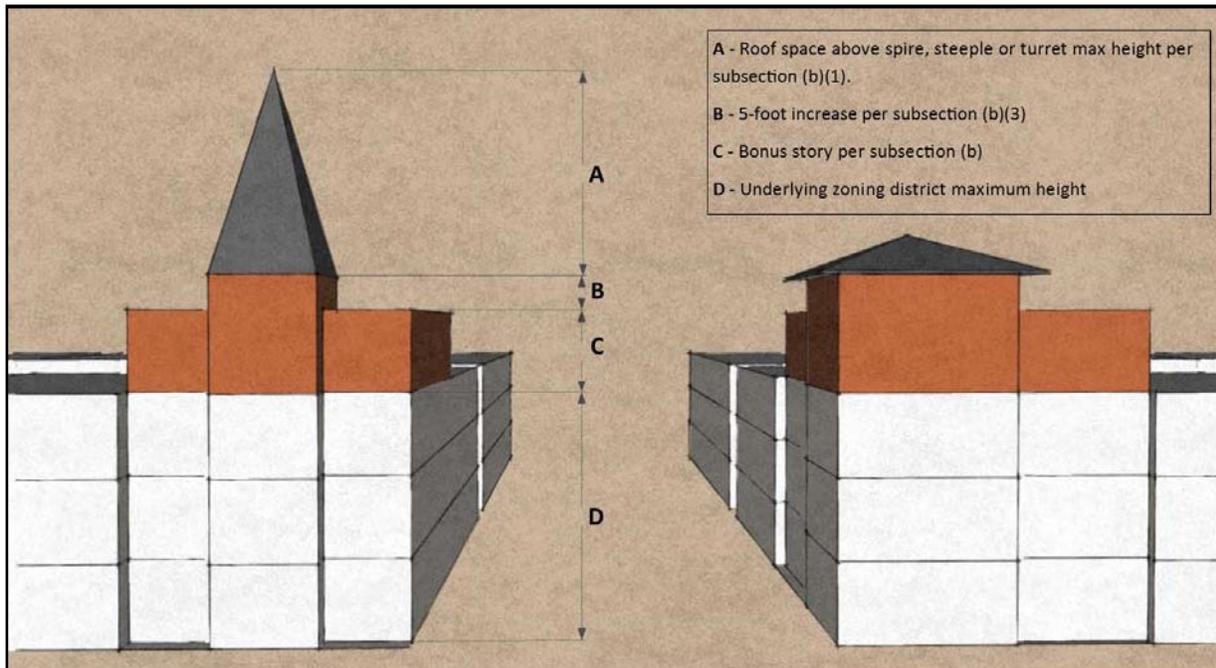


Figure 2. Primary Prominent Places height measurement illustration.

- (c) None of the provisions of this section shall allow additional height beyond the maximum height established under an approved master development plan.

25.10.040 People Places/Pocket Parks/Activity Centers/Place Making

New section reserved.

Chapter 25.12 LANDSCAPING AND OPEN SPACE STANDARDS

25.12.010 Plant material in right-of-way.

- (a) Plant material in the public right-of-way shall be maintained by the adjacent property owner. Plant material shall be maintained to allow a clear sight line from three feet above grade to eight feet above grade. Trees are allowed but shall be maintained to have few or no limbs in this height range.
- (b) Plant material shall be maintained to not restrict movement or use of streets or sidewalks.

- (c) The Mayor's designee shall have the authority to enforce the provisions of this section.
(Ord. 1178 § 1, Nov. 21st, 2005).

Chapter 25.14 SIGN CODE

25.14.010 Purpose.

- (a) Ruston finds that it is necessary to regulate signs in order to assure that the community is a safe and attractive place in which to live and do business. This chapter is found necessary as an exercise of Ruston's police and legislative powers to protect the public health, safety and welfare as well as to protect the public investment in public streets and places; and to attract visitors to Ruston by conserving its natural and manmade beauty. This chapter recognizes and is intended to effectuate the need for a well-maintained and attractive appearance for the community and the need for adequate business identification, advertising and communication.
- (b) The purposes of this chapter are:
- (1) To maintain or improve the aesthetic quality of Ruston's residential and commercial environments;
 - (2) To encourage the effective use of signs as a means of communication in the city;
 - (3) To protect property values;
 - (4) To reduce the need to replace existing signs which might become obscured by unnecessarily large neighboring signs;
 - (5) To provide aesthetic benefits to business districts and the community at large through consistency in style, placement, and scale of signs with buildings, natural settings and other signs;
 - (6) To maintain Ruston's ability to attract sources of beneficial economic development and growth;
 - (7) To promote the public health, safety and welfare;
 - (8) To minimize possible adverse effects of signs on abutting or adjacent public and private properties;
 - (9) To prevent the proliferation of signs, sign clutter and visual clutter;
 - (10) To minimize adverse visual safety factors to travelers on public roadways and private areas open to public vehicular and pedestrian traffic;
 - (11) To provide for the safe construction, location, erection and maintenance of signs;
 - (12) To provide for sign-related administration, permitting, fees payment, enforcement, and appeal on a fair and consistent basis;
 - (13) To encourage that any signs that are erected will have superior design and/or reflect the history of the City as a northwest copper smelter town; and
 - (14) To phase out the number of nonconforming signs over time such that all signs within the City will be conforming and in compliance with the City's zoning and sign codes.
- (c) It is recognized that the right of a business to identify itself contributes to the economic well-being of the community. This right can be exercised in such a way as to bring great benefit to the public without affecting the welfare of the business. The responsible regulation of signs may, in fact, improve business opportunity and the effectiveness of individual signs as a result of the increased attractiveness of the City's environment.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Abandoned sign" means a sign that meets one or more of the following conditions:

- (1) a sign that is located on a property which is vacant and/or unoccupied for a period of one year or longer;
- (2) a sign which is damaged, in disrepair, or vandalized and not repaired within 90 days after receipt of written notice of the damage from the City; or
- (3) a sign for which the use has been discontinued for a period of one year or longer.

"A-board," "sandwich board," or "sidewalk sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

"Address sign" means letters and numbers attached to the building surface for the purpose of identifying the legal street address of a building or structure.

"Animated sign" means any sign that, by movement or by other method or manner of illumination, flashes on or off, winks, blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off or that rotates or turns.

"Awning sign" means a sign applied to or incorporated into the covering of an awning or canopy.

"Banner sign" means any sign of lightweight fabric or similar material that is mounted to a pole or building by one or more edges. National, state or municipal flags shall not be considered banners.

"Changeable sign" means a sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

"Commercial shopping center sign" means a monument sign used to identify a commercial shopping center and/or its tenants therein. Tenant signage may be located upon the commercial shopping center sign, provided that the total sign area for the combined sign faces (tenant signage plus commercial shopping center identification) does not exceed the standards set forth in the Sign Type Matrix contained in RMC 25.09.060.

"Community announcement sign" means an incidental sign measuring less than two square feet in area of a noncommercial nature, intended primarily for public convenience such as "help wanted", "public phone", signs designating hours of operation, announcing lost pets, or community concerts and events, etc.

"Decal sign" means a sign less than one square foot in area which is affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.

"Directory sign" means a sign which displays the names and/or addresses of the establishments, housing units, amenities, or uses of a building or group of buildings.

"Electronic sign" means a sign designed to allow changes in the sign text or graphics electronically.

"Facade" means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

"Freestanding sign" means a sign supported by a pole(s) or mounted on a sign base and not connected to or supported by any other structure.

"Frontage" means the boundary of a lot separating such lot from an abutting street.

"Garage sale sign" means a sign displayed on the day when a garage sale, yard sale, moving sale, estate sale or similar event involving the occasional sale of used or handmade goods, on residential property.

"Gross sign area" means the entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color forming an integral part of the display including the frame.

"Halo lighting," sometimes called "silhouette lighting," means lighting being emitted from the back side of a pan-channel sign graphic which has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting or haloing the sign graphics.

"Instructional sign" means a sign which provides warning, direction or instruction to guide persons to facilities intended to serve the public (e.g., restrooms, public telephones, public walkways, parking areas, maps, or transportation schedules).

"Marquee sign" means any sign attached in any manner to or made part of a marquee. A marquee sign shall be considered a wall sign for the purposes of calculating sign face square footage.

"Monument sign" means a freestanding sign with a base affixed to the ground, where the length of the base is at least the same length of the sign face.

"Neighborhood identification sign" means a monument sign used to identify a particular residential area, development, or subdivision.

"Nonconforming sign" means a sign that met all legal requirements when installed, and which is maintained after the effective date of current regulations and not abandoned but is not in compliance with such sign regulations. See also RMC 25.14.080.

"Off-premises sign" means a sign for a use, product or service not available or conducted on the premises where the sign is erected.

"On-premises sign" means a sign used solely by the business establishment(s) on the lot or premises where the sign is located.

"Pan-channel sign" means a sign or sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette or halo-style lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

"Pole sign" means a freestanding sign constructed with one or more narrow support poles which are visible and not contained within a solid base or screen.

"Political sign" means a sign announcing or supporting political candidates or issues connected with any national, state, or local election; or signs which express political viewpoints on any issue or topic.

"Portable sign" means a freestanding sign made of any material, which by its design is readily movable and is not permanently affixed to the ground.

"Premises" means a defined lot or parcel of land, or one or more contiguous parcels of land which are used jointly for a common purpose.

"Projecting sign" means a sign which is attached to and projects more than one foot from a structure, building facade or marquee.

"Public signs" means those signs which are erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by Ruston under the direction of the Council.

"Real estate sign" means a temporary sign which is used to offer for sale, lease or rent the premises upon which the sign is located.

"Roof sign" means a sign supported by and erected on and above a roof, parapet or fascia of a building or structure.

"Sandwich board" see "A-board."

"Sidewalk sign" see "A-board."

"Sign" means a name, identification, description, emblem, display or device which is affixed to, printed on, or represented directly or indirectly upon a building, structure, or parcel of land; which is illuminated or nonilluminated; visible or intended to be visible from any public place; and which directs or calls attention to a person, place, product, institution, business, organization, activity or service. Signs shall also include any permanently installed or situated merchandise, including any banner, pennant, placard, statue, inflatable device, vehicle or temporary sign. Certain categories of signs are defined by this section.

"Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames, intended to be displayed for a limited time only and not permanently attached to a building or site.

"Temporary construction sign" means a sign jointly erected and maintained on premises undergoing construction by an architect, contractor, subcontractor and/or materialman upon which property such person is furnishing labor or material.

"Wall sign" means a sign that is mounted on, painted on or attached to a window, or is placed within three feet of the inside of a window or opening, or is within an enclosed display window (i.e., the display area in the window is separated from the main floor area by a wall, curtain or screen).

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.030 Exempt signs and displays.

- (a) Address signs.
- (b) Garage sale signs advertising garage sales or yard sales are exempt, provided that no sign shall exceed four square feet in area and is not erected more than four days prior to the event. Garage sale signs shall be allowed on premises only. All signs shall be removed within one day after the close of the garage or yard sale.
- (c) Flags of a government.
- (d) Murals that do not contain advertising copy painted on the exterior wall of a building or structure.
- (e) Nongovernmental and/or noninstitutional flags used for celebration of holidays or special events shall be exempt from the provisions of this chapter; provided that they are removed within seven calendar days of the cessation of the holiday celebration or special event.
- (f) Seasonal decorations customary for holidays erected entirely on private property.
- (g) On-premises instructional signs not exceeding four square feet. The height of the sign shall not exceed four feet.
- (h) On-premises or off-premises temporary campaign and political signs not exceeding eight square feet. If related to an event or election, such signs shall be removed from public property within ten days after the event or election.
- (i) Nonilluminated window signs conforming to RMC 25.14.060 Sign Type Matrix.

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- (j) One temporary construction sign conforming to RMC 25.14.060 Sign Type Matrix.
 - (k) Real estate signs conforming to RMC 25.14.060 Sign Type Matrix.
 - (l) Nonelectric portable signs conforming to RMC 25.14.060 Sign Type Matrix.
 - (m) Decal signs as defined in this chapter.
 - (n) Community announcement signs as defined in this chapter.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.040 Prohibited signs.

- (a) The followings signs are prohibited and not allowed in the City unless meeting the definition of a "nonconforming sign" as contained in RMC 25.14.080. Prohibited signs not meeting the definition of "nonconforming sign" shall be considered a violation of this chapter and subject to the enforcement provisions specified in Chapter 25.90 RMC.
 - (1) Off-premises signs and billboards, except as described in RMC 25.14.060 Sign Type Matrix.
 - (2) Abandoned signs.
 - (3) Animated signs.
 - (4) Electronic signs.
 - (5) Pole-mounted signs.
 - (6) Signs that are damaged or have a damaged supporting structure unless repaired within 90 days after receipt of written notice from the City.
 - (7) Signs on roofs or above eaves.
 - (8) Signs attached to utility poles, public traffic signs, trees, rocks, or other natural features.
 - (9) Signs attached to benches along public rights-of-way.
 - (10) Signs emitting pollutants (i.e., smoke, sound, or other pollutant).
 - (11) Signs resembling official traffic-control devices, interfere with traffic, or are otherwise determined to be a safety hazard by the City Engineer.
 - (12) Non-construction signs or banners attached to fencing.
 - (13) Signs which are not exempt from the building code, but do not conform in structure or material to applicable building codes.
 - (14) Garage sale signs that are posted for more than seven calendar days.
 - (15) Rotating, moving, or flashing signs or lights, except as specifically allowed in RMC 25.14.060 Sign Type Matrix.
 - (16) Inflatable signs.
 - (17) Signs not specifically addressed in this chapter shall be prohibited unless otherwise allowed under other law.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.050 General sign standards.

- (a) Sign Area Bonus.
 - (1) Signs which incorporate one or more of the following items as a dominant feature in the design qualify for a sign area bonus as described in subsection (2) of this section:
 - (A) More than 75 percent of the visible portions of the sign are constructed of, or is coated in copper, including exposed portions of the support structure, text, graphics, or background.
 - (B) The sign is externally illuminated utilizing goose-neck-style down lighting.
 - (C) More than 75 percent of the sign face, text, graphics and background are of a wood carved design.
 - (D) The sign is illuminated utilizing only halo-style lighting.
 - (E) More than 75 percent of the sign face, text, graphics and background are constructed of pan-channel style lettering and graphics.
 - (F) Monument signs which incorporate a base constructed of stone and at least one copper element within the sign face.
 - (2) Signs which qualify for the sign area bonus shall be allowed a 20 percent increase in allowable area. The bonus area granted will not be counted toward the maximum facade area as described in RMC 25.14.050(c).
- (b) Architectural Features. Signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural sign bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution. However, to avoid a "maxed out" appearance, signs shall be no larger than 70 percent of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window which is 30 inches wide may have a sign which is 21 inches wide.
- (c) Total Area. Painted or attached signs on any facade shall not exceed seven percent of the facade or elevation the sign is mounted to, except murals.
- (d) Sight Distance. No sign shall be located in a manner as to visually or functionally interfere with public safety, including pedestrians travel and travel by other multi-modal forms of transportation. Freestanding signs located within 25 feet of any portion of right-of-way (as measured from the edge of the vehicle lane closest to the sign) shall be reviewed by the City Engineer for compliance with all applicable traffic safety standards. Signs located within the right of way may require a right-of-way encroachment permit under Chapter 14.03 RMC or a street excavation permit under Chapter 14.08 RMC.
- (e) International Building Code Compliance. Unless exempt, the structure and installation of all signs shall comply with the latest adopted edition of Ruston's Building Code. Such sign shall meet all other applicable provisions of this chapter.
- (f) Illumination Restrictions.
 - (1) Externally Illuminated Signs. Signs may be externally illuminated provided that they comply with Ruston's outdoor lighting standards as stated in RMC 25.18.010. Sign-frame mounted goose-neck style light fixtures may be utilized in lieu of specific fixture style requirements found in RMC 25.18.010(b)

provided that they are downward directional and do not produce glare onto neighboring residential sites or units. No on-ground lighting fixtures shall be permitted. One mounted light shall be allowed per five square feet of sign area.

- (2) Internally Illuminated Signs. Only text and graphics of internally illuminated signs may be illuminated. The sign face and background must remain opaque and be sealed at the seams to avoid light leaks.
- (3) Portable Signs. Portable signs shall not be illuminated in any manner.
- (g) Maintenance and Safety. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. Failure to maintain a sign(s) in accordance with this subsection shall be considered a violation and subject to the enforcement provisions specified in Chapter 25.90 RMC.
- (h) Landscaping. Freestanding signs must be landscaped around the base of the sign. Each sign shall have a landscaped area twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by a six-inch-high curb at least three feet from the sign base.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.060 Sign type matrix.

