



FARMINGTON

ZONING ORDINANCE

Adopted January 1981

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ZONING ORDINANCE

for

FARMINGTON, WASHINGTON

This ordinance provides for the regulation of the use of land and buildings within the town of Farmington, defining and naming the types of use districts and the uses permitted within each district.

PURPOSE AND USE DISTRICTS

For the purpose of promoting public health, safety and general welfare and regulating and determining the areas within which certain uses of land and buildings may be conducted so as to provide for orderly community growth, and in accordance with Chapter 35.63, Laws of Washington, the following types of use districts are adopted:

- A - Agricultural
- R - Residential
- C - Commercial
- I - Industrial
- FP - Flood Plain Overlay
- MHP - Mobile Home Park Overlay

The boundaries of these use districts shall be determined and defined by the adoption of a map on which are shown the boundaries of each district and filed in the office of the Town Clerk.

No land or premises shall be used, unless otherwise provided in this ordinance, except in conformity with the regulations herein prescribed for the use districts in which such land or premises are located.

No building or structure shall be erected or structurally altered, or used, unless otherwise provided in this ordinance, except in conformity with the regulations prescribed for the use district in which such building or structure is located.

DEFINITIONS

ACCESSORY STRUCTURE - any structure incidental, appropriate, and subordinate to the main use of the property, and located on the same lot, or in the same building, as the main use.

ADMINISTRATIVE OFFICIAL - the Town Clerk.

APARTMENT - a room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a house-keeping unit for a single family.

AREA OF SPECIAL FLOOD HAZARD - means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BOARD OF ADJUSTMENT - the Town of Farmington Board of Adjustment.

BOUNDARY - the lot lines describing a lot of record.

BUILDING - any structure built for support, shelter, or enclosure of persons, animals, chattels or structures of any kind.

BUILDING HEIGHT - vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

DUPLEX - dwelling unit containing two families.

DWELLING UNIT - structure containing one family.

EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION - a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance.

EXPANSION TO AN EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION - the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FLOOD or FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HOME OCCUPATION - accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the dwelling's character.

LOT AREA - the total horizontal land area within the lot lines of a lot, exclusive of public or private roads and easements of vehicular access to other property.

MOBILE HOME a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION - structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NEW MOBILE HOME PARK, NEW MOBILE HOME PARK SUBDIVISION - a parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pad, and the construction of streets) is completed on or after the effective date of this ordinance.

NONCONFORMING USE - any use, building, and/or structure not in compliance with any one or all of the provisions herein contained, which existed legally at the time of the adoption of this ordinance.

OFF-STREET PARKING SPACE - on off-street surfaced area of not less than nine feet by twenty feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway.

OVERLAY DISTRICT - A set of regulations prescribed by this ordinance for certain defined areas of land which shall apply to all uses, buildings and structures in said areas in addition to those regulations prescribed by this Ordinance for the use districts in which such areas of land are located.

PERMITTED USE - The specific purpose for which land and/or building is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

PRIVATE CLUB - a non-profit, social organization whose premises are restricted to its members and their guests, and which premises may include certain structures and buildings used primarily for the accommodation of its members.

PUBLIC BUILDING - buildings constructed for public purposes and usage by agencies and departments of local, county, state and federal government.

SERVICE BUILDING - a building or buildings having toilet facilities for men and women, with laundry and bathing accommodations.

SETBACK - the distance in feet as measured from a lot line to the sill line of a building, or the closest point to the lot line of a structure.

SIGN - an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

STREET - any public right-of-way.

STRUCTURE - a walled and roofed building or mobile home that is principally above ground.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. any project for improvement of a structure to comply with

existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACED ROADS & SIDEWALKS - for mobile home parks are to be graveled surface or better, consistent with the quality of adjacent town streets.

YARD, FRONT - an open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of a main building.

YARD, REAR - an open space extending the full width of a lot, between the rear-most main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which will be the least distance between the rear lot line and the rear of such building.

