

ORDINANCE NO. 1409

**AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO LAND USE AND ZONING, AMENDING THE ZONING CODE TO MAKE CONSISTENT WITH NEW CHAPTERS 25.06 (CONSOLIDATING DESIGN STANDARDS) AND 25.07 (CREATION OF A LAND USE MATRIX) OF THE RUSTON MUNICIPAL CODE, AMENDING THE FOLLOWING SECTIONS: 25.01.020 (TO AMEND THE DEFINITION SECTION CONSISTENT WITH THE NEW CHAPTERS AND FOR LANGUAGE CLEAN-UP); 25.01.040 (TO CROSS REFERENCE THE NEW DESIGN STANDARDS AND LAND USE MATRIX CHAPTERS, TO REMOVE USES FROM THIS SECTION AND FOR LANGUAGE CLEAN-UP); 25.01.050 (TO INCORPORATE DESIGN STANDARDS INTO THE COM ZONE, TO CROSS REFERENCE THE LAND USE MATRIX CHAPTER, TO REMOVE USES FROM THIS SECTION AND FOR LANGUAGE CLEAN-UP); 25.01.051 (TO REMOVE USES AND DESIGN STANDARDS FROM THE COM-P ZONE, CROSS REFERENCE THE LAND USE MATRIX AND NEW DESIGNS STANDARD CHAPTER, AND FOR LANGUAGE CLEAN-UP); 25.01.140 (TO MAKE TOPOGRAPHIC INFORMATION REQUIRED FOR AN ADMINISTRATIVE SITE PLAN REVIEW CONSISTENT WITH CURRENT CITY PRACTICES, TO CHANGE SITE PLAN REVIEW PROCESS FROM ADMINISTRATIVE TO QUASI-JUDICIAL WITH PLANNING COMMISSION REVIEW AND COUNCIL APPROVAL, AND FOR LANGUAGE CLEAN-UP), AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City of Ruston has previously established a zoning code which establishes permitted uses throughout the City; and

WHEREAS, the current City zoning code includes design standards for the COM-P zone; and

WHEREAS, a new Chapter 25.06 will be added to the Ruston Municipal Code (Ordinance 1408) which moves the design standards to a single chapter and makes such standards applicable to all commercial zones in the City; and

WHEREAS, in order to make the zoning code easier to read, the addition of a new Chapter 25.07 will be added to the Ruston Municipal Code (Ordinance 1407) which provides a

Land Use Matrix establishing all uses allowed or conditionally allowed in each respective zone, including defining additional uses; and

WHEREAS, in order to make the zoning code consistent with the new chapters, certain consistency edits and “clean up” amendments are necessary; and

WHEREAS, in order to make the code consistent with current city practices and with the current classification of Ruston (a “code city”, not a “town”), additional consistency edits and “clean up” amendments should be made; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Non-Significance (DNS) on May 16, 2013; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Community, Trade and Economic Development with a request for expedited review on May 16, 2013; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, on May 22, 2013, the Ruston Planning Commission held a public hearing on certain revisions to the City’s Zoning Code, including Ordinances 1407 and 1408, and including the amendments contained in this Ordinance 1409; and

WHEREAS, following the public hearing the Planning Commission deliberated on this issue; and

WHEREAS, the Planning Commission recommended the addition of the new design standard chapter contained in Ordinance 1407 and the land use code matrix chapter as contained in Ordinance 1408; and

WHEREAS, after a full deliberation and consideration, the Planning Commission further recommends that the City Council adopt this Ordinance; and

WHEREAS, on June 4, 2013 the City Council by super-majority vote waived the first reading of this Ordinance and voted to move immediately to second reading; and

WHEREAS, on June 4, 2013, the City Council adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 25.01.020 of the Ruston Municipal Code is hereby amended to read as follows:

**25.01.020 - 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 single-family lot.

(a) Attached. Attached auxiliary dwelling units, contained within a single-family home, 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 single-family home.

