

**Ordinance 2006-6**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, AMENDING THE EATONVILLE MUNICIPAL CODE BY ESTABLISHING DEVELOPMENT REGULATIONS AT AND ADJACENT TO THE EATONVILLE AIRPORT – SWANSON FIELD, CREATING NEW SECTIONS 18.04.185 AND .187 OF THE MUNICIPAL CODE, AND REPEALING EXISTING SECTION 18.04.185 AND ORD. 94-06 §2, 1994.**

WHEREAS, the Town of Eatonville is required by the Washington State Growth Management Act to update its Comprehensive Plan and Development Regulations; and

WHEREAS, the Town of Eatonville has updated its Comprehensive Plan that revises land uses at and adjacent to the Eatonville Airport – Swanson Field; and

WHEREAS, the Town of Eatonville in its Comprehensive Plan has adopted goals and policies that expresses the policy of the Town of Eatonville on how to provide additional safety at and near the airport and to guard against the negative impacts and safety concerns of incompatible land uses; and

WHEREAS, the Mayor has created an airport study committee composed of airport land owners, adjacent land owners and land developers, aircraft owners, aircraft operators, the Washington State Department of Transportation, Aviation Division, the Town of Eatonville airport manager and other interested parties; and

WHEREAS, the above identified committee has met and has drafted a set of airport development guidelines that strike a balance between airport safety and land development opportunity concerns; and

WHEREAS, the Eatonville Planning Commission has reviewed and studied the above named committee report and recommendation in a public hearing; and

WHEREAS, the Planning Commission finds that the committees recommendation are in the public interest of the Town of Eatonville and is not detrimental to the public health, safety and welfare of the citizens of the Town of Eatonville; and

WHEREAS, the Planning Commission has recommended that the Town Council of Eatonville adopt the Planning Commission recommendation that the committee's proposed revisions to the Eatonville Municipal Code be adopted.

NOW THEREFORE, the Town Council adopts the following ordinance:

Section 1. Eatonville Municipal Code section 18.04.185 is hereby adopted to read as follows:

### **18.04.185 AP – Aerospace district.**

This district is intended to allow airport related activities such as runway, flight operations, aircraft storage, aircraft repair and maintenance, aircraft modification, commercial land uses, industrial land uses, and residential land uses.

A. Permitted Uses. The following uses are permitted, provided they do not violate the restrictions identified and listed in Chapter 18.04.187.

1. Airport, heliport and aircraft tie-down areas;
2. Hangars, fuel depots, aircraft sales and repair facilities, and similar facilities pertaining to aircraft;
3. Single-family residential use as permitted in Chapters 18.04.010;
4. Commercial uses as permitted in Chapter 18.04.140.
5. Industrial uses as permitted in Chapter 18.04.180;
6. Any structure customarily accessory to the above uses shall be permitted;
7. Flight instruction;
8. Aircraft rental;
9. Air taxi service; and
10. Aircraft and parts manufacturing.

B. Conditional Use. Other uses as determined by the board of adjustment to be of a similar and compatible nature are permitted upon application and approval of a conditional use permit. In reviewing and granting a conditional use permit, the board of adjustment shall follow the conditional use permit procedures outlined in Chapter 18.09.030.

C. Variances. The board of adjustment may grant a variance upon application and approval of a variance permit, provided that the granted variance does not significantly endanger the operation of an aircraft and the lives and property in the aerospace district and its surrounding area. In reviewing and granting a variance, the board of adjustment shall follow the variance procedures outlined in Chapter 18.09.040.

D. Restrictions. It is found that airport operations create a hazard that endangers the lives and property of users of the airport and of occupants of land or property in its vicinity. Therefore, it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented by overlaying certain restrictions on development as specified below and further specified in Chapter 18.04,187 Airport Overlay Zone.

1. No use may be made of land within the aerospace district in such manner as to create electrical interference with radio communication between the aircraft and the airport and air traffic control, making it difficult for fliers using the airport, impair visibility in the vicinity thereof, or otherwise endanger the landing taking off or maneuvering of aircraft.

2. The planning commission may attach any reasonable restrictions and requirements to any parcel of land within the aerospace district and any parcel of land adjacent or in the vicinity of the aerospace district as the planning commission deems necessary to protect the public health, safety and general welfare and to mitigate any adverse effects of proposed development that in the judgment of the planning commission is incompatible with the operation of the airport.

3. Any commercial use within the aerospace district shall provide for a six-foot-wide buffer on each side of the commercial use when it abuts residential property. If the adjacent residential properties are not as yet developed, the planning director may require, as a condition of issuing a building permit, a landscaping plan to be completed at a future date set by the planning commission. The planning commission shall have the authority to require a bond to secure performance of the future landscaping requirement.