YARD, SIDE - an open space extending from the front yard to the rear yard, between a main building and a side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

OFFICIAL MAP

ADOPTION - The town is divided into several zones or use districts as shown on the official map which, together with all explanatory matter thereon, is adopted by reference and declared a part of this zoning ordinance. It shall be identified by the title OFFICIAL ZONING MAP and shall bear the signature of the Mayor and the date of the most recent ordinance adopting or amending the map.

STATUS - The Official Map shall be located in the City Hall and shall be the final authority as to the current zoning status of the town. Any amendments passed by the City Council shall be duly recorded on the Official Map by the Town Clerk as expeditiously as possible after the action of the City Council.

REPLACEMENT - In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the changes or additions thereto, the City Council may, by resolution, adopt a new Official Zoning Map, in whole or part, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct errors or omissions in the prior official map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

AMENDMENTS

PURPOSE - Whenever public necessity, health, safety, or general welfare requires amendment to the ordinance the procedure described hereafter shall be followed:

- a) Amendments may be initiated by:
 - 1. Any person or group with an interest in the proposed amendment
 - 2. The town Planning Commission
 - 3. The City Council
- b) Application format - The administrative official shall prescribe the form for requesting an amendment.

PLANNING COMMISSION ACTION:

- a) Public hearing - The Planning Commission shall hold at least one public hearing for any change in this ordinance including changes to the Official Zoning Map. Notice of the public hearings shall be published in a newspaper of general circulation at least ten (10) days prior to the meeting.
- b) Findings of Fact - Whenever a proposed amendment to this zoning ordinance or the Official Zoning Map is considered by the Planning Commission at a public hearing, the Commission shall prepare findings of fact supporting its actions. All relevant facts leading to the Commission's decision shall be included in a list of facts which shall be transmitted to the City Council with the Commission's recommendation for or against the proposed amendment.
- c) Voting - A recommendation for amendment shall be valid if passed by the affirmative vote of a majority of the total members of the Commission.

CITY COUNCIL ACTION:

- a) Public hearing - The City Council shall hold at least one public hearing for any change in this ordinance, including changes to the Official Zoning Map. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 days prior to the meeting.
- b) Findings of fact - The City Council must adopt a listing of factors considered in their decision on the proposed amendment. In preparing their list, they shall consult the Findings of Fact prepared and transmitted to them by the Planning Commission.

- c) Action by the City Council - The City Council shall consider the recommendation of the Planning Commission for amendment of this ordinance or the Official Zoning Map. If the Planning Commission recommendation is satisfactory to the Council it may be adopted by ordinance. If the Council wishes to substantially change the amendment as recommended by the Planning Commission it must first transmit the proposed alternative to the Planning Commission for their review and comment. The Council shall consider the Comments of the Planning Commission concerning its proposed alternative prior to taking final action on the Council-prepared ordinance.

- d) Effect - Action by the Council shall be final and conclusive, unless within thirty (30) days from the date of said action the original applicant or a party adversely affected makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the City Council.

ADMINISTRATION AND ENFORCEMENT

ADMINISTRATIVE OFFICIAL - The Town Clerk shall be the Administrative official for this ordinance. If the Administrative Official finds that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The administrative official shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or additions or structural changes thereto: discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The Administrative Official shall make available to the public application materials for approvals and amendments authorized by the ordinance.

PENALTIES - Any person, firm, company, corporation or organization who violates or otherwise fails to comply with the provisions of this ordinance shall be subject to a civil penalty of not more than \$300 for each violation. Each day's continuance thereof shall be deemed a separate and distinct violation.

The existence of a civil penalty or pendency of any proceedings to enforce and collect such a civil penalty under the provisions of this ordinance shall not be construed to affect the right of the town to proceed with the enforcement of the provisions of this ordinance by other civil proceedings either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctive order at the suit of the town or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law.

All court costs shall be paid by the party in violation of this ordinance.

The town, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this ordinance.

FEES - No permit, conditional use permit, variance or rezone shall be issued, nor shall any action be taken on proceedings before the Board of Adjustment or Planning Commission unless or until all charges and fees have been paid in full.

