

Chapter 18.20
RESIDENTIAL LOW DENSITY 6,000 DISTRICT (RL6)

Sections:

- 18.20.010 Purpose.
- 18.20.020 Permitted uses.
- 18.20.030 Uses requiring a conditional use permit.
- 18.20.040 Yard requirements – Specifications.
- 18.20.060 Lot size.
- 18.20.070 Building height.
- 18.20.080 Lot coverage.
- 18.20.090 Off-street parking.

18.20.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.20.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL6 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling (non-transient);
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space;
 - 2. Work and/or storage sheds for noncommercial use or equipment;
 - 3. Swimming pools, cabana, children's play structures, or gazebo;
 - 4. Accessory dwelling unit (non-transient), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that

provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the following minimum requirements are met:

- a. There shall be no more than one accessory dwelling unit per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot;
 - b. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit;
 - c. The accessory dwelling unit will require one off-street parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit which may be accessed from an alley with the recording of a notice to title of an indemnity agreement regarding alley access and maintenance as provided by the city;
 - d. The total habitable floor area of any accessory dwelling unit(s) shall in no case exceed 1,200 square feet;
 - e. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to all other provisions of the LMC. Conversions of existing structures to accessory dwelling units shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent;
 - f. The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
 - g. The accessory dwelling unit must be connected to the water and sewer utilities, and shall have separate services for accessory dwelling unit greater than 900 square feet in area;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- G. Group A home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the limited administrative review process, provided the following minimum conditions shall apply to the approval of any such application:
1. There shall be no nonresident worker(s). No persons other than the immediate resident(s) of the dwelling/property may be employed in the home occupation;

2. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
3. A maximum of two customers per month shall visit the home occupation;
4. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number). Deliveries shall be limited to one per day, regardless of carrier;
5. Not over 20 percent of the total floor area of one floor of the residence shall be used for the home occupation;
6. No article shall be sold or offered for sale on the premises. No stock in trade or commodities kept for sale, which are not produced on the premises, shall be permitted;
7. No parking space shall be obstructed and no additional parking space will be required for the home occupation;
8. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and does not eliminate any required parking;
9. No structural alterations shall be allowed to accommodate the home occupation except when consistent with residential construction and occupancy;
10. A certificate of occupancy will be required for buildings constructed after the date of adoption of the ordinance codified in this section (January 28, 2014) prior to issuance of a home occupation permit;
11. No sign(s) advertising the business shall be permitted;
12. No window display and no sample commodities, equipment, vehicles or other materials related to the business shall be displayed or stored outside, with the exception of the owner's vehicle;
13. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
14. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
15. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. **The following is prohibited:**
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a

frequency less than two per calendar year for a maximum of two days per event;

- b. Delivery services, equipment/trailer rental services, industry, kennels, motorized/nonmotorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

- c. Transient accommodations and/or lodging;

H. Group B home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the full administrative review process, provided the following minimum conditions shall apply to the approval of any such application:

1. Not over 50 percent of the total floor area of one floor is to be used for the home occupation;
2. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and does not eliminate any required parking;
3. Structural alterations consistent with residential development and occupancy shall be allowed which result in compliance with the building, fire safety, and handicap accessibility codes and standards. The structure shall be fully compliant with all applicable laws, including but not limited to building, fire and accessibility codes, prior to occupancy;
4. Prior to issuance of a Group B home occupation permit, a certificate of occupancy will be required for buildings constructed after the date of adoption of the ordinance codified in this section (January 28, 2014);
5. No persons other than the immediate resident(s) of the home and, at any given time, one outside employee may be employed in the home occupation;
6. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
7. No article shall be sold or offered for sale on the premises unless by individual appointment which does not exceed occupancy limits within this section and/or the International Building, Residential and/or Fire Codes;
8. No sign(s) advertising the business shall be permitted;
9. No window display and no sample commodities or related materials shall be displayed or stored outside the building;
10. No outdoor storage of stock and trade shall be permitted;

11. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
12. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number), and there shall be no parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate on-street parking;
13. Off-street parking stall shall be provided to accommodate all vehicles associated with the operations of the home occupation;
14. Occupancy shall be limited to the maximum allowed by the adopted International Building, Residential and/or Fire Codes. In addition, the development services department may limit maximum occupancy loads based on impacts and/or infrastructure available to support the home occupation. In general, 10 students, customers, and/or clients within each 12-hour period shall be the maximum without the completion of a traffic, access and/or noise study which demonstrates no impact to neighbors, the community, and/or infrastructure. Class times and/or visitor appointments shall be spaced a sufficient time (minimum of 15 minutes) so that there is not an overlap in pick-up and/or drop-off;
15. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.;
16. All classes and activities shall occur indoors in a closed window environment that prevents the passage of noise into the outside atmosphere unless such activity does not generate noise or disturbance;
17. Vehicles shall not be allowed to idle outside of the building;
18. Water and sewer service shall be determined by the city engineer based on the home occupation equivalent residential unit. Water and sewer service shall be connected to the primary residence and shall not be separate. Upgrade of sanitary sewer and water, as necessary, shall be compliant with Chapter 13.04 LMC and other applicable requirements prior to occupancy;
19. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
20. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. **The following is prohibited:**
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a frequency less than two per calendar year for a maximum of two days per event;
 - b. Events, recitals, performances, promotions, and similar attractions outside of daily operations shall not be allowed unless the applicant

completes and obtains approval by the city for a traffic, access and/or noise study which demonstrates no impact to neighbors or the community.