Sign Type	Allowability Within Specific Zones			Allowable Area	Max Height	Illumination Height	Maximum Quantity	Time Limits	Permit Required	Qualifies for Bonus
	RES	COM/COM-P	MPD							
	RES	COM/COM-P	MPD							
A-Board/Portable Sign	No	Yes	Yes	12 square feet total. 6 square feet per face.	4 feet	No	1 per entity per street frontage	May only be displayed during business hours or while an employee or agent is on the premises.	Exempt - (requires a right-of-way use permit and insurance if located within the public right-of-way)	No
A-Board/Portable Sign (Temporary Real Estate Open House)	Yes	Yes	Yes	12 square feet total, 6 square feet per face.	4 feet	No	1 per entity per street frontage	May only be displayed while an employee or agent is on the premises.	Exempt - (requires a right-of-way use permit and insurance if located within the public right-of-way)	No
Awning Sign	No	Yes	Yes	Maximum text height and width subject to	N/A	No	Not limited *(1)	N/A	Sign Permit Required	No

				RMC 25.14.050, and only allowed on vertical faces of awnings or canopies not exceeding 8 inches in height						
Building Address Identification	Yes	Yes	Yes	12-inch maximum text height	N/A	Yes	1 per street frontage	N/A	Exempt	No
Commercial Shopping Center Sign	No	Yes *** (3)	Yes *** (3)	84 square feet	8 feet **** (4)	Yes	1 per commercial shopping center as defined by RMC 25.14.020	N/A	Sign Permit Required	Yes ** (2)
Construction Sign (Temporary)	Yes	Yes	Yes	32 square feet	8 feet	No	1 per street frontage	Must be removed prior to occupancy	Exempt	No
Flags (Government or noncommercial institution)	Yes	Yes	Yes	N/A	N/A	N/A	1 of each type of flag per site	N/A	Exempt	No

Freestanding Monument Sign	No	Yes	Yes	32 square feet	6 feet	Yes	1 per street frontage	N/A	Sign Permit Required	Yes ** (2)
Murals Not Containing Advertising Copy	Yes	Yes	Yes	N/A	N/A	N/A	N/A	N/A	Exempt	No
Neighborhood Identification Sign	Yes	Yes	Yes	32 square feet	6 feet	Yes	1 per street frontage	N/A	Sign Permit Required	Yes ** (2)
Non-governmental and/or Non-institutional Flags or Seasonal Decorations	Yes	Yes	Yes	N/A	N/A	N/A	N/A	Must be removed within seven calendar days of the cessation of the holiday celebration.	Exempt	No
On-premises Instructional Signs	Yes	Yes	Yes	4 square feet	4 feet	Yes	As needed	N/A	Sign Permit Required	No
Political signs	Yes	Yes	Yes	8 square feet	N/A	N/A	N/A	Must be removed from public property within 10 days after the election or event	Exempt.	No.
Projecting Sign	No	Yes	Yes	48 square feet per	May not exceed	External, Halo, or	1 per street frontage	N/A	Sign Permit Required	Yes ** (2)

				face, 96 square feet maximum*, must have minimum clearance of 8 feet when over sidewalk or right-of-way. Maximum projection of 4 feet beyond the facade it is attached to.	fascia, eaves or cornice height of the building to which it is attached. In addition, in no case shall the overall height of the sign exceed 50% of the height of the building facade to which it is attached.	Pan-Channel Neon only				
Temporary Real Estate Signs - Commercial	Yes	Yes	Yes	12 square feet	6 feet	No	1 per street frontage	Must be removed within seven calendar	Exempt	No

								days of the sale of the advertised real estate		
Temporary Real Estate Signs - Residential	Yes	Yes	Yes	6 square feet	6 feet	No	1 per street frontage	Must be removed within seven calendar days of the sale of the advertised real estate	Exempt	No
Wall Mounted	No	Yes	Yes	32 square feet *(1)	May not exceed fascia, eaves or cornice height of the building to which it is attached, except that individual pan-channel signs may exceed the fascia	Yes	Not limited *(1)	N/A	Sign Permit Required	Yes *(2)

					height by up to one foot					
Wall Mounted (Home Occupations)	Yes	Yes	Yes	6 square feet	N/A	No	1 per street frontage	N/A	Sign Permit Required	No
Window Sign	No	Yes	Yes	Not more than 50% of the glazing area of any given window. *(1)	N/A	Non-illuminated, Halo or Neon only	Not limited *(1)	N/A	Sign Permit Required	Yes** (2)
Temporary Banner	No	Yes	Yes	20 square feet	6 feet, unless wall mounted, then not to exceed fascia or cornice	No	1 per street frontage	30 calendar days per year	Sign Permit Required	No
* (1) Calculated within the facade maximum as per RMC 25.14.050.										
** (2) See RMC 25.14.050 Sign Area Bonus.										
*** (3) Businesses located within a commercial shopping center (as defined by RMC 25.14.020) may place advertising within a commercial shopping center sign in lieu of an on-site freestanding monument sign.										
**** (4) Base and sign structure shall not exceed 8 feet above the average grade of the adjacent right-of-way with the average grade measured along the right-of-way frontage of the sign.										

(Ord. 1422, § 2, Nov. 19th, 2013; Ord. 1492, § 1, Feb. 21st, 2017).

25.14.070 Permit procedures.

- (a) Permit Requirements.
 - (1) No sign shall be installed, constructed, erected, painted, structurally altered, posted or applied without first obtaining a sign permit from the Mayor or his designee.
 - (2) A separate permit shall be required for each group of signs installed simultaneously on a single supporting structure. Thereafter, each additional sign erected on the structure must have a separate permit. All proposed signs must comply with the requirements of this chapter prior to permit issuance.
- (b) Permit Application. A complete application for a sign permit shall consist of the following:
 - (1) A proposed site plan showing the address, location of the affected lot, building(s) and sign(s), showing both existing and proposed signs;
 - (2) A scaled drawing of the proposed sign or sign revision including size, height, copy, structural footing details, material specifications, method of attachment, illumination, front and end views of marquees or projecting signs, calculation for dead load and wind pressure, photograph of site and building marked to show where sign or marquee is proposed, and any other information required to ensure compliance with appropriate laws;
 - (3) Written consent of the sign owner and the owner of the building, structure, or property where the sign is to be erected;
 - (4) A permit fee as adopted by the City Council;
 - (5) Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit, unless the sign is being installed by the owner of the sign;
 - (6) Documentation demonstrating that the sign installer has a valid City of Ruston business license;
 - (7) Signs which include structural modifications to existing structures, or which involve the construction of new support structures which are regulated by the International Building Code must also submit an application for a building permit as determined by the Building Official.
- (c) Permit Processing Requirements. As shown in the permit and review procedure table in RMC 19.01.011, sign permits shall be processed by the Mayor and/or his designee as an administratively approvable permit, which is subject to the procedures and timelines described within RMC Title 19.
- (d) Time Limits on Sign Permit Approvals. Every sign permit issued by the Mayor or his designee shall become invalid if sign construction and installation is not commenced within 120 calendar days of permit issuance and pursued diligently to completion. After commencing construction and installation, a work stoppage of 120 consecutive days will render the permit invalid. The Mayor or his designee shall have the authority to issue a 120-day written extension of an approved sign permit if such request is submitted by the applicant in writing at least 30 days prior to expiration of the sign permit.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.080 Nonconforming signs.

- (a) The purpose of this section is to ease the economic impact of this chapter on persons with substantial investments in signs that were legal at the time of installation while balancing the City's desire to phase out nonconforming signs over time as redevelopment occurs.

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- (b) A sign is nonconforming if it is out of conformance with this code, and the sign was lawfully erected in compliance with the applicable sign ordinance of the City which was effective at the time of sign installation, and a valid permit for such sign exists if a permit was required at the time of installation. Nonconforming signs, as defined by this chapter, may be continued provided they are maintained in good repair unless such legal nonconforming status is lost in accordance with subsection (d) below.
 - (c) Maintenance and updating allowed. Changes to the sign face and sign graphics may be made to a nonconforming sign except that such changes must conform to this code as to colors, sign graphics, materials, and illumination. Normal maintenance and repair such as cleaning and painting are permitted to a nonconforming sign provided that such activities are conducted in a safe manner and do not intrude into the public rights-of-way. Alterations to the support structure are permitted only under the condition that the alteration does not increase the sign's degree of nonconformance. A permit for work under the subsection must be obtained prior to performance of such work in order to maintain the nonconforming status under this section.
 - (d) A nonconforming sign shall be brought into compliance with this chapter or be removed if:
 - (1) The sign is an abandoned as defined in RMC 25.14.020;
 - (2) The sign is damaged in excess of 50 percent of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;
 - (3) The sign is altered in structure or sign face area which tends to be or makes the sign less in compliance with the requirements of this chapter than it was before the alteration, except as allowed in subsection (d) above;
 - (4) The sign is relocated;
 - (5) The sign is replaced;
 - (6) Any new sign is erected or placed in connection with the enterprise using the nonconforming signs;
 - (7) The sign face and/or structure is not maintained in good repair so as to cause the potential for public harm or injury to life or property;
 - (8) The building to which the sign applies is demolished; or
 - (9) The sign becomes a conforming sign.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.090 Violations and enforcement.

Any violations of this chapter shall be subject to the enforcement provisions contained in Chapter 25.90 RMC or by any other applicable enforcement procedure.

(Ord. 1422, § 2, Nov. 19th, 2013).

25.14.100 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the City or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the City or any of its agents.

(Ord. 1422, § 2, Nov. 19th, 2013).

Chapter 25.16 FRONTAGE STANDARDS

25.16.010 Frontage Standards.

Except for single-family residences, or accessory buildings to single-family residences, middle housing residences, or accessory dwelling units, when any building is located on a pedestrian-oriented frontage, as listed in RMC 25.06.050(a), building facades must meet the following requirements:

- (a) Facades over 25 feet wide must provide a five-foot setback for 50 percent of the total facade length. The five-foot-wide area must include street furniture available to the public such as benches and trash receptacles.
- (b) At least 60 percent of the first floor facade must be glass.
- (c) The remaining percentage of the first floor facade material must be brick, copper, or natural stone.
- (d) Awnings must be provided for over 50 percent of the depth and length of sidewalk area but no greater than seven feet in depth or closer than four feet to the curb.
- (e) Buildings over one story must provide retail or commercial space for the entire first floor open to the public on the ground floor fronting Pearl Street or 51st Street.
- (f) Lights must be provided capable of lighting the sidewalk in front of the property. Building wall-mounted lights must provide soft "pedestrian friendly" character and environment.

(Ord. 1428, § 2, Dec. 23rd, 2013).

Chapter 25.18 LIGHTING STANDARDS

25.18.010 Outdoor Lighting Standards.

- (a) Purpose. It is the purpose of this section to promote public health, safety and general welfare by more efficiently using energy in the form of light by intentionally directing light only upon surfaces intended to be lit, thus reducing unnecessary glare of light into the night sky and surrounding public rights-of-way and private properties.
- (b) Lighting Standards.
 - (1) Keep Light Source Hidden From Public View. All light sources shall be hidden or conform to light standards specified herein. Except for temporary seasonal holiday lighting, light sources (e.g., light bulbs or lenses) shall not be visible. Sources of high-intensity light, whether behind a lens or not, shall not be visible to the public or to any other off-site areas.

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- (2) Use Downward Directional Lighting. Except for intermittent security lighting on motion detectors, all lights more than seven feet above the ground shall be downward directional. The fixture's housing must be totally opaque. Clear or refractive lenses shall not extend below the housing.
 - (3) Lighting which is located lower than seven feet above the ground shall be limited to a maximum illumination equivalent of 75 watts from an incandescent bulb.
 - (4) Avoid Lighting Large Areas with a Single Source. Large areas may be lit with a number of low-intensity sources close to the area requiring illumination. Illumination of a large area with a remote single source of light is prohibited. Intensity of exterior light sources shall not exceed ten footcandles per square foot. If the Mayor or his designee suspects that a lighting proposal does not comply with this requirement, a plan illustrating intensity of light measured in footcandles may be required.
 - (5) Avoid Excessive Light Throw. Lighting shall not be cast beyond the premises and shall be limited to illumination of surfaces intended for pedestrians or vehicles. Illumination of landscaped areas shall be avoided unless lighting is part of the landscape area immediately around the building or the area is intended for recreational use.
 - (6) All light fixtures higher than seven feet above the ground which are intended to illuminate vehicle or pedestrian areas within the public right of way or upon nonresidential or multifamily sites shall be selected from the Architectural Area Lighting Providence® Family of Fixtures, or comparable equivalent as determined by the Mayor or his designee. Specifications for available fixtures may be obtained from the Town Clerk or by navigating your web browser to the Architectural Area Lighting website at <http://aal.net>. Recessed can fixtures located within roof overhangs, porches, awnings, or other architectural roof elements are exempt from this requirement.
 - (7) Avoid Light Fixture Designs Which Have a Utilitarian Appearance. Designs that are strictly utilitarian in appearance shall be avoided on all fixtures visible to the public, e.g., mercury vapor lights, cobra lights, shoebox lights, etc.
 - (8) Limit Height of Pole Fixtures. Pole lights shall be no taller than 20 feet above a 36-inch base in parking lots and traffic areas, and no taller than 12 feet in pedestrian areas.
 - (9) Indoor Business Lighting. If a business use includes indoor illuminate which illuminates areas outside the building in which it is located, the above standards shall apply.
 - (10) Back-Lit Awnings Prohibited. Awnings shall be constructed of materials which are completely opaque and shall not contain signs printed or mounted upon them.

(Ord. 1310, § 1, June 7th, 2010).

Chapter 25.20 PARKING STANDARDS

25.20.010 Parking requirements.

- (a) Parking Spaces Required. Every building erected after adoption of this code shall have parking and loading spaces required by this chapter permanently maintained and used only for those purposes. Additions to structures require additional parking if needed to meet the required parking for the addition or the required parking for the expanded facility, whichever is smaller.
 - (1) Required Parking for Specific Uses.
 - (A) Bowling lanes: five parking spaces per lane.

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- (B) Churches: one parking space for each five seats in the principal place of assembly. Where fixed seats consist of pews or benches, the seating capacity shall be based on 20 inches of pew or bench length per seat. If there are no fixed seats, then one parking space for each 40 square feet of floor area in the principal place of assembly.
 - (C) Hotels: one parking space for each bedroom.
 - (D) Hospitals: one parking space for each bed.
 - (E) Public libraries: one parking space for each 250 square feet of gross floor area.
 - (F) Motels: one parking space for each sleeping unit.
 - (G) Offices: one parking space for each 200 square feet of gross floor area.
 - (H) Rest homes, nursing homes, retirement homes, and institutions: one parking space for each four beds.
 - (I) Elementary schools: one parking space for each employee and each faculty member. (Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.)
 - (J) Schools: one parking space for each 10 students and one for each employee. (Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.)
 - (K) Sports arenas, auditoriums, (including school auditoriums) other places of public assembly (other than churches): one parking space for each three fixed seats. Where fixed seats consist of benches, or if there are no fixed seats, seating capacity shall be computed as for churches. (Where places of public assembly and schools are on the same site, the required school parking facilities shall be considered as contributing to the public assembly parking requirement).
 - (L) Storage and warehousing, freight terminals (when comprising the only activity on the premises): one parking space for each two employees on a maximum working shift.
 - (M) Theaters, taverns, restaurants, and adult entertainment facilities: one parking space for each three seats.
 - (N) Co-living housing: 0.25 parking spaces per sleeping unit; however, no off-street parking shall be required for co-living housing developments located within one-half mile walking distance of a major transit stop.
- (2) All commercial buildings (except as set forth in subsection (a)(1) of this section) hereafter erected shall be so designed as to make provision for off-street automobile parking equivalent to four parking stalls for each 1,000 square feet (or major fraction thereof) of gross floor area, which is defined to include all interior building area without deduction for any reason.
 - (3) All multiple unit dwellings, with a unit density that exceeds the density limits set forth in RMC 25.03.010(e) and which is erected or structurally altered after June 30, 2025, shall be so designed as to make provision for off-street automobile parking equivalent to two parking stalls for each residential unit therein.
 - (4) Off-street parking for each middle housing dwelling unit and each accessory dwelling unit shall be provided as follows:
 - (A) No off-street parking shall be required for middle housing units within one-half mile walking distance of a major transit stop.

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- (B) A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
 - (C) A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
- (5) One parking space for each three employees on the largest working shift for all scientific and research laboratories, light manufacturing and distribution uses.
 - (6) Single-family residential (and additions and structural alterations over 50 percent of the house's square footage) shall make provision for off-street parking for two automobiles.
 - (7) Parking facilities must be an accessory use to an allowed use of a site and shall not be the primary use of any lot except as provided in subsection (a)(8) below.
 - (8) While shared parking is allowed under this section, off-premises parking that is the primary use of any lot is prohibited even under a "shared parking" arrangement. This prohibition notwithstanding, the City may allow a lot to be primarily used for interim off-site or shared parking for a period not to exceed four years as part of an approved development phasing plan whereby the parking will cease to be a primary use and will convert to an accessory or subordinate use of an allowed use at the end of the phasing period. The four-year limitation may be extended for a maximum extension time of two additional years if requested by the property owner in writing at least 60 days prior to expiration of the initial four-year period.
- (b) Parking for Common Facilities. The amount of off-street parking required may be reduced by an amount approved by the City when common parking facilities are developed for two or more uses and:
 - (1) The total parking area exceeds 5,000 square feet;
 - (2) The reduction is based on expected cooperative uses of parking facilities during times when not all uses are operating and the normal hours of operation are separated by at least one hour;
 - (3) The number of off-street parking spaces provided for common facilities must equal the sum of the required parking spaces for each of the various uses if computed separately. The sum of required parking spaces applies for the hours during which operations of different uses overlap;
 - (4) A covenant recorded among the cooperating property owners is approved by the City; and
 - (5) Uses sharing parking must be located within 800 feet of each other.
- (c) Size of Parking Spaces. Each off-street parking space shall have at least 180 square feet, exclusive of drives and aisles, and be at least nine feet wide; except that in facilities of more than 20 parking spaces, up to 30 percent of the total may be at least 128 square feet, exclusive of drives and aisles, and at least eight feet wide, if identified as compact spaces. Each space must have adequate ingress and egress.
- (d) Location of Parking Spaces.
 - (1) Required off-street parking shall be located as follows, with distances measured from the nearest point of the parking area to the nearest door of the building served:
 - (A) For residential dwellings, parking shall be on the site.
 - (B) For churches in a residential zoning district, parking shall be on-site. For churches located in other zones, parking shall be no farther than 150 feet and not in a residential zoning district.
 - (C) For hospitals, homes for the aged, boarding houses and club facilities, parking shall be no farther than 150 feet from the building and not in a residential zoning district.