Rezone	\$50.00
Variance	25.00
Conditional Use	25.00

BOARD OF ADJUSTMENT

CONDITIONAL USE PERMIT - The Board of Adjustment shall hear and decide all applications for Conditional Use Permits. The following standards, criteria and procedures shall apply to any Conditional Use Permit authorized by this ordinance:

1. A conditional use permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitations:
 - a. That the conditional use and any conditions imposed by the Board of Adjustment will not adversely affect the public health, safety and welfare;
 - b. That the proposed use, with any conditions imposed, will be in compliance with the standards set out in this ordinance for the use district applicable to the proposed use;
 - c. That the findings of fact adopted by the Board of Adjustment to support their decision clearly indicate that the above-listed criteria have been fulfilled.

2. The Board of Adjustment may impose any conditions or safeguards upon granting a conditional use permit which are necessary to insure conformity with the provisions of this ordinance and protection of the public health, safety and welfare. Failure to fulfill any condition imposed by the Board of Adjustment shall be a violation of this ordinance, and said permit may be revoked. Conditions may include but are not limited to any of the following:
 - a. Specify a time limit within which action, for which the conditional use permit is required, shall be begun or completed, or both.
 - b. Require a periodic review of an issued permit to assure compliance with any imposed conditions.
 - c. Increase the required lot size or yard dimensions.
 - d. Limit the height or total lot coverage of buildings.
 - e. Control the number and location of vehicular access points to the property.
 - f. Control the number of off-street parking or loading spaces.
 - g. Require suitable landscaping or drainage control.

- h. Control signing.
- i. Control the hours of operation.
- j. Control nuisance generating features in matters of noise, colors, air pollution, wastes, vibration, traffic, physical hazards and glare.

VARIANCES - The Board of Adjustment shall hear and decide all applications for variances from the requirements of this ordinance, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the findings of fact adopted by the Board of Adjustment to support their decision indicate that the following circumstances apply:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications;
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or be injurious to other properties and improvements in the vicinity of the subject property;
3. That the variance is not required solely due to actions by the applicant which prevent direct compliance with use standards applicable to the subject property;
4. That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

No variance shall be granted permitting a use, but shall be limited to those standards and requirements imposed on uses otherwise permitted by this ordinance.

FLOOD MANAGEMENT OVERLAY DISTRICT VARIANCES - The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the Flood Management Overlay District, of the ordinance following the procedures for variances in this chapter. Variances in the Flood Management Overlay District must comply with these additional conditions:

1. A variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National

Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

2. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. A variance shall only be issued upon:
 - a) a showing of good and sufficient cause;
 - b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

HEARING - NOTICE PROCEDURE - Applications to the Board of Adjustment shall be filed with the administrative official on approved forms. Upon receipt of application for a conditional use or variance, the administrative official shall set the time and place for a public hearing, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of the subject property. The written notice shall be postmarked not less than twelve (12) days prior to the hearing.

EFFECT - The action by the Board of Adjustment on an application for a conditional use permit or a variance shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

AGRICULTURAL DISTRICT (A)

The purpose and intent of Agricultural District is to provide an area free of urban density development where agricultural use of land is still the primary, desired and needed land use. Land that can be profitably farmed should not be taken out of this district unless there exists an overriding public necessity for expansion of the urbanized area because of overcrowding or the lack of other suitable land available for the proposed new land use.

PRINCIPAL USES PERMITTED OUTRIGHT:

1. Raising of crops for private use and/or commercial sale
2. Raising of animals for private use and/or commercial sale

ACCESSORY USES PERMITTED OUTRIGHT:

1. The usual accessory buildings required for the particular farming operation

CONDITIONAL USES PERMITTED:

1. Housing for the use of the farm or ranch operator or employee who is actively engaged in the commercial operation of the farm and receives at least half of his income from the farming operation. Housing built under this provision must be occupied accordingly for a period of 10 (ten) years before it can be leased, sold, rented or otherwise occupied by a person not actively engaged in farming the land. EXCEPT, where a death of the farm owner, operator or employee results in an elimination of the need for the home.
 2. Buildings necessary for government or public utility functions.
- DENSITY, LOT SIZE, BUILDING HEIGHT PROVISIONS

1. No building site area requirements for permitted or accessory uses.
2. Conditional uses shall have sites demonstrated to the Administrative Official to be as small as possible while meeting the requirements of the proposed use and the County Health Department.
3. No limitation on building height shall be specified.

