

Chapter 3: Development Standards

Section 1 – SIGN REGULATIONS

3.1.01 Prohibited signs.

The following signs are prohibited:

1. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
2. Signs that create a safety hazard for pedestrian or vehicular traffic;
3. Flashing signs;
4. Portable signs; except A-frame signs and reader boards specifically allowed pursuant to this code;
5. Signs located within the public right-of-way, except official signs and except bus benches placed pursuant to an agreement with the Town;
6. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, that this provision shall not be construed as prohibiting the identification of a business or its product on a vehicle operating during the normal course of business;
7. Signs obstructing visibility within any clearview triangle as established in this code;
8. Billboards except when permitted as provided in this code;
9. Off-premises signs, except off-premises directional signs allowed pursuant to this code;
10. Temporary signs unless specifically allowed pursuant to the code;
11. Abandoned signs and sign structures.

3.1.02 Permit required.

1. Other than for those uses listed in subsection B of this section, a sign permit is required for all allowed permanent signs, temporary signs, unless otherwise specified, and billboards.
2. Permits are not required for on-premises official signs; seasonal decorations; merchandise displays; point-of-purchase advertising displays; national and state flags; flags of a political subdivision; notice signs, inflatables; flags with copy; reader boards; temporary signs as listed in this code; symbolic flags of nonprofit institutions dedicated to public service; legal notices required by law; barber

poles; historic site designations; commemorative monuments/plaques; donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business; political signs supporting political issues, candidates or ballot measures; replacement of copy on signs otherwise permitted; name plates with less than four square feet of copy area; directional signs with less than four square feet of copy area; and murals containing no copy.

3. Permit applications shall include a site plan that provides the following information:
 1. The location of the affected lot, building(s) and sign(s);
 2. The scale of the site plan;
 4. The location of all existing signs for the subject applicant including size and height;
 5. For signs subject to spacing regulations, the location of neighboring signs on adjacent properties;
 6. Approved sign plan, if applicable; and
 7. Tax parcel number where proposed sign will be located.
4. Permit applications shall include construction drawings that provide the following information:
 1. Two complete sets of scaled drawings of the proposed sign or sign revision, including copy, structural footing details, method of attachment and illumination.
 2. A Washington State licensed engineer's design, stamp and signature are required on each construction drawing for signs over 30 feet in height, pole and monument signs over 100 square feet in sign area regardless of height, flag signs over 10 feet in height regardless of sign area and wall signs where it is determined the size and weight of the sign are factors on the structural integrity of the building or structure.
 3. Where special conditions exist for any type of sign, the building official is authorized to require additional construction documents to be prepared by a Washington State licensed engineer and/or special inspections if deemed necessary.

3.1.03 Number, general regulations for permitted permanent signs.

1. Permitted permanent signs shall comply with the requirements of Table 3.1.01. No more than the maximum numbers of either freestanding pole signs or monument sign structures are allowed per parcel.

Table 6 - 3.1.01 – Location, Height and Copy Area Requirements

Land Use	Zoning District	Maximum						Side Yard Setback (ft.)	Permit Required	Additional Provisions
		Number per Parcel	Height (ft.)	Copy Area (ft²)	Copy Area (ft²)/Lot	Frontage < 100 ft.	Copy Area (ft²) /Lot			
Attached Wall Signs										
Multifamily Complex	All Zones	*	*	*	*	*	*	*	Y	One sign up to 20 sq. ft.
Institutional¹	Residential Zones	*	*	*	n/a	n/a	n/a	n/a	Y	*25% of wall area
Single Business	Residential Zones	1	n/a	60	n/a	n/a	n/a	n/a	Y	
Nonresidential	All Mixed Use and Nonresidential Zones	*	n/a	*	n/a	n/a	n/a	n/a	Y	*25% of wall area per building
Freestanding Signs										

Land Use	Zoning District	Maximum						Side Yard Setback (ft.)	Permit Required	Additional Provisions
		Number per Parcel	Height (ft.)	Copy Area (ft²)	Copy Area (ft²)/Lot	Frontage < 100 ft.	Copy Area (ft²) /Lot			
Subdivision/Area Name/Multifamily Complex/Institutional¹	All Zones	1*	10	32	n/a		n/a	n/a	Y	*One per 200 ft. of street frontage and 1 for each additional 200 ft. or fraction thereof in nonresidential zones. Additional signs allowed on a multi-business complex site may all be freestanding; additional signs allowed on a single business parcel shall be monument signs
Single Business	Mixed Use and Nonresidential Zones	1*	30	n/a	100		200	5	Y	
Multi-Business Complex		1*	40	250	n/a		n/a	5	Y	
Monument Signs										
Subdivision/Area Name/Multifamily Complex/Institutional¹	All Zones	1	10	32	n/a		n/a	n/a	Y	*Per street frontage
Single Business		2*	7	90	n/a		n/a	5	Y	

Land Use	Zoning District	Maximum						Side Yard Setback (ft.)	Permit Required	Additional Provisions
		Number per Parcel	Height (ft.)	Copy Area (ft ²)	Copy Area (ft ²)/Lot	Frontage < 100 ft.	Copy Area (ft ²) /Lot	Frontage > 100 ft.		
Multi-Business Complex	All Mixed Use and Nonresidential Zones	2*	7	150	n/a	n/a	n/a	5	Y	*Per street frontage
Other Signs										
Directional	All Zones	n/a	n/a	4	n/a	n/a	n/a	n/a	N	
Name Plates	All Zones	1	n/a	4	n/a	n/a	n/a	n/a	N	

1. Institutional includes nonprofit, religious or public uses, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purposes.
2. In addition to the permanent signs allowed pursuant to Table 3.1.01, a single decorative emblem (or standard) constructed of durable vinyl with a thickness of not less than 13 mil for every 50 feet of frontage shall be allowed. The lowest horizontal member of the bracket shall be located at a height of not less than seven feet above the adjacent grade.
3. Where three or more single businesses agree to share a single sign structure, an additional 20 percent of copy area shall be allowed up to a maximum of 250 square feet.
4. Off-Premises Directional Signs. It is the intent of this subsection to allow the limited placement of off-premises directional signs by co-locating on an existing conforming monument sign, freestanding sign, or building wall. A business placing this type of sign on an existing sign shall conform to the following criteria:

1. The business shall be located on a private easement or local access street;
2. The business and proposed sign shall be located in a commercial, office, industrial or mixed zone area;
3. Text shall be limited to the business name, logo, and a directional arrow and may include certain advancing language as “next right”;
4. The sign shall be located on the nearest collector or arterial. If a business has double frontage, staff will review this unique situation to determine if two directional signs are warranted;
5. Sign area shall be limited to 15 square feet. This shall not be construed to allow the on-premises sign to increase its sign area; and
6. If the business using an off-premises directional sign leaves its location, the business shall remove the sign within 60 days.
7. If the site has no existing signage or buildings, then a freestanding sign meeting the requirements above may be allowed.

3.1.04 Temporary signs.

Except as otherwise described under this section, no permit is necessary for temporary signs.

1. Number of Temporary Signs. No more than two of the following signs shall be allowed at any one time for a use, except as permitted in subsection E of this section: 1. One banner; or 2. One reader board; or 3. One flag with copy; or 4. Any combination of the above, not to exceed a total of two signs.
2. Each sign shall be limited to 32 square feet in size.
3. Additional banners or temporary signs advertising a special event, sale, promotion, opening of a new business or a business under new management, including banners, balloons, pennants, flags with copy, streamers, searchlights and inflatables, are allowed by temporary permit for a period of time not to exceed 60 days a maximum of two times in any calendar year.
4. Temporary signs shall not endanger the public safety and shall be removed or relocated if the public works director determines that a sign is unsafe.
5. A-Frame Signs. Each business will be allowed a maximum of one sandwich board or A-frame sign. These signs are in addition to other temporary signs allowed through subsections A and C of this section, and are subject to the following conditions:
 1. Size. The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.

2. Maintenance Standards. Signs shall be constructed out of materials able to withstand extreme weather conditions. Such materials may be metal, finished wood, chalkboard, whiteboard or plastic. Signs and copy should be of professional quality. Permanent lettering for the business name and logo is required on the sandwich boards. Owners of sandwich board signs shall be required to keep their signs in an intact, reasonably legible, and well maintained manner. Sandwich boards are not well maintained if any part thereof is broken; letters or graphics are completely or partially missing or obstructed; or the legibility thereof has materially deteriorated.
3. Display Time. If the sign is displayed past daylight hours, precautions should be taken to place the sign in a lighted area. This shall not be construed to allow the wiring of a sign for lighting.
4. Location. Signs shall not be placed in a location which is within the clearview triangle, as defined in this code, or any other location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians.
6. Temporary on-premises commercial signs are allowed without permit when posted in conjunction with the alteration, construction, sale or lease of real property. Such signs shall not exceed 16 square feet in copy area or seven feet in height. All such signs shall be affixed to either the ground or a permanent structure by rope, wire, or a mechanical device.
7. Open House/Directional Signage. A-frame signs may be used as open house/directional signs and shall be allowed on each access street to the property. Signs shall be placed so as not to interfere with vehicular or pedestrian traffic, shall be used only when the property is open for inspection, shall be unlit, and shall be limited in size to five square feet and limited in height to three feet above grade.

3.1.05 General provisions applicable to all signs.

1. All signs illuminated with exterior lighting shall have lighting confined to the sign, and positioned and shielded to minimize impacts to the surrounding area(s). Gooseneck reflectors and lights are permitted on permanent freestanding and wall signs; provided, that lighting or glare does not extend beyond the property line.
2. Electronic signs shall be permitted on the same basis as other signs, subject to the requirements of Table 3.1.01. All electronic message centers (EMCs) are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. Written documentation that the EMC is equipped with the automatic dimming device shall be submitted with the sign permit application.
3. A roof-mounted sign may be substituted for an allowed freestanding sign; provided, that the height of the sign structure may not exceed the maximum height requirements of the zoning district in which the sign is located.

4. No sign shall be erected, relocated or maintained in a manner that prevents the free ingress or egress from any door, window or fire escape.
5. No sign shall be attached to a standpipe or fire escape except official signs.
6. Any sign erected or maintained within five feet of public rights-of-way shall be smooth and free of nails, tacks and wires.
7. All signs shall be maintained in good repair.
8. No sign shall block the view of fire protection equipment from approach

3.1.06 Sign location and front setbacks.

1. Monument signs exceeding three feet in height shall be set back 10 feet from the front property line and outside any border easement; provided, that the requirements of Fencing, Screening and Landscaping (clearview triangles), have been met.
2. Freestanding signs with structural supports less than two feet in width, with copy area placed at a height of seven feet or more above grade, may be located at the property line; provided, that the requirements of Fencing, Screening and Landscaping (clearview triangles), of the Spokane Valley Municipal Code have been met. Freestanding signs with structural supports of more than two feet shall be set back not less than 10 feet from the front property line or border easement.
3. All temporary signs, except inflatable signs, shall be located at least five feet from public rights-of-way.
4. Inflatable signs shall be set back at least 10 feet from public rights-of-way.
5. All signs shall meet the vertical and horizontal clearance requirements of electric utilities.
6. All new freestanding signs shall comply with Landscaping Requirements for Freestanding Signs.

3.1.07 Sign area calculation.

1. Sign area for wall signs shall be no more than 25 percent of the two-dimensional area of a building's elevation, excluding eaves and gables. Refer to Table 3.1.01.



Figure 5 - 3.1.01 Wall Sign Dimensions

2. The sign area of a freestanding sign for a single business shall be calculated as shown in Figure 3.1.02. The sign area of a freestanding sign identifying multiple businesses shall be computed by adding together the total area(s) of all signs as shown in Figure 3.1.03. Refer to Table 3.1.01 for minimum and maximum height requirements.

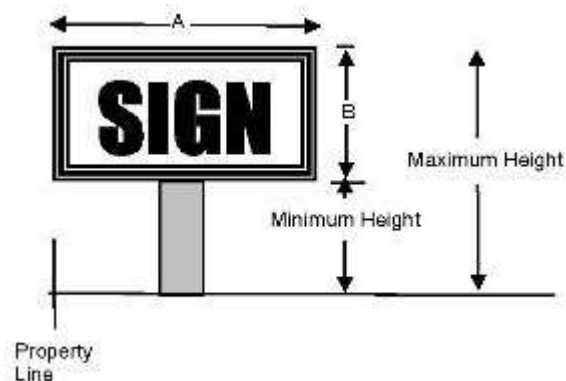


Figure 6 – 3.1.02 Free Standing Sign Dimensions - Single Business

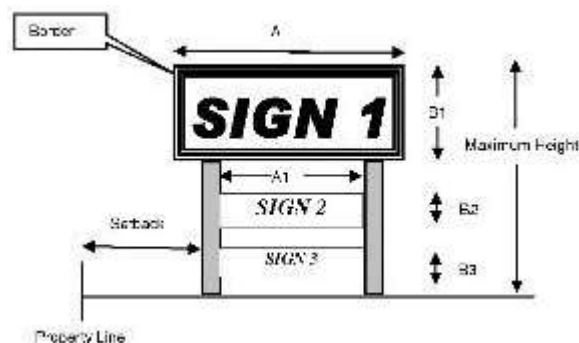


Figure 7 – 3.1.03 Free Standing Sign Dimensions - Multi-Business

3. The sign area for multiple-sided signs shall be calculated as follows:
 1. The total sign area for a two-sided sign shall be calculated using a single surface of a sign with messages on both sides;
 2. The sign area for a three-sided sign shall be the sum of all surfaces where two or more signs share a single structure;
 3. The gross surface area of both faces of a V-shaped sign;
 4. The copy area of a monument sign.

4. For irregularly shaped signs, the sign area is calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of the area of the rectangles shall be the gross surface area. The maximum allowable area is reduced by 10 percent for the second and each subsequent rectangle used in the calculation, illustrated below.

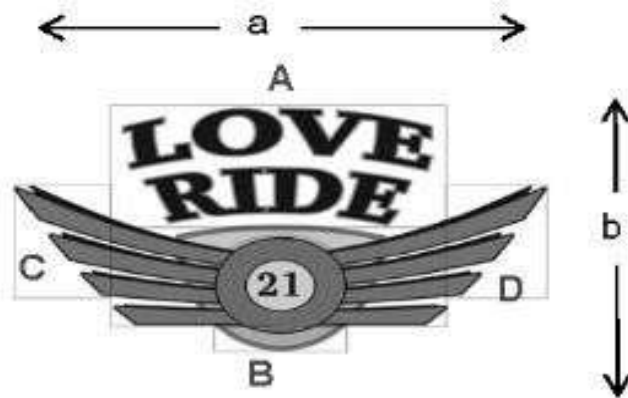


Figure 8 - Sign Dimensions - Irregularly Shaped Signs

1. Conventional Measurement. Total area = a times b.
2. Sum of Rectangles. Total area = (Area A + Area B + Area C + Area D).

