

# ORDINANCE NO 1073

## AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, AMENDING CHAPTER 18 OF THE ROSLYN CITY CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City of Roslyn has established Development Regulations to assure orderly community growth, safeguard public health, safety and welfare, and preserve and restore the historic character of Roslyn; and

**WHEREAS**, the City acknowledges the need to update these regulations periodically; and

**WHEREAS**, the City Council conducted a public hearing on March 8, 2011 and has otherwise received public comment regarding its update to the Development Regulations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Roslyn City Code Section 1810.020 is hereby amended through Section 1810.020(J) to read as follows:**

Purpose and intent:

The general purposes of this title are to:

- A. Further the goals and objectives of the city comprehensive plan;
- B. Protect the public health, safety and general welfare;
- C. Preserve the historic character and development pattern of the community;
- D. Maintain the integrity and uniqueness of Roslyn's Historic character;
- E. Provide an efficient and effective means of processing land use applications;
- F. Regulate the subdivision of land and promote compatible land uses;
- G. Promote safe and convenient travel by the public on streets and highways;
- H. Facilitate adequate provision for water, sewage, drainage, parks and recreation areas, sites for schools and school grounds, and other public requirements;
- I. Ensure that the general taxpaying public is not burdened with development costs which are more appropriately borne by developers; and
- J. Regulate the development of lands containing critical areas and minimize the adverse environmental impacts of development. [Ord. 1060 §§ 5, 6, 2010; Ord. 1059 § 2 (Exh. A (12.10.020)), 2010.].

**Section 2. Roslyn City Code Section 18.20.020, Definitions, are hereby amended in part with direction to the Codifier to renumber all the definitions as the changes require, as follows:**

18.20.020 Definitions.

4. ~~Adult group home. Reserved.~~ ***"Adult family home"*** means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

7. ***"Best available science"*** means current scientific information used in the process to designate, protect, or restore ***critical areas***, that is derived from a valid, peer-reviewed scientific process as defined by WAC 365-195-900 through 365-195-925. Examples of ***best available science*** are included in Citations of Recommended Sources of ***Best Available Science*** for Designating and Protecting ***Critical Areas*** published by the Washington State Department of Commerce, Community, Trade and Economic Development.

14. ***"Building footprint"*** or ***"footprint"*** means the area of the lot that is covered by the total horizontal surface area of the foundation and enclosed overhanging living spaces and/or the area supported by post and piers as well as covered attached patios of the building or structure excluding eaves, overhangs, chimneys, bay windows, and covered stairs or decks.

56. "Mural" means graphic art without commercial text, logo, brand, or message.

65. ~~"Outdoor advertising" means any structure or portion thereof, recognized as a billboard, used to advertise goods or services not generally available on the premises on which the display is located.~~

67. ***"Patio"*** means slab on grade made of concrete, brick, pavers, or similar rock material used for gathering of people, and shall not be used for storage of animals, materials, supplies, equipment, or automobiles. ***Attached patios*** shall include patios physically or functionally connected to the primary residence.

88. ***"Sign"*** means the specific definitions listed in RMC Chapter 15.25.030. ~~any medium intended to viewed from the building exterior which is used to attract attention by visual means to any activity, service, place, subject, person, business, public performance, article, machine or merchandise whatsoever, and includes, without limitation, advertising structures or displays on which letters, numerals or graphic arts are placed.~~

a. ~~"Nonconforming sign" means a sign which does not meet or conform to the requirements of this title.~~

b. ~~"Pole sign" means a sign wholly supported by a sign structure in the ground.~~

e. ~~"Reader board sign" means a sign or part of a sign on which the letters are readily changeable such that the copy can be changed from time to time at will.~~

d. ~~"Off premises sign" means a sign calling attention to a business, product, or activity, which is not located on the property on which the sign is situated.~~

e. ~~“On premises sign” means a sign incidental to a lawful use of the premises on which it is located.~~

f. ~~“Premises” means the unit of real estate on which the activity or business is located.~~

g. ~~“Commercial sign” means any permanent or temporary sign erected for the purpose of advertising or identifying any establishment, product, goods or service.~~