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- (D) The off-street parking herein provided shall be on the same premises as the commercial or multiple unit dwelling to which it is appurtenant (except as provided below in subsection (d)(3) of this section).
- (2) No motor vehicles or trailers may be parked or stored in any required front yard except in driveways. Driveways may cross required yards or landscaped areas to provide access between the off-street parking and the street. Driveways serving single-family dwellings may be used for parking and may be considered to provide the two required parking spaces.
- (3) Whenever required parking is located off site, safe, durable and adequate pedestrian facilities shall be provided to the building served. Off-site parking must be located within 800 feet of the building served and is subject to the limitations contained in this section.
- (4) Alley Access. Garages and parking spaces may be located adjacent to alleys only if the following standards are met:
- (A) For alley access to parking spaces to be allowed, the alley to be used must have a right-of-way width of at least 16 feet.
- (B) The alley must have, or be provided with, an unobstructed surface at least 12 feet in width within the public right-of-way.
- (C) For parking spaces and garages proposed at right angles to the alley, at least 22 feet must be available from the back edge of the required parking space or wall of proposed garage structure to any obstruction which will inhibit maneuvering or to the far edge of the alley right-of-way, whichever is nearest.
- (D) For parking spaces and garages parallel to the alley right-of-way, the entire parking space must be located on the applicant's property and all space for maneuvering must occur on the applicant's property or on public right-of-way.
- (5) Parking of commercial vehicles is prohibited in residential zones, except as specifically allowed through the approval of a conditional use permit when associated with either a permitted or conditional use. Commercial vehicles that are parked for brief periods of time, as is necessary in their normal course of business, while performing a service or delivering a product are exempt.
- (e) Definitions for the purposes of this section are found in RMC 25.98.160 and Chapter 25.98 RMC.
- (f) Parking developed under this section shall comply with the City's design standards in Chapter 25.06 RMC.
- (g) Existing Building and Uses. Existing buildings and uses with parking lawfully established at the effective date of the ordinance codified in this chapter shall be permitted. A change to a more intense use that requires additional parking shall require application for a conditional use permit.
- (Ord. 991 § 2, July 28th, 1997; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1289, § 2, June 15th, 2009; Ord. 1385 § 2, Dec. 18th, 2012; Ord. 1429, § 1, Dec. 23rd, 2013).

25.20.020 Parking Design Standards.

(a) Pedestrian-Oriented Frontages. The following streets are designated pedestrian-oriented streets:

- (1) Pearl Street.
- (2) 51st Street.
- (3) Main Street.
- (4) Central Avenue.
- (5) Grand Avenue.

Whenever a parking structure is to be located on a lot that touches one or more of these streets, additional design standards will apply in accordance with this section.

(b) For parking structures located on one of the streets listed in subsection (a) above, wrapping of structure with usable commercial or residential building space meeting the standards set forth in RMC 25.16.010 is required.

(c) Parking structures located on one of the streets listed in subsection (a) above shall not have vehicle access from the pedestrian-oriented street, but such access shall be from a street which is not so designated with access from alleys as the preferred vehicle entrance orientation. If vehicle access from a street other than those listed in subsection (a) is not feasible, then any such entrance shall comply with the following:

- (1) Driveways shall be limited in width to the minimum necessary to provide safe vehicle access while minimizing impacts to pedestrian-oriented facades. One-way entrances are preferred over two-way access and exiting from a garage onto any of the streets listed in subsection (a) above is prohibited unless no other feasible alternative is available. Two-way access and/or parking structure exits are allowed when the entrance is incorporated into a signalized or otherwise controlled street intersection. The determination under this subsection shall be consistent with the City's public works standards in Chapter 12.09 RMC and all other applicable City Codes.
- (2) Parking structure entrances shall be flanked on either side with building facades which are situated such that continuous urban streetscape character is not significantly diminished by vehicle-oriented uses. Landscaping may also be required to soften the visual impact of the entrance.

(d) Parking Structures; Building Design. This subsection is applicable to all parking structures developed in the City regardless of location. These standards are supplemental to any other standards contained in this chapter.

- (1) The purpose of this subsection is to reduce the visual impact of structured parking which may be located all or partially above grade.
- (2) The exterior design of any parking structure located all or partially above grade shall comply with the following standards:
 - (A) The street-facing facades of parking levels within a building shall be treated in such a way as to seem more like a typical floor rather than open slabs with visible cars and ceiling lights. This may be accomplished by two or more of the following treatments:
 1. Square openings rather than horizontal.
 2. Planting designed to grow on the facade.

3. Louvers.
 4. Expanded metal panels.
 5. Decorative metal grills.
 6. Spandrel (opaque) glass.
 7. Wrapping the parking structure with usable building space (i.e., commercial or residential space).
- (B) Freestanding parking structures shall incorporate the above features on portions of the facade above the ground level.

Chapter 25.50 PERMITS AND CONDITIONAL USE STANDARDS

25.50.010 Conditional uses, unclassified uses and variances.

- (a) Conditional Use, Unclassified Use and Variance Procedures.
- (1) Applications. Applications for a conditional use, unclassified use or variance shall be submitted to the Mayor or his designee, and shall contain the name and address of the applicant, legal description or street address of the property, nature of the action requested, a site plan and a concise statement of why the proposed use complies with the criteria of this section, as applicable. The application shall be accompanied by a plot plan showing the grade, the height, the lot coverage, the dimensions of all existing structures and the distance from property lines and all improvements to be added to the property, including yard areas, etc. Permit and application fees as established by ordinance and recorded in the City's schedule of land use application fees. The applicant may be required to furnish additional written or graphic information necessary to enable the City staff or Hearing Examiner to act on the application.
 - (2) Notice and Hearing. Notice of application shall be given and hearings held and a determination reached thereon as set forth in Section 25.01.060(e) and Title 19 of the Ruston Municipal Code.
 - (3) Decision. A conditional use or variance application included in an application for site plan approval shall be considered together with the site plan.
- (b) Conditional Uses.
- (1) Purpose of Conditional Use Permit. It is the purpose of this chapter to establish review and approval procedures for unusual or unique types of land uses which due to their nature require consideration of their impact on the neighborhood and land uses in the vicinity. The purpose of the conditional use permit is to allow certain uses in zoning districts that would normally be prohibited, when the requested use is consistent with the goals and policies of the Comprehensive Plan or zoning code and is deemed consistent with the existing and potential uses within the zoning district. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of this section.

A conditional use permit is a mechanism by which the City may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible, the

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proposal shall be denied. The City's Hearing Examiner may grant conditional use permits only if all applicable provisions of this code are fulfilled:

- (A) The proposed use will not be injurious to the neighborhood or otherwise result in substantial or undue adverse economic, aesthetic, or environmental effects on adjacent property.
 - (B) The proposed use will not create a hazard for pedestrian or vehicular traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use shall not be detrimental to the existing and proposed allowable uses in the zoning district. The traffic and circulation patterns shall assure safe movement in the surrounding area.
 - (C) Adequate access will be available for emergency vehicles.
 - (D) Adequate off-street parking will be provided to prevent congestion of public streets.
 - (E) The bulk and lot coverage of the proposed use shall be compatible with the surrounding property, or shall be conditioned so as to not impose an adverse impact upon the surrounding property.
 - (F) Building and structure heights shall conform to the requirements of the surrounding zoning district. Bell towers, public utility antennas or similar structures may exceed the height requirements, provided that they conditioned so as to not impose an adverse impact upon the surrounding community.
 - (G) Potential noise, light and glare impacts relating to the proposed use shall not unduly impact nor detract from the surrounding properties in the zoning district. The Hearing Examiner shall find that the potential noise, light and glare shall not deter from the surrounding properties in the zoning district.
 - (H) Hours of Operation. The hours of operation shall not create intrusive impacts into the neighborhood.
- (2) Landscaping. Landscaping shall be provided in all areas not occupied by buildings or paving. The Hearing Examiner may require exceptional landscaping as a condition.
- (3) Effect of Conditional Use Permit.
- (A) Once a conditional use permit is approved, no building or development shall occur contrary to that specified in the conditional use permit.
 - (B) The owner shall record a declaration with the Pierce County Auditor showing the land to be bound by a conditional use permit.
 - (i) The declaration shall reference the official files of the City through which the permit was granted.
 - (ii) The declaration shall be a covenant running with the land.
 - (iii) No building permit shall be issued unless such declaration is recorded.
 - (iv) No building permit shall be issued for structures other than those specified in the permit.
- (c) Unclassified Uses. In creating use classifications, the City has considered the characteristics which make uses comparable and compatible. It is not possible to enumerate and classify every use to which land might be devoted. Persons wishing to establish an unclassified use may request a classification from the City Council which shall consider such requests during its annual review (if required by law). At the discretion of the Mayor, uses sufficiently similar to classified uses can be permitted subject to approval by the Council and any

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conditions the Council considers appropriate. On receipt of such a request, the Mayor shall ascertain all pertinent facts and make an appropriate recommendation to the City Council for classification based upon similarities or dissimilarities, compatibility or incompatibility, with enumerated uses, for any proposed use:

- (1) Not listed as a permissible or conditional use in any zone; or
 - (2) Involving new technology developed since adoption of the ordinance codified in this chapter; or
 - (3) Which, because of unusual processes or material, possesses performance characteristics different than those usually associated with the use and requires the use to be placed in a more restrictive classification.
- (d) Variances.
- (1) Authorization for Variance—Findings Required. A variance from any area, setback, yard, parking or other dimensional requirements contained in this chapter may be granted by the Hearing Examiner after receiving the recommendation and written findings of fact from the City staff as described in (d)(6) below if the Hearing Examiner finds that the standards in subsection (d)(2) of this section are established by the applicant.
 - (2) Variance Standards. Before any variance can be granted, the applicant must establish the following:
 - (A) There is a unique condition relating to the size, shape, topography, location, or character of surrounding uses that would make the application of the regulation too restrictive; or
 - (i) The purpose of the regulation from which the variance is sought would not be harmed by allowing the variance, thus making application of the regulation to the applicant's property unreasonable. Such uses may include fire safety, adequate traffic sight distance, and open space for light, air, and recreational uses; and
 - (B) Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity; or
 - (i) The proposed design is more environmentally sensitive than would be the case if the design met the regulation from which a variance is sought; and
 - (C) The proposed variance will not conflict with the City's comprehensive plan; and
 - (D) Will not adversely affect the neighborhood's character; and
 - (E) Will not adversely affect the use or value of neighboring properties.
 - (3) Projections into Yard Setbacks. The following intrusions may project into any required yard setback and shall not require a variance:
 - (A) Roof overhangs (eaves), belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, sun shades, gutters, and other similar features; provided, that such features do not extend more than 24 inches into any required yard setback;
 - (B) Chimneys, flues, and similar fireplace structures so long as they do not extend more than two feet into the side yard setback or three feet into a front or rear yard setback;
 - (C) Uncovered porches, steps, balconies and platforms that do not extend above the floor level of the second floor may extend up to six feet into the front or rear yard setback or two feet into a side yard setback;
 - (D) Planting boxes or masonry planters not exceeding 48 inches in height above the finished grade level may extend into any required front or rear yard setback.

- (4) **The** provisions of this section shall prevail when they conflict with the provisions of Sections 25.03.010 and 25.03.030.
- (5) Variance Subject to Conditions. The Hearing Examiner may grant a variance subject to conditions or safeguards to ensure that the purpose and intent of the City's zoning regulations and comprehensive plan will not be violated.
- (6) Report and Recommendation From Mayor. The Planning Director or other City official designated by the Mayor shall prepare a written report and recommendation on the variance application and shall submit such report to the Hearing Examiner prior to his or her consideration of the variance application in a public hearing.

Chapter 25.52 MASTER PLANNED DEVELOPMENTS

25.52.010 Purpose.

A master-planned development (MPD) is intended to allow flexibility in zoning and development standards for large-scale developments in exchange for providing public amenities and benefit.

A MPD is a district that may be developed under this chapter only in accordance with a specific development plan for property that is already subdivided. The MPD process shall not be used in place of the subdivision process contained in Chapter 29.02 RMC. The approved development plan is an integral part of this MPD designation and all development shall comply with said plan as approved as part of the MPD process.

The master planned development process is designed and intended to enable and encourage the development of large tracts of land of at least 0.75 acres in size and which are under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this Chapter. The purpose of this Chapter is to allow zoning flexibility consistent with the City's zoning code and comprehensive plan which will achieve land development patterns which will maintain and enhance the physical, social and economic values of an area and to provide additional public benefit and amenities for the City of Ruston than would otherwise exist under a strict application of the City's zoning code. Although other approaches may be considered, the City of Ruston prefers to utilize concepts established by the Congress for New Urbanism which are implemented through the use of a smart code or form-based code.

To this end, the MPD process may allow a combination of land uses, allowed by the underlying zoning and consistent with the comprehensive plan including a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with modern land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the shoreline, the planned thoroughfare system, and other public facilities such as water, storm water and sewer systems, parks, schools and utilities. The relationship of building facade placement throughout the site and how that affects the pedestrian experience at the street will be given a great amount of emphasis when determining compliance. The use of the MPD process requires the applicant to provide definable public benefits in exchange for being allowed to vary from the underlying zoning and traditional lot by lot zoning. The MPD process is a discretionary process.

The master planned development designation and the procedures for obtaining or amending an MPD are further established to provide a land developer with reasonable assurance that specific uses proposed and approved under this process will be acceptable to the City; and to provide certainty, predictability and benefit to the City for the development plans of a given area.

(Ord. 1476, § 2, Nov. 3rd, 2015)

25.52.020 General provisions; application.

- (a) Qualifications. MPD districts may be established on parcels of land which, because of their unified ownership or control, size of at least 0.75 or more acres, topography proximity to large public facilities, or exceptional or unusual locational advantages, will result in a superior development under this process than would be achieved by strict application of the zoning code for the underlying property.
- (b) Permitted Uses. All uses would be permitted in substantial harmony with the comprehensive plan and zoning code subject to approval of a development plan by the City Hearing Examiner.
- (c) All commercial and multifamily portions of development plans and amendments to development plans must comply with the City's design standards as set forth in Chapter 25.06 RMC. For the purposes of applying design review criteria, internal circulation driveways and private roads shall be treated as public streets.
- (d) Application. A complete application for an MPD shall consist of the following information and materials:
 - (1) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
 - (2) A SEPA checklist.
 - (3) A statement of proposed use or action, including a description of all the proposed uses of the property with detail to show which portions of the property are proposed for the specific use(s).
 - (4) A map or maps drawn to a suitable scale, showing at least the following:
 - (A) The boundary of the proposed MPD and its immediate vicinity and the City.
 - (B) The existing and proposed topographic character of the land at two-foot intervals.
 - (C) The views to Puget Sound and Mount Rainier from the development site as well as from the surrounding area.
 - (D) Drainage plans consistent with the City's storm water standards contained Chapter 12.09 RMC.
 - (E) Utilities plans consistent with the City's public works standards contained in Chapter 12.09 RMC.
 - (F) Any major re-grading intended for streets or changes in elevation of other portions of the property.
 - (G) The proposed uses of the land.
 - (H) The approximate location of all public streets, rights-of-way and sidewalks and other pedestrian and bike facilities consistent with the City's public works standards contained in Chapter 12.09 RMC.
 - (I) Location of public uses proposed, if any, such as schools, parks, playgrounds, plazas, trails or other recreational facilities.
 - (J) The locations of any critical areas or geologic hazard areas.
 - (K) Relationship to Puget Sound shoreline and related shoreline or park facilities.
 - (L) Proposed building facade locations through the use of a build-to line or build-to zone.
 - (M) Proposed location and quantity of vehicle access locations that intersect at public or private streets, such as driveways, garages, loading bays, dumpster access, etc. The map described in this subsection (d)(4) shall be called the "Master Development Site Plan." The final approved "Master

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Development Site Plan" shall become part of the master development plan and have the same binding force and effect as the rest of the master development plan decision.