3.1.08 Maintenance of signs.

1. All signs shall be maintained in good repair. The clerk shall have the authority to revoke any permit for signs that are tattered, torn, faded or otherwise in disrepair, and may require the removal of banners, flags, reader boards, pennants and streamers which are torn, discolored or in disrepair.
2. All signage shall be maintained by the business owner, or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
3. Any damaged sign structure shall be repaired within 30 days of notice.
4. Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed within 48 hours of notice
5. Any abandoned sign shall be removed by and at the expense of the property owner within 60 days of notice.
6. Any abandoned sign support structure shall be removed within 36 months by the owner or lessee of the premises upon which the sign is located.

3.1.09 Existing nonconforming signs.

Any permanent sign made nonconforming as a result of the adoption of these regulations may be repaired, but not structurally altered or made more nonconforming in any way. If the sign is removed in order to make repairs, it shall be replaced within 60 days, or any nonconforming rights are terminated. Thereafter, the sign shall conform to the requirements of this chapter.

Notwithstanding other provisions of this section, any sign or signs for which a temporary permit has been issued by the City shall be permitted to remain at the location or locations authorized by the permit for as long as the permit is valid and all the requirements of the permit have been met.

3.1.10 Billboards.

1. New billboards shall be prohibited; provided, however, that existing billboards may be replaced at another location with a structure and copy area of equal or smaller size in mixed use and nonresidential zoning districts as follows:
 1. Replacement billboards shall not exceed the height limit in the underlying zoning district, with a maximum height limit of 50 feet in any zone;
 2. No replacement billboard shall exceed 672 square feet in copy area;
 3. Any replacement billboard may not be placed less than five feet from the property line. No portion of the sign shall extend beyond the property line;
 4. No billboard may be located within 1,000 feet of another billboard on the same side of the street. Any replacement billboard shall be offset from any billboard on the opposite side of the street by not less than 250 feet. Offset distance shall be measured from a point perpendicular to and along the alignment of the roadway;
 5. The owner of the billboard shall file a complete inventory of all billboards located within the City, including date erected, height, size and location;
 6. Issuance of a permit for billboard replacement shall be accompanied by a permit for the destruction or removal of the billboard to be replaced; and
 7. Any billboard that is not replaced within five years following the issuance of a demolition/removal permit shall not be replaced.

Section 2 – Fencing, Landscaping, and Screening

3.2.01 Fencing.

1. In residential zoning districts, the height of a fence within the front yard shall be:
 1. Thirty-six inches or less for sight-obstructing fences; or
 2. Forty-eight inches or less for non-sight-obstructing fences, such as chain link fences.
2. In residential zoning districts, fences shall not exceed eight feet in height when located on a flanking, side, or rear yard behind the minimum required front yard setback line. Lots with double street frontage may have a fence on the property line not used as the main point of access (the apparent rear yard).
3. In nonresidential zoning districts, fences shall not exceed eight feet in height without a conditional use permit except as provided in this section of the code.
4. The height of a fence shall be measured from the base of the fence, except as provided in this section of the code.
5. Where the elevation of the finished grade within six feet of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or a retaining wall), the height shall be measured from the side with the lowest finished grade elevation.
6. In nonresidential zoning districts, barbed wire may be used for security purposes only on the upper one-quarter of the fence unless the use is adjacent to a residential zoning district, in which case no barbed wire shall be allowed on the portion of the fence adjacent to the residential zoning district. An administrative exception may be granted by the city manager or designee for public utility distribution or transmission facilities seeking relief from barbed wire requirements.
7. Electric fences shall only be allowed to enclose outdoor storage areas in nonresidential zoning districts or to confine animals in residential zoning districts. Electric fences shall not be allowed for any other purpose. Electric fences shall:
 1. Not exceed 10 feet in height when used for outdoor storage or eight feet in height when used to confine animals;
 2. Be clearly marked with warning signs at least 24 square inches in area located every 60 feet;
 3. Have an energizer driven by a commercial storage battery that does not exceed 12 volts DC; and
 4. Not produce a charge upon contact that exceeds the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard 60335-2-76.
8. Fences and all sight obstructions including vegetation shall be located outside of the clearview triangle and shall not block the view of fire protection equipment.

3.2.02 Clearview triangle.

1. A sight distance is the length of roadway visible to a driver. The clearview triangle is the triangular area calculated at the intersection of two streets or the intersection of an alley, private street or driveway, and a street to provide the required sight distance and provide unobstructed vision to motorists and pedestrians.
2. For commercial approaches and controlled intersections, the clearview triangle shall be calculated pursuant to Table 3.2.03-1 and Figure 3.2.03-1.

Table 7 – 3.2.02-1 Clearview Triangle Calc – Controlled Intersections

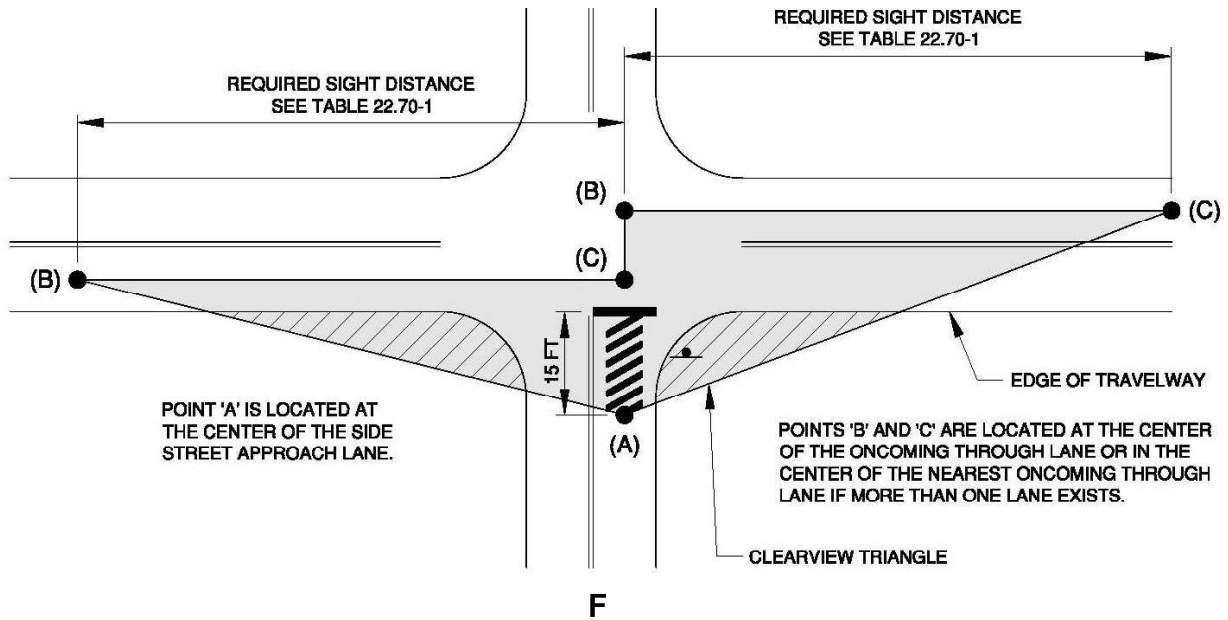
Case Type	Through Street Speed Limit (mph)¹	Distance to Point A in Feet	Required Sight Distance^{1,2,3} (BC) in Feet
Commercial approaches and stop sign controlled intersections ²	25	15	280
	30		335
	35		390
Signal controlled intersection, yield controlled or all-way stop sign controlled		Per AASHTO Green Book	

¹. Required sight distance shall be adjusted for grades three percent or greater, more than two lanes, skewed intersections, sharp curves, posted speeds in excess of 35 miles per hour (mph), or for vehicles other than passenger cars pursuant to the street standards as adopted pursuant to the town's street standards.

². For stop sign controlled intersections and commercial approaches, use Figure 3.2.02-1 to determine required sight distance and location of Point A.

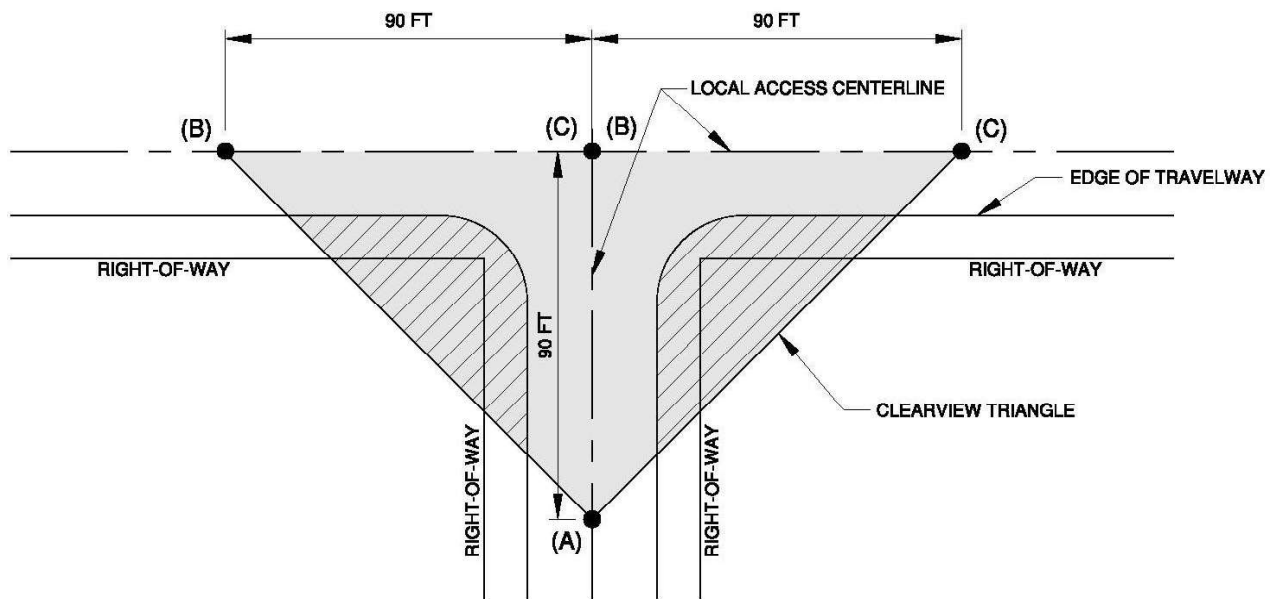
³. To determine the clearview triangle, locate points A and C, determine the required distance (BC/CB) using Table 3.2.02-1, locate point B and connect points A, B, and C. The area enclosed by points A, B, C and the right-of-way is the clearview triangle, hatched area in Figure 3.2.02-1.

Table 8 - 3.2.02-1 Clearview Triangle Calc - Com Approaches & Stop Sign Intersections



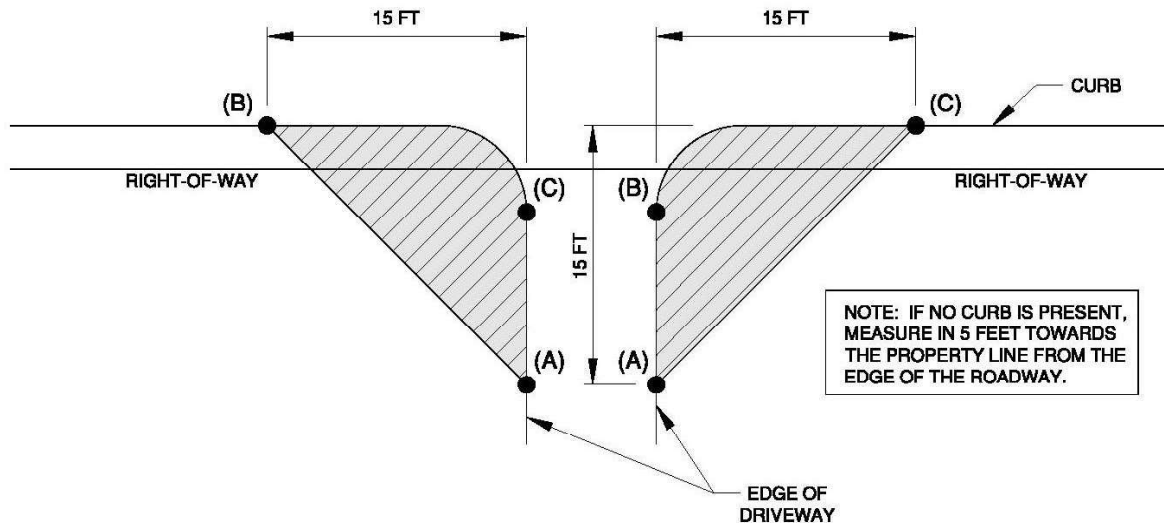
- For uncontrolled street intersections (e.g., intersecting local access streets), the clearview triangle shall be calculated pursuant to Figure 3.2.02-2.

Figure 9 – 3.2.02-2 Clearview Triangle Calc – Uncontrolled Street Intersections



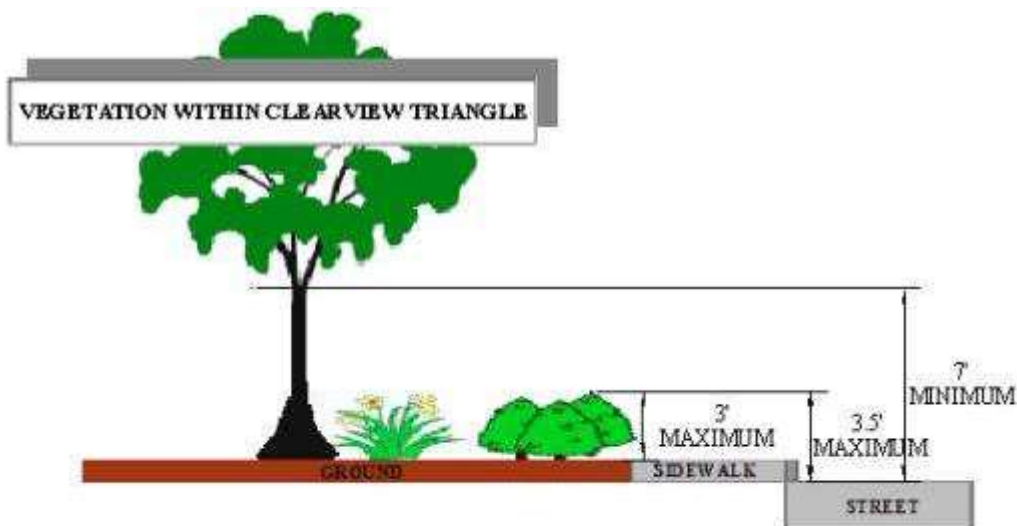
4. For noncommercial driveways, the clearview triangle shall be calculated pursuant to Figure 3.2.03-3.

Figure 10 – 3.2.02-3 – Clearview Triangle for Noncommercial Approaches



5. Within the clearview triangle, the space between three and one-half feet and seven feet above the street, or three feet and six and one-half feet above the sidewalk, shall be unobstructed from vegetation, structures, signs, and other view obstructions in the manner shown pursuant to Figure 3.2.02-4.

Figure 11- 3.2.02-4 Clearview Vertical Clearance Requirements



3.2.03 Exemptions for Clearview triangle

Clearview triangle requirements shall not apply to:

1. Public utility poles;
2. Trees, so long as they are not planted in the form of a hedge and the shortest branches are trimmed to a height of at least seven feet above the street surface;
3. Properties where the natural ground contour penetrates the clearview triangle; or
4. Traffic control devices installed by the town.