h. ~~“Neon sign” means a sign which is illuminated by the electrification of neon gas.~~

i. ~~“Temporary sign” means any sign, banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard or other light materials, intended to be displayed for a limited period of time only.~~

j. ~~“Government sign” means any temporary or permanent sign erected and maintained by the city, county, or state or federal government or apparent designee, e.g., signs for traffic direction or for designation of or direction to a state licensed or public school, hospital, historic site, or public service, property, or facility.~~

k. ~~“Political sign” means a temporary sign used in connection with a local, state, or national election or referendum.~~

l. ~~“Back lit sign” means a sign with an artificial light source incorporated internally for the purpose of illuminating the sign.~~

m. ~~“Historic sign” or “historic marker” means a sign that is culturally significant due to its relation to the history of the building or is historically significant in its own right.~~

**Section 3. Roslyn City Code Section 18.30.020 is hereby amended to read as follows:**

**18.30.020 Project review classifications.**

Four classes of review are established for the purposes of administering this title: Class 1, which includes Class 1A; Class 2; Class 3; and Class 4. These classes, their appropriate decision maker, hearing body, appellate body, and the types of permits included in each class are contained in the following table.

A. In addition to the requirements of this chapter, all proposed *development activities* and associated permits are subject to environmental review, architectural or historic register design review, and transportation concurrency review unless specifically exempted by the city.

B. Proposed *development activities* that may be determined by the city to be exempt from certain provisions of this title, such as SEPA requirements or architectural design review, must still comply with all other applicable provisions of this title and must obtain all other required permits and approvals.

Class of Review	Permit/Actions	Decision Maker	Hearing Body	Appellate Body
Class 1	<ul style="list-style-type: none"> <li>-Accessory Dwelling Unit Permit</li> <li>-Binding Site Plan (Final approval)</li> <li>-<b>Building</b> Permit<sup>1</sup></li> <li>-Business License<sup>5</sup></li> <li>-Certificate of <b>Occupancy</b></li> <li>-Certificate of Zoning Compliance</li> <li>-<b>Clearing and Grading</b> Permits<sup>3</sup></li> <li>-Code Enforcement Actions</li> <li>-Code Interpretations</li> <li>-Completeness Determination</li> <li>-Deck and Fence Permit</li> <li>-Demolition Permit<sup>3</sup></li> <li>-Determination of Consistency</li> <li>-Determination of Exempt Activity</li> <li>-Home Businesses</li> <li>-<b>Lot</b> Line Adjustment</li> <li>-Public Agency Utility Exception</li> <li>-<b>Reasonable Use</b> Exceptions<sup>7</sup></li> <li>-Right-of-Way Use Permit</li> <li>-SEPA Actions</li> <li>-<b>Sign</b> Permit</li> <li>-<b>Significant Tree</b> Removal Permit</li> <li>-Special Use Permit<sup>6</sup></li> <li>-Unclassified Permits</li> <li>-<b>Wireless Communication Facility</b> – Personal</li> </ul>	Planning or Building Official	None	City Council <sup>9</sup>
Class 1A	<ul style="list-style-type: none"> <li>-Architectural Design Review</li> <li>-Historic Register Design Review</li> <li>-Special Property Tax</li> </ul>	Planning and Historic Preservation Commission	None	City Council <sup>9</sup>

<b>Class of Review</b>	<b>Permit/Actions</b>	<b>Decision Maker</b>	<b>Hearing Body</b>	<b>Appellate Body</b>
	Valuation Agreement <sup>4</sup>			
Class 2	-Conditional Use Permit - <b>Reasonable Use</b> Exception (Referrals) - <b>Short Plat</b> Approvals (Less than five <b>lots</b> ) -Variance - <b>Wireless Communication Facility</b> – Minor	Planning and Historic Preservation Commission	Planning and Historic Preservation Commission	City Council <sup>9</sup>
Class 3	-Binding Site Plan (Preliminary approval) - <b>Essential Public Facility</b> Permit -Subdivision Approvals (Five+ <b>lots</b> ) -Master Planned <b>Development</b> <sup>8</sup> -Street and Alley Vacation	City Council	City Council <sup>2</sup>	Superior Court
Class 4	-Comprehensive Plan Amendment -Rezone or Code Amendment -Future Land Use or Official Zoning Map Amendment	City Council	City Council <sup>2</sup>	Superior Court