4. No landscaping higher than one (1) foot above ground shall be permitted in an area extending from the edge of the runway to a distance of 100 feet. Landscaping along streets and taxiways shall not exceed two feet in height in order to allow unobstructed taxiing of aircraft. Light poles and street signs are not permitted. Any lighting along streets and taxiways shall be at ground level, not exceeding one foot in height.

5. No building or structure in the aerospace district shall have a height greater than 28 feet for a residential structure and 38 feet for a commercial or industrial structure. No building or structure in the aerospace district is permitted to penetrate the height limitation set forth in Chapter 18.04.187 without a board of adjustment approved variance. An applicant that receives a board of adjustment approved variance for exceeding height limitation shall file a FAR Part 77 notification with the Federal Aviation Administration.

E. Minimum lot size. No lot within the aerospace district shall be less than 21,500 square feet. The minimum lot width shall be 100 feet. All lots in this district shall abut a dedicated public street or shall have such other access as held suitable by the planning commission, meeting required road standards for private roads, or, if applicable, subdivisions.

F. Setback requirements. Every front yard shall have a minimum setback requirement of 25 feet, and a minimum side yard setback of eight feet except for corner lots which shall have minimum side yard setback of 25 feet for the side yard facing another street. There shall be a minimum 25 foot setback from the rear property line. An accessory building which is detached may not be located within 10 feet of a rear or side property line provided said property line does not front on a street. All attached accessory structures shall comply with the setback requirements for the main structure.

G. Parking. All lots shall provide parking spaces in accordance with lot usage as set forth in Chapter 18.05 EMC. Hangars do not qualify as parking spaces for automobiles.

H. Signs. No sign erected in the aerospace district shall exceed two feet in height, measured from ground level.

Section 2. A new Chapter 18.04.187 (Airport Overlay Zone) of the Eatonville Municipal Code is hereby adopted to read as follows:

#### A. PURPOSE AND INTENT

The purpose and intent of this chapter is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of Eatonville Airport (Swanson Field), Washington, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community; and

also to ensure compatible land uses in the vicinity, of the affected environments of the airport overlay zoning district.

## B. STATUTORY AUTHORITY

This chapter is adopted pursuant to RCW, 36.70A.547 and 36.70A.200 which requires a county, city or town to enact development regulations, to discourage the siting of incompatible land uses adjacent to general aviation airports.

The incompatible land use regulations presented in this Chapter differs from the Federal Aviation Administration FAR 77 height regulations and the State of Washington Department of Transportation, Aviation Division, suggested planning guidelines regulating land uses adjacent to general aviation airports. The departure, however insignificant, is necessitated by the fact that Eatonville Airport (Swanson Field) was built and later expanded before the incompatible land use regulations adjacent to general aviation airports came into existence. Residential development was permitted close to the airport runway and other developments, such as schools, were permitted to be built adjacent to the airport property. At the time, these developments were considered to coexist safely with the airport operations. Today, the view at the Federal and State level has changed. Many of the early permitted developments are now being judged unsafe by the Federal and State agencies. This Chapter attempts to find a compromise that recognizes the Federal regulations and State planning guidelines and protects the rights and values of property owners at and around the airport. By adopting this Chapter, the airport is safer than the alternative of doing nothing.

The Federal regulations and State planning guidelines have been written to fit all airports, regardless of their size and geographic setting. What is good for Sea-Tac International Airport is unrealistic and unworkable in Eatonville. Eatonville Airport (Swanson Field) has been, continues to be, and is projected to be a twenty two (22) aircraft recreational air park with fewer that one resident aircraft taking off and returning per day. This Chapter is designed to meet the State requirement that a town shall enact development regulations to discourage the siting of incompatible land uses adjacent to general aviation airports by taking into consideration the Federal regulations, the State planning guidelines, rights of property owners, the safety of aircraft operators, the safety of persons residing at and near the airport, the operators and patrons of businesses, the past development history at and near the airport, and the size and characteristic of the airport itself as a recreational air park with low level activity.

## C. DEFINITIONS

DEFINITIONS: As used in this chapter, unless the context otherwise requires:

1. "Airport" means Eatonville Airport (Swanson Field).