3.2.04 General landscaping.

1. **Applicability.** The provisions of this section shall apply to nonresidential projects, multifamily projects and subdivisions. They shall not apply to projects located in an industrial zoning district.
2. **Headlight Screening.**
 1. Headlight screening shall be provided on the property line adjacent to the parking stalls when parking spaces are perpendicular and/or at an angle facing the public right-of-way or proposed within 20 feet of structures located on adjacent parcels.
 2. Headlight screening shall be at least 30 inches and a maximum of 42 inches height for the length of the parking area and shall consist of evergreen plantings, masonry walls, fencing, earthen berms, or other similar materials.
 3. Headlight screening shall not be required when more stringent buffering is required along the property line adjacent to the parking area.

3.2.05 Dumpster screening.

1. **Applicability.** The provisions of this section shall apply to new multifamily and nonresidential projects. These provisions shall not apply to projects located in an industrial zoning district.
2. Dumpsters shall be enclosed on all four sides by a six-foot-high, 100 percent sight obscuring fence.

3.2.06 Location of Required Landscaping

1. Table 3.2.06-1 provides landscaping requirements for uses that are adjacent to a particular zoning classification. The table indicates the type and width of landscaping required alongside and rear property lines not abutting public streets. The requirements are determined by comparing the proposed use (in the left hand column) to the zoning of adjacent parcels (in the top column).

Table 9 - 3.2.06-1 Zone Buffering Urban Zones

	R-0		R-1		MF		MU		CC		LI	
Uses	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type
Commercial/ Light Industrial	20'	I	20'	I	20'	I	n/a	n/a	n/a	n/a	n/a	n/a
MHP	10'	I	10'	I	10'	I	10'	I	10'	I	20'	I
Multi-family	10'	I	n/a	n/a	n/a	n/a	10'	I	10'	I	10'	I
Public (1)	10'	I	10'	I	10'	I	n/a	n/a	n/a	n/a	10'	I
(1) Except Parks and Playgrounds												

2. Table 3.2.06-2 provides landscaping requirements for uses that are adjacent to an existing use. The table indicates the type and width of landscaping required alongside and rear property lines not abutting public streets. The requirements are determined by comparing the proposed use (in the left hand column) to the existing use (in the top column). Should there be a conflict in required landscaping between the zone buffering tables (Table 3.2.06-1) and the use buffering table (Table 3.2.06-2), then the table that requires the most landscaping shall apply.

Table 10 - 3.2.06-2 Zone Buffering Uses

Zones	R-0/R-1		MF		MFH		MU		CC		LI	
Uses	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type
Commercial/ Light Industrial	20'	I	20'	I	20'	I	n/a	n/a	n/a	n/a	n/a	n/a
MHP	10'	I	10'	I	10'	I	10'	I	10'	I	20'	I
Multi-family	10'	I	n/a	n/a	n/a	n/a	10'	I	10'	I	10'	I
Public (1)	10'	I	10'	I	10'	I	n/a	n/a	n/a	n/a	10'	I
(1) Except Parks and Playgrounds												

3. Landscaping is required adjacent to all public and private roadways as indicated in the Frontage Landscaping Table 3.2.06-3, except where permitted structures and driveways are proposed.

Table 11 - 3.2.06-3 Frontage Landscaping

Zone	Width of landscaping	Type of landscaping
R-O	5 ft	III
R-1	5 ft	III
MHP	5 ft	III
MF	20'	III
MU	5'	III
CC	5'	III
LI	5'	III
PUD	5'	III

4. When perimeter fencing is proposed within the developments identified in this section, the landscaping shall be located between the fence and the public/private road right(s) of way.
5. Landscaping may be included with the stormwater facilities, providing it does not impede on functionality and is consistent with stormwater guidelines.

3.2.07 Public Utilities – Species Selection Guidelines

Landscaping that is associated with utilities shall be consistent with species selection guidelines as maintained and administered by the town of Rockford. The guidelines shall allow only those plantings whose growth or root systems will not negatively affect the utility. Tree selection under power lines shall be limited to trees that have a mature height of 25 feet or less.

3.2.08 Types of Landscaping

The following definitions describe the types of landscaping required in this chapter. All proposed plant material, sizes and characteristics shall be in accordance with the American Association of Nurserymen Standards. Landscaping shall be installed in a manner that does not encroach upon drainage features, drainage easements or drainage facility access easements and does not impede the functioning of such features.

Type I: Visual Screen

- A mix of evergreen and deciduous trees

- Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
- A fully sight-obscuring fence shall be installed consistent with the requirements for a clear view triangle. The fence shall be at least 6 feet high and 100% sight-obscuring. Fences may be made of vinyl, wood, metal, bricks, masonry, or other permanent materials. For required frontage landscaping, the fence shall be located at the rear of the landscaping, farthest away from the road. Chain link with slats shall not be considered a fully sight-obscuring fence.

TYPE I LANDSCAPING EXAMPLE

Type II: Visual Buffer

- A mix of evergreen and deciduous trees
- Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
- If a fully or partially sight-obscuring fence is installed it shall be consistent with the requirements for a clear view triangle.

TYPE II LANDSCAPING EXAMPLE

Type III: See-Through Buffer

- A mix of evergreen and deciduous trees
- Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
- Plantings of shrubs and groundcovers shall be chosen and spaced to result in a total covering of the landscape strip.

TYPE III LANDSCAPING EXAMPLE

3.2.09 Landscaping Requirements for Parking Areas

Landscaping requirements for parking areas are intended to soften the visual effect created by large expanses of barren asphalt and encourage the preservation of mature trees.

1. Landscaping on street frontage: Unless otherwise stated herein, a parking area or outdoor display area fronting on a street right-of-way shall provide Type III landscaping of at least 5 feet in width along the entire street frontage except for driveways, provided that the plantings shall not obstruct the sight distance of street intersections or driveway approaches.
2. Additional plantings: Additional plantings may be placed in the street right-of-way between the sidewalk and the property line. The town of Rockford is not

responsible for maintenance or any damages to the planting areas or landscape features caused by public use of right-of-way or road construction, widening, or maintenance.

- a. Amount and location: At least 10% of the parking areas shall be devoted to landscaping. All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line.
- b. All required landscaping shall meet the “clear view triangle” requirements in Section 3.2.02.
- c. Commercial loading truck maneuvering areas may be excluded from calculations.
- d. Materials used:
 1. Planting areas required under sub-section 3.2.09(3), above shall include liberal landscaping using combinations of such materials as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, benches or lawn.
 2. Each landscape area shall contain evergreen or deciduous trees and staking is required.
- e. Modifications to protect drainage features, easements, or facilities shall be allowed.
- f. Internal property lines: When a parking area abuts residentially zoned property along any interior property line, a minimum 6-foot-high, fully sight-obscuring fence is required or a minimum 5-foot wide planting area with Type I landscaping shall be installed along the perimeter property line.
- g. Protective curbing: All landscaped areas shall be protected from vehicle damage by a 6-inch high protective curbing.
- h. Exceptions: Parking lots containing less than 20 parking spaces need provide only street frontage screening along perimeter property lines as required in this section.

3.2.10 Landscaping Requirements for Planned Unit Development

1. A preliminary planned unit development plan may not be presented to the Town Council until a landscape plan has been submitted and accepted by the Town Clerk that identifies proposed planting areas and/or types. A final planned unit development shall not be recorded until the Clerk or designee approves a landscape plan, consistent with this chapter.
2. Landscaping requirement for common open space. The common open area required per Chapter 5.2.01 shall be landscaped as provided below.
 - a. Fifty percent of the required common open area shall contain irrigated plantings to support the aesthetics and function of said common open area. If a common area contains a critical area, such as wetlands, floodplain, geohazard or wildlife habitat, modifications may be approved.

- b. Landscaping within common open areas shall consist of canopy-type deciduous trees or deciduous ground covers and low shrubs. Planting areas shall be a minimum of 32 square feet in area, with the narrowest dimension not less than 4 feet. Deciduous trees shall have a minimum trunk diameter of 1-3/4 inches at time of planting (trunk diameter shall be measured at 42 inches above grade). Evergreen trees shall be a minimum of 5 feet tall at time of planting. Existing vegetation shall be incorporated into the landscape design and shall be considered acceptable in lieu of new plantings, if it contributes to achieving the intent of this section. A minimum of 10% of the required landscaped area shall be planted with trees and shrubs.
 - c. All required landscaping shall be consistent with the requirements for a clear view triangle.
- 3. Street frontage landscaping shall be provided in accordance with Section 3.2.06
- 4. When perimeter fencing is used with a planned unit development design, a minimum of 5 feet of landscaping is required between such fences and public/private pedestrian or roadway rights-of-way.
- 5. Modifications to protect drainage features, easements, or facilities shall be allowed.

3.2.11 Landscaping Plan Requirements

- 1. The landscaping plan shall include all of the following information:
 - a. Proposed landscaping including location, common name of each species and size at time of installation.
 - b. Location, common name and size of existing vegetation that is being retained.
 - c. Location of and proposed all buildings and accessory structures.
 - d. Location and height of any existing and proposed berms, walls, fences, retaining walls and similar architectural barriers.
 - e. Location of critical areas and their buffers.
 - f. Location of existing and proposed hardscape such as trellises, decks, patios, signs and similar landscape features.
 - g. The location of clear view triangles per Section 3.2.02.
 - h. Location of all exterior project lighting, including streetlights.
 - i. Location of proposed and existing water features.
 - j. Location of existing and proposed storm water drainage features, including but not limited to biofiltration swales, detention ponds, drainage ways, ditches, drainage easements and drainage facility access easements.
 - k. Location of all existing and proposed overhead and underground utilities, including electric and gas lines.
 - l. North arrow, title block, name and phone number of contact person.

- m. Location of all streets and alleys. The plans/information required above may be combined on one drawing if the required information remains legible. The plan shall be accurately drawn using an appropriate engineering or architectural scale.
- 2. The Town clerk may require the submittal of a letter of intent from the property owner(s) guaranteeing the installation and maintenance of all landscaping illustrated on the approved landscape plan.

3.2.12 Installation, Maintenance and Enforcement

- 1. Required landscaping must be installed before the issuance of a Certificate of Occupancy and must be maintained pursuant to this chapter. The Town clerk may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Town clerk authorizes a delay, a temporary certificate of occupancy may be issued for a reasonable period to complete the installation of required landscaping.
- 2. Landscaping requirements that are required in conjunction with short subdivisions, subdivisions, large lot subdivisions, binding site plans and/or planned unit developments shall be installed prior to the recording of any final plat/planned unit development.
- 3. Maintenance of landscaping shall be the responsibility of the property owner. All landscaping required by this chapter shall permanently maintained in a healthy growing condition. Trees that become diseased, severely damaged or die shall be removed by the owner. All trees removed under this section shall be replaced consistent with the approved landscaping plan for the property. Lack of maintenance shall constitute a violation of this code and/or provisions of the certificate of occupancy.

3.2.13 Irrigation and Water Conservation

- 1. Property owners shall keep the required planting area maintained with an automatic irrigation system unless modifications are approved for xeriscapes or naturalized landscapes.
- 2. When appropriately installed and maintained, xeriscaping and associated irrigation systems intended to conserve water or mitigate the effects of irrigating in stormwater control areas are considered to meet the intent of this chapter.

Section 3 – Off-Street Parking and Loading Standards

3.3.01 Vehicle parking.

A. The number of required new off-street parking spaces shall be based on the following:

1. “Gross square feet” shall mean the total area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
3. Uses not specified in Table 22.50-1 shall provide parking based on a use of similar nature.
4. Off-street vehicle parking shall be provided prior to occupancy pursuant to Table 3.1.01 for:
 - a. A new structure based on the proposed use;
 - b. An expanded (enlarged) floor area based on the expanded square footage; or
 - c. An existing structure that requires a change of occupancy based on the proposed use.
5. In the case of multiple-use occupancies, other than shopping centers, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately.
6. All driveways, off-street parking, maneuvering, loading, and storage areas shall be paved. An exemption for this requirement may be approved for loading and storage areas in the industrial zones when they are routinely used by cleared and other heavy equipment. Paving shall consist of asphalt or Portland cement. grasscrete, paver blocks, or other equivalent hard surface material may be used for residential driveways and residential off-street parking areas.
7. The Town clerk designee may allow a reduction up to 25 percent when the applicant makes a written request demonstrating site conditions that prohibit compliance with these requirements.
8. Nonresidential projects located within half a mile of a frequent transit route may reduce their required parking up to 25 percent.

B. Location of Parking Spaces.

1. For nonresidential uses, new required off-street parking shall be located in a zone which allows the use that requires the parking.
2. New required off-street parking shall be located on the same parcel with the use served unless a joint parking agreement is executed in a form acceptable to the Town, stating that the parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.

3. New required off-street parking shall not be separated from the use by an arterial street unless approved by the town clerk or designee.

Table 12 - 3.3.01-1 Required Parking Spaces for Specific Uses

Table 3.3.01-1 – Required Parking Spaces for Specific Uses

Use	Required Parking
Agriculture	
Greenhouse/nursery, commercial	1 per 500 gross square feet
Community Services	
Church, temple, mosque, synagogue and house of worship	1 per 4 fixed seats or 1 per 150 square feet of floor area
Community hall, club or lodge	1 per 350 gross square feet
Funeral home	1 per 500 gross square feet
Day Care	
Day care, adult and child	1 per 500 gross square feet
Eating and Drinking Establishment	
Brewery, winery and/or distillery	1 per 1,000 gross square feet
Espresso establishment, restaurant, tavern/night club, tasting room	1 per 250 gross square feet, min. of 2
Education	
Schools, professional, vocational and trade	1 per 600 gross square feet
Schools, specialized training studios	1 per 350 gross square feet
Entertainment	
Cultural facilities	1 per 800 gross square feet
Major event entertainment and indoor theaters	1 per 4 fixed seats or 1 per 150 square feet of floor area
Recreation facility, indoor	1 per 350 gross square feet

Table 3.3.01-1 – Required Parking Spaces for Specific Uses

Use	Required Parking
Recreation facility, outdoor	20 per acre of site
Group Living	
Assisted living facility/convalescent/nursing home	1 per 4 residents plus 1 per staff on largest shift
Community residential facility	1 per 4 residents
Dwelling, congregate	1 per sleeping room
Industrial, Light and Heavy	
Assembly/manufacturing/processing, light	1 per 600 gross square feet
Assembly/manufacturing/processing, heavy	1 per 1,000 gross square feet
Industrial service	1 per 1,000 gross square feet
Wrecking, recycling, junk and salvage yards	1 per 2,000 gross square feet
Lodging	
Bed and breakfast, hotel/motel	1 per guest room and 1 per staff on largest shift
Medical	
Medical/dental clinic	
Two or less professionals	1 per 500 gross square feet
Three or more professionals	1 per 350 gross square feet
Office	
Animal clinic/veterinary	1 per 500 gross square feet
Call center	1 per 250 gross square feet
Office, professional and general	1 per 500 gross square feet
Residential	
Dwelling, accessory units	1 per dwelling unit

