**Memorandum**

**To: Omak Planning Commission/Staff**

**From: Tyler Wells, Building Official / Permit Administrator**

**Date: August 14, 2020**

**Subject: Proposed Zoning Code Amendments**

**18.11.020 Accessory uses.**

(a)    General. These uses shall be limited to those normally found in conjunction with one of the primary permitted uses and are allowed outright but only in conjunction with an existing, permitted use.

(b)    Accessory Buildings. These buildings shall not exceed fifteen feet in height or one story. The location of a detached accessory building shall generally be located in the rear yard of the lot, and shall not project beyond the front line of the main building.

(c)    Accessory Dwellings. Accessory dwellings shall be permitted subject to Section [18.11.050](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1811.html#18.11.050), District use chart, and Section [18.16.124](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1816.html#18.16.124). (Ord. 1877 § 6, 2019; Ord. 1286 (part), 1995).

Proposed Change:

**18.11.020 Accessory uses.**

(a)    General. These uses shall be limited to those normally found in conjunction with one of the primary permitted uses and are allowed outright but only in conjunction with an existing, permitted use.

(b)    Accessory Buildings. These buildings shall not exceed the allowable height as defined in OMC-18.16.020 for each applicable zoning district. The location of a detached accessory building shall generally be located in the rear yard of the lot, and shall not project beyond the minimum front yard setback as defined in OMC-18.16.020 for each applicable zoning district.

(c)    Accessory Dwellings. Accessory dwellings shall be permitted subject to Section [18.11.050](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1811.html#18.11.050), District use chart, and Section [18.16.124](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1816.html#18.16.124). (Ord. 1877 § 6, 2019; Ord. 1286 (part), 1995).

**18.16.020 General development standards.**

General development standards including setbacks, unit size, building height, lot size, lot coverage, and density for all districts are listed below in Table 1.0. Additional specific development standards may be listed within Chapters [18.20](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1820.html#18.20) through [18.40](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1840.html#18.40) of this title.

| **Table 1.0**  **GENERAL DEVELOPMENT STANDARDS FOR ALL DISTRICTS\*** | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DISTRICT** | **Residential Single Unit RS** | **Residential Duplex RD** | **Residential Multi Unit RM** | **Central Business CB** | **Planned Shopping PS** | **Highway Business HB** | **Commercial Industrial CI** | **Light Industrial LI** | **Highway Industrial HI** | **UNITS** |
| Setback: front | 20 | 20 | 20 | 0 | 0 | 0 | 15 | 15 | 15 | feet |
| Setback: side, interior | 5 | 5 | c | 0f | 0f | 0f | 10h | 10h | 10h | feet |
| Setback: side, street | 15 | 15 | 15 | 0 | 0 | 0 | 10 | 10 | 10 | feet |
| Setback: rear, main building | 20 | 20 | 20 | 8g | 8g | 8g | 10h | 10h | 10h | feet |
| Setback: rear, accessory building | 3 | 3 | 3 | 8g | 8g | 8g | 10h | 10h | 10h | feet |
| Minimum unit size | 500 | 500 | 320 | 320e | 320e | 320e | 320e | 320e | 320e | square feet |
| Maximum building height | 35 | 35 | 45 | 50 | 50 | 50 | 50 | 50 | 50 | feet |
| Minimum lot size | 6000a | 6000 | b | 0 | 5000 | 0 | 0 | 0 | 0 | square feet |
| Maximum building coverage | 45 | 45d | 45d | — | 60 | — | — | — | — | percent of area |
| Allowed density | 6 | 10 | 36 | — | — | — | — | — | — | units per acre |

\*Except AI—Airport Industrial (Chapter [18.38](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1838.html#18.38)) and PU—Public Use (Chapter [18.40](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1840.html#18.40)) districts. Refer to their respective sections.

aExcept a single unit (detached) dwelling may be allowed on any lot of fifty feet in width in areas platted before January 8, 1962, and on any lot of sixty feet wide in areas platted thereafter.

b    Minimum Lot Sizes. Single-unit dwelling: 6,000 sf. Duplexes: 8,000 sf. Apartment buildings: 6,000 sf. plus 1,000 sf. for each additional unit over six. All other uses: 10,000 sf.

c    10 ft. when abutting an RS, or RD district; 5 ft. when abutting a CB, HB, PS, LI, HI, or AI district; no setback when abutting PU or other RM properties.

d    Unless the required off-street parking is undercover, then the building coverage may be increased to sixty percent.

e    Limited to second story or above residential uses unless part of an approved multifamily or mixed use complex.

f10 ft. when abutting an RS, RM, or RD district.

g    12 ft. when abutting an RS, RM, or RD district.

h20 ft. when abutting an RS, RM, or RD district.