(b) Detached. Detached auxiliary dwelling units are structurally independent from the primary single-family dwelling and are a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation.

“Accessory structurebuilding” 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 living quarters” means living quarters within an accessory building or the principal structure used solely for the use of the family or of persons employed on the premises, or for the use of guests or the occupants of the premises. Such quarters shall have no kitchen facilities and are not rented or otherwise used as an auxiliary dwelling unit.~~

"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.

"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 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.

~~"Auxiliary dwelling units" are a separate additional living unit including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single family lot.~~

~~(a) Attached. Attached auxiliary dwelling units, contained within a single family home, 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 single family home.~~

~~(b) Detached. Detached auxiliary dwelling units are structurally independent from the primary single family dwelling and are a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation.~~

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

"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.

~~"Boarding house" means a building, other than a hotel, where meals and/or rooms or lodging are provided for compensation for not more than 12 persons other than the family. Boarding house is the same as lodging or rooming house, but shall not include rest homes or convalescent homes.~~

"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.

"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.

"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.

~~"Day care centers, nurseries, kindergarten centers" means a 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.~~

"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.

"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.

~~"Duplex" means a detached building containing two dwelling units.~~

"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, duplex" means a detached building containing two dwelling units.

"Dwelling, multiple-family" means a building or portion thereof containing two or more dwelling units and does not include auxiliary dwelling units or accessory living quarters.

"Dwelling, single-family" means a detached building containing one dwelling unit.

"Dwelling, triplex" means a detached building containing three dwelling units.

"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.

"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.

"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.

"Family" means one or more persons related by blood, marriage, adoption or guardianship, or not more than four persons not so related, except servants, occupying a dwelling unit and living 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.

~~"Fast food restaurant" means an establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages usually served in edible containers or on paper, plastic or other disposable containers.~~

"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.

~~"Fourplex" means a detached building containing four dwelling units.~~

"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."

"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.

"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.

"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.

"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.

"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.

"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.

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

"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 occupancy (or structure)" means a building designed or intended to be used for more than one type of principal use, e.g., retail and office uses.

"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.

"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.

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

~~"Office use" generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature.~~

"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.

"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, ballfields, water access facilities and non-mechanical boat launches.

"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.

"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.

"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.

"Sales Level 1" means retail sales such as grocery stores, convenience stores, hardware stores, variety stores, antique stores, nurseries, pharmacies, bakeries, flower shops, and similar general retail 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.

"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.

"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).

"Townhouse" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot lines.

"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.

~~"Triplex" means a detached building containing three dwelling units.~~

"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.

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

"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.

"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.



**Section 2.** Section 25.01.040 of the Ruston Municipal Code is hereby amended to read as follows:

**25.01.040 – Residential (RES) zone.**

(A) Purpose. The residential (RES) zone serves to preserve and enhance the character of the original Ruston residential neighborhood. Redevelopment of existing homes is encouraged, as well as new housing compatible in scale and design. ~~Any permanent habitable structure permitted after the date of adoption of this code must meet International Building Code standards in effect at the time that the building permit is issued.~~

(B) Permitted Uses.

Refer to RMC 25.07 for uses permitted in the COM zone. ~~These uses are permitted outright in the RES zone:~~

~~(1) Single family dwellings and garages.~~

~~(2) Home occupations.~~

~~(3) Auxiliary dwelling units and accessory living quarters subject to the requirements of subsection (j) of this section.~~

(C) Conditional Uses.