Table 3.3.01-1 – Required Parking Spaces for Specific Uses

Use	Required Parking
Dwelling, multifamily, studio and one bedroom	1 per dwelling unit, plus 5% of total for guests
Dwelling, multifamily, two or more bedrooms	1.5 per dwelling unit, plus 5% of total for guests
Dwelling, one- and two-family, townhouse	2 per dwelling unit
Manufactured (mobile) home park	2 per dwelling unit plus 5% total for guest parking
Retail Sales and Service	
Appliance and furniture sales/service	1 per 1,000 square feet of display area
Banks, savings and loan, and other financial institutions, post office, postal centers, and other similar uses	1 per 350 gross square feet
Building supply and home improvement	1 per 350 gross square feet
Convenience store	1 per 400 gross square feet
Equipment sales, rental, maintenance and repair	1 per 1,000 gross square feet
Landscape materials sales	1 per 1,000 gross square feet
Personal services	1 per 350 gross square feet
Retail sales, indoor, including shopping centers	1 per 350 gross square feet
Retail sales, outdoor	1 per 5,000 gross square feet of display area
Showroom	1 per 2,000 gross square feet
Vehicle Services	
Automobile parts, accessories and tires	1 per 300 gross square feet

Table 3.3.01-1 – Required Parking Spaces for Specific Uses

Use	Required Parking
Automobile/taxi rental, passenger vehicle sales, service and repair	1 per 1,000 gross square feet of building footprint and 1 per 5,000 square feet of indoor/outdoor display area
Automobile/truck/RV/motorcycle service, painting, repair, body and fender works	1 per 500 gross square feet
Boat and RV sales, and service and repair	1 per 1,000 gross square feet of building footprint and 1 per 5,000 square feet of indoor/outdoor display area
Car wash, self-service	1 per 500 gross square feet
Fueling station	1 per 4 pumps
Warehouse, Wholesale, and Freight Movement	
Freight forwarding	1 per 2,000 gross square feet
Storage, general indoors, warehouse	1 per 3,500 gross square feet
Storage, general outdoors, display	1 per 1,500 gross square feet

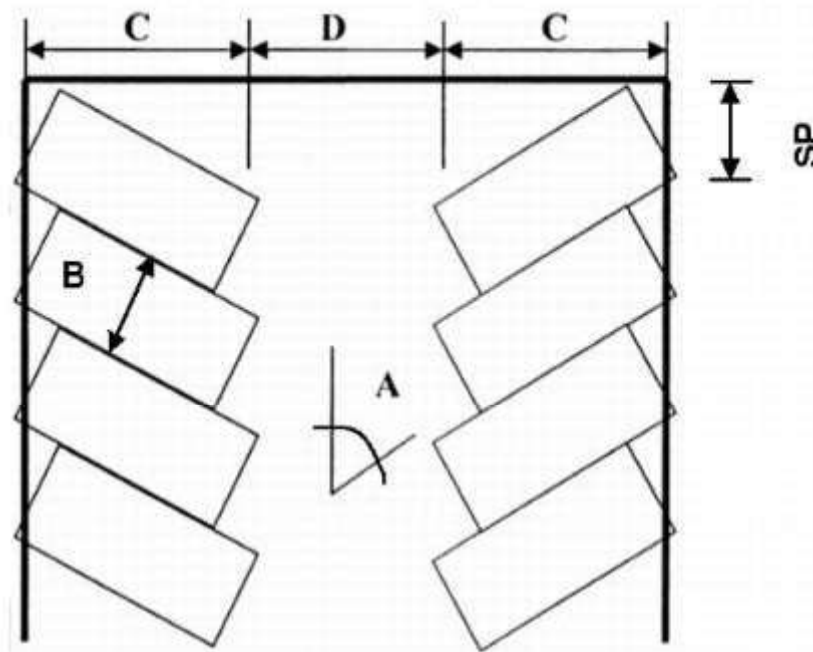
C. Off-street parking design shall be pursuant to Table 3.3.02-2 and Figure 3.3.02-1.

Table 13 - 3.3.02-2 Parking Minimum Design Requirements

Parking Angle (in degrees)	Standards				
	Stall Projection	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width	
A	SP	B	C	One-Way	Two-Way
0 (parallel)	22'	22'	8'6"	20'	20'

Parking Angle (in degrees)	Standards				
	Stall Projection	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width D	
A	SP	B	C	One-Way	Two-Way
45	12'	8'6"	17'6"	20'	20'
60	9'6"	8'6"	19'	20'	20'
75	8'10"	8'6"	19'	20'	22'
90	8'6"	8'6"	18'	20'	22'6"

Figure 12 - 3.3.02-1 Calculation of Parking Spaces



D. Compact Car Allowance.

1. A maximum of 30 percent of the total required off-street parking stalls may be permitted and designated for compact cars.
2. Each compact stall shall be marked with the word "COMPACT" printed onto the stall and maintained as such over the life of the use of both the space and the adjacent structure it serves.
3. Dimensions of compact parking stalls shall be eight feet by 17 feet.
4. Compact spaces shall be designated in one specific area of the off-street parking facility.

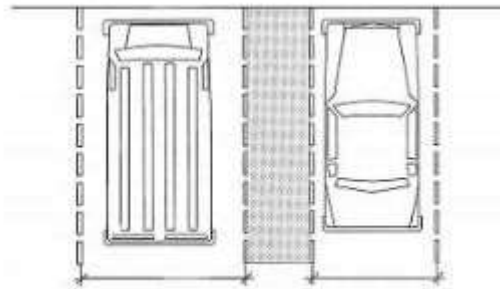
E. Carpool/Vanpool Parking. New office and industrial uses with 50 or more required parking spaces shall designate at least five percent of the spaces for employee carpool or vanpool parking. Employee carpool and vanpool parking shall be located closer to the building entrance or the employee entrance than other employee parking with the exception of accessible parking. The carpool/vanpool spaces shall be clearly marked "Reserved Carpool/Vanpool Only."

F. All traffic circulation lanes and fire lanes shall be maintained free and clear of merchandise, carts and any other materials to allow for emergency access.

G. Accessible Parking. The intent is to comply with the Americans with Disabilities Act by allowing a person with a physical disability to independently get to a site, facility, building, or element (American National Standards Institute, Inc.).

1. Location. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
2. Rehabilitation Facilities and Outpatient Physical Therapy Facilities. Twenty percent but not less than one of the portion of patient and visitor parking spaces shall be accessible.
3. Van Spaces. For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space.

Figure 13 - 3.1.01-2 Van Spaces



4. Accessible car and van parking space size shall be as follows:
 - a. Car parking spaces shall be eight feet minimum in width.
 - b. Van parking spaces shall be 11 feet minimum in width. Van parking spaces shall be permitted to be a minimum of eight feet in width where the adjacent access aisle is a minimum of eight feet in width.

Table 14 - 3.3.01-3 Accessible Parking Spaces Required

Table 3.3.01-3 – Accessible Parking Spaces Required

Total Parking Spaces Provided	Minimum Number of Accessible Spaces
1 to 100	1, plus one for every 25 or fraction thereof

**Table 3.3.01-3 – Accessible Parking
Spaces Required**

Total Parking Spaces Provided	Minimum Number of Accessible Spaces
101 to 200	5, plus one for every 50 or fraction thereof
201 to 500	7, plus one for every 100 or fraction thereof
501 to 1,000	2% of total
More than 1,000	20, plus one for every 100 over 1,000

H. Off-street parking shall comply with state law requirements regarding electric vehicle infrastructure including, but not limited to, Chapters [19.27](#) and [19.28](#) RCW, WAC [51-50-0427](#), and RCW [46.08.185](#), as now adopted or hereafter amended.

3.3.02 Off-street loading.

A. Every building or part thereof occupied for retail business, service, wholesale, manufacturing, storage, warehousing, hotel/motel, industrial, or any other similar use that receives or distributes materials or merchandise shall provide loading spaces on site in accordance with the following requirements:

1. All parking, loading, and maneuvering of trucks shall be conducted on private property and shall not interfere with off-street parking spaces or landscaping.
2. Loading spaces shall be located a minimum of 60 feet from any front property line. The Town clerk may allow exceptions when the applicant makes a written request demonstrating conditions that prohibit compliance with this requirement.
3. The minimum dimensions of off-street loading spaces shall be 12 feet wide by 30 feet long.
4. Required off-street parking spaces shall not be allowed within the truck dock apron space.

3.3.03 Bicycle parking.

A. Applicability. Bicycle parking shall be provided for new development in the multifamily and nonresidential zoning districts, except the industrial zoning district. Bicycle parking is not required when the primary use of a business is to service vehicles.

B. Bicycle parking shall consist of permanent bicycle racks capable of accommodating two or more bicycles and may be located indoors.

C. Multifamily developments shall provide one bike rack for every two buildings, including clubhouse and rental offices.

D. Commercial development shall provide bike spaces pursuant to Table 3.3.03-1.

Table 15 - 3.3.03-1 Required Bicycle Spaces

Total Parking Spaces Required	Minimum Number of Bicycle Racks Required
0 to 24	0
25 to 50	1
50 to 100	2
100 to 500	3
More than 500	4

E. The Town clerk may allow exceptions when the applicant makes a written request demonstrating site conditions that prohibit compliance with these requirements.

Section 4 – Historic Property Standards

3.4.01 Standards.

Any property, structure, object or district that has been designated as historic by being placed on a local, state or national register of historic places shall be subject to the following provisions:

- 1 All permits for remodeling of historic properties shall be reviewed by the Rockford Town Council or designee.
- 2 Any remodeling of the exterior appearance of an historic property shall be so constructed as to maintain the style of architecture represented by the original building.

3.4.02 Criteria for Designation

Any building, structure, site, object, or district may be designated for inclusion in the Town of Rockford Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art
4. Exemplifies or reflects special elements of Rockford's cultural, special, economic, political, aesthetic, engineering, or architectural history
5. Is associated with the lives of persons significant in national, state, or local history
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure significantly associated with an historic person or event
9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural pattern
10. Is a reconstructed building that has been executed in a historically accurate manner on the original site
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historic categories

3.4.03 Docketing

Public participation in identifying historical and archeologically significant sites shall be encouraged through docketing citizen' suggestions for designating buildings and/or sites of archeological or historical significance. All requests for docketing shall be reviewed by the Council for determination whether sites of potential historical or archeological significance shall be so designated by the Town. Review of docketed properties may be considered by the Council at any time, but shall occur no less than once per year.

The docket shall be kept by the Town and shall include:

- 1 Docket number
- 2 Date of docket entry
- 3 Name of person proposing designation
- 4 Description of the proposed site
- 5 Purpose for submittal

Section 5 – Outdoor Lighting Standards

3.5.01 Application

The requirements of this chapter and the Washington Energy Code apply to outdoor lighting requirements for all developments except one- and two-family dwellings and public street lighting

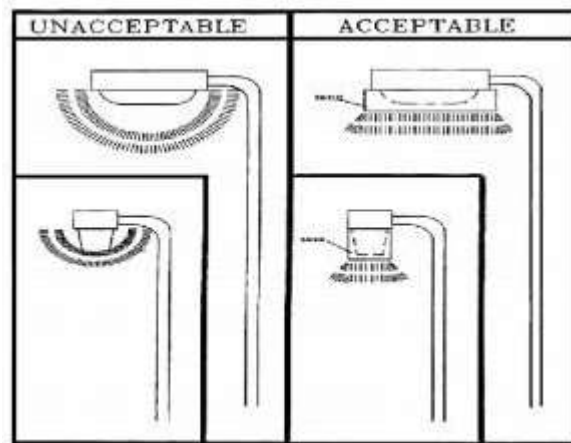
3.5.02 General requirements.

The installation of new outdoor lighting or the extension, modification or expansion of existing outdoor lighting is subject to the following requirements:

A. All outdoor lights shall include a light source and reflector that controls the light beam so that unshielded light does not extend across any bounding property line between incompatible uses or into the public right-of-way.

B. Outdoor lighting fixtures shall be designed so that the light source is shielded at any bounding property line except where topographical characteristics make this impossible.

Figure 14 – 3.5.02-1 Light Source Shielding Standards



C. Applications for commercial development will be evaluated by the town clerk or designee to determine if a lighting plan is required to assess and mitigate impacts. The need for a lighting plan will be based on the scope and scale of the project, compatibility with surrounding uses, and anticipated light impacts. If required, the plan will include the following:

1. A site plan showing the location of all outdoor light fixtures.
2. The type and method of shielding for each light fixture.

D. Lighting designed to accent landscaping features or architectural elements, including the illumination of pole-mounted flags of the United States, shall be concealed or positioned so that the light source is not visible at adjacent property lines.

E. Lighting for Outdoor Arenas, Stadiums and Playfields shall not remain on longer than thirty (30) minutes following the end of the event.

3.5.03 Prohibited lights.

The following lights are prohibited unless a temporary permit is obtained for specific events with specific times of operation:

A. Laser source light, strobe lights and similar high intensity light sources, except those associated with approved activities of the Town of Rockford. High intensity lights for which a temporary permit is issued shall not project above the horizontal plane nor extend into the public right-of-way.

B. Searchlights

3.5.04 Exceptions.

A. Navigation and airport lighting required for the safe operation of boats and airplanes.

B. Emergency lighting required by police, fire, and rescue authorities.

C. Lighting for state and federal highways authorized by the Washington State Department of Transportation.

D. Internal lighting of permitted signs.

E. Outdoor lighting for public monuments.

F. In-pool lighting for private swimming pools.

G. Holiday decorations.

3.5.05 Temporary lighting.

The Town clerk may authorize temporary exceptions not to exceed 30 days for good cause shown.

Section 6 – Wireless Communication Towers

3.6.01 Purpose

In addition to accomplishing the general purposes of the Zoning Ordinance and the Comprehensive Plan, the purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of personal wireless communications facilities including support structures and antennas. These standards were designed to comply with the Telecommunications Act of 1996. They are intended to protect property values and minimize visual impact while furthering the development of enhanced telecommunication services in the town.

The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

3.6.02 Applicability/Exemptions

The requirements of this ordinance shall apply to all new personal wireless communications facilities within the town of Rockford and the expansion and/or alteration of any existing personal wireless communications facilities. The following are exempt from the provisions of this ordinance:

1. Satellite earth stations using antenna(s) not more than two (2) meters in diameter in commercial and industrial districts and direct-to-home satellite services
2. Send and receive citizen band radio antennas or antennas operated by Federally licensed amateur ("ham") radio operators
3. Industrial, scientific and medical equipment using frequencies regulated by the FCC
4. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by the FCC by 47 CFR Parts 97 and 95 respectively
5. Military and Federal, State and local government communications facilities used for emergency preparedness and public safety purposes
6. Normal, routine and emergency maintenance and repair of existing wireless communications facilities and related equipment which do not increase the size, footprint or bulk of such facilities and which otherwise comply with the Town, State, and Federal law and regulations

3.6.03 Nonconforming Uses and Structures

Wireless communications uses and structures in existence as of the effective date of this ordinance that are nonconforming as to the use or development standards of this ordinance shall be subject to the nonconforming provision of Chapter 2 of the Development Regulations. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the requirements of this chapter.