- c. Delivery services, equipment/trailer rental services, industry, kennels, motorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

d. Transient accommodations and/or lodging:-

I. Two-family dwelling/ duplex (non-transient); provided, that the lot size is in conformance with LMC 18.20.060(A), and provided the following minimum requirements are met:

1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
3. Parking shall be pursuant to 14.12;
4. Two-family dwelling unit / duplex shall conform to all other provisions of the LMC. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent;
5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
6. Separate water and sewer utilities shall be required.

18.20.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL6 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;

- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);

J. ~~Farming, truck gardening and flower gardening;~~

K. Educational centers for advanced study and research in an academic field of learning;

L. Temporary subdivision tract offices ~~subject to approval of the Leavenworth design review board;~~

M. Day nurseries and nursery schools;

~~N. Two family dwelling; provided, that the lot size is in conformance with LMC 18.20.060(A), and the project is in compliance with LMC 18.52.130;~~

~~O.N.~~ Hospital;

~~P.O.~~ Manufactured home park;

~~Q.P.~~ Public utility structures;

~~R.Q.~~ (Reserved);

~~S.R.~~ Bed and breakfast facilities, meaning a single-family dwelling (single family residential) unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:

1. LMC 18.52.120(A) through (F) shall be complied with;
2. The minimum lot size for an in bed and breakfast facility shall be 6,000 square feet; and
3. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for an bed and breakfast shall be allowed to continue as a nonconforming use;

~~T.S.~~ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~U.T.~~ (Reserved).

18.20.040 Yard requirements – Specifications.

- A. Front Yard. There shall be a front yard of not less than 25 feet.

- B. Side Yard. There shall be side yards of not less than five feet.
- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, 6,000 square feet or greater in size, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For corner lots less than 6,000 square feet in size, the street side yard shall be a minimum of five feet and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.20.060 Lot size.

In a RL6 district, the lot size shall be as follows:

- A. The minimum lot area shall be 6,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.20.070 Building height.

In a RL6 district, no structure shall exceed a height of 35 feet.

18.20.080 Lot coverage.

In a RL6 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.20.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Chapter 18.21

RESIDENTIAL LOW DENSITY 12,000 DISTRICT (RL12)

Sections:

- 18.21.010 Purpose.
- 18.21.020 Permitted uses.
- 18.21.030 Uses requiring a conditional use permit.

- 18.21.040 Yard requirements – Specifications.
- 18.21.060 Lot size.
- 18.21.070 Building height.
- 18.21.080 Lot coverage.
- 18.21.090 Off-street parking.

18.21.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.21.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL12 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling (non-transient);
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space,
 - ~~1.~~2. Swimming pools, cabana, children’s play structures, or gazebo
 - ~~2.~~3. Work and/or storage sheds for noncommercial use or equipment,
 - ~~3.~~4. Accessory dwelling unit (non-transient), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(3) are met;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;

G. Group A home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such limited administrative review of applications;

H. Group B home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such full administrative review of applications.

J. Two-family dwelling/ duplex (non-transient); provided, that the lot size is in conformance with LMC 18.21.060(A), and provided the following minimum requirements are met:

1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
3. Parking shall be pursuant to 14.12;
4. Two-family dwelling unit / duplex shall conform to all other provisions of the LMC. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent;
5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
6. Separate water and sewer utilities shall be required.

H.I.

18.21.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL12 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;

I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);

~~J. Farming, truck gardening and flower gardening;~~

~~K.J. Educational centers for advanced study and research in an academic field of learning;~~

~~L.K. Temporary subdivision tract offices-subject to approval of the Leavenworth design review board;~~

~~M.L. Day nurseries and nursery schools;~~

~~N.M. (Reserved)Two family dwelling; provided, that the lot size is in conformance with LMC 18.21.060(A), and the project is in compliance with LMC 18.52.130;~~

~~O.N. Hospital;~~

~~P.O. Manufactured home park;~~

~~Q.P. Public utility structures;~~

~~R.Q. (Reserved);~~

R. Bed and breakfast facilities, meaning a single-family dwelling (single family residential unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:

a. **LMC 18.52.120;**

b. The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and

a.c. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming userental facilities, meaning a single-family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;

S. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

T. (Reserved).

18.21.040 Yard requirements – Specifications.

A. Front Yard. There shall be a front yard of not less than 25 feet.

B. Side Yard. There shall be side yards of not less than 10 feet.

- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.21.060 Lot size.