Footnotes:

1. Required architectural or historic register review must be completed before a **building** permit may be issued. Appeals of **building** permit decisions shall be heard by the mayor and/or his/her designee in accordance with the provisions of this title.
2. The city council may request that the planning and historic preservation commission or a professional hearing examiner conduct the required public hearing and make a recommendation.
3. Must be processed concurrent with all associated permits and approvals.
4. Appeals of decisions of the planning and historic preservation commission on special property tax valuation shall be made in Kittitas County superior court.

5. Business licenses shall be processed by the clerk-treasurer unless otherwise designated by the mayor. New businesses must apply for, receive, and maintain in good standing at all times a city business license, which shall include a certificate of zoning compliance.
6. Special **use** permits shall be processed by the clerk-treasurer unless otherwise designated by the mayor. Special **use** permits may be referred to the planning and historic preservation commission as a Class 1A or Class 2 permit.
7. **Reasonable use** exceptions may be referred by the planning official to the planning and historic preservation commission for processing as a Class 2 permit.
8. The planning and historic preservation commission shall conduct such public meetings and discussions as may be necessary to make a recommendation on proposed master planned **developments** in accordance with the provisions of this title.
9. The city council may delegate appeals of Class 1 decisions to the planning and historic preservation commission or a professional hearing examiner, and may delegate appeals of Class 1A and 2 decisions to a professional hearing examiner.

**Section 4. Roslyn City Code Section 18.50.020 is hereby amended to read as follows:**

18.50.020 Applicability.

Any proposed construction of a new **building** or **structure**; the siting of a **manufactured home**; or the modification, addition, alteration, moving or demolition of an existing **structure** or **dwelling unit**; the siting, construction, or modification of a storage **structure** or **accessory structures**; the construction, erection, repair or replacement of a **sign**, deck, ~~or fence~~; the construction of a covered patio; installation of a **personal** or **minor wireless communication facility** and all associated landscaping, and **clearing** and **grading** activities within the corporate city limits shall be subject to architectural design review unless specifically exempted.

A. It is the intent of the city to integrate the architectural design review process with the process for reviewing associated permits and approvals. The planning official shall notify the **project sponsor** of the procedures and timing for the integration of the required architectural design review; provided that:

1. Applicants must apply for and receive a **building** permit from the city within 180 days of the date of design review approval. Failure to comply with this provision shall result in the expiration of the architectural design review approval and a new architectural design review application must be submitted for city review and approval.

- a. Notwithstanding the foregoing, if there have been no material changes, as determined by the city, to a previously approved design review application or the city's architectural design review standards during this 180-day period, an applicant may request prior to the initial 180-day expiration, subject to city approval, no more than one 180-day extension.

2. Once a *building* permit has been issued for a proposed *development activity* that has received architectural design review approval, the architectural design review approval shall remain in effect as long as the *building* permit remains in effect.

a. If the associated *building* permit is suspended, expires, or is terminated, then the architectural design review approval shall be suspended or terminated by the city, and the applicant must submit a new application for architectural design review.

b. If an amendment or a change order to an approved *building* permit is required, then it shall be the sole discretion of the city as to whether a new architectural design review shall be required. Amendments or modifications to approved plans that do not constitute a substantive change as determined by the City Planning Official, such as the substitution of one approved building material for another approved building material, may be approved by the Planning Official through a change order and does not require a new design review.

3. If there are any questions regarding the terms, conditions, or duration of architectural design review approval, or the need to submit a new application, the planning official is authorized to make such code interpretations or administrative determinations as may be necessary to ensure compliance with the purpose of this title and to protect the public health and welfare.

4. Applicants may request, prior to submitting an application that requires Architectural Design Review, a pre-application design review consultation with City. The purpose of this consultation is to discuss options for complying with City Design standards and shall not preclude the subsequent design review.