3.6.04 Priority of Location and Prohibited Locations

In reviewing applications for new personal wireless communication facilities, preference shall be given to locations in the following order:

1. Attachment on existing structures shall be preferred to the construction of new support structures. Attachment to non-residential structures will have a higher priority than attachment to residential structures. In all cases, antennas shall not have a negative impact on views from public recreational areas such as parks or trails.
2. A new support structure shall only be considered when the applicant demonstrates that it is necessary to provide acceptable service and there are no suitable and available locations on existing structures. Support structures are prohibited within (1)

the Shoreline Management Act jurisdictional area, (2) sites in any general use type, other than Light Industrial, designated as 'historic' on any Town, State, or Federal register. In all cases, towers should not be visible from public recreational areas such as parks and trails

3.6.05 Development Standards

The following minimum development standards shall apply to all wireless communications facilities. In the event of a conflict between the standards of this section and the general development standards of the Zoning Ordinance, the more stringent standards shall govern.

1. Anti-climbing devices: All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices
2. Attachment to trees prohibited: It is prohibited to attach any wireless communication facility or portion thereof to any tree
3. Signs: All wireless communications support structures shall be identified with a non-illuminated sign not exceeding four (4) square feet. The sign shall list the wireless service provider's name and emergency telephone number and shall be posted in a place visible to the general public. No advertising signs shall be located on support structures or antennas, however antennas may be camouflaged as otherwise permitted signs
4. Lighting: Wireless communications facilities shall not be illuminated except where required by the FAA
5. Painting: Wireless communications facilities shall be painted or finished in a manner that blends with the dominant color of the background except where otherwise required by the FAA. The applicant and the operator of the facility shall have a continuing duty to maintain such paint or finish
6. Noise from accessory equipment: Facilities shall comply with State noise level standards under VVAC 173.60, as amended. Generators may only be permitted for emergency operation purposes. If air conditioning or other noise generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. The Town may require noise attenuation devices or other mitigation measures to minimize impacts
7. General Design Standards
 - a. Attached antennas (excluding collocated antennas on existing WCF structures) shall be designed or placed to blend with the predominant background or architectural features as seen from abutting residential uses, roadways or other public rights-of-way
 - b. When located on buildings, panel antennas shall be placed closely against walls or parapets and not extend above the wall or parapet unless an alternative design is required to a) achieve better compatibility with the building design or b) to obtain antenna function.

- c. Accessory equipment structures shall be placed underground or wholly enclosed in an existing structure or building, or designed to blend into the architecture and landscaping of the surrounding buildings or structures. When the equipment boxes are placed at ground level, landscaping shall be used to screen them.
 - d. Ground mounted dishes shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations. They shall be solidly screened to at least as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the top of the dish on sides adjacent to residential zones
 - e. Roof-mounted dishes shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening. They should be placed as close to the center of the roof as possible
 - f. Antennas on utility poles shall be limited to whip antennas no more than 2' in length and no more than one (1) per pole. No utility pole shall be extended in height in order to accommodate an antenna. No antennas shall be allowed on light standards
8. Setbacks Applicable: The following setback standards shall apply to wireless communications facilities:
- a. Accessory equipment structures shall comply with the setback requirements for main buildings in the underlying district. Support structures attached to buildings or permanent structures shall comply with the setback requirements for main buildings in the underlying district that are determined by the Planning Commission to be those applicable to a building of a height equal to that of the combined building/structure and antenna
 - b. Free standing wireless communications support structures located in a residential district shall be set back from any property line by a distance equal to the height of the wireless communications support structure or the setback of the underlying use district, whichever is greater
 - c. Free standing wireless communications support structures located in any other type of district shall be set back from any WCF site property line abutting or adjacent to a residential use district by a distance equal to the height of the wireless communications support structure or the setback of the underlying use district, whichever is greater
 - d. Setbacks for free standing wireless communications support structures shall be measured from the ground-level base of the structure
 - e. The setback in any district may be reduced at the sole and absolute discretion of the Town subject to satisfaction of the variance criteria in Chapter 6.3
9. Landscaping Standards: Wireless communications facilities shall be subject to the following landscaping and screening standards:

- a. The perimeter of the wireless communication support structure and any guyed wires and anchors shall be enclosed by a fence or wall at least 6' in height. A row of shrubs, spaced not more than 5' apart and capable of growing to form a continuous hedge at least 5' high within five (5) years of planting and at least one (1) row of trees or shrubs spaced not more than 10' apart nor less than 6' high when planted. These materials shall be installed on the outside of fences
 - b. Landscape material should be selected and sited to produce a hardy and drought resistant landscape area
 - c. Maintenance of the landscaped area shall be the responsibility of the applicant and/ or operator of the facility. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with healthy in-kind materials. Temporary irrigation shall be provided to help ensure survival during the plant establishment period
 - d. The Council may allow the use of any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. The Council may waive the standards for those sides of the facility that will not be visible from public streets or adjoining properties
 - e. Existing vegetation shall be preserved to the maximum extent practicable
 - f. When landscaping installation is required, a maintenance bond, assignment of funds or other financial guarantee acceptable to the Town shall be provided in the amount of 50% of the value of the labor and materials. The guarantee shall be in effect for two (2) years from the date of planting
10. General Height Standards: The following standards shall apply to wireless communications facilities:
- a. The height of a wireless communications facility shall include the support structure and any attached antennas proposed at the time of application
 - b. The applicant shall demonstrate that the tower and antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved
 - c. A lightning rod, not to exceed 10' in height or FAA required lighting shall not be included within the height limitations
 - d. The height of attached antennas may exceed the height limit of the underlying zone provided the height limits of this chapter shall apply
11. Performance Bond: The operator of the facility shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the Town of Rockford in the amount of 150% of the estimated cost of removal as determined by the Town Council, but not less than \$1,000. The bond is intended to

cover the costs of removal of such facility at such time as the facility may be required to be removed

12. Building and Utility Permits: The applicant for a permit pursuant to this ordinance shall apply for building and any other applicable permits and obtain these permits prior to installation

3.6.06 Additional Standards for Residential Single and Residential Multi Districts

1. Support Structures

- a. Lattice towers are prohibited. Monopole support structures are prohibited on sites containing residential uses
- b. Monopole wireless communication support structures shall not be located on sites that contain residential uses. The height limits of the zone may be exceeded by 15' provided the applicant demonstrates the structure height is the minimum necessary to adequately function. An additional 15' may be allowed when collocation is specifically provided for on the tower
- c. Support structures shall require a conditional use permit

2. Attached Antennas

- a. Antennas are prohibited on single-family dwellings, duplexes and their accessory structures. Dish antennas shall not be mounted on roofs without a special exception under the provisions of Chapter 6.3
- b. The following antennas may be permitted through WCF permit:
 1. Collocation on an existing wireless communication support structure provided no more than 16' is added to the height of the facility
 2. Attachment to a non-residential structure on a site not used exclusively for residential purposes provided the antenna does not extend more than 16' above the roof
- c. Ground mounted dish antennas may be located on sites not used exclusively for residential purposes provided the antenna is not more than 15' in height above ground level nor more than 12' in diameter
- d. Antennas on a site used exclusively for residential purposes or attached to residential structures require conditional use permit approval. The height limits in (2) above shall apply

3.6.07 Additional Standards for Commercial Districts

1. Support Structures

- a. Support structures shall require a conditional use permit. The height limit of the zone may be exceeded provided the maximum height shall be 100', with a bonus of an additional 20' of height if the structure provides for collocation

2. Attached Antennas

- a. Antennas shall not be attached to single-family dwellings, duplexes or their accessory structures

- b. Except in the Central Commercial Zone, antennas on sites used exclusively for residential purposes and antennas attached to residential structures shall require a conditional use permit
- c. Other attached antennas, ground mounted dishes and collocated antennas shall require a WCF permit
- d. Antennas attached to structures shall not extend more than 16' above the roof or parapet. Collocated antennas shall not extend more than 16' above the support structure

3.6.08 Additional Standards for Industrial Districts

1. Support Structures

- a. Support structures shall require a conditional use permit and shall not exceed a height of 100'. A bonus of 20' feet in height may be granted if the facility provides for collocation

2. Attached Antennas

- a. Antennas shall not be attached to single-family dwellings and duplexes or their accessory structures
- b. Attached antennas shall not extend more than 16' above the roof or parapet
- c. Collocated antennas shall not extend more than 16' above the existing structure
- d. Attached antennas, ground mounted dishes and collocated antennas shall require a WCF permit

3.6.09 Additional Provisions for Public Zones

- 1. In Public-Utilities zones any VVCF facility allowed through a WCF approval in a Central Commercial Zone may be permitted through a WCF permit and shall be subject to the same performance criteria. In other Public zones, any WCF facility allowed through a WCF approval in a residential zone may be allowed through a VVCF permit and shall be subject to the same performance criteria
- 2. Any other WCF facility may be considered through a conditional use permit
- 3. Support structures shall not exceed 100' in height. A bonus of 20' may be granted if the facility provides for collocation

3.6.10 Temporary Uses

Wireless communication facilities may be permitted as a temporary use with review by the Town Council in order to facilitate continuity in wireless communications service during repair or maintenance of existing wireless communications facilities or prior to completion of construction of new wireless communications facilities. Such temporary wireless communications facilities shall operate for not more than 60 days within a 6-month period commencing when transmission from such facility begins. The wireless

communications facilities shall be removed within 30 days after the facility is no longer needed for telecommunications purposes.

3.6.11 Wireless Communication Facility Permit

A wireless communication facility application shall follow the procedures in Chapter 5.7. If a conditional use permit is required, the application shall follow the procedures in Chapter 2.3 for a conditional use.

3.6.12 Special Exceptions

When adherence to all development standards of this section would result in a physical barrier that would block signal reception or transmission or prevent effective communication in all permissible locations, a special exception may be permitted provided criteria outlined below are met. Exceptions do not apply to variations from the International Building Code. A variance pursuant to Chapter 6.3 is required for variations from applicable zoning regulations not described in this section.

The approval authority for granting of the special exception shall be the same as that of the permit approving the antenna location. A request for a special exception shall be processed in conjunction with the permit approving the antenna location.

Upon review of special exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antenna or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

Special Exception Criteria

1. The applicant shall justify the request for a special exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control. Pictures, scaled drawings, maps and/ or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the Town that the special exception is necessary
2. The applicant for a special exception shall demonstrate that the proposed materials, shape, and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts
3. Attached antennas requesting a special exception for height shall be reviewed through the same process as a support structure in the zone in which the antenna is located
4. Requests for special exceptions for setback reductions shall also be judged based on the following criteria:

- a. The extent to which screening and camouflaging will be employed to mitigate the effects of the structure vs. the value of the setback in providing such screening
- b. The need for the setback reduction to facilitate a location or design that better satisfies the criteria of this chapter
- c. The impact on adjacent properties
- d. Location in a street right-of-way

3.6.13 Application Requirements and Conditions of Issuance

Applicants shall submit the following information in addition to standard application materials.

A scaled site plan clearly indicating the location of the proposed facility, all other structures and uses on the site, adjacent roadways, proposed means of access, parking, existing and proposed landscaping and setbacks from property lines

1. Elevation drawings of the proposed tower, the equipment structure, existing structure with proposed antenna, fencing, buffering/screening, type of architectural treatment, and any other feature necessary to show compliance with the applicable standards
2. Legal description and ownership of the parcel
3. A valid agreement for collocation on an existing WCF support structure or on an existing building or structure; or a location evaluation study as described in (e.) below
4. For new freestanding support structures, a location evaluation study shall be showing that the structure is required for present and future network coverage, that the height requested is the minimum necessary to provide for the function and potential collocated antennas and why the antennas could not be collocated on an existing structure. In residential zones, the applicant shall provide adequate proof that the facility could not be located in a non-residential zone
5. The applicant shall submit a letter of credit, performance bond or other security acceptable to the Town, as described in Chapter 5.1, to cover future costs of removal of the antenna and/ or tower
6. A report from a licensed professional engineer documenting:
 - a. That the support structure is designed for collocation of other antennas (if applicable)
 - b. An estimate number of the wireless communication facilities which the applicant and/ or prospective operator of the facility reasonably anticipates placing within the Rockford urban growth area during the next five (5) years
7. Proof of license by the FCC, if applicable
8. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed wireless communication support structure
9. A declaration under penalty of perjury or sworn statement by the applicant:

- a. That the antenna usage will not interfere with other adjacent or neighboring transmission or reception communications signals
- b. That any tower will comply with all applicable Federal and State laws, including specifically FCC and FAA regulations and the Zoning Ordinance and Development

Regulations

- c. If a leased site, a lease agreement which specifies or shows that it does not preclude the site owner from entering into leases on the site with other providers

3.6.14 General Criteria for Issuance of Permits

1. Any applicant for a land use permit (other than a building permit) proposing to install an antenna support structure or mount an antenna on an existing structure shall demonstrate by engineering evidence that:
 - a. The antenna must be located at the site to satisfy its function in the applicant's local grid system. The Town may require the applicant to provide feasibility studies that demonstrate that locations on existing structures and/ or in higher priority locations have been explored and are not feasible or available
 - b. The height requested is the minimum height necessary to fulfill the site's function within the grid system
2. In addition to standard criteria, the authority granting the permit shall find that:
 - a. The facility is to be collocated with an existing wireless communications facility
 - b. The facility is to be located on an existing building or structure, or
 - c. That all reasonable measures to collocate the facility or to locate the facility to an existing building or structure have been considered by the applicant and are not feasible
3. The permit may include requirements which:
 - a. Minimize visual impacts to the greatest extent possible by maximum feasible use of camouflage or screening, including but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or live or simulated vegetation, undergrounding of accessory equipment structures, incorporation of wireless communications support structures, antennas and other appurtenances into the architectural features of existing buildings or structures and by requiring compatibility with key design elements in the surrounding area; for example: use of brick or other material similar to that used in adjacent buildings or structures; incorporation of support structures into compatible architectural features such as flag poles, bell towers or cornices; or use of simulated vegetation to camouflage support structures

- b. Locate wireless communication facilities so as to minimize the visibility of the facility to residentially zoned land and so as to minimize the obstruction of scenic views from residentially zoned land
- c. Require the mounting of the facility on existing buildings or structures, or use of other, alternatives with less visual, aesthetic or safety impacts, as an alternative to use of a monopole or lattice tower
- d. Require the applicant, owner or operator of the facility to furnish legal indemnification to the Town of Rockford for any liability related to the installation, operation or maintenance of the facility or facilities.

Section 7 – Adult Entertainment Businesses

3.7.01 Purpose

The Town recognizes that there are adult entertainment that, due to their nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods and schools, thereby having deleterious impacts upon the quality of life in the surrounding areas. Courts and communities across the nation have acknowledged that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to insure the adverse secondary effects of the establishments are minimized.

This chapter is intended to protect the general public health, safety, and welfare of the citizenry of the town through the regulation of the operations and licensing of adult entertainment devices, premises, and personnel of adult entertainment businesses. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any constitutionally protected sexually oriented or explicit communicative materials, or communicative performances. The regulations set forth herein are intended to prevent and control health, safety, and welfare issues, the decline in neighborhood conditions in and around adult entertainment businesses, and to prevent dangerous and unlawful conduct associated with these facilities. This chapter may not be construed as permitting or promoting obscene conduct or material.