RESIDENTIAL DISTRICT (R)

The purpose and intent of the Residential District is to provide areas free from significant commercial and industrial activity, noise, air pollution, traffic, and other hazards. The District provisions are also intended to provide for a level of harmony of development to protect and preserve the neighborhood quality and property values from uses that would tend to deteriorate those qualities and values. At the same time, as wide a level of lifestyle choices shall be encouraged.

PRINCIPAL USES PERMITTED OUTRIGHT:

1. One- and two-family dwellings, including mobile homes.
2. All agriculture, horticulture, general farming, grazing of livestock, nurseries, and other similar enterprises excluding agricultural uses which would present a danger to the health or safety of neighboring residences or that would be a nuisance because of continuing noise, odor or air pollution problems, such as feed lots, fertilizer or petroleum products storage, or commercial poultry operations.

ACCESSORY USES PERMITTED OUTRIGHT:

1. The usual accessory structures located on the same lot with these buildings, excluding structures for the storage of farm products for eventual sale.
2. A garage or group of garages containing space for private storage and maintenance of automobiles; excluding heavy farm and commercial equipment.
3. Household pets.
4. The raising of animals for the private use and enjoyment of the resident as long as a health hazard or nuisance is not created, including: rabbits, poultry, horses, cattle, sheep or goats, and excluding swine.

CONDITIONAL USES PERMITTED - Any of the following uses may be allowed under a Conditional Use Permit granted by the Board of Adjustment after notice and hearing, under such conditions as may be set forth in the terms of the Permit by the Board of Adjustment, provided that if at any time the Board of Adjustment, upon presentation of sufficient evidence, is satisfied that a nuisance exists, it may revoke the Conditional Use Permit:

1. A home occupation of the type usually engaged in by individuals within their dwellings, provided that no more than two outside persons are employed;
2. Schools;

3. Churches;
4. Community club houses or other buildings for private or public activities;
5. Public parks, playgrounds or recreational areas;
6. Private parks, playgrounds or recreational areas; provided that they shall be operated by a non-profit organization as a community facility;
7. Building necessary for government or public utility functions;
8. The raising of animals for sale as long as a health hazard or nuisance is not created, including: rabbits, poultry, fur-bearing animals, horses, cattle, sheep or goats, and excluding swine;
9. Homes with a floor area below the minimum of 500 sq. ft.;
10. Apartments, rooming houses, condominiums, motels or other residential structures containing three (3) or more dwelling units;
11. Farm equipment shops.

DENSITY, LOT SIZE, BUILDING HEIGHT AND LIVING AREA PROVISIONS

1. Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side for single-family dwellings, except lots of record on the date of original adoption of this ordinance having less than 5,000 sq. ft. on that date.
2. Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 100 ft. on any side for two-family dwellings, except when two lots of record on the date of original adoption of this ordinance are used as a building site and as of that date, had less than 10,000 sq. ft.
3. Building ~~side~~ area required for conditional uses permitted in this zone: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any one side, except lots of record on the date of original adoption of this ordinance having less than 5,000 sq. ft. on that date.
4. Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 20 ft. for the front and rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking street or corner lot.
5. Height limit: no building shall exceed a height of 35 ft. or two stories.
6. Animal sheds, barns, and stables shall be set back at least 20 ft. from any lot line; 10,000 sq. ft. of pasture for each horse or cow, and 5,000 sq. ft. for each sheep or goat, not including young under one year of age, at their mother's side.
7. Dwelling units shall have a minimum of 500 sq. ft. of living area.
8. Mobile homes shall be skirted.

COMMERCIAL DISTRICT (C)

The purpose and intent of the Commercial District is to provide an area for business and commerce to serve the needs of town residents and the surrounding farming community. Due to the nature of existing land uses, residential development will be allowed within the Commercial District. Inappropriate for location within the Commercial District would be storage of products which by their nature are a potential hazard to densely populated areas because of the possibility of explosion, fire, or leakage.