- (5) The proposed development program including but not limited to the following information:
- (A) A legal description of the MPD boundary, including tax lot information for parcels within the boundary and a copy of the subdivision or plat for all property within the MPD boundary.
 - (B) The gross size of the area expressed in acres.
 - (C) The overall density and type of structures proposed.
 - (D) The nature of development proposed, including proposed uses or categories of uses.
 - (E) The disposition of lands proposed for public facilities.
 - (F) The anticipated timing for each building or lot proposed to be developed separately, including any proposed phasing plan. (A phasing plan will require a separate development agreement in accordance with Chapter 36.70B RCW.)
 - (G) The delineation of each lot within the MPD and the number, size and types of buildings to be constructed thereon.
 - (H) If a subdivision is needed as part of the MPD plan, then the applicant shall apply for a subdivision either prior to or contemporaneously with the MPD application. Such subdivision shall be processed in accordance with Chapter 29.02 RMC.
 - (I) The approximate size, in acres, of each lot.
 - (J) A description of the status and progress of any environmental remediation activities of the MPD site.
 - (K) Proposed mitigation measures to address impacts of the MPD.
 - (L) All amenities proposed by the applicant to provide a public benefit. Amenities which provide a public benefit include, but are not limited to the following:
 - i. Active and passive open space such as parks, plazas, porches, patios, community gardens, amphitheaters, courtyards, trails, shoreline access, piers, docks and viewing platforms, etc.
 - ii. Inclusion of landmark structures and prominent places such as visual terminus locations, entry gateways and street corners.
 - iii. Significant increases in the quality of building materials used on buildings such as stone, masonry, copper, exposed beams, etc.
 - iv. Provision of covered walkways and outdoor seating areas along pedestrian routes by constructing awnings, colonnades, trellises, porches, etc.
- (6) All Proposed Restrictive Covenants. Any and all proposed restrictive covenants to be recorded against the property in a form approved by the City Attorney shall be provided with the development plan.
- (7) Compatibility and Benefit Analysis. A description demonstrating how the MPD uses will be compatible with the areas surrounding the proposed development and a clear explanation of the public benefit provided by granting the MPD.
- (8) Wherever residential development is proposed within a MPD district, the application shall contain at least the following information:

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- (A) The approximate number of dwelling units proposed by type of dwelling (i.e., single-family, multi-family) and the density, i.e., the number of dwelling units proposed per gross acre for each type of use.
 - (B) The standards of height, open space, building coverage, yard area, landscaping and pedestrian facilities, parking facilities and the kinds of street and land improvements proposed.
- (9) For MPD districts or sections thereof for which commercial development is proposed, the application shall contain at least the following information:
- (A) The approximate retail sales floor area and total area proposed for commercial development broken down by type.
 - (B) The types of uses proposed to be included in the development.
 - (C) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading signs, and nuisance controls intended for the development.
- (10) For MPD districts or sections thereof for which light industrial development is proposed, the application shall contain at least the following information:
- (A) The approximate total area proposed for such use broken down by type.
 - (B) The types of uses proposed to be included in the development. (Generally those light industrial, office, laboratory and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any excessive noise, vibration, smoke, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, do not generate significant levels of truck traffic whose impacts cannot be mitigated.)
 - (C) The anticipated employment in the entire development and in each major section thereof. This may be stated as a range.
 - (D) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
- (11) For MPD districts containing institutional, recreational or other public or quasi-public development, the application shall contain the following information:
- (A) General types of uses proposed in the entire development and each major section thereof.
 - (B) Significant applicable information with respect to enrollment, residence, employment, attendance, or other social or economic characteristics of development.
 - (C) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development.
- (12) The fee as set by the City Council.
- (d) Optional Materials. The applicant may also submit the following information:
- (1) Economic analysis of a specific development proposal.
 - (2) Other materials necessary for the City to fully evaluate the proposal.
- (e) Applications under this chapter shall be processed in accordance with the provisions in Title 19 RMC.
- (f) Approvals Required; Timing.
- (1) Approval of a master development plan must occur after the issuance or amendment of the underlying plat.

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- (2) Approval of a MPD must occur prior to or concurrently with the submittal of an application for site plan review and approval.
 - (3) Site plan review and approval is required under Section 25.01.060 for development within the MPD zone prior to building permit issuance.

(Ord. 1476, § 2, Nov. 3rd, 2015)

25.52.030 Criteria for approval; findings required.

- (a) The applicant has the burden to demonstrate that the following criteria are satisfied:
 - (1) That the development proposed will result in a superior development than can be developed under the underlying zoning in place on the property and that the proposed development will provide significant amenities or public benefits as described above which are significantly greater than the public benefits to the City of Ruston as compared to the benefits provided by strict adherence to the underlying zoning code, and that the development in accordance with the MPD can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the City and the public.
 - (2) That the streets and thoroughfares proposed are adequate to serve the proposed uses and the anticipated traffic which will be generated thereby, including satisfying concurrency by obtaining approval of a certificate of concurrency or in the alternative, establishing that City's adopted level of service standards will not be lowered by the proposed MPD and establishing that such streets and thoroughfares are consistent with the City's public work standards contained in Chapter 12.09 RMC and the requirements of SEPA.
 - (3) That the MPD incorporates all SEPA conditions as set forth in the MDNS or EIS.
 - (4) In the case of proposed residential development, that such development will constitute a residential environment that is superior in quality, function and design to what can be developed under the underlying zoning in place on the property and consistent with the character of the surrounding area, that the sites proposed provide public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and such development provides a public benefit to the City. Amenities which provide a public benefit include, but are not limited to, the following:
 - (A) Provision of active and/or passive open space such as parks, plazas, porches, patios, community gardens, amphitheaters, courtyards, trails, shoreline access, piers, docks and viewing platforms, etc.
 - (B) Inclusion of landmark structures and prominent places such as visual terminus locations, entry gateways and street corners.
 - (C) Provision of significant increases in the quality of building materials used on buildings such as stone, masonry, copper, exposed beams, etc.
 - (D) Provision of covered walkways and outdoor seating areas along pedestrian routes by constructing awnings, colonnades, trellises, porches, etc.
 - (5) In the case of proposed light industrial or research uses, that such development will be equal to or superior in quality, function and design to what can be developed under the underlying zoning in place on the property and consistent with the character of the surrounding area and the design and development standards contained in Chapter 25.06 RMC have been satisfied and such development provides a public benefit to the City, including such benefits as are described in Sections 25.52.010 and 25.52.020 above.

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- (6) In the case of proposed commercial, institutional, recreational and other nonresidential uses, that such development will be superior in quality, function and design to what can be developed under the underlying zoning code in place on the property and consistent with the character of the surrounding area and that such development is consistent with the design standards in Chapter 25.06 RMC and provides a public benefit to the City, including such benefits as are described in Sections 25.52.010 and 25.52.020 above.
 - (7) The final master development site plan as described in Section 25.52.020(d)(4) shall reflect the approvals listed in this section and shall be finalized and incorporated as part of the approval of the master development plan.
- (b) Before approval or modified approval of an application for a proposed MPD or amendment of an approved MPD, the decision-maker must find that the requirements contained in subsection (a) above have been satisfied and enter written findings supporting the approval or denial of an application for a proposed MPD.
 - (c) If the approval of an MPD or an amendment of an approved MPD results in a change of zoning, then the official zoning map of the City must be concurrently amended to show the uses allowed in the new zone.
 - (d) The granting of an MPD or the amendment of an approved MPD shall be binding on any subsequent development or redevelopment and such development must comply with all conditions of the approval.
- (Ord. 1476, § 2, Nov. 3rd, 2015)

25.52.040 Amendments.

- (a) A complete application for an amendment, minor or major, of an approved MPD shall include the following information and materials:
 - (1) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
 - (2) A SEPA checklist.
 - (3) A statement clearly describing the amendment sought.
 - (4) A detailed statement of how proposed amendment complies with approval granted for the MPD.
 - (5) Maps consistent with RMC 25.52.020 above of any area that is proposed to be revised under the application.
 - (6) Any revisions to the proposed development program, including the information outlined in RMC 25.52.020 above.
 - (7) Information on any proposed revisions to the development schedule. (A phasing plan will require a separate development agreement in accordance with Chapter 36.70B RCW.)
 - (8) Information about any proposed revisions to the lot or building configurations, density, size or scale as approved in the MPD.
 - (9) Information about any proposed revision to the original approved development standards for each of the proposed uses, including how the revision is consistent with the City's comprehensive plan, zoning code and design standards and the impact of such revision on the public benefit provided by the MDP.
 - (10) Information about any proposed revision to the MPD approval, including how the revision is consistent with the City's comprehensive plan, zoning code and design standards and the impact of such revision on the public benefit provided by the MPD.

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- (11) A description of the status and progress of any environmental remediation activities of the MPD site and any new or revised proposed mitigation measures to address impacts of the MPD.
 - (12) Any revisions to proposed restrictive covenants, including drafts of the new or revised covenants to be recorded against the property. Such covenants must be in a form approved by the City Attorney.
 - (13) Information consistent with the application requirements contained in RMC 25.52.020 as applicable to any proposed revisions.
 - (14) The fee as set by the City Council.
 - (15) Optional Materials. The applicant may also submit the following information:
 - (A) Economic analysis of a specific development proposal.
 - (B) Other materials necessary for the City to fully evaluate the proposal.
- (b) Minor Amendments. Applications for minor amendments to an approved MDP shall be processed in accordance with the procedures established under RMC Title 19. A decision for a minor amendment application shall be rendered by the Mayor or his designee, without a public hearing, in accordance with the criteria for approval set forth in RMC 25.52.030.
- (1) Minor amendments include any modification to the original approved MDP which:
 - (A) Does not increase the overall project maximum building height;
 - (B) Does not decrease the width of any required view corridors (minor shifts in location are permissible);
 - (C) Does not result in a net decrease in the quality or quantity of open space (when considering net open space, the Mayor or his designee may consider increased quality of open space or provision of landmark buildings in exchange for proposed reductions in bulk square footage of open space);
 - (D) Does not result in reduced pedestrian connectivity (relocation of pedestrian routes is permissible);
 - (E) Does not result in a net decrease in overall urban design quality.
 - i. For the purposes of evaluating urban design quality the Mayor or his designee shall utilize modern planning concepts for walkable communities, such as those supported by the Congress for new urbanism and implemented through the use of a smart code or form-based code. In any decision to allow modification to a master development plan, pedestrian comfort and safety shall be considered to be more important than vehicular convenience.
- (c) Major Amendments.
- (1) Applications for major amendments to an approved MDP shall be processed in accordance with the procedures established under RMC Title 19. A decision for a major amendment application shall be rendered, in accordance with the criteria set forth in RMC 25.52.030.
 - (2) Modifications to an existing approved MPD which are not classified as a minor amendment under subsection (b) of this section shall be classified as a major amendment.

(Ord. 1476, § 2, Nov. 3rd, 2015)

25.52.050 Approved master development plan.

- (a) Property Development Standards. All land uses in an MPD district shall conform to the property development standards set forth in the development plan approved, or as amended under this chapter.
- (b) An approved master development plan, including the master development site plan shall be kept on file by the City, shall be reflected on the City's official zoning map and shall be binding on any subsequent development or redevelopment of the property. Such development must comply with all conditions of the approval.
- (c) Site Plan Requirements. Site plan approval is required under Section 25.01.060 for any development within the MPD zone.
- (d) Design Standards. All development within the MPD zone is subject to the design standards contained within Chapter 25.06 RMC.

(Ord. 1476, § 2, Nov. 3rd, 2015)

Chapter 25.54 PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES*

Sections:

25.54.010 Purpose.

- (a) These standards were developed to protect the public health, safety, and welfare, to protect property values and minimize visual impact while furthering the development of enhanced telecommunication services in the Town. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.
- (b) To the extent that any provision of this chapter is inconsistent or conflicts with any other Town ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the Town.
- (c) In reviewing any application to provide personal wireless service or to install personal wireless service facilities, the Town shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The Town shall approve, approve with condition, or deny the application in accordance with the time frames set forth in Title 19 of this code, and in accordance with other applicable ordinances.

(Ord. 992 § 1, July 21st, 1997).

25.54.020 Policy statement.

- (a) The Town, with increasing frequency, has been confronted with inquiries on locating towers and antennas. The purpose of this chapter is to establish general guidelines for the siting of towers and antennas. The goals of this chapter are to:

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- (1) Enhance the ability of personal wireless service providers to provide such services throughout the Town quickly, effectively, and efficiently;
 - (2) Encourage personal wireless service providers to locate towers and antenna in nonresidential areas and to minimize the total number of towers and antenna throughout the Town;
 - (3) Encourage personal wireless service providers to co-locate on new and existing tower sites;
 - (4) Encourage personal wireless service providers to locate towers and antennas, to the extent possible, in areas where the adverse impact on Town residents is minimal; and
 - (5) Encourage personal wireless service providers to configure towers and antennas in a way that minimizes any significant adverse visual impact.
- (b) Accordingly, the Town Council finds that the promulgation of this chapter is warranted and necessary:
- (1) To manage the location of towers and antennas in the Town;
 - (2) To protect residential areas and land uses from potential adverse impacts of towers;
 - (3) To minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (4) To accommodate an increased need for towers to serve the wireless communications needs of Town residents;
 - (5) To promote and encourage co-location on existing and new towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;
 - (6) To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and
 - (7) To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.
- (c) New Uses. All new antenna shall comply with this chapter after the date of passage.
- (Ord. 992 § 1, July 21st, 1997).

25.54.030 Definitions.

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below:

"Abandonment" means:

- (a) To cease operation for a period of 60 or more consecutive days;
- (b) To reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days;
- (c) To relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or
- (d) To reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

"Antenna" means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by

the Federal Communications Commission for "cellular", "enhanced specialized mobile radio" and "personal communications services", telecommunications services, and its attendant base station.

"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

"Applicant" means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the Town.

"Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or, new structure, tower, or mount within trees so as to be significantly screened from view.

"Cell site" or "site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

"Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

"Conditional use permit" or "CUP" means a process and approval as described in Title 19 of this code, and in this title.

"COW" means 'cell on wheels'.

"Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.

"EIA" means the Electronics Industry Association.

"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Governing authority" means the Town Council of the Town of Ruston.

"Hearing Examiner" means the duly appointed Hearing Examiner of the Town.

"Modification" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

"Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

- (a) Building-mounted. A personal wireless service facility mount fixed to the roof or side of a building.
- (b) Ground-mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
- (c) Structure-mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

"Personal wireless service," "personal wireless service facilities," and "facilities" used in this chapter shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication: cellular phone, personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC, and unlicensed wireless services.

"Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

"Screening" means a personal wireless telecommunication facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 50 percent of the height of the facility.

"Secondary use" means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.

"Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

"Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.

(Ord. 992 § 1, July 21st, 1997).

25.54.040 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

- (a) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- (b) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.
- (c) Radar systems for military and civilian communication and navigation.
- (d) Wireless radio utilized for temporary emergency communications in the event of a disaster.
- (e) Licensed amateur (ham) radio stations.
- (f) Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.
- (g) Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings); provided, that compliance with the standards of this chapter are maintained.
- (h) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity.

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- (i) A cell on wheels or other temporary personal wireless telecommunications facility shall be permitted for a maximum of one week or during an emergency declared by the Town.

(Ord. 992 § 1, July 21st, 1997).

25.54.050 Recognition of industry site selection criteria.

In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. Specific locations within that general area will be evaluated using the following criteria which are not listed in order of priority:

- (a) Topography as it relates to line of sight transmissions for optimum efficiency in telephone service.
- (b) Availability of road access.
- (c) Availability of electric power.
- (d) Availability of land-based telephone lines or microwave link capability.
- (e) Leasable lands, and landlords who want facilities to be located on them, properties consistent with zoning regulations.
- (f) Screening potential of existing vegetation, structures and topographic features.
- (g) Zoning that will allow low power mobile radio service facilities.
- (h) Compatibility with adjacent land uses.
- (i) The least number of sites to cover the desired area.
- (j) The greatest amount of coverage, consistent with physical requirements.
- (k) Opportunities to mitigate possible visual impact.
- (l) Availability of suitable existing structures for antenna mounting.

(Ord. 992 § 1, July 21st, 1997).

25.54.060 Site selection criteria.

- (a) Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate by engineering evidence that the height requested is the minimum height necessary to fulfill the site's function within the grid system.
- (b) Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.
- (c) Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Sites shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
- (d) In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zone district. In all zones, towers shall be significantly screened by placing them in trees to the extent that it does not result in significant signal degradation.

(Ord. 992 § 1, July 21st, 1997).

25.54.070 Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

- (a) Place antennas and towers on public property if practical.
- (b) Place antennas on appropriate rights-of-way and existing structures, such as buildings, towers, water towers and smokestacks.
- (c) Place antennas and towers in districts zoned commercial.
- (d) Place antennas and towers on other nonresidential property.
- (e) Place antennas on multifamily residential structures exceeding 30 feet in height.
- (f) Place antennas and towers in residential zones only if (i) locations are not available in nonresidential districts; and (ii) only on or in existing churches, parks, schools, utility facilities, or other appropriate public facilities.
 - (1) An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.
 - (2) Applicants are required to demonstrate:
 - (A) That they have contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals;
 - (B) Have asked for permission to install the antenna on those structures; and
 - (C) Were denied for reasons other than economic feasibility.
 - (3) The information submitted by the applicant shall include:
 - (A) A map of the area to be served by the tower or antenna;
 - (B) Its relationship to other cell sites in the applicant's network; and
 - (C) An evaluation of existing buildings taller than 30 feet, which from a location standpoint could provide part of a network to provide transmission of signals, and towers within one-quarter mile of the proposed tower or antenna.
 - (4) A conditional use permit is required for all personal wireless facilities located in a residential zone.

(Ord. 992 § 1, July 21st, 1997).