3.7.02 Classification

Adult entertainment businesses are classified as follows:

1. Adult arcades
2. Adult bookstores, novelty stores, and adult video stores
3. Adult cabarets
4. Adult motels
5. Adult motion pictures theaters
6. Adult theaters
7. Escort agencies
8. Nude model studios

3.7.03 License Required

It is unlawful:

1. For any person to conduct, maintain or operate an adult entertainment business unless such person is the holder of a valid and subsisting license from the Town to do so, obtained in the manner provided in this chapter
2. For any entertainer, employee, or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment business
3. For any entertainer to perform adult entertainment in an adult entertainment business unless such person is the holder of a valid and subsisting license from the Town to do so, obtained in the manner provided in this chapter
4. For any manager to work in an adult entertainment business providing on-site adult entertainment unless such person is the holder of a valid and subsisting license from the Town to do so, obtained in a manner provided in this chapter

3.7.04 Licenses • Fees and Duration

All applications for an adult entertainment business (whether for a new license or renewal of an existing license) shall require a nonrefundable application and investigation fee to be determined by the Planning Commission- In addition to the application and required investigation fee, the following fee policies apply:

1. Every adult entertainment business that is granted a license (new or renewal) shall pay to the Town an annual nonrefundable license fee, to be determined by the Planning Commission, within 30 days of license issuance or renewal
2. Every application for an adult entertainment business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee to be determined by the Town Council.
3. There shall be no pro-ration of the licensing fees described in this subsection, except that the fee for any such license obtained after June 30th shall be one-half (1/2) of the fees provided in this section
4. All fees collected shall be used for the administration of this section.

3.7.05 License Prohibited to Certain Classes

No license shall be issued to:

1. A person who has not attained the age of twenty-one (21) years, except that a license may be issued to a person who has attained the age of eighteen years

with respect to adult entertainment businesses where no intoxicating liquors are served or provided

2. A person whose place of business is conducted by a manager or agent, unless the manager or agent has obtained a manager's license
3. A partnership, unless all the members of the partnership are qualified to obtain a license. The license shall be issued to the manager or agent of the partnership
4. A corporation, unless all the officers and directors of the corporation are qualified to obtain a license. The license shall be issued to the manager or agent of the corporation

3.7.06 License Application

Adult Entertainment Businesses

1. All applications for an adult entertainment business license shall be submitted to the Town Clerk in the name of the person or entity proposing to offer adult entertainment, and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Town, which shall require the following information:
 - a. The names, aliases or previous names, driver's license numbers (if any), Social Security numbers, business, mailing and residential addresses, and business telephone numbers for the applicant and for each applicant control person
 - b. If a partnership, whether the partnership is general or limited; and if a corporation, the date and place of incorporation, evidence that the corporation is in good standing under the laws of the state of Washington and the name and address of any registered agent for service of process
 - c. Whether the applicant or applicant control person(s) holds any other license under this chapter or for any other adult entertainment business, either from this Town or from another town or city, county, or state, and if so, the name and address of every other licensed adult entertainment business
 - d. A summary of the business history of the applicant and applicant control person in owning or operating adult entertainment business, including names, addresses and dates of operation for such businesses, and whether any adult entertainment licenses have been revoked or suspended, and the reasons therefore
 - e. Any and all criminal convictions or forfeitures of the applicant and all applicant control persons, other than parking offenses or minor traffic infractions, occurring within five (5) years immediately preceding the date of the application, including the dates of conviction, nature of the crimes, the names and locations of courts and dispositions
 - f. A description of the business, occupation, or employment histories of the applicant and all applicant control persons for the three (3) years immediately preceding the date of the application

- g. Authorization for the Town, its agents and employees to seek information to confirm any statements set forth in the application
 - h. The location and doing-business-as name of the proposed adult entertainment business, including a legal description and street address of the property, and the names, addresses, and telephone numbers of each owner and lessee of the property
 - i. Two-by-two inch color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application and showing only the full face
 - j. A complete set of fingerprints for the applicant and each applicant control person, which shall be taken by the Town's designated police agency
 - k. A scale drawing or diagram showing the configuration of the premises for the proposed adult entertainment business, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office, and stations, restrooms, arcade booths or devices, overhead lighting fixtures, and service areas shall be clearly marked on the drawing. An application for an adult entertainment business must include building plans that demonstrate conformance with the Town building code requirements
2. An application shall be deemed to be complete upon the applicant's provision of all information required above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The Town may request other information or clarification in addition to the information provided in a complete application where it is necessary to determine compliance with this chapter
 3. A nonrefundable license fee, determined by the Planning Commission, must be paid at the time of the filing an application in order to defray the costs of processing the application
 4. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true
 5. If, subsequent to the issuance of an adult entertainment license, any person or entity acquires a significant interest or responsibility for the management or operation of the licensed premises or the licensed business, notice shall be provided in writing to the Town Clerk no later than twenty one (21) days following such acquisition. The notice shall include the information required from the original applicant and applicant control person

Adult Entertainment Business Manager and Entertainer Licenses

1. No person shall work as a manager, assistant manager, or entertainer at an exotic dance studio without a manager or entertainer license from the Town. Each application for such a license shall be signed by the applicant and certified as true by the applicant under penalty of perjury. All applications shall be submitted on a form supplied by the Town, and shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by the Town's police department employees, Social Security number, and any stage names or nicknames used in entertaining
- b. The name and address of each adult entertainment business at which the applicant intends to work
- c. Documentation that the applicant has attained the age of at least eighteen years.

Acceptable proof of age includes: a motor vehicle license issued by any state bearing the applicant's photograph and date of birth; a state issued identification card bearing the applicant's photograph and date of birth, an official passport issued by the United States of America; an immigration card issued by the United States of America; or any other identification that the Town Clerk determines to be acceptable

- d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other town, city, county, or state within five (5) years immediately preceding the date of the application, except parking violations or minor traffic infractions
 - e. A description of the applicant's principal activities or services to be rendered
 - f. Two two-by-two inch color photographs of the applicant, taken within six (6) months of the date of the application and showing only the full face of the applicant
 - g. Authorization for the Town, its and employees to investigate and confirm any statements set forth in the application
2. An application shall be deemed to be complete upon the applicant's provision of all information required above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The Town may request other information or clarification in addition to the information provided in a complete application in order to determine compliance this chapter
 3. A nonrefundable application fee, determined by the Planning Commission, shall be submitted with the application to defray the costs of processing the application
 4. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true

3.7.07 Processing of License Applications

1. Upon the receipt of a complete adult entertainment business license application and fee the Town Clerk shall provide copies of the application to the Spokane County Sheriff's, Department for their investigation and review to determine compliance with the laws and regulations of which the department administers. The department shall, within 30 days of the date of such application, review the application and inspect the premises. No license may be issued unless the

department reports that the application and premises complies with the laws administered by that department. In the event that the premises is not yet constructed, the department shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. The department shall recommend denial of a license under this subsection if it finds that the applicant or proposed adult entertainment business is not in conformance with the requirements of this chapter or other law in effect in the Town. A recommendation for denial shall cite the specific reason therefore, including applicable laws

2. An adult entertainment business license shall be issued by the Town Clerk within 30 days of the date of filing a complete application and fee, unless the Clerk determines that the applicant has failed to meet any of the requirements of this chapter, failed to provide any information required under this section, or made a false, misleading, or fraudulent statement of material fact on the application for a license. The Town Clerk shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the Town Clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult entertainment business license, the Town Clerk shall deny the application in writing and shall cite the specific reason therefore, including applicable law
3. If the Town Clerk fails to issue or deny the license within 30 days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable laws, to operate the business for which the license was sought until notification by the Town Clerk that the license has been denied, but in no event may the Clerk extend the application review time for more than an additional 20 days
4. The Town Clerk shall deny an application for an adult entertainment business if:
 - a. The applicant is under eighteen years of age
 - b. The applicant is overdue on its payment to the Town of taxes, fees, fines, or penalties assessed against it in relation to an adult entertainment business
 - c. The applicant or an applicant control person has been convicted of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in RCVV Chapter 69.50) in the five (5) years immediately preceding the license application
 - d. The applicant has failed to provide information required by the license application or has made, with the intent to mislead, a materially false representation in the application for a license under this chapter
 - e. The applicant has failed to comply with any provision or requirement of this chapter
 - f. The applicant has had an interest in any license granted under this chapter revoked within six (6) months from the date of application

3.7.08 License Renewal

The licenses described in this chapter shall expire annually on December 31st. Applications for renewal of licenses must be made to the Town Clerk no later than 30 days prior to the expiration of adult entertainment business, manager, and entertainer licenses. A renewal license shall be issued in the same manner and upon payment of the same license renewal fees as the original application under this chapter. All applicants shall present their current license for verification of identity, and upon issuance of the renewed license shall surrender the expiring license to the Town Clerk. There shall be assessed and collected by the Town, an additional charge of 25% of the license fee on an application not made on or before the date provided herein. The Town Clerk shall renew a license upon application if it complies with all provisions of the chapter as now enacted or as the same may hereafter be amended, unless the Town Clerk is aware of facts that would disqualify the applicant from being issued the license for which renewal is sought.

3.7.09 Other License Requirements

1. Duty to Supplement
 - a. Applicants for a license under this chapter shall have a continuing duty to supplement promptly required application information if the information changes from what is stated on the application
 - b. If any person or entity acquires an interest in the licensed premises or the licensed business subsequent to the issuance of an adult entertainment business license for places offering adult entertainment, an agent of the licensed adult entertainment business shall immediately notify the Town Clerk in writing of the acquisition. The notice shall include the information required for the original adult entertainment business. The failure to supplement the application on file with the Town Clerk regarding such change in ownership interest, within 30 days of the date of such change shall be grounds for suspension or revocation of a license
 - c. Any new or additional applicants or applicant control persons must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with health, fire, and building codes of the Town and the Spokane County Health District
 - d. The fact that an applicant or applicant control person possesses other types of state, city, or town permits and/or licenses does not exempt the applicant or applicant control person from the requirement of obtaining an adult entertainment license
2. License Nontransferable. No license or permit issued pursuant to this chapter shall be assignable or transferable. For purposes of this chapter, "assignable" or "transferable" shall mean and include any of the following:
 - a. The sale, lease, or sublease of the business

- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means
 - c. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law.
 - d. Name and Place of Business. No person granted a license pursuant to this chapter shall operate an adult entertainment business under a name not specified on the license, nor shall he or she conduct business under any designation or location not specified in the license
- 3. Posting and Display of License
 - a. The adult entertainment business license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date and the address of the licensed adult entertainment business. The license shall be posted in a conspicuous place at or near the entrance of the licensed premises so that it can be easily read at any time the business is open
 - b. The license of the adult entertainment business manager on duty shall be prominently posted during business hours
 - c. Entertainer licenses need not be posted, but must be available on the premises when the entertainer is on the premises for immediate inspection by any Town official or law enforcement agency having jurisdiction. Managers' and entertainers' licenses must be endorsed by the Town Clerk for the business premises for which the manager is managing and the entertainer is entertaining
 - d. Photocopies and other forms of reproduction shall not be accepted as proof of issuance of any license required under this chapter
- 4. Violation: Any violation of the provisions of this section is a misdemeanor as set forth in this chapter

3.7.10 Expiration of License

- 1. Each license shall expire at the end of the calendar year (December 31st) and may be renewed only by making application as provided in this chapter
- 2. When the Town Clerk denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the Town Clerk finds that basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final

3.7.11 Inspection

An applicant or licensee shall permit representatives of the Spokane County Sheriff's Department, county health district, fire department and other Town departments or agencies to inspect the premises of an adult entertainment business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. A person who manages an adult entertainment business or his agent or employee who

refuses to permit such lawful inspection of the premises at any time it is open for business will be faced with misdemeanor charges from the Town.

3.7.12 License Suspension and/or Revocation

The Town Clerk may suspend or revoke the license of an adult entertainment business:

1. Upon the recommendation of the Spokane County Sheriff's Department, and as provided in this section, the Town Clerk may suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of the fact; or for the violation of, or failure to comply with the provisions of this chapter by the licensee or by any of its servants, agents, or employees when the licensee knew or should have known of the violations committed by his servants, agents, or employees; or for the conviction of any licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as the term is defined in RCW Chapter 69.50) committed on the premises, or the conviction of any of its servants, agents, or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as the term is defined in RCW Chapter 69.50) committed on the premises, when the licensee knew or should have known of the violation committed by its servants, agents, or employees
2. A license procured by fraud or misrepresentation shall be revoked. When other violations of this chapter or other applicable chapters, statutes, or regulations are found, the license shall be suspended for 30 days upon the first such violation, 90 days upon the second violation within a twenty-four (24) month period, and revoked for a third and subsequent violations within a twenty-four (24) month period, not including periods of suspension

3.7.13 Appeal

The Town Clerk shall provide at least ten (10) days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the Town Council and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The licensee may appeal the revocation or suspension by filing a notice of appeal with the Town Clerk before the effective date of the revocation or suspension. The Town Council shall set a date for hearing such appeal to take place within forty-five (45) days of the date of receipt of the notice of appeal. Alternatively, the Town Council may designate an administrative hearings examiner to conduct the hearing and submit his/her findings and recommendation to the Town Council. The Town Council shall render its decision within 30 days following the close of the appeal hearing. The decision of the Town Council shall be final and conclusive unless within ten (10) days of the date of decision, any person aggrieved by the decision makes application to the Spokane County Superior Court for a writ of review, prohibition, or mandamus. The

decision of the Town shall be stayed during the pendency of any appeal, except as provided in this section.