PRINCIPAL USES PERMITTED OUTRIGHT:

1. One- and two-family dwellings
2. Apartment houses or condominiums
3. Businesses providing retail and wholesale sales, or professional services; EXCEPT for the on-site storage of products which by their nature are a potential hazard to densely populated areas because of the possibility of explosion, fire, or leakage.
4. Home occupations
5. Gas stations or garages
6. Restaurants or taverns
7. Motels, hotels, or rooming houses
8. Personal service shops including barber, beauty parlor, car wash, and laundromat, subject to the same building site area restrictions as apply to principal uses permitted outright.
9. Schools
10. Churches
11. Community club houses or other buildings for private or public activities.
12. Public parks, playgrounds or recreational areas
13. Private parks, playgrounds, or recreational areas.

ACCESSORY USES PERMITTED OUTRIGHT:

1. The usual accessory structures located on the same lot with a permitted use.

2. Household pets.
3. The raising of animals for private use and enjoyment of the resident as long as a health hazard or nuisance is not created, including: rabbits, poultry, horses, cattle, sheep or goats, and excluding swine.

CONDITIONAL USES PERMITTED

1. The raising of animals for sale as long as a health hazard or nuisance is not created, including: rabbits, poultry, fur-bearing animals, horses, cattle, sheep or goats, and excluding swine.
2. Homes with a floor area below the minimum of 500 sq. ft.
3. Light manufacturing that will not create a nuisance or hazardous situation under normal operating conditions.

DENSITY, LOT SIZE, HEIGHT, PARKING AND LOADING, AND HOME PROVISIONS:

1. Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side for single-family dwellings, except lots of record on the date of original adoption of this ordinance having less than 5,000 sq. ft. on that date.
2. Building side area required: not less than 10,000 sq. ft. with a minimum boundary of 100 ft. on any side for two- (or more) family dwellings, except when two lots of record on the date of original adoption of this ordinance are used as a building site and as of that date, had less than 10,000 sq. ft.
3. Building site area required for non-residential commercial uses: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side.
4. Building site area required for conditional uses permitted in this zone: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any one side.
5. Setback required for dwellings and accessory buildings from property boundaries shall be 20 ft. for front and rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking street or corner lot.
6. There shall be no setback required for commercial uses and accessory buildings, except on a corner lot where a hazard may be created. Setback for corner lots shall be approved by the Board of Adjustment for safety considerations.
7. Height limit: no building shall exceed a height of 35 ft. or two stories.
8. Animal sheds, barns and stables shall be set back at least 20 ft. from any lot line; 10,000 sq. ft. of pasture for each horse or cow and 5,000 sq. ft. for each sheep or goat, not including young at their mother's side under one year of age.
9. Dwelling units shall have a minimum of 500 sq. ft. of living area.

10. Mobile homes shall be skirted.
11. All commercial doorways flanking sidewalks and streets shall open toward the outside of the building.
12. All business, service repair, storage, shall be conducted wholly within an enclosed building except for off-street parking or loading and unloading and merchandise display.
13. Off-street loading and unloading: on every commercial lot there shall be provided space either outside a building for the unloading of goods and materials, which space shall not be less than 15 feet in width, nor less than 30 feet in length, nor less than 15 feet in height, and which space shall be provided with access to an alley or, if no alley adjoins the lot, then with access to a street.

INDUSTRIAL (I)

The purpose and intent of the Industrial District is to provide an area for industrial activities which might conflict with, or be inappropriate for, residential or commercial areas. In this area it can be anticipated that there will be a higher than normal level of traffic, noise, dust, and hazards.

PRINCIPAL USES PERMITTED OUTRIGHT:

1. Commercial wholesale sales.
2. Storage of wholesale, retail or industrial bulk products which have a low potential hazard for explosion, fire, or toxic leakage.
3. Manufacturing which has a low potential hazard for fire, explosion or toxic leakage.
4. Trucking terminals.
5. Railroad yards.
6. Commercial or private grain, seed, and agricultural chemical storage.