25.54.080 Siting priority on public property.

- (a) Where public property is sought to be utilized by an applicant, priority for the use of City-owned land for wireless antennas and towers will be given to the following entities in descending order:
 - (1) City of Ruston;

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- (2) Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Ruston and private entities with a public safety agreement with the City of Ruston;
 - (3) Other governmental agencies, for uses which are not related to public safety; and
 - (4) Entities providing licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.
- (b) Minimum Requirements. The placement of personal wireless service facilities on City-owned property must comply with the following requirements:
- (1) The facilities will not interfere with the purpose for which the City-owned property is intended;
 - (2) The facilities will have no significant adverse impact on surrounding private property;
 - (3) The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
 - (4) The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of removing the facilities;
 - (5) The antennas or tower will not interfere with other users who have a higher priority;
 - (6) Unless otherwise agreed, the applicant must agree that upon the occurrence of issues affecting public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;
 - (7) The applicant must reimburse the City for any related costs which the City incurs because of the presence of the applicant's facilities;
 - (8) The applicant must obtain all necessary land use approvals; and
 - (9) The applicant must cooperate with the City's objective to promote co-locations and thus limit the number of cell sites requested, or camouflage the site.
- (c) Special Requirements for Parks. The use of City-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:
- (1) The City Planning Director, in consultation with the Maintenance Supervisor, has reviewed and made a recommendation regarding proposed personal wireless service facilities to be located in the park and this recommendation must be forwarded to the Hearing Examiner along with all submittals on the proposed facilities as described in this chapter for consideration and decision on whether the facilities should be allowed to be located in or upon the City's park property;
 - (2) In no case shall personal wireless service facilities be allowed in designated critical areas;
 - (3) Before personal wireless service facilities may be located in public parks, consideration shall be given to visual impacts and disruption of normal public use for facility, including impacts during construction;
 - (4) Personal wireless service facilities may be located in park maintenance facilities.
- (d) Required Submittals. Application for conditional use permit, building permit, and other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of Title 19 of this Code, and other applicable ordinances:

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- (1) Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;
 - (2) A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility;
 - (3) A signed statement indicating that:
 - (A) The applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location; and
 - (B) The applicant and/or landlord agree to remove the facility within 60 days after abandonment;
 - (4) Copies of any environmental documents required by any Federal agency. These shall include the environmental assessment required by FCC Para. 1.1307 or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
 - (5) A site plan bearing the stamp of a licensed engineer which clearly indicates the location, type and height of the proposed tower and antenna, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures;
 - (6) A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the City;
 - (7) Legal description of the parcel, if applicable;
 - (8) The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;
 - (9) A landscape plan showing specific landscape materials;
 - (10) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
 - (11) A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable Federal, State and local laws and regulations;
 - (12) A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;
 - (13) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;
 - (14) The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;
 - (15) The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
 - (16) A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering, access, and all other items required in this chapter. The site plan shall not be required if the antenna is to be mounted on an existing structure; and
 - (17) At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the City.

(Ord. 992 § 1, July 21st, 1997; Ord. 1462, § 1, Nov. 3rd, 2015).

25.54.090 Co-location.

- (a) To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities is encouraged as follows:
- (1) Proposed facilities may, and are encouraged to, co-locate onto existing towers. Such co-location is permitted by right and new or additional conditional use permit approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied, and the co-location must be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this chapter.
 - (2) The conditional use permit requirement for a facility may be waived in nonresidential zones if the applicant locates the antenna on an existing structure or an existing tower. The applicant must submit detailed plans to determine if the conditional use permit process and public hearing can be waived. No building permit will be issued until approval is granted by a conditional use permit.
 - (3) The Town may deny an application to construct new facilities if the applicant has not shown by substantial evidence that it has made a diligent effort to mount the facilities on an existing structure or tower.
 - (4) To reduce the number of antenna support structures needed in the Town in the future, new proposed support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.
 - (5) Unless co-location is not feasible, an applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower. A first right-of-refusal to lease the area at the base of the tower or mount for other providers will meet the reservation requirement. The site plan for towers in excess of 100 feet above ground level must propose space for two comparable providers, while the site plan for towers 100 feet or less must propose space for one comparable provider. To provide further incentive for co-location, an existing tower may be modified as a matter of right to accommodate co-location without new or additional CUPs, provided the additional antenna shall be of the same type as that on the existing tower unless additional height requires a conditional use permit and the following conditions are met:
 - (A) Height. An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height and subject to the other provisions of this chapter, including by way of example, any applicable requirements or conditional use and building permits. The height change may occur only once per tower.
 - (B) Except as set forth herein, no signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.
 - (6) Co-location shall not take precedence over the construction of shorter towers with appropriate screening.

(Ord. 992 § 1, July 21st, 1997).

25.54.100 Design criteria.

- (a) As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.

(b) Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

- (1) **Setback.** A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In residential districts and residential land use areas, where permitted, towers shall be set back from all property lines a distance equal to 100 percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined in the Town's sole discretion. All other towers shall comply with the minimum setback requirements of the area in which they are located in all other zoning districts, unless there are unusual geographical limitations or other public policy considerations as determined in the sole and absolute discretion of the Town.

Such considerations shall include, by way of illustration and not limitation, but are not limited to:

- (A) Impact on adjacent properties;
- (B) Alternative sites for personal wireless facilities; and
- (C) The extent to which screening and camouflaging will mitigate the effects of the personal wireless facilities.
- (2) **Right-of-Way Setback Exception.** The setback requirement may be waived if the antenna and antenna support structure are located in the Town right-of-way.
- (3) **View Corridors.** Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound or the Olympic Mountains.
- (4) **Color, Towers** shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
- (5) **Lights, Signals and Signs.** No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.
- (6) **Equipment Structures.** Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:
- (A) The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or other public policy considerations, the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the Town, in its sole discretion, may approve multiple equipment structures or one or more larger structures.
- (B) Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other Town ordinances.
- (C) Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
- (D) In instances where equipment buildings are located in residential zones, equipment sheds shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of a building, which may vary in the Town's sole discretion if co-location and an adequate screening structure is used.

The use must be approved on a comprehensive sketch plan or final development plan, as applicable.

- (7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the Town to remove a provider's facilities at the provider's expense.
- (8) Building Codes — Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable Town building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the Town may remove the tower at the owner's expense.
- (9) Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.
- (10) Fencing. A well-constructed wall, or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip.
- (11) Tower and Antenna Height. The applicant shall demonstrate that the tower and antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount shall exceed 60 feet in residential zones or 110 feet in the commercial zones.

A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the Town and no other alternative is available. If a variance is granted, all but the top 15 feet of the tower and related facilities shall be screened by existing trees or existing structures. In residential zones a variance may only be granted in extraordinary circumstances.

Variations shall meet the requirements of this title and Title 19 of this code.

- (12) Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- (13) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and

documentation thereof provided to the Town. Security fencing should be colored or should be of a design which blends into the character of the existing environment.

- (14) Tower Separation. An applicant will be required to demonstrate why it is necessary from a technical standpoint to have a tower within one-half mile of a tower whether it is owned or utilized by applicant or another provider.
- (15) Antenna Criteria. Antenna on or above a structure shall be subject to the following:
- (A) The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.
 - (B) The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets.
 - (C) The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
 - (D) The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.
 - (E) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.
 - (F) The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
 - (G) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the Town, in the Town's sole discretion.
 - (H) For installations or buildings greater than 30 feet in height, see the other applicable provisions of this chapter. In addition to the other requirements of this chapter, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:
 - (i) The Town finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
 - (ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.
 - (iii) The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the Town's sole discretion, if co-locating and an adequate screening structure are used.
 - (iv) Roof-mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
 - (v) No portion of the antenna may exceed 16 feet above the height of the existing building.
 - (I) If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

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- (J) No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with Town ordinances.
 - (K) No personal wireless service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the Mayor may require a third party technical study, at the expense of either or both parties, to resolve the dispute.
 - (L) No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.
 - (M) No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.
 - (N) No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

(Ord. 992 § 1, July 21st, 1997).

25.54.110 Permits required.

In the event that a proposed tower or antenna support structure will be more than 60 feet in height, in addition to the other provisions of this chapter, an applicant will be required to obtain a conditional use permit. With respect to the placement of antenna on a tower or antenna support structure, the requirements for a conditional use permit will be applicable based on the height at which the antenna is placed unless this chapter provides other requirements to the contrary.

Project permit review procedures are specified in Title 19 of this code.

To meet the standards of this chapter, a personal wireless service facility must also comply with the other requirements under this chapter and with the following:

For antenna attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure:

- (a) The antenna must be either:
 - (1) An omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which they are attached; or
 - (2) A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.
- (b) Antenna, antenna arrays, and support structures not on publicly-owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.
- (c) Setback from Street. Unless there are unusual geographic limitations or other public policy considerations, as determined in the Town's sole discretion, no such antenna, antenna array, or its

support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located unless otherwise waived or exempt.

- (d) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.
- (e) To the extent that antenna are attached to electric, phone or light poles and such antenna are no more than two feet in height, administrative and building permit review will be required, but such antenna shall not be subject to setbacks and screening requirements.

(Ord. 992 § 1, July 21st, 1997).

25.54.120 Inspection requirements.

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC standards and within 60 days of the inspection file a report with the Mayor. Submission of a copy of FCC required, and duly filed, safety inspection report, or the facility operator's maintenance reports for the prior 12 months in the event no FCC report is required for such year, shall satisfy the requirements of this section.

(Ord. 992 § 1, July 21st, 1997).

25.54.130 Landscaping/screening.

- (a) Landscaping. Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The Town may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.
- (b) Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the Town may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.
 - (1) A row of evergreen trees a minimum of six feet tall at planting, a maximum of six feet apart, shall be planted around the perimeter of the fence; and
 - (2) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

(Ord. 1992 § 1, July 21st, 1997).

25.54.140 Non-use/abandonment.

- (a) Abandonment. No less than 30 days prior to the date that a personal wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the Town of Ruston by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed

carrier fails to give notice, the facility shall be considered abandoned upon the Town's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the Town within which to:

- (1) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
- (2) In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower which exceeds the minimum height required to function satisfactorily. Notwithstanding the forgoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the provider's towers in the area, then all of the towers within the Town shall similarly be reduced in height;
- (3) Dismantle and removal facility. If the tower, antenna, foundation, and facility are not removed within the 60-day time period or additional period of time allowed by the Town, the Town may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility.

At the earlier of 60 days from the date of abandonment without reactivating or upon completion of dismantling and removal, Town approval for the facility shall automatically expire.

(Ord. 992 § 1, July 21st, 1997).

25.54.150 Third party review.

Personal wireless service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The Town may require a technical review as part of a permitting process. The costs of the technical review shall be borne by the provider.

The selection of the third party expert may be by mutual agreement between the provider and the Town, or at the discretion of the Town, with a provision for the provider and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's methodology and equipment used and not a subjective review of the site which was selected by the provider. Based on the results of the expert review, the Town may require changes to the provider's application. The expert review shall address the following:

- (a) The accuracy and completeness of submissions;
- (b) The applicability of analysis techniques and methodologies;
- (c) The validity of conclusions reached; and
- (d) Any specific technical issues designated by the Town.

(Ord. 1992 § 1, July 21st, 1997).

25.54.160 Remedies.

- (a) Any applicant violating any of the provisions of this chapter upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.
- (b) In addition to receiving any monetary remuneration, the Town shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided at law or in equity.

(Ord. 992 § 1, July 21st, 1997).

Chapter 25.56 ADULT ENTERTAINMENT FACILITIES

25.56.010 Purpose and intent.

The purpose and intent of requiring standards for adult entertainment facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the City.

(Ord. 1375 § 1, Dec. 18th, 2012).

25.56.020 Applicability.

The standards established in this chapter apply to all adult entertainment facilities and include, but are not limited to, the following: adult arcades, adult cabarets, adult motels, adult motion picture theaters, and adult retail stores.

(Ord. 1375 § 1, Dec. 18th, 2012).

25.56.030 Limitations.

The standards established in this chapter shall not be construed to restrict or prohibit the following activities or products:

- (a) Expressive dance;
- (b) Plays, operas, musicals, or other dramatic works;
- (c) Classes, seminars, or lectures conducted for a scientific or educational purpose;
- (d) Printed materials or visual representations intended for educational or scientific purposes;
- (e) Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities;
- (f) Nudity within a hospital, clinic, or other similar medical facility for health-related purposes; and
- (g) All movies and videos that are rated G, PG, PG-13, R and NC-17 by the Motion Picture Association of America.

(Ord. 1375 § 1, Dec. 18th, 2012).

25.56.040 Separation requirements.

- (a) An adult entertainment facility shall not be permitted to locate in any zoning district other than the Commercial-Pearl District (COM-P). Within the COM-P district, an adult entertainment facility shall not be permitted to locate within 850 feet of any of the following zones or uses whether such zones or uses are located within or outside of the City limits:
 - (1) A commercial child care facility;
 - (2) A public or private preschool or nursery school;
 - (3) A public or private primary or secondary school;
 - (4) A public park;
 - (5) A church, temple, mosque, synagogue, or other similar religious facility; and
 - (6) Other adult entertainment establishments.
- (b) In calculating the measurement of the 850-foot buffer between an adult entertainment facility and a sensitive zone or use specified in RMC 25.56.040(a), such distance shall be measured by extending a straight line between the nearest boundary line of a sensitive zone or nearest physical point of the structure housing a sensitive use, to the nearest physical point of the structure housing an adult entertainment facility, whichever is the greater distance.

(Ord. 1375 § 1, Dec. 18th, 2012).

25.56.050 Variation from separation requirements.

Variances shall be granted from the separation requirements in RMC 25.56.040 if the applicant demonstrates that all of the following criteria are met:

- (a) The physical features of the land would result in an effective separation between the proposed adult entertainment facility and any sensitive zones or uses in terms of visibility and access;
- (b) The proposed adult entertainment facility complies with the goals and policies of the City's comprehensive plan;
- (c) The proposed adult entertainment facility is otherwise compatible with adjacent and surrounding land uses;
- (d) The applicant has proposed conditions which would minimize the adverse secondary effects of the proposed adult entertainment facility.

(Ord. 1375 § 1, Dec. 18th, 2012).

25.56.060 Nonconforming adult entertainment facility.

An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Section 25.62 RMC (Nonconformities) if a sensitive zone or use identified in RMC 25.56.040(a) locates within 850 feet of that adult entertainment facility after the date that adult entertainment facility has located within the City in accordance with the requirements of this chapter.

(Ord. 1375 § 1, Dec. 18th, 2012).

Chapter 25.58 SHORT TERM RENTALS

25.58.010 Short Term Rentals.

Short term rentals are a conditional use in both the residential and commercial zones. As part of obtaining a conditional use permit, the owner is required to comply with the following regulations:

- (a) **License Requirement.** In addition to the underlying permitting and process requirements, an owner shall obtain an annual revocable short term rental license from the City of Ruston whenever a dwelling unit is to be used for short term rental purposes under Chapter 5.05D of the Ruston Municipal Code. If the terms of the short term rental license are not met, the license may be revoked under the procedures in Title 5 RMC. If the requirements of the short term rental regulations under this chapter are not met, then the property owner may be subject to enforcement, including the imposition of civil penalties under the Ruston's code enforcement procedures contained in Chapter 25.90 RMC.
- (b) **Occupancy Limits.** No more than two overnight occupants per bedroom are allowed, plus two additional overnight occupants, shall be accommodated at any one time, e.g., a one bedroom cabin would be allowed four overnight occupants while a two bedroom cabin would be allowed six total overnight occupants. The total number of occupants temporarily residing in a short term rental shall not exceed six at any one time. "Occupants" includes all people over the age of two years.
- (c) **Appearance.** The exterior of the building(s) shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas.
- (d) **Disturbances.** The short term rental shall be operated in a way that will prevent disturbances to neighboring properties which are not typical of a residential neighborhood, including, but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit.
- (e) **Garbage.** Provisions shall be made for garbage removal during rental periods, at a minimum solid waste collection is required during all months.
- (f) **Pets.** Pets shall be secured at all times while on the property. Nuisance barking by pets is prohibited.
- (g) **Parking.** The short term rental unit shall comply with the parking requirements of the underlying zone.
- (h) **Signage.** One sign meeting the standards for wall mounted home occupations may be permitted in accordance with the Ruston Sign Code, Chapter 25.14 RMC. No off-premises signage of any type is permitted.
- (i) **Accessory Dwelling Unit Approval Required.** Short term rental units may only be permitted on a property with an approved accessory dwelling unit. The property owner must reside on premises and may rent out either the primary residence or the accessory dwelling unit, but not both. Short term rental unit and accessory dwelling unit permit applications may be processed concurrently. For purposes of this chapter, "reside" shall mean that the property owner's permanent residence is at the same address, and the property owner is staying overnight on the premises during all days of each short term rental occupancy period.

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- (j) **Property Management.** A property management plan demonstrating how the short term rental will be managed and how impacts to neighboring properties will be minimized and/or mitigated shall be submitted for review and approval as part of the permitting and licensing process. The property management plan which shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, etc., shall be mailed to all adjoining property owners within 300 feet as a condition of license approval, and shall be posted in a visible location within the short term rental.
- (k) **Compliance with Other Codes.** The short term rental shall meet the licensing requirements contained in Chapter 5.05D RMC and all applicable state and local health, safety and building codes.
- (l) **Complaints.** All complaints shall proceed as follows:
- (1) The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
 - (2) The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance; and
 - (3) If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the Ruston Code Enforcement Officer, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the City. The Ruston Code Enforcement Officer shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within ten days. A copy of the complaint will be filed in the City's short term rental license file.
- (m) **Compliance and Revocation.**
- (1) Owners of short term rentals shall obey all applicable laws and ordinances of the City and shall be subject to permit revocation procedures and appeals processes outlined in the Ruston Municipal Code;
 - (2) If there have been two or more violations of this ordinance related to the same short term rental within 12 calendar months, or if there have been two or more violations of other City ordinances related to the same short term rental within 12 calendar months, the Planning Director shall revoke the short term rental license and underlying short term rental permit, and the property owner shall be prohibited from obtaining a new short term rental permit and license for at least one year from the date of said revocation;
 - (3) The property owner may appeal the revocation of the short term rental license and permit pursuant to the appeals procedures outlined in the Ruston Municipal Code, or any amendment thereto; and
 - (4) Nothing in this subsection precludes the City of Ruston from proceeding with formal enforcement action against a property owner and/or occupants for violations of this ordinance or any other provisions of the City Code as authorized under the City's code enforcement procedures.
- (n) **Additional Conditions of Approval.** The Planning Director may impose other conditions of approval, such as additional parking, improved access, fencing, landscaping, architectural detailing, open space, or minimum screening to ensure the proposed use is compatible with the surrounding residential neighborhood, provided that said conditions of approval are consistent with goals and policies of the Ruston Comprehensive Plan.