B. The following activities may be determined by the city to be exempt from architectural design review, however all applicable Design Review Standards shall apply:

1. Repairs to or replacement of roofs, foundations, windows, sidewalks or legally permitted fences under six feet in *height*, etc., due to natural aging and deterioration in *building* condition, provided repairs or replacements do not change architectural integrity or existing design.

2. *Accessory structures* with a *footprint* less than 120 square feet.

3. Activities that involve properties listed on the *Roslyn register of historic places*; provided, that proposed activities must comply with the city's historic register design review process.

**Section 5. Roslyn City Code Section 18.50.030 is hereby amended to read as follows:**

#### **18.50.030 Architectural Design Review Standards.**

18.50.030 Architectural design review standards.

All proposed improvements shall be compatible with the existing and planned character of the surrounding area. All elements of building design shall form an integrated statement, harmonious in scale, line and mass. In considering any application for approval, the city shall be guided by the following criteria:

## B. *Building* Design.

1. The maximum *building footprint* in the residential zone shall not exceed 1,400 sq. ft.
2. The maximum residential *building height* is 35 feet.
3. The roof slope for new and modified residential *structures* and *accessory structures* will have a minimum 9:12 pitch and a maximum 12:12 pitch. Provided that new porches, shed dormers and other related additions as determined by the city, may have a minimum roof pitch of 4:12 shall be allowed so long as the total square footage of the *structure* with a roof pitch less than 9:12 does not exceed 25 percent of the *building footprint*. New gable dormers shall have a roof pitch that matches the roof pitch of the primary *structure*. New accessory structures less than 120 square feet may have a minimum roof pitch of 6:12. A *patio physically or functionally attached to the primary residence (attached patio) may be covered with a roof with a pitch of no less than 2:12. A building permit is required for all new covered patio roofs.*
4. In the commercial and light industrial zones, mechanical equipment or other utility hardware should be screened from view with architecturally compatible fences or landscaping and shall be oriented to maintain vehicular and pedestrian line-of-sight. Unobtrusive, flush mounted, rooftop solar panels are exempt from this requirement.
5. The front facade of any new residential construction shall have an open porch with an entry door that faces the public street. This shall be a dominant architectural feature of the front facade.
6. For new construction in the commercial central district, the front of the *building* shall be adjacent to the front sidewalk, the front wall shall have minimum 60 percent window space at the street level, the front wall shall contain a recessed entrance facing the sidewalk, and the *building* shall include a false front upper wall facade which conceals the *building's* roofline when viewed from the front. New construction in the commercial central district shall incorporate design elements identified in the City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties, especially pages 9 through 14, to blend and harmonize with Roslyn's historic *structures*, including but not limited to the *building's* front facade, windows, doors and exterior siding where visible.
7. The predominant exterior windows shall have a vertically oriented aspect ratio with more *height* than width, such as single-hung or double-hung windows. Exterior windows shall not be triangular or irregular trapezoids (nonrectangular). Exterior sliding-glass doors shall not be installed if the doors would be substantially visible from any public street or alley unless they have the appearance of wood-framed French doors. If a series of new *buildings* are developed on multiple *lots* they may be similar but shall not appear identical in design.

8. Garage doors shall have a design that replicates one of the following:

- a. Barn Door. This door is, or looks like, two doors, hinged on the sides, consisting of horizontal or vertical planks with a diagonal brace.
- b. Diagonal Wood Pattern. This door consists of one door with planks at a 45-degree angle.
- c. Diagonal Wood Herringbone. This door has planks at a 45-degree angle, but the planks on the left half are at an opposite angle to the planks on the right half.
- d. Carriage Door. This door is, or looks like, one or more smaller, vertical doors, hinged on the sides, each with two or more panels on the bottom portion and windows on the top.

9. Exterior siding shall not consist of sheet metal, corrugated material, concrete blocks, or stucco, log or log-shaped material. Exterior siding, roofing and window glass shall not have mirrored, mirror-like or bright metal reflective finish. The top layer of roofing shall not consist of corrugated fiberglass. Foundation areas exposed more than two feet above grade shall be covered with siding. Corner, window door trim shall have a minimum width of three inches and a minimum thickness of one-half inch.