2. "Airport Elevation" means eight hundred forty three (843) feet above mean sea level.
3. "Airport Overlay Zoning District" shall include the Runway Protection Zone, Inner Safety Zone, Inner Turning Zone, Outer Safety Zone, Sideline Safety Zone, and the Traffic Pattern Zone as depicted on Map B – Aircraft Accident Safety Zones and numbered Zones 1-6, respectively, and shall also encompass the area identified Height Restriction Zones as depicted on Map A.
4. "Airport Surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in Section D.1. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. "Approach, transitional, horizontal, and conical zones" These zones are set forth and defined in Section D.1, a through e.
6. "Conical Surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet upward to one (1) foot outward for a horizontal distance of three thousand five hundred (3,500) feet.
7. "Flammable and Combustible Liquids" shall be defined as the type and design of underground and above ground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52 (5201.3.2.1 -- Motor Vehicle Fuel- Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options 7904), Standard of the Uniform Fire Code and all other applicable codes.
8. "Hazard to Air Navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. "Height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district map "A", the datum shall be mean sea level elevation unless otherwise specified.
10. "Horizontal Surface" means a horizontal plane one hundred fifty (150) feet above the established airport elevation.

11. "Non-Conforming Use" means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
12. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section D.1.
13. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. Person includes a trustee, a receiver, an assignee, or a similar representative.
14. "Primary Surface" means a surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is two hundred (200) feet, one hundred feet on each side of the center of the paved runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
15. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
16. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
17. "Transitional Surfaces" beginning at the center of the paved runway and at the same elevation as the paved runway, extending outward at ninety (90) degrees to the center of the runway, for one hundred twenty five (125) feet and rising to a vertical height of twenty eight (28) feet, then extending further outward at a defined slope of five (5) feet outward for each one (1) foot upward until it meets the horizontal surface which is one hundred fifty (150) feet above the airport elevation of eight hundred forty three (843) feet, or nine hundred ninety three (993) feet above sea level. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope five (5) feet outward for each one (1) foot upward.
18. "Tree" means any object of natural growth.
19. "Utility Runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.
20. "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

#### D. Airport Overlay Zoning District

In order to carry out the provisions of this chapter, there is hereby created an Airport Overlay Zoning District that is composed of the following height restriction and aircraft accident safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport height restriction and aircraft accident safety zones are shown on Airport Overlay Zoning District Map "A"- Height Restriction Zones and Map "B" -"Airport Accident Safety Zones", which are attached hereto and incorporated by reference, and which shall also be on file and open for inspection in the Town of Eatonville Public Works Department offices. The height restriction and aircraft accident safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the height restriction and aircraft accident safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

1. HEIGHT RESTRICTION ZONES. In order to carry out the provisions of this chapter, there are created and established certain height restriction zones which include all of the land lying beneath the primary surface, approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Eatonville Airport (Swanson Field). Such zones are shown on Eatonville Airport (Swanson Field) Overlay Zoning Map "A". Within each of the height restriction zones there are hereby established certain height restrictions for structures and trees. The height restriction zones are established and defined as follows:

a). Primary Surface Zone. Primary Surface is a surface longitudinally centered on a runway. The primary surface zone extends two hundred (200) feet beyond each end of the runway. The width of the primary surface is two hundred (200) feet, one hundred (100) feet on each side of the center of the paved runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. HEIGHT RESTRICTIONS: No structure, other than a runway and runway associated aprons can be constructed in the primary surface zone. Any landscaping outside the paved runway shall be limited to native or seeded grasses.

b). Approach Zone. The two hundred (200) foot inner edge coincides with the width of the primary surface and slopes twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map "A". HEIGHT

RESTRICTIONS: No object shall penetrate the imaginary line created by a slope twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000) along the extended runway centerline.

c). Transitional Zones. Beginning at the center of the paved runway and at the same elevation as the paved runway, extending outward at ninety (90) degrees to the center of the runway, for one hundred twenty five (125) feet and rising to a vertical height of twenty eight (28) feet, then extending further outward at a defined slope of five (5) feet outward for each one (1) foot upward until it meets the horizontal surface which is one hundred fifty (150) feet above the airport elevation of eight hundred forty three (843) feet, or nine hundred ninety three (993) feet above sea level. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope seven (5) feet outward for each one (1) foot upward.

d). Horizontal Zone. The zone is established at one hundred fifty (150) feet above the airport elevation or at a height of nine hundred ninety three (993) feet above mean sea level. The zone begins at the terminus of the transitional zone and extends outward one thousand five hundred (1,500) feet and connects to the approach zone at the one hundred fifty (150) foot elevation level. The horizontal zone does not include the approach and transitional zones. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary horizontal surface created at one hundred fifty (150) feet above the airport elevation or at a height above the airport of nine hundred ninety three (993) feet above mean sea level.

e). Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of three thousand five hundred (3,500) feet as depicted in Map "A". HEIGHT RESTRICTIONS: No objects shall penetrate the imaginary line created by a slope twenty (20) feet outward for each one (1) foot upward beginning at the outer periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height up to three hundred twenty five (325) feet above the airport surface.