3.7.14 Standards of Conduct and Operation - Exotic Dance Studios

1. The following standards of conduct must be adhered to by the employees of any studio while in any area in which members of the public are allowed to be present:
 - a. No manager, entertainer, or employee shall be unclothed or in such less than opaque and complete attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches above the immediate floor level and removed at least ten (10) feet from the nearest member of the public
 - b. No manager, entertainer, or employee mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume, or clothing as described in subsection (a)(I) of this subsection, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same
 - c. No manager, entertainer, or employee mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, any portion of the pubic region, or buttocks
 - d. No manager, entertainer, or employee shall caress, fondle, or erotically touch any member of the public. No manager, entertainer, or employee shall encourage or permit any member of the public to caress, fondle, or erotically touch any manager, entertainer, or employee
 - e. No manager, entertainer, or employee shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of RCW Chapter 7.48A, the Washington Moral Nuisances Statute.
 - f. No manager, entertainer, or employee mingling with members of the public shall conduct any dance, performance, or exhibition, in or about the non-stage area of the exotic dance studio unless the dance, performance, or exhibition is performed at a distance of no less than four (4) feet from any member of the public
 - g. No tip or gratuity offered to or accepted by an entertainer may be offered or accepted prior to any performance, dance, or exhibition provided by the entertainer. No entertainer performing upon any stage shall be permitted to accept any tip or gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the exotic dance studio or provided through a manager on duty on the premises. Any gratuity or up offered to any adult entertainer conducting any performance, dance, or exhibition in

or about the non-stage area of an exotic dance studio shall be placed into the hand of the entertainer or in a receptacle provided by the entertainer, and not upon the person or into the clothing of the entertainer

2. An exotic dance studio must meet the following facility specifications:
 - a. Performance Area. The performance area of an exotic dance studio, where adult entertainment is provided, shall be a stage or platform at least eighteen inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least ten (10) feet from all areas of the premises to which members of the public have access. A continuous railing, at least three (3) feet in height and located at least ten (10) feet from all points of the performance area, shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms, or stalls where adult entertainment is provided must be visible from the common areas of the premises and at least one (1) manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes, or any other obstruction whatsoever
 - b. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on ten (10) foot centers is established for all areas of the exotic dance studio where members of the public are permitted
 - c. Alcohol prohibited without a license. An individual may not possess, consume or serve an alcoholic beverage unless, and to the extent, the adult club is covered by a valid liquor license issued by the Washington State Liquor Control Board
 - d. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an entertainer, employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises
 - e. Prohibited hours of operation. The business license holder, business control person or manager may not operate the adult club, or allow the adult club to be open to customers, between two (2) a.m. and ten (10) a.m.
 - f. Restrooms. Restroom facilities provided for customers must be separate from those provided for employees and entertainers
3. At any exotic dance studio, the following are required:
 - a. Admission must be restricted to persons of the age of eighteen years or older. It is unlawful for any owner, operator, manager, or other persons in charge of an exotic dance studio to permit knowingly or to allow any such person under the minimum age to be in or upon the premises
 - b. Neither the performance nor any photograph, drawing, sketch, or other pictorial or graphic representation thereof displaying any portion of the

breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the exotic dance studio

- c. No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the exotic dance studio, which shall include, but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas, provided, that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into non-public areas to the extent required to perform their job duties
- 4. The responsibilities of the manager of an exotic dance studio shall include, but are not limited to:
 - a. Licensed manager shall be on duty on the premises of the exotic dance studio at all times that adult entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license
 - b. A manager shall not perform as an entertainer on those days during which he or she acts as a manager on duty of the exotic dance studio
 - c. The manager or an assistant manager, licensed under this chapter, shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the exotic dance studio. Where there is more than one (1) performance area, or the performance area is of such size or configuration that one (1) manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the exotic dance studio
 - d. The manager shall be responsible for and shall assure that the actions of the public, adult entertainers, and all other employees shall comply with all requirements of this chapter

3.7.15 Standards of Conduct and Operations — Adult Arcades

On the premises of an adult arcade, the adult arcade and its business license holders, applicant control persons, managers, employees, entertainers and customers shall adhere to the operating requirements and standards of conduct specified in the following:

- a. Business license holder and applicant control persons responsible. The adult entertainment business license holder and any applicant control

person shall be responsible for and shall assure that the conduct of the managers, employees, entertainers and customers of the adult arcade complies with this chapter.

- b. Licensed manager required on premises. The adult arcade must, during hours of operation, have a licensed manager on duty who is stationed in a location from which every booth and customer area of the business is visible at all times, either by direct line of sight or by continuous video monitoring
- c. Licensed manager responsible. The on-duty manager is responsible for and shall assure that the conduct of the entertainers, employees and customers of the adult arcade complies with this chapter
- d. . Posting of licenses. The holder of the adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager
- e. Prohibited hours of operation. The adult arcade business license holder, business control person or manager may not operate the adult arcade or allow the adult arcade to be open to customers between two (2) a.m. and ten (10) a.m.
- f. Minors prohibited. An individual under eighteen years old may not be in or on the premises of the adult arcade. The adult arcade business license holder, business control person or manager may not permit or allow a person under eighteen years old to be in or on the premises
- g. Alcohol prohibited without license. An individual may not possess, consume or serve an alcoholic beverage in the adult arcade unless, and to the extent, the business is covered by a liquor license issued by the Washington State Liquor Control Board.
- h. Live performances. A live performance provided in the arcade must be conducted in a performance area that is inaccessible to a customer and separated from an individual in a booth in accordance with the facility specifications of this chapter
- i. Obscene performances prohibited. An obscene performance may not be displayed or exhibited
- j. Sexual conduct prohibited. An individual may not engage in sexual conduct

- k. Single occupancy of booths. An individual may not be present in a booth with one (1) or more other individuals
 - l. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises
2. An adult arcade must meet the following facility specifications:
- e. All booths must be visible from the common area immediately inside an adult arcade's entrance unless the arcade is configured such that all the booths are located in a section of the premises dedicated solely for that purpose within the arcade, herein referred to as a "booth section". If the booths are located in a booth section within the arcade, all booths must be visible from the entrance to the booth section. The entrance to the booth section must be open to the arcade common area and may not be obstructed by a curtain, door, wall, merchandise, display rack or other material
 - f. A booth may not exceed twelve (12) square feet in size and may not be equipped with a door, curtain or screening device that prevents the manager, county inspector or law enforcement personnel from determining the number of individuals inside the booth. The bottom of any door, curtain or screening device on a booth must be at least twenty four (24) inches above the floor of the booth. The top of any door, curtain or screening device on a booth may not exceed sixty-six (66) inches above the floor unless the door, curtain or screening device has an opening, or clear, clear window, at least twelve (12) inches in height and twenty-four (24) inches in width, located between sixty-six (66) and seventy-eight (78) inches above the floor of the booth, that provides an unobstructed view to the side walls and back wall of the booth. A booth door or other screening device may not be equipped with a locking device
 - g. A chair or seating surface in a booth may not provide a seating surface of more than eighteen inches in either length or width and may not be higher than the bottom of a door, curtain or other screening device. There may not be more than one chair or seating surface in a booth
 - h. If an individual is able to view a live performance from an arcade booth, the booth must be constructed so that the opening between the booth and the performance area is entirely covered by an immovable panel of transparent nonporous material that extends the full length and width of the opening, does not contain a hole and prevents contact between the individual in the booth and the entertainer

- i. An arcade may not contain a space for more than one (1) person to view adult entertainment unless the space is licensed ms, and meets the specifications for, an adult theater under this chapter
- j. A door to an area on the premises that is available for use by customers may not be locked during business hours
- k. Steps or risers are not allowed in a booth
- l. Sufficient lighting must be provided and equally distributed throughout the areas that are open to and used by customers such that, during hours of operation, all objects are plainly visible. "Sufficient lighting" means a minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on ten (10) foot centers, for all areas open to and used by customers
- m. A restroom may not contain viewing equipment
- n. The floor, walls and ceiling surfaces in a booth must be made of nonporous, easily cleanable surfaces and may not consist of rugs or carpeting
- o. A ventilation device or hole in a booth must be covered by a permanently affixed ventilation cover. A ventilation hole may be located only within one (1) foot from the top of or one (1) foot from the bottom of the booth walls, or both. There may not be any other holes or openings in the booths
- p. The premises must be maintained in a clean and sanitary condition

Adult entertainment provided on the premises of an adult arcade, or a pictorial representation of adult entertainment displaying nudity or sexual conduct; must not be visible from outside the business.

3.7.16 Standards of Conduct and Operations - Adult Motion Picture Theaters

- 1. On the premises of an adult motion picture theater, the theater and its business license holders, applicant control persons, managers, employees and customers shall adhere to the operating requirements and standards of conduct as specified in the following:
 - a. Business license holder and applicant control persons responsible. The adult entertainment business license holder and any applicant control person shall be responsible for and shall assure that the conduct of the managers, employees and customers of the adult theater complies with this chapter
 - b. Licensed manager required on premises. The adult motion picture theater must have, during hours of operation, a licensed manager on duty who is stationed in a location from which every viewing area and all customer areas of the business are visible at all times either by direct line of sight or by continuous video monitoring
 - c. Licensed manager responsible. The on-duty manager is responsible for and shall assure that the conduct of the employees and customers of the adult theater complies with this chapter

- d. Posting of licenses. The holder of an adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager
 - e. Prohibited hours of operation. The adult motion picture theater business license holder, applicant control person or manager may not operate the adult theater or allow the adult motion picture theater to be open to customers between two (2) a.m. and ten (10) a.m.
 - f. Minors prohibited. An individual under eighteen years old may not be in or on the premises of the adult motion picture theater. An adult motion picture theater business license holder, applicant control person or manager may not permit or allow a person under eighteen years old to be in or on the premises
 - g. Alcohol prohibited without license. An individual may not possess, consume or serve an alcoholic beverage in the adult motion picture theater unless, and to the extent, the business is covered by a liquor license issued by the Washington State Liquor Control Board
 - h. Obscene performances prohibited. An obscene performance may not be displayed or exhibited in the adult motion picture theater
 - i. Sexual conduct prohibited. An individual may not engage in sexual conduct
 - j. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises
2. An adult motion picture theater must meet the following facility specifications:
- a. The interior of an adult motion picture theater must be configured such that any entrance used by a customer shall open into a common area. All seats in a viewing area must be visible from the to the viewing area without obstruction by a curtain, door, wall, merchandise, display rack or other material
 - b. An area in an adult motion picture theater in which adult entertainment is viewed must contain at least eight (8) seats. The seats must be permanently affixed to the floor and must all face the screen on which the adult entertainment is viewed
 - c. Subject to seat availability, an adult motion picture theater viewing area must be open to any person entering the adult motion picture theater and may not be reserved for use by one (1) or more customers. An adult motion picture theater may not admit more persons to a viewing area than the number of seats provided
 - d. A door to an area on the premises that is available for use by a customer may not be locked during business hours
 - e. A chair or seating surface may not provide a seating surface of more than eighteen inches in either length or width

- f. Sufficient lighting must be provided and equally distributed throughout the area that is open to and used by customers such that, during hours of operation, all objects are plainly visible. "Sufficient lighting" means a minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on ten (10) foot centers, for all areas that are open to and used by customers. An adult motion picture theater that uses film projector technology may submit a written request to the Town Council for permission to reduce the minimum lighting standard during the operation of the film projector. If the Town Council finds that the specified lighting standard prevents the projection of the image onto the adult motion picture theater's screen, the Town Council may reduce the lighting standard for the viewing area to a level that allows for the projection of the image while still providing sufficient lighting that all objects are plainly within the viewing area
- g. A restroom may not contain viewing equipment
- h. The premises must be maintained in a dean and sanitary condition

Adult entertainment provided on the premises of the adult motion picture theater, or a pictorial representation of adult entertainment displaying nudity or sexual conduct, may not be visible from outside the business

3.7.17 Liquor Regulations

Tide 66 RCW, Alcoholic Beverage Control, and the rules of the Washington State Liquor Control Board govern to the extent they conflict with this chapter. The provisions of this chapter that refer to the minimum age of eighteen, including but not limited to the provisions relating to the required signs, require a minimum age of twenty-one (21) as applied to an adult entertainment business that is licensed by the Washington State Liquor Control Board.

3.7.18 Exemptions

- 1. This chapter shall not be construed to prohibit:
 - a. Plays, operas, musicals, or other dramaãc works that are not obscene
 - b. Classes, seminars, and lectures which are held for serious scientific or educational purposes and which are not obscene
 - c. Exhibitions, performances, expressions, or dances that are not obscene
- 2. These exemptions shall not apply to the sexual conduct described in subsection 7.48A.010(2)(b) of the Revised Code of Washington

3.7.19 Determination of "Obscene"

Whether or not an activity is obscene shall be judged by consideration of the following factors:

1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex
2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b)
3. Whether the activity taken as a whole lacks serious literary, artistic, political, or scientific value

3.7.20 Restriction on Location of Adult Entertainment Businesses

Adult entertainment businesses shall be located no less than 1000 feet from the following:

1. A church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities
2. A public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, special education schools; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school
3. A public park, playground, public plaza or cemetery
4. Another adult entertainment business.

Adult entertainment businesses shall be located no less than 500 feet from the following:

1. A boundary of any residential zone identified in the Zoning Ordinance to include Single-Family Residential/Open Space (RO) Zones, Single and Two-Family Residential (RI) Zones, MultiFamily Residential (MF) Zones, Mobile Home Park (MHP) Zones, and Mixed Use (MU) Zones

The location of a newly established public park, church, school or any other newly established place identified in Chapter 3.7.20 (Sec. 1-3, within 1,000 feet), or the establishment of a residential zone as defined by Chapter 3.7.20 (Sec. 5, within 500 feet) of an existing adult entertainment business shall not thereby cause the existing adult entertainment business to be deemed a non-conforming use.

Section 8 – Marijuana Uses

3.8.01 Marijuana production standards

- A. Marijuana production shall be located or maintained at least 1,000 feet from the nearest property **assured from the nearest** property line of the marijuana production facility to the nearest property line of any one or more of the following uses:
 1. Vacant or undeveloped parcels owned by public school districts as established in RCW Title 28A;

2. Vacant or undeveloped parcels owned by public library districts as established in Chapter 27.12 RCW;
 3. Vacant or undeveloped parcels leased or owned by the town; provided the following shall be excluded from consideration:
 - a. Any stormwater facility or right-of-way parcels owned or leased by the town and designated or identified as a stormwater facility nor right-of-way in any document, plan, or program adopted by the Council; and
 - b. town parks and levee path; or
 - c. any facility or building designated or identified in any document, plan, or program adopted by the Council as "Rockford Town Hall" or other similar term that identifies such facilities or buildings as the town's primary administrative and legislative location.
- B. Marijuana production in the CC zone shall only be permitted indoors.

3.8.02 Marijuana processing standards

- A. Marijuana processing shall be located or maintained at least 1,000 feet from the nearest property line, measured from the nearest property line of the marijuana processing facility to the nearest property of any one or more of the following uses:
1. Vacant or undeveloped parcels owned by public school districts as established in RCW Title 28A;
 2. Vacant or undeveloped parcels owned by public library districts as established in Chapter 27.12 RCW;
 3. Vacant or undeveloped parcels leased or owned by the town; provided the following shall be excluded from consideration:
 - a. Any stormwater facility or right-of-way parcels owned or leased by the town and designated or identified as a stormwater facility nor right-of-way in any document, plan, or program adopted by the Council; and
 - b. town parks and levee path; or
 - c. Any facility or building designated or identified in any document, plan, or program adopted by the Council as "Rockford Town Hall" or other similar term that identifies such facilities or buildings as the town's primary administrative and legislative location.
- B. Marijuana processing in the CC zone shall be limited to packaging and labeling of usable marijuana.

3.8.03 Marijuana retail sales standards.

- A. New marijuana retail sales shall not be permitted within the MU and CC zoning districts with a conditional use permit.

3.8.04 Other licensed or registered marijuana uses prohibited.

Marijuana production and marijuana processing shall be permitted pursuant to this section. All other commercial and noncommercial licensed or registered marijuana

uses are prohibited within all zoning districts of the town. This prohibition includes, but is not limited to, marijuana clubs or lounges and marijuana cooperatives. This prohibition does not apply to home growing or processing of marijuana by qualified patients or designated providers in residential zoning districts as set forth in this section and in compliance with state law.