10. Exterior colors in the commercial and light industrial zones require design review in accordance with the City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties, page 41.

11. **Buildings** or porches with posts shall conform to the following standards:

a. The following features shall be encouraged:

- i. Square posts with either horizontal or vertical railings;
- ii. Turned posts; or
- iii. Turned posts with jigsaw trim.

b. The following features shall not be permitted:

- i. Painted tubular steel or imitation wrought iron posts and railings;
- ii. Logs;
- iii. Pyramidal-shaped posts;
- iv. River rock or stone facades; or
- v. Other materials or features not in keeping with the historic character of the community.

C. **Accessory Structures.** The following regulations and requirements shall apply to all **accessory buildings** and **structures**, regardless of whether a **building** permit is required or not:

1. The maximum **building footprint** of **accessory structures** including garages shall not exceed 800 sq. ft.
2. There shall be at least five feet of separation between the **footprint** of all **buildings** and **accessory buildings** on a **lot**.
3. All accessory buildings and structures must meet setback requirements.
4. Accessory buildings or structures constructed out of metal, plastic, or vinyl shall not be permitted.
35. The total square footage of **accessory building footprints** on a **lot** shall not exceed 25 percent of the **lot** size.
46. **Accessory structures** including garages shall not exceed a **height** of 25 feet.

Section 6. Roslyn City Code Section 18.60.020 is hereby amended to read as follows:

**18.60.020 Applicability.**

Any proposed modification, addition, alteration, moving or demolition of a property listed on the **Roslyn register of historic places** as well as the construction, erection, repair or replacement of a **sign, deck, or fence; the construction of a covered patio** and all associated landscaping, and **clearing** and **grading** activities on a property listed on the **Roslyn register of historic places** shall be subject to historic register design review as specified, unless specifically exempted.

**Section 7. Roslyn City Code Section 18.80.050 is hereby amended to read as follows:**

**18.80.050 Table of permitted uses.**

Land uses shall be permitted in accordance with the following table of permitted uses; provided, that:

- A. Only those uses identified with a P (permitted), C (permitted only through the issuance of a conditional **use** permit), or S (permitted only through a special **use** permit) may be approved. Those uses identified with an X are not permitted; provided, that other uses not specifically identified as permitted may be determined to be not permitted through an administrative interpretation.
- B. Uses not specifically identified as permissible (P, C, or S), or authorized through an administrative code interpretation, may not be approved.
- C. The permissibility of uses not specifically listed, or any questions about the interpretation of this table, shall be addressed through an administrative code interpretation utilizing the 2007 North American Industry Classification System (NAICS) Manual and the intent of each zoning district.

**Table of Permitted Uses**

<p align="center"><b>X: Use or activity not permitted;</b>  <b>P: Use or activity may be permitted subject to conformance with applicable codes and standards;</b>  <b>C: Use or activity may be permitted through the issuance of a conditional use permit and subject to conformance with applicable codes and standards;</b>  <b>S: Use or activity may be permitted through the issuance of a special use permit.</b></p>						
	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
<b>Residential</b>						
<i>Accessory buildings, structures, and uses</i>	P(1)	P(1)	P(1)	X	X	P(1), (11)
<i>Accessory dwelling unit</i>	P(1)	P(1)	X	X	X	X
<i>Adult group family home</i>	P	<u>P</u> X	X	X	X	X
<i>Boarding house</i>	C	C	X	X	X	X
<i>Dwelling unit – multifamily</i>	P(2)	P(3)	X	X	X	X
<i>Dwelling unit – single-family</i>	P	X(15)	X	X	X	X
<i>Home business</i>	P(4)	P(4)	X	X	X	X
<i>Mobile home</i>	X	X	X	X	X	X
RV park	X	X	X	X	X	X
<b>Public/Semi-Public</b>						
Cemetery	X	X	X	X	X	P
<i>Child day care center</i>	X	P(14)	X	X	X	X
Churches, temples, places of worship	P	C	X	X	X	C(11)
Community center	C	P	X	X	X	X
Family day care center	P(14)	P(14)	X	X	X	X
Farmers market	X	P	P	X	X	X
Home school	P	X	X	X	X	X