2. SAFETY ZONES. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Eatonville Airport (Swanson Field), there are created and established certain aircraft accident safety zones. Such aircraft accident safety zones are shown on Eatonville Airport (Swanson Field) Overlay Zoning District Map "B". Within each of the aircraft accident safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and

development standards of the underlying zoning. Where the requirements imposed by these aircraft accident safety zones, conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The aircraft accident safety zones are established and defined as follows:

- a). Runway Protection Zone 1. An area extending beyond the centerlines of runway as depicted on Map "B". This zone begins from the outer boundaries of the primary surface, two hundred 200 feet from the ends of the runways and extends out nine hundred (900) feet to its widest point, which measures four hundred thirty (550) feet across, two hundred fifteen (225) feet on either side of the runway centerline.
- b). Inner Safety Zone 2. An area extending beyond the centerline of the runway as depicted in Map B. This zone begins at the end of the Runway Protection Zone land extends out one thousand six hundred (1,600) feet. The zone measures five hundred fifty (550) feet across, two hundred twenty five (225) feet on either side of the runway centerline.
- c). Inner Turning Zone 3. A fan shaped area extending beyond the center line of runway as depicted on Map B. This zone begins at the primary surface, two hundred (200) feet from the end of the runway centerline and extends out with a sixty (60) degree radius arc on either side of the runway centerline to two thousand five hundred (2,500) feet and connects to the centerline of the Inner Safety Zone with sweeping arcs.
- d). Outer Safety Zone 4. Area extending beyond the center line of the runway as depicted on Map B. This zone begins at the end of the Inner Safety Zone and extends out two thousand five hundred (2,500) feet. The zone measures five hundred fifty (550) feet across, two hundred twenty five (225) feet on either side of the runway centerline.
- e). Sideline Zone 5. An area adjacent to the runway as depicted on Map B. This zone begins from the outer boundaries of the primary surface, and extends out five hundred (500) feet perpendicular to the primary surface and connects to the sixty (60)-degree sector of the Inner Turning Zone.
- f). Airport Operations Zone 6. This zone is depicted on Map "B" and begins from the outer boundaries of the Sideline Zone and extends out to four thousand (4,000) feet perpendicular to the primary surface and at an arc four thousand feet (4,000) feet radius from the end of the runway, connecting to the Outer Safety Zone.

#### E. USES, DEVELOPMENT REQUIREMENTS AND RESTRICTIONS

## 1. General Development Requirements and Restrictions Applicable to All Zones.

- a). **UNDERLYING ZONING REQUIREMENTS.** In addition to the Airport Overlay Zoning District development requirements and restrictions set forth in subsections 2 below and in TABLE 1, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the Airport Overlay Zoning District height restriction and aircraft accident safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.
- b). **HEIGHT.** All uses shall be subject at all times to the height restrictions set forth in Section D above.
- c). **SIGNAL AND RADIO COMMUNICATION INTERFERENCE.** Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations.
- d). **LIGHTING AND GLARE.** Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport is prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
- e). **VISIBILITY.** Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
- f). **FLAMMABLE AND COMBUSTIBLE MATERIAL.** Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the Uniform Fire Code and all applicable codes as adopted in the Town of Eatonville Building Code.
- g). **SUBDIVISION.** When any division of land including short plats, plats, cluster subdivisions, and planned unit developments, occur on any land within the airport overlay zoning district aircraft accident safety zones 1-6, a note located on the first page of the plat, shall be recorded with the County Auditor as follows: "This property is located within the Airport Overlay

Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

h). **FAA REVIEW.** A proposed development application, as determined by the Town Planner, that appears to penetrate the Federal Aviation Administration (FAA) FAR 77 height regulations, shall be submitted to FAA for review and comment on form 7460-1 by the applicant. The Town Planner shall review and evaluate the comments made by FAA and as a result may condition the application by imposing FAA proposed safety requirements such as installation of warning lights, flashing beacons, painting buildings in red and white patterns, and other safety features specified by FAA. In the event that the Town Planner, upon reviewing the comments made by the FAA, determines that the proposed development application, if implemented, has a probable substantial adverse effect on public health and safety and the safety of the flying aircraft, the Town Planner is authorized to present the proposed development application together with the FAA comments to the Town of Eatonville Planning Commission for the review and determination under Chapter 18.04.185.D.2. The decision of the Planning Commission under Chapter 18.04.185.D.2 is final unless appealed to the Town Council.

i). **FRONT YARD SETBACKS.** All development adjoining the primary surface is considered to have their front yard facing the primary surface. Therefore, a twenty five (25) front yard setback from the edge of the primary surface is required of all development, adjoining the primary surface.