(Ord. 1877 § 9, 2019; Ord. 1667 § 14, 2010; Ord. 1325 § 3, 1996; Ord. 1286 (part), 1995).

Proposed Change:

**18.16.020 General development standards.**

General development standards including setbacks, unit size, building height, lot size, lot coverage, and density for all districts are listed below in Table 1.0. Additional specific development standards may be listed within Chapters [18.20](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1820.html#18.20) through [18.40](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1840.html#18.40) of this title.

| **Table 1.0**  **GENERAL DEVELOPMENT STANDARDS FOR ALL DISTRICTS\*** | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DISTRICT** | **Residential Single Unit RS** | **Residential Duplex RD** | **Residential Multi Unit RM** | **Central Business CB** | **Planned Shopping PS** | **Highway Business HB** | **Commercial Industrial CI** | **Light Industrial LI** | **Highway Industrial HI** | **UNITS** |
| Setback: front | 20 | 20 | 20 | 0 | 0 | 0 | 15 | 15 | 15 | feet |
| Setback: side, interior | 5 | 5 | c | 0f | 0f | 0f | 10h | 10h | 10h | feet |
| Setback: side, street | 15 | 15 | 15 | 0 | 0 | 0 | 10 | 10 | 10 | feet |
| Setback: rear, main building | 20 | 20 | 20 | 8g | 8g | 8g | 10h | 10h | 10h | feet |
| Setback: rear, accessory building | 5 | 5 | 5 | 8g | 8g | 8g | 10h | 10h | 10h | feet |
| Minimum unit size | 500 | 500 | 320 | 320e | 320e | 320e | 320e | 320e | 320e | square feet |
| Maximum building height | 35 | 35 | 45 | 50 | 50 | 50 | 50 | 50 | 50 | feet |
| Minimum lot size | 6000a | 6000 | b | 0 | 5000 | 0 | 0 | 0 | 0 | square feet |
| Maximum building coverage | 45 | 45d | 45d | — | 60 | — | — | — | — | percent of area |
| Allowed density | 6 | 10 | 36 | — | — | — | — | — | — | units per acre |

\*Except AI—Airport Industrial (Chapter [18.38](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1838.html#18.38)) and PU—Public Use (Chapter [18.40](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1840.html#18.40)) districts. Refer to their respective sections.

aExcept a single unit (detached) dwelling may be allowed on any lot of fifty feet in width in areas platted before January 8, 1962, and on any lot of sixty feet wide in areas platted thereafter.

b    Minimum Lot Sizes. Single-unit dwelling: 6,000 sf. Duplexes: 8,000 sf. Apartment buildings: 6,000 sf. plus 1,000 sf. for each additional unit over six. All other uses: 10,000 sf.

c    10 ft. when abutting an RS, or RD district; 5 ft. when abutting a CB, HB, PS, LI, HI, or AI district; no setback when abutting PU or other RM properties.

d    Unless the required off-street parking is undercover, then the building coverage may be increased to sixty percent.

e    Limited to second story or above residential uses unless part of an approved multifamily or mixed use complex.

f10 ft. when abutting an RS, RM, or RD district.

g    12 ft. when abutting an RS, RM, or RD district.

h20 ft. when abutting an RS, RM, or RD district.

(Ord. 1877 § 9, 2019; Ord. 1667 § 14, 2010; Ord. 1325 § 3, 1996; Ord. 1286 (part), 1995).

**18.16.122 Accessory structures.**

The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts:

(1)    All accessory structures shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum five-foot setback in the rear yard. All such accessory structures shall also meet the requirements of the building code currently in use by the city at the time of construction for setbacks between buildings.