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	<b>Residential Zone (R)</b>	<b>Commercial Zone (C)</b>	<b>Light Industrial Zone (LI)</b>	<b>Urban Forest (UF)</b>	<b>City Watershed (W)</b>	<b>Historic Cemetery District (HC)</b>
Museum	P(7)	P	P	X	X	C(11)
Parking facility	X	P	P	X	X	C(11)
Private school	C	X	X	X	X	X
Private utility facility	P(6)	P(6)	P(6)	P(5), (6)	X	C(11)
Public building	C	P	P	X	X	C(11)
Public library	C	P	C	X	X	X
Public park and playground	C	C	C	C(5)	X	X
Public facility and utilities	C	C	C	C(5)	P	C(11)
Public restrooms	X	C	C	X	X	C(11)
Public school	C	X	X	X	X	X
Public trails and associated facilities	P	P	P	P(5)	X	C(11)
Public transportation facility	X	P	P	X	X	X
Reuse of public school building	P(16)	X	X	X	X	X
Visitor center	P(7)	P	P	X	X	X
<b>Commercial</b>						
Adult entertainment business	X	X	C	X	X	X
Artist studio and gallery	P(8)	P	P	X	X	X
Arts, entertainment, and	X	P	P	X	X	X

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	<b>Residential Zone (R)</b>	<b>Commercial Zone (C)</b>	<b>Light Industrial Zone (LI)</b>	<b>Urban Forest (UF)</b>	<b>City Watershed (W)</b>	<b>Historic Cemetery District (HC)</b>
recreation						
Automobile repair and maintenance	X	C	P	X	X	X
<b>Bed and breakfast lodging</b>	P	P	X	X	X	X
Counseling and social services	X	P	P	X	X	X
Drive-through windows and services	X	C	X	X	X	X
Eating and drinking establishment	X	P	P	X	X	X
Gas station	X	C	P	X	X	X
<b>Hostel</b>	X	C	X	X	X	X
<b>Hotel</b>	X	P	P	X	X	X
Medical and health care	X	P	P	X	X	X
Mixed <i>use</i> development	X	P	P	X	X	X
<b>Motel</b>	X	P	P	X	X	X
New and used vehicle and boat sales	X	X	C	X	X	X
<b>Nonconforming commercial use</b>	X	X	X	X	X	X
Private classes, studios, and exercise facilities	X	P	P	X	X	X
Professional offices	X	P	C	X	X	X
Professional and technical services	X	P	P	X	X	X

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	<b>Residential Zone (R)</b>	<b>Commercial Zone (C)</b>	<b>Light Industrial Zone (LI)</b>	<b>Urban Forest (UF)</b>	<b>City Watershed (W)</b>	<b>Historic Cemetery District (HC)</b>
Retail business	X	P	P	X	X	X
Storage facility	X	X	X	X	X	X
Temporary or seasonal sales	S(10)	S(10)	S(10)	X	X	X
<b>Vacation rental</b>	P(9)	P(9)	X	X	X	X
<b>Manufacturing</b>						
Chemicals or explosives	X	X	X	X	X	X
Coal mining	X	X	C	X	X	X
Computers and electronics	X	X	C	X	X	X
Food and beverage	X	P	C	X	X	X
Furniture and related products	X	C	C	X	X	X
Hazardous materials	X	X	X	X	X	X
Health and medical equipment	X	X	C	X	X	X
Printing	X	P	C	X	X	X
Recycling facility – indoors	X	C	C	X	X	X
Recycling facility – outdoors	X	X	C	X	X	X
Textiles, leather, and apparel	X	X	C	X	X	X
Transportation equipment	X	X	C	X	X	X
Welding, fabrication,	X	X	C	X	X	X