Refer to RMC 25.07 for uses conditionally permitted in the RES zone. ~~The following uses are permitted when authorized as a conditional use under Section 25.01.110~~

~~(1) Public and private schools, including accessory buildings located on the same site.~~

~~(2) Day care, nursery, and kindergarten centers.~~

~~(3) Churches if:~~

~~(A) The building(s) does not cover more than 20 percent of the lot; and~~

~~(B) No buildings, active play area or parking lot is closer than 20 feet to any residential lot.~~

~~(4) Government facilities (fire station, library, etc.) primarily serving nearby residences.~~

~~(5) Double and multiple family dwellings, apartments, hotels and offices, not exceeding 25 feet in height.~~

~~(6) Transportation and utility facilities including: rail right of way; park and ride facilities; communication facilities not requiring on-site, full-time employees; water distribution and~~

~~storage facilities; electric substations necessary to serve the surrounding community; sewage collection and pumping facilities; and natural gas distributions.~~

~~(7) Manufactured homes and mobile homes.~~

(D) Minimum Lot Area and Width. Every building erected or structurally altered in the RES zone shall provide a lot area of at least 4,800 square feet with a minimum width of 50 feet for single-family dwellings.

(E) Setback Requirements.

(1) Lots developed after enactment of this code shall maintain at least these setbacks:

- (a) Front yard, 20 feet to property line.
- (b) Rear yard, 25 feet.
- (c) Side yards, seven and one-half feet.

(2) Accessory buildings shall meet setback requirements contained in subsection (k) of this section.

(F) 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 if 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 ~~CityTown's~~ Building Official or designated person within five working days after rafters are installed on a new or remodeled structure. This requirement may be waived by written permission of the ~~CityTown's~~ 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. For the accessory buildings, lot grade will be determined by the corners of the rear yard building envelope defined in subsection (K) of this section.

The following diagram illustrates subsection (F) of this section:

(G) Lot Coverage. The house and garage and accessory buildings shall not cover more than 38 percent of a lot.

(H) Site Plan Requirements. Site plan approval is required under Section 25.01.140 of more than four residential units.

(I) Yard Variation on Corner Properties. The ~~CityTown~~ Council may issue special permits 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 permits 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 permit shall be granted if the resulting setback does not harmonize with other residential buildings in the same block. Every application for a special permit 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.

(J) ~~Accessory Dwellings Living Quarters and Auxiliary Dwelling Units~~— Special Permit. New ~~accessory auxiliary dwellings units and accessory living quarters~~ may be allowed in the residential zone following review and approval by the Planning Commission and ~~CityTown~~ Council if the home is owner occupied and the unit is found to conform with the requirements of this chapter as established by an inspection by the ~~CityTown~~ Building Inspector. Such inspection shall be made by the ~~CityTown~~ upon application to the ~~CityTown~~ Clerk and payment of ~~the applicable~~ \$50.00 fee as provided in the City's fee schedule. If the report of the ~~CityTown~~ Building Inspector finds that the unit meets the requirements of this chapter, a special use permit will be issued by the ~~CityTown~~ Clerk following review and approval by the Planning Commission and ~~CityTown~~ Council. The ~~accessory auxiliary dwelling and accessory living quarters~~ shall be considered a legal use only as long as the home is owner occupied.

Conditions which must be met to allow new ~~accessory auxiliary dwellings units and accessory living quarters~~:

- (1) A single-family dwelling or lot may have no more than one ~~accessory auxiliary dwelling unit or accessory living quarters~~.
- (2) The principal structure must be occupied by one or more owners of the property or a family member as a permanent and principal residence; the owner may live in either the principal structure, ~~auxiliary dwelling unit~~, or accessory ~~dwellings living quarters~~.
- (3) The principal structure must provide at least three off-street parking spaces which meet the requirements of Section 25.01.090

(4) The minimum ceiling height must be six feet, eight inches for accessory~~auxiliary~~ dwellings ~~and accessory living quarters~~ located within structures constructed before October 17, 1979, and seven feet, six inches for units within structures constructed after that date. Projections below the ceiling, including but not limited to beams, pipes and ducts, shall not reduce the headroom to less than six feet, six inches.

(5) In sleeping rooms located in buildings constructed after August 10, 1972, or in rooms lawfully converted or established for sleeping purposes after August 10, 1972, there shall be at least one operable window or exterior door approved for emergency escape or rescue. The window or door must be operable from the inside. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet, a minimum net clear openable height dimension of 24 inches, and a minimum net clear openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a constructed step with a riser of not more than seven inches.