(Ord. 1505, § 3, Feb. 5th, 2019)

Chapter 25.60 Temporary Encampment Permit

25.60.010 Scope.

This chapter establishes the exclusive procedure and criteria that the City will use in making a decision upon an application to permit a temporary encampment. A Temporary Encampment Permit is processed under the procedures contained in this chapter.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.020 Applicability.

This Chapter 25.60 RMC applies to each application for a Temporary Encampment Permit and each temporary encampment use within the City.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.030 Who may apply.

Temporary encampments shall not be permitted within the City except as an accommodation of religious exercise by an Encampment Host, Encampment Sponsor, or Encampment Manager. Each Encampment Host, Encampment Manager and Encampment Sponsor of a temporary encampment shall jointly apply for a permit under this Chapter 25.60 and shall jointly certify compliance with all applicable use requirements and conditions of this chapter in the application.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.040 Submittal requirements.

- (a) Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include all of the following:
 - (1) A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the encampment site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any temporary encampment residents or prospective residents may be ejected from the temporary encampment based on the results of such checks.
 - (2) A certificate of insurance identifying any applicable policies of insurance, including policy limits, held by the Encampment Host, Encampment Sponsor, or Encampment Manager. Full copies of any such policies shall be available for the City's inspection at the encampment host site.
 - (3) A description of any requested exemptions sought pursuant to RMC 25.60.060(a)(8)(A), 25.60.060(a)(11)(K), or 25.60.070, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this part.
 - (4) A transportation plan demonstrating compliance with RMC 25.60.060(a)(6).
 - (5) A proposed site plan.

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- (6) A street address which, for the duration of the temporary encampment, shall be considered the permanent and fixed address of each individual while residing at the temporary encampment.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.050 Applicable procedures.

A Temporary Encampment Permit is an administrative decision to which the following procedures apply:

- (a) **Public Meeting Required.** The Director shall hold an informational public meeting. Prior to the public meeting, the Encampment Host shall meet and confer with the Ruston Police Department regarding the proposed security measures. At the public meeting, a representative of the Encampment Host shall present in writing and describe the proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Ruston Police Department, or comment or input from schools and/or child care services under subsection (b) of this section. The public meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.
- (b) **Additional Mailed Notice.** The requirements for mailed notice of the application set forth in RMC 19.02.030 shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed temporary encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed Temporary Encampment Site. The encampment host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.
- (c) **Signed Notice.** The applicant shall provide notice of the application by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.
- (d) **Post-Issuance Informational Public Meeting.** The Encampment Host, Encampment Sponsor and Encampment Manager shall confirm in writing, on at least a monthly basis during the duration of any temporary encampment, their continued compliance with the use requirements in RMC 25.60.060 and all applicable conditions of approval. Within a reasonable time of no longer than 14 days following a request from the Director, the Encampment Host shall address operational concerns raised about a permitted temporary encampment. The Director may require a post-issuance informational public meeting between the Encampment Host and members of the public if operational concerns related to health and safety are not timely resolved.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.060 Use requirements.

- (a) The following requirements apply to each temporary encampment:
- (1) The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a temporary encampment, as set out in **RMC** 25.98.200.
 - (2) The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues:
 - (A) Possession or use of illegal drugs is not permitted.
 - (B) No alcohol is permitted.
 - (C) No weapons are permitted.
 - (D) All knives over three and one-half inches must be turned in to the Encampment Manager for safekeeping.
 - (E) No violence is permitted.
 - (F) No open flames are permitted.
 - (G) No trespassing into private property in the surrounding neighborhood is permitted.
 - (H) No loitering in the surrounding neighborhood is permitted.
 - (I) No littering on the temporary encampment site or in the surrounding neighborhood is permitted.

Nothing within this section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

- (3) The maximum number of residents at a temporary encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 at any one time. Any proposed site shall be of sufficient size to support the activities of the temporary encampment without the overcrowding of residents or any intrusion into required setbacks. In determining the maximum occupancy of a temporary encampment, the Director shall consider the square footage of the encampment site; the number of proposed temporary enclosures; the number of required or proposed bathing, food handling, hand washing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.
- (4) The duration of a temporary encampment at any specific location shall not exceed 90 days at any one time.
- (5) There shall be no more than one temporary encampment in the City at any time. No temporary encampment use shall be permitted within one-half mile of any site where a temporary encampment use under Chapter 25.60 RMC has operated within the prior 180-day period. A temporary encampment may be located at the same site no more than once every 18 months.
- (6) A temporary encampment shall be within one-half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for temporary encampment occupants to obtain access to the nearest public transportation

stop. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the temporary encampment. Bus schedules, phone numbers for emergency drivers and taxis and the location of the nearest 24-hour transit center to which rejected persons will be transported when buses are not available shall be posted in a prominent location for encampment residents.

- (7) On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in RMC 25.20.010. The Host may provide shared parking or off-site parking pursuant to RMC 25.20.010 to satisfy minimum parking requirements.
- (8) The perimeter of a temporary encampment must be buffered from surrounding properties as follows:
 - (A) The temporary encampment, as measured from the temporary encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying zone; provided, that no temporary encampment setback shall be less than 20 feet; and provided further, that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of setback requirements applicable to the Encampment Host in the underlying land use district to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum setback requirements applicable to the Encampment Host in the underlying land use district, if applied to the temporary encampment, would substantially burden the siting or hosting of a temporary encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.
 - (B) The temporary encampment shall be surrounded by a view-obscuring fence or equivalent solid structure, which in no event shall be less than six feet high. The perimeter surrounding the temporary encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.
- (9) The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of 18 to stay overnight in a temporary encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.
- (10) The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current residents of a temporary encampment. The Encampment Host shall retain a log of all overnight residents of the temporary encampment, including names and dates.
- (11) The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the codes and regulations of Pierce County and the City of Ruston. All references are to regulations, ordinances and codes now or as hereafter amended:
 - (A) Water Supply. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Provide at least one hot water handwash sink as near to the food preparation facilities as the site will reasonably allow. If the hot water sink is located further than 100 feet from the

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- food preparation facilities or is not otherwise located on site, then a cold-water sink shall be located within 100 feet of the food preparation facilities.
- ii. Prohibit the use of common drinking cups or containers from which water is dipped or poured, except for water and coffee containers and carafes that are filled with only potable water sources and washed once weekly with bleach and hot water.
 - iii. Ensure any containers used for nonpotable water are labeled as such.
- (B) Sewage and Wastewater Disposal. The Encampment Host, Encampment Manager and Encampment Sponsor must provide for sewage and wastewater disposal in accordance with the codes and regulations of local health jurisdictions.
- (C) Electricity and Lighting. The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the Department of Labor and Industries regulations, Chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.
- (D) Hand Washing and Bathing. An Encampment Host, Encampment Manager or Encampment Sponsor must:
- i. Provide one hand wash sink for every 25 persons. At least two hand wash sinks must be adjacent to toilets, and other hand wash sinks may be located throughout the temporary encampment site for general use.
 - ii. Provide one hot water shower on the temporary encampment site; provided, however, that if the ratio of hot showers to residents is less than one for every 40 persons, the Director's permit decision shall include designation of off-site shower facilities for use by temporary encampment residents within a reasonable proximity from the temporary encampment site and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall provide a means of transportation to the designated facilities.
 - iii. Provide cleanable, nonabsorbent waste containers.
 - iv. Maintain bathing and hand washing facilities in a clean and sanitary condition, cleaned at least daily.
- (E) Toilets. The Encampment Host, Encampment Manager or Encampment Sponsor must:
- i. Provide the following toilet facilities:
 - (1) One toilet, including portable toilets, for every 25 persons;
 - (2) Hand washing sinks adjacent to toilets, as provided in subsection (a)(11)(D) of this section; and
 - ii. Maintain toilets in a clean and sanitary condition.
- (F) Cooking and Food Handling. In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:
- i. An enclosure, adequate in size, separate from any sleeping quarters;
 - ii. No direct openings to living or sleeping areas from the common food-handling area;
 - iii. Nonabsorbent, easily cleanable food preparation counters situated off the floor;
 - iv. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of 45 degrees Fahrenheit or below shall be provided. If mechanical refrigeration is not reasonably available, then the use of ice chests complies

with this requirement provided the ice chests are maintained at a temperature of 45 degrees or less, ice for ice chests is replenished when necessary to maintain temperature, ice chests are in working order and fitted with tight fitting lids, ice chests are cleaned at least weekly with a bleach solution and thoroughly rinsed prior to re-use, shared meals for the majority of residents are not prepared on-site, and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall promptly comply with any correction notice or direction by Tacoma-Pierce County Health Department or other agency with jurisdiction regarding food preparation and storage on site.

- (G) Maintenance of Bedding. The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.
- (H) Refuse Disposal. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Comply with local sanitation codes for removing and disposing of refuse from housing areas.
 - ii. Store refuse in on-site trash cans with snap tight lids that are lined with trash bags that are removed and replaced daily.
 - iii. Keep refuse containers clean.
 - iv. Provide a refuse container adjacent to food preparation area and within 100 feet of each dwelling unit.
 - v. Empty refuse containers at least twice each week, and when full.
- (I) Insect and Rodent Control. The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.
- (J) Disease Prevention and Control. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Report immediately to the Tacoma-Pierce County Health Department:
 - (1) Suspected food poisoning;
 - (2) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or
 - (3) Productive cough, or when weight loss is a prominent symptom among occupants.
 - ii. Comply with reporting requirements applicable to schools and child care facilities in WAC 246-101-415 and 246-101-420 as now or hereafter amended.
- (K) Substantial Compliance. An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of this subsection (a)(11) upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following:
 - i. Use of facilities already available on the Encampment Host Site or within the Encampment Host's facilities (such as preexisting indoor or outdoor hand washing, toilet, or shower facilities);
 - ii. Use of facilities located sufficiently near the Encampment Host Site so as to adequately address the health and safety of encampment residents (such as adjacent public toilet, shower or hand washing facilities);

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- iii. Use of alternative means to assure the health and safety of both the temporary encampment residents and surrounding neighborhood residents, occupants and users.

In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of this subsection (a)(11) at issue, if applied to the temporary encampment, would substantially burden the siting or hosting of a temporary encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

- (12) Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the temporary encampment and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at temporary encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.070 Hardship exception.

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exception from any of the Specific Use Requirements of RMC 25.60.060 upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a temporary encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and the effects on health and safety of residents and the community should the exception be granted.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.080 Decision criteria.

The Director may approve or approve with modifications an application for a Temporary Encampment Permit if:

- (a) The temporary encampment complies with the use requirements set out in RMC 25.60.060 and other applicable requirements of this code; and
- (b) The temporary encampment will not be materially detrimental to the public health, safety or welfare of the temporary encampment residents or the surrounding community; and
- (c) The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the Temporary Encampment Permit within a certain timeframe from approval date, based on complaints filed with the City.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.090 Time limitation.

A Temporary Encampment Permit is valid for up to 90 days beginning the first day of the temporary encampment.

(Ord. 1529 § 2, June 2nd, 2020)

25.60.100 Revocation of Temporary Encampment Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a temporary encampment permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Temporary Encampment Permit will be heard by the Ruston Hearing Examiner and be processed using the procedures contained in Chapter 19.04 RMC.

(Ord. 1529 § 2, June 2nd, 2020)

25.62 Nonconforming buildings, lots of record and uses.

- (a) Nonconforming Buildings and Uses.
 - (1) Nonconforming Buildings. A nonconforming building or use is one which was lawfully established but no longer conforms to the regulations for the zone where it is located. Existing accessory buildings are exempt from the requirements of this section, but if accessory buildings are damaged by fire, explosion, other casualty, act of God, or other cause beyond the owner's control, they must be rebuilt to current International Building Code standards.
 - (2) Nonconforming Uses. Nonconforming uses apply to uses buildings, structures, land, and uses which become nonconforming as a result of this chapter.
- (b) Effect of Removal or Destruction of Nonconforming Buildings or Discontinuance of Nonconforming Use.
 - (1) Nonconforming Buildings. If a nonconforming building is destroyed, removed, or suffers damage of 75 percent or more of its replacement cost in the judgment of the City's Building Official, future uses of the land must conform to this title.
 - (2) Nonconforming Uses. If a nonconforming use is discontinued for more than one year, the land or building may, not again be occupied or used except by a conforming use.
- (c) Maintenance and Reconstruction. Upkeep, repair, and maintenance of nonconforming buildings is permitted. A nonconforming building damaged by less than 75 percent of its replacement cost in the judgment of the City's Building Official by fire, explosion, other casualty, act of God or other cause beyond the owner's control may be continued and reconstructed, subject to all provisions of City building codes, if restoration is commenced within one year from the damage and completed with reasonable diligence.
- (d) Structural Alteration or Enlargement. Nonconforming buildings may not be enlarged or structurally altered except:
 - (1) To make the building more conforming.
 - (2) Where required by law.
 - (3) Where a building is nonconforming only because of substandard yards, open spaces, area, or height and the structural alterations and enlargements do not increase the degree of nonconformity.

TITLE 25 - ZONING
Chapter 25.03 ENFORCEMENT OF ZONING REGULATIONS

- (4) Structural alterations which do not increase the floor space are permitted where necessary to adapt a nonconforming building to new technologies or equipment for the existing uses in conformance with all applicable building regulations.
- (5) Other structural alterations may be authorized as conditional uses under Section 25.50.010, Conditional uses, unclassified uses and variances, if the alteration will improve the safety, appearance, or functionality of the property or make it less detrimental to other uses in the vicinity. Alterations must comply with all applicable building regulations.
- (6) Where necessary to provide access for elderly or disabled persons.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of any City official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.

- (e) Exception for Legally Established Multifamily Dwellings. Multiple-family dwellings in existence at the time of adoption of the ordinance codified in this chapter which were legally established through special permit such as a variance or which were constructed in conformance and compliance with the zoning code in effect at the time of construction shall be considered legal nonconforming uses and shall not be deemed nonconforming in terms of use or density provisions of this chapter. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions but may not be changed except as provided in this section.

Multiple-family dwellings may also be brought into compliance with this section by obtaining a permit for existing multiple-family dwelling unit legalization as outlined in Section 25.03.010.

- (f) Nonconforming Use of Land. The nonconforming use of land (where no building is involved) existing on or before June 20, 1997, may be continued, provided that:
 - (1) No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property;
 - (2) If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this title.
- (g) Nonconforming Lots of Record.
 - (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building which was erected on any single lot of record on or before June 20, 1997, is considered a nonconforming lot, notwithstanding limitations imposed by other provisions of this title. Such nonconforming status will only be recognized for the lot if it was in separate ownership and not of continuous frontage with other lots in the same ownership as of June 20, 1997. In such case, the lot will continue to be recognized as a legal building lot unless such nonconforming status is lost in accordance with subsection (g)(2) below. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which lot is located. In cases where it is not possible to obtain at least 900 square feet of building floor area and 20-foot minimum average building width, required yard setbacks may be reduced equally (on a percentage basis) on all sides, to the point that such area and width is achieved. In no case shall setbacks less than seven and one-half feet be allowed under this provision.

- (2) Combination. In all residential zoning districts, if two or more lots or combinations of lots and portions of lots with continuous frontage are in single ownership as of June 20, 1997, or any time thereafter, then the nonconforming lot is to be and shall be deemed to have been combined with such contiguous lot or lots to the extent necessary to create [a] conforming lot and thereafter may only be used in accordance with the provision of the Ruston Zoning Code. No parcel or portion of a parcel shall be used or sold in a manner which violates Title 29 of the Ruston Municipal Code nor which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1440, § 2, Aug. 5th, 2014).

25.64 Occupancy Standards.

For all housing, including single-family, multi-family, emergency housing, emergency shelters, permanent supportive housing or transitional housing, the dwelling unit or building shall comply with all of the standards for the underlying zone and shall be limited to a maximum occupancy as follows:

- (a) Every living room shall contain not less than 120 square feet (11.2 m²);
- (b) Every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.
- (c) Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (d) The dwelling unit shall not be occupied by more occupants than permitted by the minimum area requirements in Table 1 below:

Minimum Area Requirements

Space	Minimum Area in Square Feet		
	>1-2 occupants	3-5 occupants	6 or more occupants
Living room	120 square feet	120 square feet	150 square feet
Dining Room	No requirement	80 square feet	100 square feet
Bedrooms	Shall comply with subsection (b) above.		

(Ord. 1551 § 4, Oct. 5th, 2021)

Chapter 25.90 ENFORCEMENT OF ZONING REGULATIONS

25.90.010. Violations.

- (a) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by any code adopted in this title, or cause same to be done, in conflict with or in violation of any of the provisions of Title 25 RMC or Chapter 29.02 RMC.

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- (b) Additional Violations. In addition to the above, it is a violation of this title to:
- (1) Remove or deface any sign, notice, complaint or other order required by or posted in accordance with this chapter or any other chapter in Title 25 or Chapter 29.02 RMC;
 - (2) Misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
 - (3) Fail to comply with any of the requirements of this Title 25 or Chapter 29.02, including any requirement of the City's codes and State's codes adopted by reference herein;
 - (4) To use, construct, locate, demolish or cause to be used, constructed, located or demolished, any structure, land or property within Ruston in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the codes in Title 25 RMC or Chapter 29.02 RMC.