(2)    The maximum building footprint of an accessory structure shall be no greater than the building footprint of the main structure subject to building coverage standards in Table 1.0 in Section [18.16.020](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1816.html#18.16.020).

(3)    The maximum height of accessory structures shall be limited by the maximum building height for the zoning district in which it is located.

(4)    With the exception of approved accessory dwelling units, accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.

(5)    Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 300 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.

(6)    No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the city and the area in which the accessory use or structure is located. (Ord. 1667 § 11, 2010).

Proposed Change:

**18.16.122 Accessory structures.**

The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts:

(1)    All accessory structures shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum five-foot setback in the rear yard. All such accessory structures shall also meet the requirements of the building code currently in use by the city at the time of construction for setbacks between buildings.

(2)    The maximum building footprint of an accessory structure shall be no greater than the building footprint of the main structure subject to building coverage standards in Table 1.0 in Section [18.16.020](https://www.codepublishing.com/WA/Omak/#!/Omak18/Omak1816.html#18.16.020). (REMOVE THE TEXT)

(3)    The maximum height of accessory structures shall be limited by the maximum building height for the zoning district in which it is located.

(4)    With the exception of approved accessory dwelling units, accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.

(5)    Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 300 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.

(6)    No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the city and the area in which the accessory use or structure is located. (Ord. 1667 § 11, 2010).

**18.52.010 Interpretation.**

(a)    In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the public. Therefore, where the provisions of this title impose a greater restriction upon the use of buildings and premises or upon the height of buildings or structures, or require larger open spaces than are imposed or required by other laws, ordinances, easements, regulations, codes or covenants, the provisions of this title shall control.

In case of a conflict between a general requirement and a specific requirement, the least restrictive shall apply.

(b)    The planning commission shall review and determine any questions involving the proper interpretation or application of the provisions, use, or district boundaries of this title that may be requested by any property owner, tenant, government officer, department, hearings examiner or commission affected.

(c)    Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, administrator may permit such use to be established if it is clearly evident that the use is similar and in conformity with the designated permitted uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the planning commission shall rule on the matter. The hearing examiner’s decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

The secretary of the planning commission shall keep a record of all interpretations and rulings made by the planning commission, and such decisions shall be binding.

The hearing examiner shall report his/her findings to the planning commission when it appears desirable and necessary to amend this title. (Ord. 1667 § 21, 2010; Ord. 1562 § 6, 2006; Ord. 1344 § 1 (part), 1997: Ord. 1286 (part), 1995).

Proposed Change:

**18.52.010 Interpretation.**

(a)    In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the public. Therefore, where the provisions of this title impose a greater restriction upon the use of buildings and premises or upon the height of buildings or structures, or require larger open spaces than are imposed or required by other laws, ordinances, easements, regulations, codes or covenants, the provisions of this title shall control.

In case of a conflict between a general requirement and a specific requirement, the most restrictive shall apply.

(b)    The planning commission shall review and determine any questions involving the proper interpretation or application of the provisions, use, or district boundaries of this title that may be requested by any property owner, tenant, government officer, department, hearings examiner or commission affected.

(c)    Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, administrator may permit such use to be established if it is clearly evident that the use is similar and in conformity with the designated permitted uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the planning commission shall rule on the matter. The hearing examiner’s decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

The secretary of the planning commission shall keep a record of all interpretations and rulings made by the planning commission, and such decisions shall be binding.

The hearing examiner shall report his/her findings to the planning commission when it appears desirable and necessary to amend this title. (Ord. 1667 § 21, 2010; Ord. 1562 § 6, 2006; Ord. 1344 § 1 (part), 1997: Ord. 1286 (part), 1995).

**17.36.010 Generally.**

An applicant for a short subdivision or subdivision who believes the design standards of Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32) are inappropriate for the short subdivision or subdivision they are proposing may, as part of their submittal, request a deviation from those standards. All requests for deviations shall be reviewed as a Type III action and be processed in compliance with Title [19](https://www.codepublishing.com/WA/Omak/#!/Omak19/Omak19.html#19) and a recommendation regarding the requested deviation shall be made to the planning commission by the administrator and public works director. Recommendations shall be incorporated into the staff report.