3.8.05 Marijuana production and processing in residential zones

Washington state law authorizes qualified patients and designated providers to produce marijuana and to process marijuana in dwellings, residences, domiciles, and similar housing units under limited circumstances and with limited processing methods. Subject to applicable federal, state, and local laws, any owner, lessor, or leasing agent may request or require disclosure of a renter or lessee's desire to produce or process marijuana within a rented or leased dwelling unit. In addition to compliance with any applicable state or federal laws and regulations, lawful production or processing of marijuana by any person in a dwelling, residence, domicile, or other similar housing unit shall be subject to all locally applicable land use, development, zoning, and building regulation requirements including, but not limited to, all applicable requirements set forth in Chapters 2 through 7 of these regulations as the same are now adopted or hereafter amended, and the following regulations:

A. Any home production or processing of marijuana by any person pursuant to state law shall not be permitted outside of the dwelling or accessory structure;

B. Any home production or processing of marijuana by any person or allowed by state law in a dwelling or accessory structure shall be enclosed, blocked, or sight-screened from the public right-of-way and from adjacent properties so that no portion may be readily seen by normal unaided vision or readily smelled from such locations. Accessory structures shall be permanent structures enclosed by a roof and walls on all sides and connected to a permanent foundation. For purposes of this section, accessory structures shall not include cargo containers, recreational vehicles, or other similar types of structures. Accessory structures shall be completely opaque in addition to necessary site-screening;

C. Home processing of marijuana shall not involve any combustible method and shall comply with all federal, state, and local laws and rules, including all standards adopted by the Washington State Liquor and Cannabis Board; and

D. Production or processing of marijuana by any person pursuant to state law in a dwelling or accessory structure shall only be allowed in the R-0 and R-1 zones.

Section 9 – Supplemental Use Regulations

3.9.01 Supplemental Use Regulations

A. Animal Raising and/or Keeping. Where permitted, the keeping of poultry and livestock, excluding swine, is subject to the following conditions:

1. One animal unit equals one horse or one cow; or two goats; or two sheep; or 6 rabbits.
2. Minimum Lot Requirements.
 - a. In residential zones, the lot shall equal or exceed one gross acre in area, except as set forth in Section 3.9.01(A)(5)(a), (7)(a) and (9)(a).
 - b. In mixed-use zones with legally established residential uses, the lot shall equal or exceed one gross acre in area.
3. The keeping of swine is prohibited.
4. Any permanent or temporary structure housing poultry (excluding chickens) and livestock including, but not limited to, any stable, paddock, yard, runway, pen, hutch, or enclosure, or any manure pile, shall not be located within 75 feet from any dwellings on neighboring properties nor be located within the front yard setback or be closer than 10 feet from a side property line.
5. The keeping of animals and livestock is limited as follows:
 - a. Not more than one horse, mule, donkey, bovine, llama, or alpaca shall be permitted per gross acre; or
 - b. Not more than two sheep or goats shall be permitted per gross acre; or
 - c. Any equivalent combination of Section 3.9.01(A)(5)(a) or (b).
6. Small Animals. A maximum of six rabbits raised or kept per gross acre. In addition, a pen, shed, hutch, or similar containment structure shall be constructed prior to the acquisition of any small animal and shall be kept a minimum of 10 feet from the front property line and five feet from side and rear property lines.
7. In residential areas, the keeping of chickens is subject to the following conditions:
 - a. A maximum of one chicken may be raised or kept per 1,500 gross square feet of lot area, with a maximum of 25 birds allowed;
 - b. The keeping of roosters is prohibited;

- c. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 10 feet from the front property line and five feet from side and rear property lines;
 - d. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 25 feet from dwellings on neighboring properties; and
 - e. All chickens shall be contained within the subject property.
- 8. Stables, paddocks, yards, runways, pens, coops, hutches, enclosures, structures, pastures, and grazing areas shall be kept in a clean and sanitary condition.
- 9. In residential areas, hobby beekeeping is subject to the following conditions:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 20 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The town recommends that the beekeeper be certified by the Washington State Beekeeper's Association.
- B. Animal Shelter. In the MU and CC zones, animal shelters shall comply with the following conditions:
 - 1. Not have outside runs;
 - 2. Provide human supervision in any outdoor areas;
 - 3. Be located along an arterial; and
 - 4. Demonstrate compliance with noise standards for a commercial noise source as identified by WAC [173-60-040](#).
- C. Community Garden. Produce may be sold pursuant to RCW [36.71.090](#) as adopted or amended.
- D. Kennels, Doggie Day Care Facilities, and Kennels Associated with Veterinarian Clinics. Where permitted in commercial and mixed-use zones, these uses shall comply with the following conditions:
 - 1. Not have outside runs or areas;
 - 2. Provide adequate soundproofing for structures housing animals pursuant to Chapter [173-60](#) WAC;
 - 3. Provide one parking space for every 10 animal confinement areas; and
 - 4. Demonstrate compliance with noise standards for a commercial noise source as identified by WAC [173-60-040](#).

E. Communication Facilities.

1. Telecommunication Wireless Antenna Array. Telecommunication wireless antenna arrays shall comply with the provisions of Chapter 3, Wireless Communication Towers.
2. Telecommunication Wireless Support Tower. Telecommunication wireless support towers shall comply with the provisions of Chapter 3, Wireless Communication Towers.
3. Telecommunication wireless support towers located in a residential or multifamily zoning district require a conditional use permit pursuant to Chapter 3.
4. Tower, Ham Operator.
 - a. A building permit for the private tower is required;
 - b. The applicant shall submit a site plan showing the height and location of the private tower;
 - c. The applicant shall furnish a copy of the tower manufacturer's construction and erection specifications;
 - d. The private tower shall be erected in accordance with the manufacturer's specifications;
 - e. The applicant shall demonstrate the impact area (that area in all directions equal to the tower's height above grade) is completely on his/her property. Up to one-half of the tower's impact area in distance may be administratively approved if located on adjacent property pursuant to the administrative exception process contained in Chapter 6 or if the applicant has secured the appropriate easements for all property within the tower's impact area if not entirely within his/her ownership. Such easements shall be recorded with the Spokane County auditor with a statement that only the town may remove the recordation;
 - f. A residence shall be on the same site as the private tower, except for a private repeater facility or remote base operations; and
7. The height limitation of the zone shall not be exceeded without approval of a variance or administrative exception as either may respectively pertain.
5. Tower (does not include wireless communications support tower); provided:
 - a. A conditional use permit pursuant to Chapter 6.4 is approved;
 - b. The tower base shall be enclosed by a fence not less than six feet in height with a locking gate;
 - c. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;
 - d. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and

- e. Before issuance of a conditional use permit, the applicant shall have demonstrated all the applicable requirements of the FCC and FAA can be satisfied.
- F. Eating and drinking establishment.
 - 1. Espresso Establishment. In the PQ zone, espresso establishments shall be permitted as an accessory use.
 - 2. Mobile Food Vendors.
 - a. Mobile food vendors shall obtain permission of the property owner to operate on the premises;
 - b. Mobile food vendors shall obtain the appropriate health certificates and permits; and
 - c. Mobile food vendors shall operate on designated paved areas and not interfere with parking or internal circulation.
- G. Entertainment.
 - 1. Adult Entertainment and Retail. Adult entertainment and retail uses shall comply with the provisions of Chapter 3.8, Adult Entertainment Businesses.
 - 2. Exercise Facility. Exercise rooms and facilities not open to the public and accessory to uses permitted outright are allowed in the MU and CC zones.
- H. Industrial, light.
 - 1. Recycling Facility.
 - a. In the MU and CC zones, all recyclable materials and equipment shall be contained indoors;
 - b. All activities shall meet the noise requirements of WAC 173-60-040;
 - c. In the MU and CC zones, dangerous or hazardous materials shall not be recycled or processed on site;
 - d. In the MU and CC zones, screening in Chapter 3.2 shall be required when adjacent to an existing residential use or residential zoning district; and
 - e. In the CU and CC zones, the site shall have frontage on an existing arterial or state highway and access will be limited to such frontage.
- I. Lodging.
 - 1. Recreation Vehicle (RV) Park
 - a. The following performance standards shall apply to all RV parks:
 - 1. The minimum size of the park is 100,000 square feet in size;
 - 2. Each RV space shall be a maximum of 2,000 square feet in area;
 - 3. Eight percent of the total site area shall be provided as defined recreation space. This area shall be easily accessible and shall be improved and maintained in such a manner so as to provide adequate recreational facilities for the residents of the RV park;
 - 4. The minimum of each space shall have a minimum width of 25 feet.

5. Interior private streets:
 - a. 12 feet of width per each travel lane and 10 feet of width per each parking lane. A minimum of 20 feet shall be provided for one way systems.
 - b. The streets shall be improved in accordance with the specifications of the Town public works director. In addition, all streets shall be well-drained, well-lighted, and continuously maintained in operable condition.
6. There shall a minimum side-to-side dimension of 12 feet between units and a minimum end-to-end dimension of 10 feet between units;
7. Minimum required setbacks:
 - a. 25 feet from a public street
 - b. 5 feet from an interior private street
 - c. 15 feet from the park boundary
8. A minimum of one off-street parking space shall be required for each RV space. It shall be located within the space. In addition, one off-street parking space per three spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park. All parking shall be improved with a durable, dustless surface of asphalt, grasscrete or concrete, and shall be so graded and drained as to dispose of all surface water on site in a manner acceptable to the town public works director.
9. Pedestrian walkways having a width of not less than three feet shall be provided from the RV spaces to all service buildings, and facilities, refuse collections area, and recreation area. The walkways shall be hard-surfaced, well-drained and well lighted.
10. Landscaping shall conform to provisions in Chapter 3.2
11. No RV shall remain within an RV park for more than 14 days in a row, no more than 28 days per calendar and a minimum of 48 hours in between stays.
12. The storage, collection and disposal of solid waste in a RV parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened from view except on collection day.
13. The following requirements for utilities shall apply:
 - a. The RV park must utilize the town water system.
 - b. Each RV park shall be provided with one or more accessible water supply outlets for filling RV water storage tanks.
 - c. The RV park must utilize the town sewer system.

- d. Each RV park shall be provided with sanitary dumping stations in the ratio of one for every 100 RV spaces or fractional part thereof. The construction of the sanitary station shall be accordance with the Town's public works director's standard detail and regulations. Sanitary stations shall be screened from other activities by a visual barrier such as fences, walls or natural growth and shall be separated from any RV space by a distance of not less than 50 feet.
 - e. Each RV park shall be provided with an underground electrical system which shall be installed and maintained in accordance with all applicable state and local code an regulations.
 - f. If other utility systems such as natural gas, television cable, or telephone are installed in an RV park such installation shall be in accordance with state and local code and regulations.
- 14. All RV spaces shall be well marked and numbered.
- b. The Town public works director may approve the site plan for all RV parks provided that it is in substantial conformity with the RV park standards. The site plan shall contain the following:
 - 1. The name of the owner and operator, with address and phone number, and the name of the proposed RV park or campground;
 - 2. Legal description of the subject tract of land;
 - 3. Name, address and phone number of the person or firm preparing the site plan;
 - 4. Scale of the drawing and north arrow;
 - 5. The area and dimensions of the tract of land;
 - 6. The number, size and location of all RV spaces;
 - 7. The number, location and size of all off-street automobile parking spaces;
 - 8. The location and width of all streets and walkways;
 - 9. The location of service buildings, sanitary stations, recreation area and any other proposed facilities or structures;
 - 10. Location of all utility lines and easements;
 - 11. Indication of the water supply, sewage disposal, electrical supply and refuse collection systems;
 - 12. Indication of all buildings, recreation uses and other facilities to be constructed;
 - 13. Landscaping specifications;
 - 14. A vicinity map indicating the names and location of all streets within at least a quarter mile radius of the subject site;

15. Location and specifications of the manager's office and dwelling unit;
 16. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size of 24 inches by 36 inches, more sheets may be allowed if necessary. A reproducible Mylar and seven copies of the site plan shall be submitted at the time of application;
 17. A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, proposed park rules and regulations, and proposed methods to enforce occupancy imitations and other requirements of this section;
 18. Each park shall have a manager available 24 hours per day, seven days per week.
- J. Marijuana uses. All marijuana uses shall comply with the provisions of Section 3.8 Marijuana Uses.
- K. Office
1. A. Animal Clinic/Veterinary.1. No burning of refuse or dead animals is allowed.
 2. The applicant shall demonstrate compliance with noise standards for a commercial noise source as identified by WAC 173-60-040.
 3. All run areas shall be enclosed and supervised.
- L. Public/quasi-public.
1. Public Utility Local Distribution Facility.
 - a. The utility company shall secure the necessary property or right-of-way to assure for the property construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility; and
 - b. The facilities shall be compatible with the surrounding uses either by distance, landscaping, buffering, screening, or design, as determined by the city manager or designee.
 2. Public Utility Transmission Facility.
 - a. The utility company shall secure the necessary property or right-of-way to assure for the property construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility;
 - b. All support structures for electric transmission lines shall have their means of access located a minimum of 10 feet above ground;
 - c. The facilities shall be compatible with the surrounding uses either by distance, landscaping, buffering, screening, or design, as determined by the city manager or designee; and
 - d. The height of any structure above ground shall not exceed 125 feet.
 3. Tower, Wind Turbine Support.

- a. Requires the approval of a conditional use permit pursuant to Chapter 6.4;
- b. The tower base shall be enclosed by a fence that is at least six feet in height and has a locking gate;
- c. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;
- d. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and
- e. Before issuance of a conditional use permit, the applicant shall demonstrate compliance with all the applicable requirements of the FCC, FAA, and any required aviation easements can be satisfied.

M. Residential.

- 1. Accessory Structures. The combined building footprint of all accessory permanent structures in residential zoning districts shall be:
 - a. Up to 1,000 square feet for parcels up to 10,000 square feet in size; or
 - b. Up to 10 percent of the lot size for parcels greater than 10,000 square feet in size.
- 2. Dwelling, Accessory Units. Accessory dwelling units shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 3. Dwelling, Caretaker's Residence. A caretaker's residence is limited to custodial, maintenance, management, or security of a commercial property and is only allowed accessory to another permitted use on site.
- 4. Dwelling, Cottages. Cottages shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 5. Dwelling, Duplex. Duplex dwelling units shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 6. Dwelling, Industrial Accessory Dwelling Units. Industrial accessory dwelling units shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 7. Dwelling, Townhouse. Townhouse dwelling units shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 8. Manufactured Homes on Individual Lots. Manufactured homes on individual lots shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 9. Manufactured Home Park. Manufactured home parks shall comply with the provisions of Chapter 4.1, Alternative Residential Development Options.
- 10. Pools
 - a. Permit requirements

1. A pool permit shall be required and a fee paid for installation of a private or quasi-public inground pool having a capacity of a minimum of five thousand (5,000) gallons.
2. The pool must follow all required building setbacks.
3. Temporary fencing is required during excavation.

11. Recreational Vehicles.

- a. Recreational vehicles shall not be used as permanent or temporary dwelling units in any residential zone, except as permitted pursuant to Chapter 4.1;
- b. Guests may park and/or occupy a recreational vehicle while visiting the occupants of a dwelling unit located on the same lot for not more than 30 days in one consecutive 12-month period.

12. Retail sales and service.

- a. Appliance Sales/Service. Retail appliance sales may be accessory in the LI zone, only if manufactured and/or assembled on premises.
- b. Bakery, Retail. Retail bakeries in the LI zone are limited in floor area to 10 percent of the gross leasable floor area (GLFA) of the building, not to exceed 1,000 square feet.