(Ord. No. 1345, § 2, Feb. 21st, 2012; Ord. 1395, § 2, March 5th, 2013).

25.90.020. Enforcement.

- (a) The Town Planner or a designee shall have the ability to enforce this chapter. The Town Planner may call upon the police, fire, building and community development or other appropriate town departments to assist in enforcement.
- (b) Upon presentation of proper credentials, the Town Planner may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully-issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by this title.
- (c) This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- (d) It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.
- (e) No provision of or any term used in this chapter is intended to impose any duty upon Ruston or any of its officers or employees which would subject them to damages in a civil action.

(Ord. No. 1345, § 2, Feb. 21st, 2012).

25.90.030. Investigation and notice of violation.

- (a) Investigation. The City Planner shall investigate any structure or use which the City Planner reasonably believes does not comply with the standards and requirements of this Title 25 RMC or Chapter 29.02 RMC.
- (b) Notice of Violation. If after investigation the City Planner determines that the standards or requirements of this Title 25 or Chapter 29.02 have been violated, the City Planner shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:
 - (1) A separate statement of each standard, code provision or requirement violated;
 - (2) What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
 - (3) A reasonable time for compliance;
 - (4) A statement that if the violation is not already subject to criminal prosecution, any subsequent violations may result in criminal prosecution as provided in RMC 25.90.080.

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- (c) Service. The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the City Planner makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:
- (1) Publishing the notice once each week for two consecutive weeks in the City's official newspaper; and
 - (2) Mailing a copy of the notice to each person named on the notice of violation by first-class mail to the last known address as shown on the official Pierce County Assessor's parcel data, or if unknown, to the address of the property involved in the proceedings.
- (d) Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.
- (e) Other Actions May Be Taken. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to **RMC** 25.90.010, 25.90.050, 25.90.060, 25.90.080, 25.90.090 or 29.02.030.
- (f) Optional Notice to Others. The City Planner may mail, or cause to be delivered, to all residential and/or nonresidential rental or condominium units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.
- (g) Amendment. A notice and order may be amended at any time in order to:
- (1) Correct clerical errors; or
 - (2) Cite additional authority for a stated violation.
- (h) Withdrawal. Ruston may choose to withdraw a notice of violation at any time, without prejudice to Ruston's ability to reissue it, if a certificate of compliance has not been obtained for the specific violations.
- (Ord. No. 1345, § 2, Feb. 21st, 2012; Ord. 1395, § 3, March 5th, 2013; Ord. 1454 § 1, Sept. 1st, 2015).

25.90.040. Time to comply.

- (a) Determination of Time. When calculating a reasonable time for compliance, the Town Planner shall consider the following criteria:
- (1) The type and degree of violation cited in the notice;
 - (2) The stated intent, if any, of a responsible party to take steps to comply;
 - (3) The procedural requirements for obtaining a permit to carry out corrective action;
 - (4) The complexity of the corrective action, including seasonal considerations; and
 - (5) Any other circumstance beyond the control of the responsible party.
- (b) The Town Planner may file a copy of the notice of violation with the Pierce County Auditor. The Town Planner may choose not to file a copy of the notice of violation if the notice is directed only to a responsible person other than the owner of the property, or if there is reasonable expectation that the owner will promptly take action to resolve the issue or correct the violation. This subsection (b) does not apply to emergency orders or stop work orders.

(Ord. No. 1345, § 2, Feb. 21st, 2012).

25.90.050. Stop work order.

Whenever the Town Planner finds any work regulated by this code is being performed in a manner either contrary to the provisions of this code, dangerous or unsafe, or if he/she finds that a continuing violation of this code will materially impair the Town Planner's ability to secure compliance with this code, or when the continuing violation otherwise threatens the health or safety of the public, the Town Planner shall issue a stop work order specifying the violation and prohibiting any work or other activity at the site. The stop work order shall also include a reference to the procedure in RMC Section 25.90.070, which allows for an administrative appeal. Failure to comply with a stop work order shall constitute a violation of this chapter.

(Ord. No. 1345, § 2, Feb. 21st, 2012).

25.90.060. Emergency order.

Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the Town Planner may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. The emergency order shall include a reference to the procedure in RMC Section 25.90.070, which allows for an administrative appeal. A failure to comply with an emergency order shall constitute a violation of this chapter. Any condition described in the emergency order which is not corrected within the time frame specified is hereby declared to be a public nuisance and the Town Planner is authorized to contact the Town Attorney for the purpose of obtaining an order of abatement of such nuisance by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

(Ord. No. 1345, § 2, Feb. 21st, 2012).

25.90.070. Administrative appeals.

- (a) There is no administrative appeal of a notice of violation issued pursuant to this chapter if the violation cited is subject to criminal penalties under RMC 25.90.080(b).
- (b) Notice of Violation (Citing to Civil Penalties), Stop Work Orders and Emergency Orders.
 - (1) Any person aggrieved by a notice of violation issued by the City Planner pursuant to Title 25 or this chapter or Chapter 29.02, for a violation of the codes in this title or Chapter 29.02 which subject the violator to civil penalties may appeal the notice of violation as set forth in subsection (c) below.
 - (2) Any person aggrieved by a stop work or emergency order issued pursuant to this chapter or Title 25 or Chapter 29.02 RMC, may appeal the notice of violation as set forth in subsection (c) below.
- (c) Appeals.
 - (1) The appeal of a notice of violation must be requested in writing within 15 calendar days after service of the notice of violation. When the last day of the period so computed is a Saturday, Sunday or state holiday, the period shall run until 5:00 p.m. on the next business day. The notice of appeal shall state the specific errors in the notice of violation and the specific grounds upon which a reversal or modification of the notice is sought. The notice of appeal shall be accompanied by the filing fee provided in the City's Master Fee Resolution.
 - (2) The appeal of a stop work order or emergency order must be requested in writing within two calendar days after posting or personal service of the stop work order or emergency order. When the last day of

the period so computed is a Saturday, Sunday or state holiday, the period shall run until 5:00 p.m. on the next business day. The notice of appeal shall state the specific errors in the stop work order and the specific grounds upon which a lifting of the order is sought.

- (3) Upon receipt of the written request of appeal of a notice of violation, the City Planner shall forward the request to the City Clerk who shall schedule a hearing with the Hearing Examiner within 30 calendar days after receipt. Notice of hearing shall be provided to all parties not less than ten days prior to the hearing. The Hearing Examiner's review shall be de novo. The date for the hearing may be extended by mutual agreement of the appellant and the City.
- (4) Upon receipt of the written request of appeal of a stop work or emergency order, the City Planner shall forward the request to the City Clerk who shall schedule a hearing with the Hearing Examiner. The appeal shall be scheduled as soon as possible, but in any event not more than seven calendar days after receipt of the appeal request. The date for the hearing may be extended by mutual agreement of the appellant and the City.
- (5) At or after the appeal hearing, the Hearing Examiner may:
 - (A) Sustain the notice of violation, stop work or emergency order;
 - (B) Withdraw the notice of violation, stop work or emergency order;
 - (C) Continue the appeal to a date certain for receipt of additional information;
 - (D) Modify the notice of violation, stop work or emergency order, which may include an extension of the compliance date.
- (6) The Hearing Examiner shall issue a decision on an appeal of a notice of violation within 14 days of the date of the completion of the appeal. The Hearing Examiner shall issue a decision on an appeal of a stop work or emergency order within two business days of the date of the completion of the appeal. The Hearing Examiner shall cause the decision to be mailed by regular first-class mail to the person(s) named on the notice of violation, stop work order or emergency order. If the notice of violation was filed with the Pierce County Auditor, the decision on the appeal shall also be filed with the Auditor.
- (7) The decision of the Hearing Examiner shall be final, and no further administrative appeal may be filed of the subject notice of violation, stop work order or emergency order. Appeals of the Hearing Examiner's decision shall be filed with Superior Court within the deadlines and under the procedures set forth in Chapter 36.70C RCW.

(Ord. No. 1345, § 2, Feb. 21st, 2012; Ord. 1395, § 4, March 5th, 2013; Ord. 1454 § 2, Sept. 1st, 2015).

25.90.080. Penalties.

- (a) Civil Penalty.
 - (1) In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of this Title 25 or Chapter 29.02 RMC shall be subject to a cumulative civil penalty in the amount of \$500.00 per day for each violation from the date set for compliance until compliance with the order or decision is achieved.
 - (2) The penalty imposed by this section shall be collected by civil action brought in the name of Ruston. The City Planner shall notify the Ruston City Attorney in writing of the name of the person subject to the penalty, and the Ruston Attorney shall, with the assistance of the City Planner, take appropriate action to collect the penalty.
 - (3) The violator may show as full or partial mitigation of liability:

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- (A) That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
 - (B) That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the violator.
- (b) Criminal Penalty. In certain instances, where the enforcement and penalty provisions outlined in this chapter are utilized and do not result in compliance or continued compliance or when repeat violations occur within a five-year period, the City Planner may refer the matter to the police department for criminal investigation and prosecution. Unless a different criminal penalty is provided specifically for the violation, violations of chapters and titles of the code referenced in this chapter shall constitute a misdemeanor as set forth in Chapter 1.18 RMC. Upon conviction and pursuant to a prosecution motion, the court shall also order immediate action to correct the condition constituting the violation and to maintain the corrected condition in compliance with this code.
- (Ord. No. 1345, § 2, Feb. 21st, 2012; Ord. 1395, § 5, March 5th, 2013; Ord. 1454 § 3, Sept. 1st, 2015).

25.90.090. Additional relief.

The City may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this Title 25 or Chapter 29.02 RMC when civil or criminal penalties are inadequate to effect compliance.

(Ord. No. 1345, § 2, Feb. 21st, 2012; Ord. 1395, § 6, March 5th, 2013).

25.98 Definitions

The following words, terms, and phrases, when used in Title 25 of the Ruston Municipal Code, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future; the singular tense includes the plural, and the plural the singular; the feminine includes the masculine and the masculine includes the feminine; the term "shall" or "must" is always mandatory and the term "may" denotes a use of discretion in making a decision.

25.98.010 "A" Definitions

"Accessory dwelling" or "accessory living quarters" means a separate additional living unit including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a residential lot.

- (a) Attached. Attached auxiliary dwelling units, contained within a primary residential unit, are usually known as mother-in-law or accessory apartments or second units. Attached auxiliary dwelling units usually involve renovation of a basement, attached shed or garage, or similar space in a residential unit.
- (b) Detached. Detached auxiliary dwelling units are structurally independent from the primary residential unit and are a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation.

"Accessory structure" means a structure incidental to a permitted principal use; provided, that such use or structure shall be located on the same lot as the principal structure. If an accessory structure meets the definition of "accessory dwelling" or "accessory living quarters," then regulations and standards for "accessory dwelling" or "accessory living quarters" will apply.

"Accessory use" means a use, which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including private garages, storage sheds, and greenhouses.

"Adjacent districts" means one use district is considered adjacent to another if they share a property line or touch at a common point. Use districts are also considered adjacent if they are across a street or alley from one another and within 100 feet of each other. When adjacency applies across a street or alley, the conditions associated with being adjacent shall apply to the first 100 feet of the district in question as measured from the right-of-way line.

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director's designee based solely on objective design and development standards without a public pre-decision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

"Adult arcade" means a commercial establishment containing individual viewing areas or booths where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult day care" or "community care facility for adults" means a facility, licensed by the City, State, or County, that cares for at least 16 individuals, 18 years or older, with functional disabilities, which, in addition to providing food and shelter, may also provide some combination of assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010. Such facility may provide additional services such as social counseling services and transportation.

"Adult entertainment" means:

- (a) Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
- (b) Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly

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referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facility" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home" means a family abode, licensed by the City, State or County, or a person or persons who are providing assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010, room and board to more than one but not more than six adults, 18 years or older, with functional disabilities who are not related by blood or marriage to the person or persons providing the service.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- (a) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDs, Blu-Ray disks, digital video files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from any location outside of the establishment that advertises the availability of this type of sexually oriented materials; or
- (b) Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as one of its principal business purposes offers for sale or rent, for any form of consideration, any one or more of the following:

- (a) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
- (b) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all non-sexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for non-sexually oriented materials.

"Airport, heliport or air field" means any runway, landing area or other facility whether publicly or privately owned and operated, which is designed, used, or intended to be used either by public carriers or by private aircraft, for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces, but not including manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith.

"Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots and is not designed for general traffic circulation.

"Alteration" means any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy.

"Amendment" means a change in the wording, context or substance of this zoning code, or change in the zone boundaries on the zoning map that must be adopted by the City Council as an ordinance.

"Apartment" means a building or a portion of a building arranged or designed to be occupied by three or more families living independently of each other.

"Automobile repair, major" means rebuilding or reconditioning of motor vehicles or trailers including trucks over one and one-half tons capacity; collision service including body, frame or fender straightening or repair; overall painting or paint shop; automobile wrecking when within an enclosed building.

"Automobile repair, minor" means general motor repair, replacement of new or reconditioned parts to passenger automobiles and trucks not exceeding one and one-half tons capacity, but not including any operations specified under "automobile repair, major."

"Automobile service station" means a use which provides for the servicing of passenger automobiles and trucks not exceeding one and one-half tons capacity and operations incidental thereto, but not including body repair, painting, or automobile wrecking.

"Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Automotive fuel dispensing facility" means any facility that is used for the sale of gasoline or other motor fuels, oil, lubricants and auto accessories, and may or may not include washing, lubricating and other minor services. Painting and/or body work activities are not allowed.

"Average lot grade." See "lot grade."

25.98.020 "B" Definitions.

"Basement" means a story of a building that is greater than 50 percent underground.

"Best management practices" means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, to circulation patterns, and to the chemical, physical, and biological characteristics of wetlands.

"Buffer" means a unit of land, together with a specified type and amount of landscaping, which may be required between land uses to eliminate or minimize conflict between them.

"Buffer, wetland" means an area which is an integral part of a stream or wetland ecosystem or which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion as necessary to minimize public harm suffered when the functions and values of wetlands are degraded.

"Building" means any structure for the support, shelter or enclosure of persons, animals, mechanical devices, or property of any kind.

"Building, enclosed" means a building enclosed on all sides with wall and roof and having no openings other than closeable, glazed windows and doors and vents.

"Building envelope" means the area of a lot that delineates the limits of where a building would be placed on the lot as defined by the setback requirements.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this zoning code. A building site may be comprised of one lot, a combination of lots, or a combination of lots and fractions of lots.

"Bulk" means the size and location of buildings and structures in relation to the lot. Bulk regulations generally include height of building, lot area, front, side and rear yards, and lot coverage.

25.98.030 "C" Definitions.

"Church" means an establishment which is principally devoted to religious worship, which may include accessory uses such as Sunday school rooms, religious education classrooms, assembly rooms, a library and residences on site for clergy. The definition of "church" also includes temple, mosque, synagogue, or other similar religious facility.

"Classification" means defining categories to which natural resource lands and critical areas are assigned.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only, but not including the sale of drugs or medical supplies.

"Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

"Commercial (business)" means the purchase, sale, or offering for sale services, substances or commodities in office buildings, offices, structures or premises.

"Commercial child care, day care centers, preschools, nurseries, or kindergarten centers" means a state-licensed facility operated by any person, firm, association, or other business entity which regularly provides day care only in other than a family setting to a group of 13 or more persons whether for compensation or not.

"Commercial parking lot" means an off-street parking area, a majority of which is available to the public, and such parking is the primary use of the site.

"Commercial shopping center" means a master planned development, approved commercial site plan, binding site plan, or commercial subdivision, comprised of one or more parcels of land which is at least one acre in area and which also contains commercial uses as the primary use of the site.

"Commercial vehicle" means any vehicle, trailer, boat, tractor or other heavy equipment, or shipping container which meets one or more of the following criteria: 1) Is licensed and/or is designed to obtain a gross vehicle weight of 11,500 pounds or more, 2) Has a total height of more than eight feet, six inches. Government and utility service vehicles are not included within this definition.

"Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the City Council and the granting of a conditional use permit which review shall ensure that the use, if approved, will be compatible with other permitted uses in the same vicinity and zone.

"Condominium" means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW.

"Convenience store" means any retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches or freshly prepared foods, such as salads, for off-site consumption.

"Country club" means an incorporated or unincorporated association of persons organized for social and recreational purposes, such as golf clubs, tennis clubs, etc.

"Critical aquifer recharge area" means those areas that have been identified as having a critical recharging effect on aquifer use for potable water in community water systems.

"Critical areas" means one or a combination of wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

25.98.040 "D" Definitions.

"Dedication" means the transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee-simple interest or of a less than fee interest, including an easement.

"Designation" means formal adoption of a policy statement which establishes for planning purposes: the classification scheme; the general distribution, location and extent of the uses of land, where appropriate, for agriculture, forestry, and mineral extraction; and the general distribution, location and extent of critical areas.

"Development" means the construction or reconstruction of a structure or other modifications of the natural landscape above and below ground or water on a particular site.

"Development regulations" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Director" means the City of Ruston Planning and Community Development Director or designee.

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"Drive-in facility" means a use or occupancy of commercial premises where all or a substantial portion of the business will consist of consumption of food or beverage in or about motor vehicles temporarily parked on the premises.

"Drive-through facility" means a use or occupancy of commercial premises where the purchaser of the goods or services offered will operate a motor vehicle on the premises in the course of receiving the same.

"Dwelling" means any building or portion thereof which is designed or used for residential purposes.

"Dwelling, accessory" or "accessory living quarters" see "accessory dwelling" above.