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	<b>Residential Zone (R)</b>	<b>Commercial Zone (C)</b>	<b>Light Industrial Zone (LI)</b>	<b>Urban Forest (UF)</b>	<b>City Watershed (W)</b>	<b>Historic Cemetery District (HC)</b>
and/or machine shop						
Wood and paper products	X	X	C	X	X	X
<b>Other</b>						
Contractor yard and equipment storage	X	X	C	X	X	X
Junk or salvage yard	X	X	X	X	X	X
Information services	X	X	C	X	X	X
Kennels, commercial livestock	X	X	X	X	X	X
Special uses and events	S(10)	S(10)	S(10)	S(5), (10)	X	S(10), (11)
Temporary uses	S(10)	S(10)	S(10)	S(5), (10)	X	S(10), (11)
Warehouse and distribution	X	X	C	X	X	X
Wholesale sales	X	P	C	X	X	X
<b>Wireless communication facilities – major</b>	X	X	X	X	X	X
<b>Wireless communication facilities – minor</b>	C(12)	C(12)	C(12)	X	X	X
<b>Wireless communication facilities – personal</b>	P(13)	P(13)	P(13)	X	X	X

Footnotes:

(1) **Accessory buildings, structures, dwelling units, and uses** must also comply with the provisions of RMC 18.50.030(C).

(2) **Multifamily dwellings** are permitted in the residential zone only in an existing structure or an approved reconstruction that meets the historic district design standards and the provisions of Chapter 18.50 RMC.

(3) **Multifamily dwellings** are permitted in the commercial zone only as a part of a mixed **use** development and not at street level fronting the main street.

(4) **Home businesses** must also comply with the provisions of RMC 18.140.020.

(5) Activities and **uses** in the urban forest zone must comply with the provisions of the forest land stewardship plan as approved by the city.

(6) Private utilities may only be permitted in accordance with the provisions of a city franchise agreement or license.

(7) Museums or a visitor center may be permitted in the residential zone only upon the submission of a parking and management plan for city review and approval.

(8) Artist studios and galleries may be permitted in the residential zone in conformance with the provisions of RMC 18.140.020(A).

(9) Vacation rentals must comply with the provisions of RMC 18.140.040.

(10) Special uses and events and temporary uses must comply with the provisions of Chapter 8.40 RMC.

(11) Activities or **uses** proposed for the historic cemetery district must comply with the provisions of the land stewardship plan for the Roslyn forest adjacent to the historic cemeteries and policies approved by the city council.

(12) **Minor wireless communication facilities** must comply with the provisions of Chapter 18.170 RMC.

(13) **Personal wireless communication facilities** may be permitted in accordance with the provisions of Chapter 18.50 RMC, Architectural Design Review.

(14) Must also comply with the provisions of Chapter 43.215 RCW.

(15) Existing single-family residences are permitted.

(16) The following uses are permitted:

a. Child care facilities;

b. Educational activities; and

c. Community events.

**Section 8. Roslyn City Code Section 18.210.050 is hereby amended to read as follows:**

**18.210.050 Nonconforming structures.**

A legal *nonconforming structure* may be maintained, repaired, improved, remodeled, and/or reconstructed; provided, that:

A. Maintenance of a *Nonconforming Structure*. Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a *nonconforming structure*, including the replacement of walls, fixtures and plumbing; provided, that:

1. The value of work and materials in any 12-month period does not exceed 50 percent of the value of the *structure*; provided that if it exceeds 50 percent you could apply an application can be made for a variance using the most recent IBC construction tables prior to such work; and
2. The activities are not subject to architectural or historic register design review.

B. Repairs and Improvements to a *Nonconforming Structure*. Legal *nonconforming structures* may be remodeled, improved, and/or expanded; provided, that the proposed activities:

1. Do not increase the degree of nonconformity;
2. Comply with the city's architectural or historic register design review standards; and
3. Meet all other applicable city standards and code requirements.

**Section 9. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 10. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22<sup>ND</sup> DAY OF MARCH, 2011.**

**CITY OF ROSLYN**

  
\_\_\_\_\_  
**Cordy Cooke, Mayor Pro – Tem**

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Amber Shallow, Clerk-Treasurer

Approved as to form:



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Margaret King, City Attorney

Filed with the City Clerk: March 22, 2011  
Passed by the City Council: March 23, 2011  
Date of Publication: March 25, 2011  
Effective Date: March 30, 2011