ACCESSORY USES PERMITTED OUTRIGHT:

1. The usual accessory structures located on the same lot with a permitted use.
2. Housing for persons required to live on the site of a permitted use for management, maintenance, or security purposes.

CONDITIONAL USES PERMITTED:

1. Storage of wholesale, retail or industrial bulk products which have a greater than low potential hazard for explosion, fire, or toxic leakage.
2. Manufacturing which has a greater than low potential hazard for explosion, fire, or toxic leakage.
3. Feed lot.

DENSITY, LOT SIZE, HEIGHT, PARKING AND LOADING REQUIREMENTS:

1. No minimum building site area requirements.
2. Setbacks shall be 10 feet from all property lines for all buildings and storage areas.

3. Height limit: no building shall exceed 35 feet except there shall be no height limit for grain storage facilities.
4. Off-street loading and unloading; on every lot there shall be provided space either outside or inside a building for the unloading of goods and materials, which space shall not be less than 15 feet in height, and which space shall be provided with access to an alley or, if no alley adjoins the lot, then with access to a street.

MOBILE HOME PARK OVERLAY DISTRICT (MHP)

The purpose and intent of the Mobile Home Park Overlay District is to designate areas within Residential and Commercial districts which are particularly appropriate for clusters of mobile homes.

PRINCIPAL USES PERMITTED OUTRIGHT:

1. Mobile home parks
2. Mobile home subdivisions

ACCESSORY USES PERMITTED OUTRIGHT:

1. Service buildings
2. Storage buildings
3. Household pets

CONDITIONAL USES PERMITTED:

None

DENSITY, LOT SIZE, SITE REQUIREMENTS:

1. The minimum area of any mobile home park or subdivision shall be 15,000 sq. ft.
2. Mobile homes shall be skirted.
3. No mobile home space shall be less than 2,800 sq. ft. nor less than three times the area of the mobile home situated thereon
4. No mobile home space shall be less than 30 feet wide.
5. No mobile home in a mobile home park or subdivision shall be placed closer than 20 feet from any road or street or highway
6. No mobile home in a mobile home park or subdivision shall be placed closer than 10 feet from any property line.
7. No mobile home shall be placed closer than 15 feet from another mobile home or buildings in the mobile home park or subdivision, provided, however, that two mobile homes may be placed a minimum of 10 feet apart if end-to-end.
8. For each mobile home space there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and

shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 feet of its mobile home space.

9. Surfaced access roads 25 feet wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.
10. Walkways shall be provided to all service buildings and to all recreation, play, and all other areas reserved for general occupant use. Said walkways shall be at least 5 feet wide of which 3 feet will be surfaced.
11. Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission a plan of the proposed mobile home park or subdivision containing but not limited to the following information:
 - a. Name and address of owner
 - b. Legal description and dimensions of the tract of land
 - c. The location and dimensions of all mobile home spaces
 - d. The location and dimensions of each automobile parking space.
 - e. The location and width of all roadways and walkways
 - f. The location of service buildings and any other buildings and structures
 - g. Sizes and location of play spaces, recreational spaces and all other areas reserved for general occupant use.
12. No changes, alterations or additions may be made to any part of the mobile home park or subdivision as shown in the plan required by Section 11 without the approval of the Planning Commission.
13. A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park.

FLOOD PLAIN (FP)

The purpose and intent of the Flood Plain District is to minimize public and private losses due to flood conditions in specific areas designated by the town and the Federal Insurance Administration in a report entitled THE FLOOD INSURANCE STUDY FOR THE TOWN OF FARMINGTON and the accompanying Flood Insurance Rate Map (FIRM), and as may be subsequently amended. This district overlays districts also associated with the property designated on the Flood Insurance Maps, and does not add to the specified uses, but may restrict certain specified uses. This district is intended to meet the requirements of the federal government to maintain the town's eligibility for resident participation in the flood insurance program.

ABROGATION AND GREATER RESTRICTIONS - the provisions of this district are not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or zoning. However, where this district and another district, easement, covenant or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions consistent with flood protection, shall prevail.