"Dwelling, cottage housing" means a group of six small, detached, house-scaled buildings typically up to one and a half stories in height, arranged to define a shared entry court that is open to, visible, and accessed from the street.

"Dwelling, courtyard building" means a detached or attached, house-scaled building typically up to two and a half stories in height that consists of attached units with individual entrances off a central courtyard that faces and is accessed from the street.

"Dwelling, duplex - stacked" means a small-to-medium sized, detached house-scaled building consisting of two stacked dwelling units which both face and are accessed from the street and are contained within a single building, typically up to two and a half stories in height.

"Dwelling, duplex – side by side" means a small-to-medium sized, detached, house-scaled building consisting of two side-by-side dwelling units which both face and are accessed from the street and are contained within a single building, typically up to two and a half stories in height.

"Dwelling, fourplex" means a small-to-medium sized, detached, house-scaled building typically up to two and a half stories in height, consisting of four dwelling units, two on each floor. All four units either share a common entry, or groups of two units may share a common entry. All entries must face and be accessed from the street.

"Dwelling, fiveplex" means a small-to-medium sized, detached, house-scaled building consisting of five units within a single building, typically up to two and a half stories in height. These units have either a shared common entry or individual entries. All entries must face and be accessed from the street or a shared forecourt.

"Dwelling, high-rise multifamily" means a medium-to-large sized, multifamily building consisting of four or more habitable stories. These units typically have a shared common entry. All entries must face and be accessed from the street or a shared forecourt.

"Dwelling, single-family" means a detached building containing one dwelling unit that has an entry that faces and is accessed from the street.

"Dwelling, sixplex" means a small to medium sized, detached, house scaled building typically up to two and a half stories in height, consisting of six units, three on each floor. These units share a common entry that faces and is accessed from the street.

"Dwelling, rowhouse" building means a small sized, attached, house-scaled building consisting of at least three individual units with common walls. Each townhouse unit is typically two to three stories in height and has its own entry that faces and is accessed from the street.

"Dwelling, stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot which each floor may be separately rented or owned.

"Dwelling, townhouse", means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

"Dwelling, triplex" means a small-to-medium sized, detached, house-scaled building consisting of three dwelling units which are entered from the street and are contained within a single building, typically up to two and a half stories in height.

"Dwelling unit" means a room or rooms located within a building, designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent of any other family. The existence of a food preparation/sanitation area within such room or rooms shall be evidence of the existence of a dwelling unit.

25.98.050 "E" Definitions.

"Easement" means the authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

"Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or occupancy agreement.

"Emergency Shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost, or surface water flow.

"Excavation" means any action by which any rocks, sand, gravel, stone, earth, topsoil, peat, minerals or other natural resources are removed for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future.

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Exterior storage" means the storage of fuel, raw materials, products, and equipment outside of an enclosed building.

25.98.060 "F" Definitions.

"Family" means one or more persons, either related or unrelated, occupying a dwelling unit and living together as a single housekeeping unit.

"Family day care home" means a 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 at the home.

"Fence" means a wall or a barrier composed of any living or nonliving materials including, but not limited to, posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land from each other and from the public right-of-way, but not including retaining walls.

"Fill" means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

"Fish and wildlife habitat conservation areas" means all lands with priority species, priority habitats and habitats of species of local importance as defined by the Washington Department of Wildlife; naturally occurring ponds over one-half acre and their wildlife habitat; lakes, ponds, streams, and rivers planted with game fish defined by RCW 77.09.020.

"Frequently flooded areas" means floodplains and other areas subject to a one-percent or greater chance of flooding in any given year also known as a "100-year flood."

"Front yard." See "Yard, front."

"Frontage, street." See "Street frontage."

25.98.070 "G" Definitions.

"Garage" means a building or portion of it designed and used for storage of tools, building materials, and miscellaneous items and storage and repair or service of motor vehicles.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to development.

"Government facilities" means schools, libraries, police stations, fire stations and other governmental or public offices or institutions serving nearby residents.

"Grading" means the movement of earth or soil or other activity which is intended to create a building grade.

"Gross floor area" means all interior building areas, excluding parking and mechanical areas.

25.98.080 "H" Definitions.

"Height (of a building or structure)" means the vertical distance measured from the lot grade to the highest point of the roof surface, and from this point drawn horizontally and not along the contours of the lot.

"Heliport." See "Airport."

"Home occupation" means any business, profession, occupation, or trade located entirely within a residential building, or structure accessory thereto, which use is incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

"Homeowner's association" means a group of persons organized as an association, corporation or other entity which represents homeowners residing in a subdivision or other development entity. A homeowner's association need not have any official status as a separate legal entity under the laws of the State of Washington.

"Hospital" means an institution, whether a building or group of buildings, designed and used for the medical and surgical diagnosis and treatment (temporary and emergency services included) and housing of persons under the care of doctors and nurses providing general medical care, as distinguished from treatment of mental and nervous disorders and alcoholics, and specifically excluding rest homes, nursing homes, and convalescent homes.

"Hotel" means a building or portion thereof designed or used for the lodging with or without meals of six or more persons for compensation. A central kitchen and dining facility and accessory shops and services catering to the general public may be provided. Institutions housing persons under legal restraint or requiring medical attention or care shall not be considered hotels.

25.98.090 "I" Definitions.

"Impervious surface" means a surface which does not absorb water, including buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

"Infrastructure" includes water, sanitary sewer, roads (including sidewalks), storm sewer, electrical systems, street lighting and similar systems.

"Interior lot line" means the boundary line of a lot which separates one lot from another.

25.98.100 "J" Definitions. *Reserved.*

25.98.110 "K" Definitions. *Reserved.*

25.98.120 "L" Definitions.

"Light industrial" developments involve research and technological processes and the processing and handling, and creating of products all of which are distinguished from heavy industrial fabrication since they are largely devoid of nuisances or hazards.

"Live-Work Unit" means a two to three story residential-scale mixed-use building designed to accommodate both residential living and commercial activities within the same premises. These units are intended to provide a flexible environment where residents can live and conduct business activities, such as operating a home office, studio, or small-scale retail space. Typically, commercial activity occurs on the ground floor, with residential use above.

"Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by the zoning code, which has direct legal access to a street or has access to a street over an easement approved by the City.

"Lot area" means the area within the boundary lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings, including all structures greater than three feet in height.

"Lot grade" means the average level of the undisturbed native soil at the outermost corners of the building envelope shall be considered lot grade (sum of the elevations at the corners of the building envelope divided by the number of corners). For the purposes of this section, the U.S. EPA Superfund Cleanup finished excavation, fill, final grading and completion of land work shall be considered existing native soil for the purpose of building height requirements as specified by the City of Ruston. (Refer to Section 25.01.040, Illustration A, Determination of Lot Grade.)

"Lot line" means the boundary lines of a lot.

"Lot of record" means a single platted lot which is a part of a plat which has been recorded as required by the laws of the State of Washington, in the office of the Auditor of the County of Pierce.

25.98.130 "M" Definitions.

"Major transit stop" means:

- (a) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 18.104 RCW;
- (b) commuter rail stops;
- (c) stops on rail or fixed guideway systems;
- (d) and stops on bus rapid transit routes, including those stops that are under construction.

"Manufactured home" means a dwelling unit constructed after June 15, 1976, in accordance with United States Department of Housing and Urban Development requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

"Maps (critical areas)" means those maps maintained by the City of Ruston for the purpose of graphically depicting the boundaries of resource land and critical areas.

"Marine-Related Uses" includes the following:

1. "Marinas and boat launch facilities" means any publicly or privately owned and operated facility which is designed, used, or intended to be used either by public or private pleasure craft, boats or marine vessels for permanent or transient mooring, dry dock, or storage but does not include floating homes, meaning a structure designed and operated substantially as a permanently-based structure and not as a vessel and typically characterized by permanent utilities and a semi-permanent anchorage/moorage design and by the lack of adequate self-propulsion to operate as a vessel.
2. "Marine repair, major" means rebuilding or reconditioning of marine vehicles or trailers, including collision service; in-water finishing work, body work or bottom cleaning; frame straightening or repair; overall painting; and marine wrecking when conducted within an enclosed building.
3. "Marine repair, minor" means general repair, replacement of new or reconditioned parts, painting and refinishing work that does not require in-water operations, and other work that can be considered minor and is not specified under "marine repair, major."

4. "Marine service station" means a marine sales and service use in which fuel for boats is sold; and where accessory uses including, but not limited to, towing or minor vessel repair may also be provided.
5. "Marine sales and service" means commercial use which includes one or more of the following uses: sale or rental of boats; marine service station; major or minor vessel repair.
6. "Marine research and development laboratories" means any publicly or privately owned and operated facility which is designed and used to collect data, conduct experiments, or apply scientific research in a marine environment.

"Mayor" means the Mayor of the City of Ruston or the Mayor's designee.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

"Mineral lands" means lands of long-term commercial significance for the extraction of aggregate and mine resources, including sand, gravel, and valuable metallic substances.

"Mixed use building" means a building designed or intended to be used for more than one type of principal use, e.g., retail and office uses, with or without residential uses above or behind the primary ground-level sales, service or office use.

"Mobile Food Vending" means temporary outdoor food sales, kiosks, sidewalk vendors or semi-permanent portable outdoor mobile and relocatable food service facilities that range from small snack stands to extensive full-service kitchens. The outdoor mobile food service facilities may be fully contained or may be connected to utilities, and must be built to meet local health and fire codes. The outdoor food service facilities may have the look of a permanent structure.

"Mobile home" means a dwelling unit transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling unit and constructed before June 15, 1976.

"Mobile home park" means a parcel of land designed and improved to accommodate two or more mobile homes on a permanent basis.

"Modular home" means a dwelling unit constructed in a factory in accordance with the International Building Code and bearing the appropriate fold insignia indicating such compliance. The term includes "pre-fabricated," "panelized" and "factory-built" units.

"Motel" means a group of attached or detached buildings containing individual sleeping units, a majority of such units open individually and directly to the outside, including tourist courts, motor courts, and motor lodges.

"Multiple-use project" means a development containing two or more principal uses located in one or more structures.

25.98.140 "N" Definitions.

"Nonconforming building" means a building which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nonconforming use" means a use which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nursery or garden center" means an enterprise which conducts the retail and wholesale sale of plants, as well as accessory items directly related to plant care and maintenance (excluding farm equipment).

"Nursery school." See "Preschool."

"Nursing, convalescent or retirement home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. The nursing or retirement home does not provide surgical or obstetrical services, nor shall a hospital or sanitarium be construed as a nursing or retirement home.

25.98.150 "O" Definitions.

"Office building" means a building primarily designed for professional office uses.

"Open space" means generally a portion of the area of a site, other than required yards, which is required by this zoning code to be maintained free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the open space).

"Open space, common" means that area permanently owned in common or held for use by more than one individual property owner or resident for recreational use, landscape buffering, preservation of sensitive areas or other publicly beneficial uses. Common open space does not include the uncovered portions within any road right-of-way.

"Open space, dedicated" means that area permanently dedicated to the City and held for public use or interest as part of the City's comprehensive open space system.

"Open space, parcel" means the sum of the common and private open spaces within a given development parcel.

"Open space, private" means that open space within a privately owned lot.

"Other adult entertainment facility" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration; provided, however, that a public library, and a school, university, or similar educational or scientific facility shall not be considered an adult entertainment facility. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access is provided for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

25.98.160 "P" Definitions.

"Park" means land in public use and ownership that is used for active and passive recreation including, but not limited to, local and regional parks, playgrounds, ball fields, water access facilities and nonmechanical boat launches.

"Parking facility" is any development that meets the definition of parking structure, parking garage or parking lot.

"Parking lot" is defined as an outdoor area used for the parking of more than four motor vehicles. "Parking lot" does not include driveways for single-family residential development.

"Parking structure" or "parking garage" is defined as any public or private facility for the covered or partially covered parking of automobiles. It may be a stand-alone facility or may be located in a building also used for other purposes. It includes facilities which may or may not offer spaces for rent or other fee to the general public, and facilities which offer automobile parking space solely to building tenants, customers, or the general public or any combination thereof. The definition excludes structures or garages which offer fewer than four automobile spaces.

"Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

"Permitted use" means a use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations and regulations of such zone.

"Plat" means the map or representation of a subdivision.

"Preschool" or "nursery school" means a public or private school for children from ages two to six, including accessory playgrounds and athletic fields.

"Primary school" means a public or private Washington State approved K—8 school, including accessory playgrounds and athletic fields.

"Professional office" means a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are provided by qualified professionals and are generally professional, educational, administrative, financial or governmental in nature. Some examples include accountants, architects, dentists, doctors, engineers, financial advisors, health care providers, and lawyers.

"Public and private schools" means a public or private Washington State-approved primary or secondary school, including athletic fields; vocational and trade schools; and colleges or universities.

"Public utility" means a private business organization such as 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, including water supply, electrical power, gas and transportation, telephone, and other transmission services.

25.98.170 “Q” Definitions.

"Qualified professional" means a person licensed in the applicable occupation, or any other person or combination of people, with a level of education, experience and expertise in the field or discipline appropriate for the relevant subject matter as determined by the Mayor and the City Council.

25.98.180 “R” Definitions

"Residential use" means a type of, or an intended use of, a building or structure designed to provide a place of abode for human beings, but not including hotels or motels.

"Recreational facility" means a country club, golf course, tennis club, swimming club, archery club, or other similar athletic club; bowling alleys, arcades, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters, but specifically excluding adult entertainment facilities.

"Restaurant" means an establishment that prepares and serves food and beverages.

"Required yard" means the area between the lot line and required setback.

25.98.190 “S” Definitions

"Sales level 1" means retail sales such as grocery stores, convenience stores, hardware stores, variety stores, antique stores, nurseries, pharmacies, bakeries, flower shops, theatres, and similar general retail and entertainment uses, except those uses listed in sales level 2

"Sales level 2" means sales of automobiles, trucks, motorcycles, recreational vehicle, boats, trailers, heavy equipment sales and rentals, outdoor bulk sales of building and landscaping supplies, and pawnshops.

"Secondary school" means a public or private Washington State-approved 9—12 school, including athletic fields.

"Services level 1" means businesses engaged in servicing, repair or maintenance of small personal items such as shoes, small appliances, computers, watches and clocks, jewelry and clothing, or which provide specialized services or skills such as barber shops, hair salons, nail salons and all professional office services, except those listed in services level 2 or 3.

"Services level 2" means minor automobile repair, major automobile repair, automobile service stations, automotive fuel dispensing facilities tattoo parlors, and body piercing shops.

"Services level 3" means automobile wrecking facilities, bail bonds service and payday loan facilities.

"Setback" means the distance that buildings must be removed from their lot lines.

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"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Short term rental" means a residential dwelling unit used for short-term transient occupancy (for periods less than 30 days). The residential dwelling unit may be either a single family home or an approved accessory dwelling unit.

"Single-family zones" means those zones where single-family detached residences are the predominant land use.

"Site area" means that area of land associated with a certain development application.

"Site plan." See Section 25.01.140.

"Specified anatomical areas" means and includes any of the following:

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activities" means and includes any of the following:

- (a) The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, except that the highest story is that portion of the building included between the highest floor surface and the ceiling above.

"Street frontage" means the boundary of a lot separating such lot from an abutting street.

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means the division or re-division of land into two or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. (Note: For purposes of this zoning code, the term, "subdivision" includes the short subdivision of land as described in RCW 58.17.020).

25.98.200 "T" Definitions.

"Temporary Encampment" means a transient or interim gathering or community comprised of temporary enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided, that this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" means tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

"Transitional Housing" means a facility that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

"Transitional Use" means a land use that is not otherwise permitted in a given zone, but may be allowed on lots that provide a physical or functional transition between zoning districts, subject to specific locational criteria intended to promote compatibility between different land uses.

"Transportation and utility facility" means public or private facilities which include bus terminals; taxi headquarters; maintenance garages; principal use parking facilities; park-and-ride facilities; radio and television stations; telephone exchanges; cable television facilities; other communication facilities; water and distribution and storage facilities; electric substations; sewage collection, pumping and treatment facilities; rail right-of-way and natural gas distributions.

25.98.210 "U" Definitions.

"Unclassified use" means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone as set forth in this zoning code.

"Utility" means services such as water supply, electric power, natural gas, communication, and sanitary sewers and the provider of such services.

"Utility line" means pipe, conduit, cable, and other similar means or facilities by which utility services are conveyed.

"Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

25.98.220 "V" Definitions.

"Variance" means an adjustment in the specific regulation of this title regarding a particular piece of property as provided in Section 25.01.140.

25.98.230 "W" Definitions.

"Washington State Wetland Rating System" means the four-tier rating system developed by the State Department of Ecology and included in its "Model Wetlands Protection Ordinance" of 1990.

"Wetland or wetlands" means 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. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

25.98.240 "X" Definitions. *Reserved.*

25.98.250 "Y" Definitions.

"Yard" means any front, rear or side yard.

"Yard, front" means a yard extending the full width of the front of a lot between the front street line and the front building line.

"Yard, rear" means the yard extending the full width of the lot in the area between the rear lot line and the rear building line.

"Yard, side" means a yard extending the full length of the lot in the area between a side lot line and a side building line.

25.98.260 "Z" Definitions. *Reserved.*

TITLE 29
PLANNING

(No changes needed)

29.03.040 Approval of declaration of boundary line revision.

The declaration of boundary line revision must be certified for filing by the Mayor's designee. The City Clerk will record the declaration of boundary line revision with the County Auditor. The applicant shall pay all costs associated with City Review and with this recording in accordance with the City's fee schedule.

(Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1419, § 3, Nov. 5th, 2013).