(6) The accessory~~auxiliary~~ dwelling unit ~~and accessory living quarters~~ must provide adequate light and ventilation, sanitation, structural characteristics, heating, electrical service, fire safety and security in accordance with the International Building Code.

(a) Parking Requirement Waiver. A waiver from the parking requirement may be granted by the City~~Town~~ Council if topography of the site or structure location makes it unduly burdensome to provide the required parking and there is adequate on-street parking. A plot plan must be submitted which illustrates what factors make it impractical to provide the required parking such as topography, walls or existing structures. The existence of adequate on-street parking must also be shown by a written survey report which includes the date and time of survey, map of the survey area, total number of legal parking spaces and number of parking spaces occupied.

(b) Design Requirements. The design of an accessory~~auxiliary~~ dwelling unit ~~or accessory living quarters~~ 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.

(c) 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~~Town~~ 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 ~~Section~~ Chapter 25.0301.140(g) of this code.

(K) Accessory Structures Allowed Only in Rear Yards. Accessory buildings or ~~dwelling~~living quarters may be built only within a rear yard, subject to the following provisions:

(1) Accessory structures may be built within three feet of the rear lot line, provided the required total open space area for the lot is not exceeded. In addition, accessory buildings shall cover no more than 50 percent of the rear yard; computed on the full width of the lot times the depth of the rear yard. Accessory buildings shall not be closer than seven and one-half feet to a side lot line.

If a garage is proposed in the rear yard and access is planned from an alley, such access must conform to the alley access requirements in Section 25.01.090.

(2) Accessory buildings without ~~a dwelling~~living quarters that are 120 square feet or under may be built only within a rear yard and will not be subject to setback requirements.

(L) Fences — Height Restrictions. See Section 25.01.101 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.

~~(5) See diagram (to come).~~

(M) Projections into Yard Setbacks. See Section 25.01.110(D)(3) for allowable projections into yard setbacks.

(N) Design Standards.

All development within the RES zone is subject to the design standards contained within Chapter 25.06 RMC.

**Section 3.** Section 25.01.050 of the Ruston Municipal Code is hereby amended to read

as follows:

**25.01.050 - Commercial (COM) zone.**

(A) Purpose. The commercial zone (COM) is intended to provide for the location of businesses serving shoppers and patrons on a local and regional basis.

(B) Permitted Uses.

~~Refer to Chapter 25.07 RMC for uses permitted in the COM zone. Any use permitted outright in the RES zone is permitted. All commercial uses which meet the following applicable standards are permitted including, but not limited to, retail stores and shops as are usually needed to serve a residential district such as:~~

- ~~(1) Retail;~~
- ~~(2) Business, professional, and governmental offices;~~
- ~~(3) Hospitals, clinics, nursing and convalescent homes;~~
- ~~(4) Hotels and motels;~~
- ~~(5) Entertainment and indoor recreational uses such as bowling alleys, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters, but specifically excluding adult theaters, topless entertainment, adult bookstores and sexually oriented novelty shops;~~
- ~~(6) Service businesses or stores such as funeral homes, printing, automobile service stations, automobile and truck rental, vehicle or boat sales or repair;~~
- ~~(7) Nurseries and greenhouses;~~
- ~~(8) Commercial uses involving production of goods primarily for sale on site, provided such processing or goods stored or processed shall be limited to those which do not emit odor, dust, smoke, radiation, gas, fumes, noise, vibrations, refuse or waste which would unreasonably affect adjacent property;~~
- ~~(9) Schools, libraries and other governmental or public institutions primarily serving nearby residences;~~
- ~~(10) Adult and child day care, nursery and kindergarten centers and facilities;~~
- ~~(11) Double and multiple family dwellings not exceeding 25 feet in height with at least 2,000 square feet of lot area per unit.~~

(C) Conditional Uses.