WARNING AND DISCLAIMER OF LIABILITY - flooding may occur to such an unpredictable extent that lands or uses outside of the designated flood plain are affected. The creation of this district does not imply that all areas outside of the district will always be safe from flooding. Therefore, the establishment of this district shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this district's provisions or any administrative decisions lawfully made thereunder.

PERMITTED USES - within the special flood hazard area, all uses are permitted as specified in the zoning district overlaid by the Flood Plain Zoning District. However, these uses are subject to the development permit process described in the following DEVELOPMENT PERMIT section and to special building code requirements.

IN ADDITION, areas within the designated floodway are subject to additional restrictions since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion:

1. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
2. prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during a base flood discharge.

DEVELOPMENT PERMIT - a development permit shall be obtained before construction or development begins with any area of special flood hazard. The permit shall be for all structures including mobile homes, as set forth in the "Definitions" and for all other development, including fill, and other activities, also set forth in the "Definitions." Application for a development permit shall be made to the City Clerk and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. elevation in relation to mean sea level to which any structure has been floodproofed;
3. certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in the city's building code; and
4. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

DEVELOPMENT STANDARDS due to the inherent dangers of development within a special flood hazard area, special development, construction and installation standards are necessary. These standards are found as amendments to the city's building codes. Compliance with these standards must be assured before a Development Permit will be issued.

SIGNS

1. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
2. In any residential district, a sign not exceeding four square feet is permitted which announces the name, address, or profession or home occupation of the occupant of the premises on which said sign is located.
3. A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.
4. A temporary real estate or construction sign, not exceeding 24 square feet is permitted on the property being sold, leased, or developed. Said sign shall be removed promptly when it has fulfilled its function.
5. In the Commercial District, one free-standing sign and one attached to the building are permitted for each business establishment, in addition to residential use as in #2 above. The sign may be illuminated but not of an intermittent flashing, animated, or motion type, and shall not exceed 20 square feet. If illuminated, the sign shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or vehicular traffic.
6. In the Industrial District, one free-standing sign and one attached to the building are permitted for each business establishment. The sign may be illuminated but not of an intermittent flashing, animated, or motion type, and shall not exceed 20 square feet. If illuminated, the sign shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or vehicular traffic.
7. All signs over sidewalks shall be at a minimum height of 12 feet over the sidewalk surface and shall extend out over the sidewalk to a distance no further than 2 feet from the flanking street.

NONCONFORMING USES

Any use, building, structure or portions thereof, which were legally established but which, because of the application of this ordinance, are no longer conforming to the regulations contained herein, shall be considered as a nonconforming use or building and may continue under the following conditions:

1. Any nonconforming building or structure may be altered or enlarged provided such alteration does not contribute to further nonconformity. A nonconforming building or structure may be relocated if such a move brings the building or structure into closer conformance with this ordinance.
2. Any structure that has been vacant for less than one year prior to the adoption of this ordinance shall be classified as to use. A structure which has been vacant longer than one year shall conform to the provisions of the use district in which it is located.
3. Any nonconforming building or structure which is less than 50% destroyed or damaged by fire, explosion or act of God may be restored, provided such restoration is begun in less than six months time from the date of such destruction.
4. Any nonconforming use which has been discontinued for a period of one year or more shall not be reactivated nor operated, nor shall an occupancy permit be granted to such discontinued use. In such instances, an occupancy permit shall be granted only when the use has been brought into conformity with this ordinance. When a building or structure is vacant, the use therein shall be deemed discontinued.
5. A nonconforming use may be continued provided it is not enlarged nor extended. A nonconforming use may be converted to a permitted use at any time.

ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are topographical contour lines, section lines, lot lines or the center line of streets, alleys, railroad rights-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries.

SEVERABILITY

If any section or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section or portion shall be deemed a separate provision of this ordinance and such holding shall not affect the validity of the remaining portions of this ordinance.

EFFECTIVE DATE

This ordinance shall be effective immediately upon its passage and publication.

DATED this 12th day of JANUARY 1980.

Ralph Thompson
Mayor

ATTEST:

Condon J. Dwyer
Town Clerk

PASSED first reading - 1-12-81
PASSED second reading - 1-12-81
PASSED third reading - 1-12-81