2. **Incompatible Land Uses.** The Town Planner shall apply the following restrictions on land development, in addition to restrictions specified in Chapter E.1. a through g.

**Table 1  
Incompatible Land Uses**

<b>Airport Overlay Zones</b>	<b>Applicable Uses</b>
<b>Zone 1 – Runway Protection Zone</b>	1. Land uses which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.) 2. Schools, hospitals, nursing homes, churches, day care centers, and mobile home parks are prohibited.

<p><b>Zone 2 – Inner Safety Zone</b></p>	<ol style="list-style-type: none"> <li>1. Schools and day care centers are prohibited.</li> <li>2. Outside the existing Eatonville Urban Growth Area (UGA) the average density of residential development will be one (1) dwelling unit per ten (10) acres on the property at the date of adoption of this ordinance.</li> <li>3. Inside the Eatonville Urban Growth Area (UGA) the average density of residential development will be a maximum of four (4) dwelling units per acre on the property at the date of adoption of this ordinance.</li> <li>4. At the time surrounding development takes place, Weyerhaeuser Way South shall be built as a two-lane collector street with two twelve (12) foot travel lanes, separated by a ten (10) foot painted median and flanked by eight (8) foot paved shoulders, beginning at Center Street East and extending south for a distance of one thousand (1,000) feet. The street section is constructed absent curb and gutter. Stormwater flows are managed by constructing low level grassy swales. The above specified roadway design and layout allows distressed aircraft to set down on this section of the street.</li> </ol>
<p><b>Zone 3 – Inner Turning Zone</b></p>	<ol style="list-style-type: none"> <li>1. School and day care centers are prohibited.</li> </ol>
<p><b>Zone 4 – Outer Safety Zone</b></p>	<ol style="list-style-type: none"> <li>1. Schools are prohibited.</li> <li>2. Outside the existing Eatonville Urban Growth Area (UGA) the average density of residential development will be one (1) dwelling unit per ten (10) acres on the property at the date of adoption of this ordinance.</li> <li>3. Inside the Eatonville Urban Growth Area (UGA) the average density of residential development will be a maximum of four (4) dwelling units per acre on the property at the date of adoption of this ordinance.</li> </ol>
<p><b>Zone 5 – Sideline Safety Zone</b></p>	<ol style="list-style-type: none"> <li>1. All aviation related uses are permitted.</li> <li>2. Schools, hospitals, nursing homes, churches, day care centers, and mobile home parks are prohibited.</li> <li>3. All AP – Aerospace District permitted uses are allowed.</li> </ol>

<b>Zone 6 – Traffic Pattern Zone</b>	1. There are no overlay restrictions.
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## F. PERMITS

1. Future Uses. Except as specifically provided in subdivisions (a), (b), and (c) of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (4) of this section.

a). In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b). In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand (4,000) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c). In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.

3. Non-Conforming Uses Abandoned or Destroyed. Whenever the Town Planner determines that a non-conforming or structure as been abandoned or more than fifty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Eatonville Airport (Swanson Field) Airport Manager by the Town Planner.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

#### G. NON-CONFORMING USE

Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the ordinance codified in this chapter, nor shall such be construed to require any change in the construction or alteration of any structure or tree which was begun prior to the effective date of the ordinance codified in this chapter, and which is diligently being prosecuted.

#### H. VIOLATIONS AND ENFORCEMENT

It shall be the duty of the Town of Eatonville Planner to administer and the Town of Eatonville Building Official to enforce the regulations prescribed in this chapter.

#### I. APPEALS

Any person aggrieved, by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this Chapter

or in the actual decision made as required by this Chapter may appeal to the Board of Adjustment as provided in RCW 14.12.190.

#### J. REVIEW

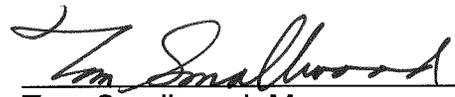
Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal the decision to the Town Council.

#### K. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 3. Existing Code section 18.04.185 and Ordinance No. 94-06 §2, 1994 are hereby repealed.

**PASSED** by the Town Council and approved by the Mayor of the Town of Eatonville this 27th day of February, 2006.

  
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Tom Smallwood, Mayor

ATTEST:

  
\_\_\_\_\_  
Carrie Lynn Loffelmacher, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert E. Mack, Town Attorney