~~Refer to Chapter 25.07 RMC for uses conditionally permitted in the COM zone. The following uses shall be permitted when authorized pursuant to Section 25.01.110, Conditional uses, unclassified uses and variances:~~

- ~~(1) Light manufacturing, including cabinet shops and similar enterprises.~~
- ~~(2) Transportation and utility facilities including: 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.~~

~~(3) Churches if:~~

~~(A) The building(s) does not cover more than 20 percent of the lot; and~~

~~(B) No buildings, active play area or parking lot is closer than 20 feet to any residential lot.~~

~~(4) Country club, golf course, tennis club, swimming club, archery club, or other similar athletic club.~~

~~(5) Double and multiple family dwellings, apartments, hotels and offices, not exceeding 25 feet in height.~~

~~(6) Manufactured homes, mobile homes.~~

(D) Minimum Lot Area. There is no minimum lot area in the COM zone.

(E) Permitted Height. No structure shall exceed 25 feet in height; provided, that if the ridge of the roof runs parallel to the view corridor and a minimum eight feet (rise)/12 feet (run) roof pitch with no dormers is proposed, structures shall be allowed to be no more than 30 feet in height.

(F) Setback and Buffer Requirements.

(1) Yard Setback Requirements.

(a) Front yard: 20 feet to property line.

(b) Rear yard: 25 feet to property line.

(c) Side yards: seven and one-half feet to property line.

(2) If a commercial property is only separated from a residential district by an alley, all structures may be set back as follows:

(a) Front yard: zero feet, but only a single story building will be allowed 20 feet from the fronting street property line.

(b) Rear yard: 20 feet to property line.

(c) Side yard: seven and one-half feet to property line.

(3) If a ~~commercial~~ property has a property line along North 51st Street, ~~principal structures in retail use with a public entrance on North 51st Street may be set back zero feet from the lot line along North 51st Street~~ with frontage on 51st Street it shall not have a required setback along that frontage. For the purposes of compliance with the City's design standards contained within RMC 25.06, the yard abutting 51<sup>st</sup> Street shall be treated as a front yard.

(G) Off-Street Parking Requirements. Off-street parking shall comply with Section 25.01.090 and the City's design standards contained within Chapter 25.06 RMC.

(H) Site Plan Requirements.

Site plan approval is required under Section 25.01.140 for any development within the COM zone. of:

- ~~(1) Over 50,000 square feet of gross floor area.~~
  - ~~(2) Hotels, motels, nursing homes and convalescent homes of more than 50 rooms or beds.~~
  - ~~(3) Bars, taverns and restaurants adjacent to residential zones.~~
- (l) Design Standards.

All development within the COM zone is subject to the design standards contained within Chapter 25.06 RMC.Fences — Height Restrictions. See Section 25.01.101 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.~~
- ~~(5) See diagram. (To come.)~~

**Section 4.** Section 25.01.051 of the Ruston Municipal Code is hereby amended to read as follows:

#### **25.01.051 - The COM-P Zone**

- (A) Purpose. The COM-P Zone is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian oriented commercial/retail development along or near Pearl St. 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 25.07 RMC for uses permitted in the COM-P zone.~~Any use permitted outright in the RES zone is permitted. Residential uses permitted in the Com P zone include multi family dwellings, including apartments and condominiums, located above ground floor retail and commercial uses. Commercial uses permitted include, but are not limited to~~



~~retail stores and shops that can be accommodated on parcels with the limited depth available as are usually needed to serve a residential district such as:~~