(a)    The exception request shall specify the design standards they desire to follow and the justification for using those standards rather than those specified in Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32). Such justification may require preparation of a traffic study (including motorized and non-motorized) at the applicant’s expense as determined by the administrator;

(b)    The planning commission shall review and evaluate all such requested exceptions to the standards of Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32), with regard to the following factors:

(1)    The comprehensive plan for the area and the suitability of the proposed standards in terms of the plan;

(2)    The intensity and intended use of the proposed short subdivision or subdivision: the level of vehicle or pedestrian traffic expected; and level of guarantee, by zoning or commitments prohibiting further subdivision, so that further increases in traffic or density will not occur;

(3)    The relationship of the proposed nonstandard street or other improvement to the overall street system or improvements in the area and possible need to extend those streets or improvements to serve adjacent properties that might be further divided; and

(4)    The opportunity, by reducing the standards in accordance with subsections (b)(1), (2) and (3) of this section to accomplish a preservation of the natural environmental setting of the area being subdivided. This would occur as a result of having narrower cleared rights-of-way, less need for cuts and fill on cross slope roadways, and by the ability to more closely follow existing terrain if slope standards were relaxed. The intended end result would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat.

(c)    If the request is for a short subdivision, the planning commission shall consider the request at a public hearing and make a recommendation to the city council.

(d)    If the request is part of the application for a subdivision, the request shall be reviewed in conjunction with the subdivision review and the planning commission shall specifically recommend approval, approval with modification, or disapproval of the deviation request as part of their recommendation regarding the subdivision to the city council. (Ord. 1812 § 1 (Exh. A)(part), 2015: Ord. 1226 (part), 1993).

Proposed Change:

**17.36.010 Generally.**

An applicant for a short subdivision or subdivision who believes the design standards of Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32) are inappropriate for the short subdivision or subdivision they are proposing may, as part of their submittal, request a deviation from those standards. All requests for deviations shall be reviewed as a Type II action and be processed in compliance with Title [19](https://www.codepublishing.com/WA/Omak/#!/Omak19/Omak19.html#19) and a recommendation regarding the requested deviation shall be made to the planning commission by the administrator and public works director. Recommendations shall be incorporated into the staff report.

(a)    The exception request shall specify the design standards they desire to follow and the justification for using those standards rather than those specified in Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32). Such justification may require preparation of a traffic study (including motorized and non-motorized) at the applicant’s expense as determined by the administrator;

(b)    The planning commission shall review and evaluate all such requested exceptions to the standards of Chapter [17.32](https://www.codepublishing.com/WA/Omak/#!/Omak17/Omak1732.html#17.32), with regard to the following factors:

(1)    The comprehensive plan for the area and the suitability of the proposed standards in terms of the plan;

(2)    The intensity and intended use of the proposed short subdivision or subdivision: the level of vehicle or pedestrian traffic expected; and level of guarantee, by zoning or commitments prohibiting further subdivision, so that further increases in traffic or density will not occur;

(3)    The relationship of the proposed nonstandard street or other improvement to the overall street system or improvements in the area and possible need to extend those streets or improvements to serve adjacent properties that might be further divided; and

(4)    The opportunity, by reducing the standards in accordance with subsections (b)(1), (2) and (3) of this section to accomplish a preservation of the natural environmental setting of the area being subdivided. This would occur as a result of having narrower cleared rights-of-way, less need for cuts and fill on cross slope roadways, and by the ability to more closely follow existing terrain if slope standards were relaxed. The intended end result would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat.

(c)    If the request is for a short subdivision, the planning commission shall consider the request at a public hearing and make a recommendation to the city council.

(d)    If the request is part of the application for a subdivision, the request shall be reviewed in conjunction with the subdivision review and the planning commission shall specifically recommend approval, approval with modification, or disapproval of the deviation request as part of their recommendation regarding the subdivision to the city council. (Ord. 1812 § 1 (Exh. A)(part), 2015: Ord. 1226 (part), 1993).