- ~~(1) Retail;~~
- ~~(2) Business, professional, and branch governmental offices;~~
- ~~(3) Clinics, nursing and convalescent homes with less than 30 beds;~~
- ~~(4) Hotels with less than 15 rooms;~~
- ~~(5) Entertainment and indoor recreational uses such as athletic clubs, and swimming clubs;~~
- ~~(6) Service businesses or stores such as funeral homes, printing and copying, automobile service stations, automobile and truck rental, vehicle, or boat sales or repair primarily enclosed within a building with less than 200 square feet of unenclosed surface parking or service yard space;~~
- ~~(7) Retail sales nurseries and greenhouses;~~
- ~~(8) Commercial uses involving production of goods primarily for sale on site, provided such processing or goods stored or processed shall be limited to those which do not emit odor, dust, smoke, radiation, gas, fumes, noise, vibrations, refuse or waste which would unreasonably affect adjacent property;~~
- ~~(9) Schools, libraries and other governmental or public institutions primarily serving nearby residences;~~
- ~~(10) Adult and child day care, nursery and kindergarten centers and facilities;~~
- ~~(11) Single and multiple unit dwellings. Multiple unit dwellings must provide retail space occupying the entire first floor with direct access to the sidewalk.~~

(C) Conditional Uses.

~~Refer to Chapter 25.07 RMC for uses conditionally permitted in the COM-P zone. The following uses shall be permitted when authorized pursuant to Section 25.01.110: Conditional Uses, Unclassified Uses and Variances:~~

- ~~(1) Light manufacturing, including cabinet shops and similar enterprises.~~
- ~~(2) Transportation and utility facilities including: 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 distribution and storage facilities; electric substations; sewage collection, pumping and treatment facilities; rail right of way and natural gas distributions.~~
- ~~(3) Churches if:
  - ~~(a) No buildings, active play area, or parking lot is closer than 20 feet to any residential zoned lot.~~~~
- ~~(4) Hospitals, clinics, nursing and convalescent homes over 30 beds;~~
- ~~(5) Entertainment and indoor recreational uses such as bowling alleys, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters;~~

~~specifically excluding adult theaters, topless entertainment, adult bookstores and sexually oriented novelty shops;~~

- ~~(6) Service businesses or stores that require unenclosed surface parking or service yards over 1200 square feet such as funeral homes, printing, automobile service stations, automobile and truck rental, vehicle, or boat sales or repair;~~
- ~~(7) Nurseries and greenhouses producing items for sale at other locations;~~
- ~~(8) Commercial uses involving production of goods primarily for sale at other locations, provided such processing or goods stored or processed shall be limited to those which do not emit odor, dust, smoke, radiation, gas, fumes, noise, vibrations, refuse or waste which would unreasonably affect adjacent property;~~
- ~~(9) Schools, libraries and other governmental or public institutions primarily serving areas outside Ruston;~~
- ~~(10) Adult and child day care, nursery and kindergarten centers and facilities serving not more than 50 persons on site at once;~~

(D) Minimum Lot Area. There is no minimum lot area in the COM-P zone.

(E) Permitted Height. No structure within the COM-P zoning 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) 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 8 feet by 19 feet. Additional parking within the COM-P zone shall comply with RMC 25.01.090, 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 25.01.090 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.~~

(GH) Site Plan Requirements.

~~Site plan approval is required under Section 25.01.140 for any development within the COM-P zone. of:~~

- ~~(1) Over 50,000 square feet of gross floor area.~~
- ~~(2) Hotels, motels, nursing homes and convalescent homes of more than 30 rooms or beds.~~
- ~~(3) Bars, taverns and restaurants adjacent to residential zones.~~

(HI) Design Standards.

~~All development within the COM-P zone is subject to the design standards contained within Chapter 25.06 RMC, Fences — Height Restrictions. See section 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries; and Section (q), herein, regulating fencing for screening of utilities.~~

- ~~(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.~~
  - ~~(2) Fence in required side yard: 72 inches maximum height, 36 inches maximum height within 20 feet of the front property line.~~
  - ~~(3) Fence in required rear yard: 72 inches maximum height.~~
- ~~(j) Building Design. Building facades closer than 20 feet to the front property line must meet the following requirements:~~
- ~~(1) Facades over 25 feet wide must provide a five foot yard setback for 50% of the total facade length. The five foot wide area must include street furniture available to the public such as benches and trash receptacles~~
  - ~~(2) At least 60% of the first floor facade must be glass.~~
  - ~~(3) The remaining percentage of the first floor facade material must be brick, copper, or natural stone.~~
  - ~~(4) Awnings must be provided for over 50% of the depth and length of sidewalk area but no greater than seven feet in depth or closer than 4 feet to the curb.~~
  - ~~(5) 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.~~
  - ~~(6) 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 illumination.~~
- ~~(k) Building Design Standards.~~
- ~~(1) General Applicability. The design standards of this section are required to implement the goals of the Town of Ruston for Pearl Street Commercial District (COM-P). The~~

building design standards apply to all new development in the Com-P district, except as follows:

- (A) Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
- (B) Additions. Additions of less than 5,000 square feet of gross floor area are exempt from the design standards of this section; provided they do not exceed 75 percent of the existing gross floor area.
- (C) Temporary. Temporary structures are exempt from the design standards of this section. Temporary structures require review under the building code.
- (D) Remodel. 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.
- (E) Residential and/or mixed use. The standards apply only to residential structures of five dwelling units or greater. The standards apply to all mixed use structures.
- (F) Religious assembly and religious facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.
- (I) 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.

1. 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 choices listed in 25.01.051.(I).2.
	e. Buildings over 30,000 square feet; gross floor area shall provide at least two mass reduction features from the choices listed in 25.01.051.(I).2.
2. Mass reduction Choices	a. Upper story. Buildings 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 8 feet 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 2 elevations.
	c. Wall modulation. Maximum 100 feet of wall without modulation, then a

minimum 2 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.

d. Public plaza. A public plaza of at least 800 square feet of gross floor area or 5 percent of gross floor area, whichever is greater. 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, fountain, kiosk, bike rack, or art work 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.

(m) 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>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.</p>
	<p>c. Corniced roof. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 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 10 feet or less in height; 18 inches for buildings greater than 10 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>

d. Canopy Exemption. Gas station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.

(n) ~~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.~~

1. Street level	a. <del>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 2 feet and 8 feet above the sidewalk on a minimum of 2 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 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.</del>
	b. <del>Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks.</del>
	c. <del>Limited alternatives. Alternatives of decorative grilles, art work, 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.</del>
2. Upper levels	a. <del>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 2 such building elevations.</del>
	b. <del>Upper level windows shall be a different type than the ground level windows on the same elevation.</del>
	c. <del>For purposes of this requirement, a window type is either a grouping of</del>

	windows, or a window size, or a window shape.
3. Exemptions	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 4 feet or more above or below the adjacent floor level of the building.
	b. Residential privacy. On sides where COM P District boundaries adjoin Residential District boundaries, structures within the COM P District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side

(o) ~~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	a. <del>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 1 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.</del>
	b. <del>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.</del>
2. Facade variety	a. <del>Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.</del>
	b. <del>Buildings from 2,000 square feet gross floor area to 30,000 square feet gross floor area shall use at least 2 different materials, textures, or patterns on each building elevation.</del>
	c. <del>Buildings over 30,000 square feet gross floor area shall use at least 3 different</del>

	materials, textures, or patterns on each building elevation.
	d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 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 2 building elevations on any given building.

(p) ~~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. <del>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 1 elevation.</del>
	b. <del>Non-residential or mixed-use buildings shall provide at least 1 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.</del>
2. Street level weather protection	a. <del>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.</del>
	b. <del>Weather protection may be composed of awnings, canopies, overhangs, or similar architectural features. It is required to cover only hard surfaced areas</del>



intended for pedestrian use and not areas such as landscaping.
e. 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, street lights, bay windows, or similar building accessories to not less than 3 feet in width.
d. Irrespective of above requirements, the weather protection shall not extend closer than 4 feet to the curb.

(q) 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 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.
	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 4 feet in height must use fencing, structure, or other form of screening, beyond landscaping.
	c. Small ground level. Items that do not exceed 4 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 3 years of planting.
	Types: Chain link fencing, with or without slats, is prohibited for required screening.
2. Fencing type	a. Barbed or razor wire. The use of barbed or razor wire is limited to those

limitation	areas not visible to a public street or to an adjacent residential use.
	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.
	c. Electrified. The use of electrified fencing is prohibited.
	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.

(r) Residential Compatibility Standards. The following items apply when the COM P zone is adjacent to Residential zones. The standards are required to help ensure compatibility between non residential 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:

A. Upper Story Setback	Structures with frontage along Pearl 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.
B. Storage Parking and/or Service Openings	Vehicle parking, and building loading or service areas shall be screened from any residentially zoned property.
	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.
	Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas
C. Lighting	As required by RMC 25.01.103

**Section 5.** Section 25.01.140 of the Ruston Municipal Code is hereby amended to read

as follows:

**25.01.140 - Administration, site plans, appeals and amendments.**

- (A) Purpose. This chapter describes the administrative procedures governing applications for permits and approvals required by the CityTown of Ruston Zoning Code and Comprehensive Plan.
- (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 25.01.110(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 CityTown'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 where required in this code shall consist of review of a site plan meeting the requirements of subsection ~~(d)~~(D)(3) of this section by ~~the Mayor or his or her designee~~ for compliance with the provisions of the zoning code. ~~Planning Commission and Town Council hearing and review of site plan approvals is not required unless the Mayor determines that substantial impacts may be created by the proposal, which are not addressed through a strict application of the zoning code.~~
- (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) Preliminary 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) Project Scope Review. The applicant may meet with the Mayor and/or Council to present and discuss the general scope of the project. The Mayor may, depending upon

the scope or particular features of the project, request that representatives from other agencies participate in the review process.

- (3) 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.
  - (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, 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~~five-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 25.01.110 that apply to the application being submitted.
  - (i) Permit and application fees as established by ordinance and recorded in the CityTown 's schedule of land use application fees.
  - (j) Other information deemed appropriate by the Mayor, CityTown Council or Planning Commission including but not limited to:

- (i) Soils map and general description of soil types and their suitability for the proposed uses.
  - (ii) Landscape plan.
  - (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 Section 25.01.080
  - (vi) Storm drainage plan and evidence of compliance with Section 25.01.080
  - (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.
- (4) 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 CityTown 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 CityTown 's schedule of land use application fees (if application by other than CityTown Council).
    - (vi) Any other information deemed appropriate by the Mayor, Council or Planning Commission.
- (E) Review, Notice, Hearing, and Decisions.
- (1) The Mayor, CityTown Council and Planning Commission will hear and review all applications under this chapter pursuant to the procedures in Title 19 of the Ruston Municipal Code.

- (2) ~~CityTown~~ Council Review and Decision. The ~~CityTown~~ n Council shall consider the application in a public meeting within 30 days of receipt of the Planning Commission's recommendation. The ~~CityTown~~ Council shall vote to: (A) approve the application as submitted; (B) approve the application subject to modifications or development conditions; (C) disapprove; or (D) refer the application back to the Planning Commission for further consideration within a specified period of time. The Mayor shall transmit a copy of the ~~CityTown~~ Council's report and decision to the applicant and all parties of record.
- (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 ~~CityTown~~ 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 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 submitted in writing to all parties and the ~~CityTown~~ Council.

~~(G) Enforcement. Section reserved.~~

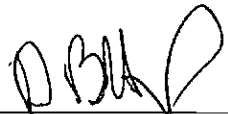
**Section 6.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 7.** Publication. This Ordinance shall be published by an approved summary consisting of the title.

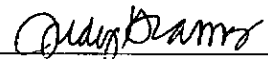
**Section 8. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of June, 2013.

APPROVED by the Mayor this 4th day of June, 2013.

  
\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Judy Grams, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of the City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: 1409