In a RL12 district, the lot size shall be as follows:

- A. The minimum lot area shall be 12,000 square feet for a single-family dwelling and duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 80 feet for an interior lot and 90 feet for a corner lot.

18.21.070 Building height.

In a RL12 district, no structure shall exceed a height of 35 feet.

18.21.080 Lot coverage.

In a RL12 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.21.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC

Chapter 18.22

MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

- 18.22.010 Purpose.
- 18.22.020 Permitted uses.
- 18.22.030 Site plan review.
- 18.22.040 Uses requiring a conditional use permit.
- 18.22.050 Lot size.

- 18.22.060 Yard requirements.
- 18.22.070 Building height.
- 18.22.080 Lot coverage.
- 18.22.090 Off-street parking.

18.22.010 Purpose.

This is a medium density residential district designed to accommodate multifamily uses, together with recreational, religious, and educational uses required to serve the community. This district is intended to provide for increased variety and range of cost for housing in Leavenworth. The multifamily district is also intended to serve as a buffer between commercial and single-family districts, and to provide incentive for renewal and redevelopment of older residential areas.

18.22.020 Permitted uses.

In a multifamily residential district, the following uses and their accessory uses are permitted outright:

- A. A use permitted outright in the low density residential districts;
- B. Two-family and multifamily dwellings (non-transient), including both rental apartments and condominiums, subject to the provisions of LMC 18.22.030;
- C. Boardinghouse, lodginghouse, roominghouse, subject to the provisions of LMC 18.22.030;
- D. RCW 35.63.220, Treatment of residential structures occupied by persons with handicaps;
- E. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space;
 - ~~2.~~ Swimming pools, cabana, children's play structures, or gazebo;
 - ~~3.~~ Work and/or storage sheds for noncommercial use or equipment.
- F. ~~Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(3) are met~~ Adult family home. See RCW 70.128.175 for definition.

18.22.030 Site plan review.

Multifamily and roominghouse developments involving three or more units, as provided in LMC 18.22.020, shall be subject to the following minimum landscaping standards:

- A. Planting Area. A minimum five-foot-wide planting strip shall be provided adjacent to all street frontages, as directed by the public works director, and along all property lines which front upon a low density residential district. The total landscaped planting area, exclusive of lawns, shall not be less than eight percent of the gross project area.

- B. Trees. One tree shall be required for each 250 square feet of required planting area. Trees of two-inch caliper (measured three feet above ground level) are required. At least one out of every four of the required trees shall be planted within the interior (20 feet from any lot line, unless prevented by the structures). Nuisance trees, which are susceptible to breakage, disease, or insect infestation, or which have undesirable growth habits (roots which invade sewer lines, trees which produce messy blooms and/or fruit) should be avoided.
- C. Shrubs. The planting area must be 50 percent covered with shrubs which are two feet or higher at maturity.
- D. Ground Cover. Ground cover is required to complete the landscaping of the planting areas.
- E. Other Areas. All areas not covered by structures, paving or landscaped planting areas shall be maintained in grass.
- F. Irrigation and Maintenance. A permanent, underground irrigation system shall be provided for all planting areas and lawns. All plantings shall be the owner's responsibility to maintain and replace as needed.

18.22.040 Uses requiring a conditional use permit.

In a multifamily residential district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. A use permitted as a conditional use in a low density residential district;
- A-B. **Bed and breakfast??**
- B-C. Club, lodge or fraternal organization;
- C-D. Clinic, hospital or sanitarium;
- D-E. Nursing home, retirement home, rest home or convalescent home;
- E-F. Youth home, juvenile home or orphanage;
- F-G. Public facilities and utilities;
- G-H. Day care center (within existing and new church, public or semipublic buildings only);
- H-I. Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.

18.22.050 Lot size.

In a multifamily residential district, the lot size shall be as follows:

- A. The minimum lot area for new land divisions shall be 6,000 square feet for up to three units. Two thousand square feet of additional area on the lot is required for each additional dwelling unit. No lot shall be created which is less than 6,000 square feet in size, but multiple lots of 6,000 square feet and larger may be platted.

- B. For existing legal lots of record, at a minimum, 2,000 square feet of lot area are required for each dwelling unit.
- C. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.22.060 Yard requirements.

- A. The front yard shall be a minimum of 25 feet. On through lots, front yards shall be required on both streets.
- B. The side yard shall be a minimum of five feet.
- C. The rear yard shall be a minimum of 15 feet for lots without an alley adjacent to the rear yard, and the rear yard shall be not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.22.070 Building height.

In a multifamily residential district, no structure shall exceed a height of 35 feet.

18.22.080 Lot coverage.

In a multifamily residential district, buildings and structures shall not occupy more than 40 percent of the lot area.

18.22.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Chapter 18.23

RESIDENTIAL LOW DENSITY 10,000 DISTRICT (RL10)

Sections:

- 18.23.010 Purpose.
- 18.23.020 Permitted uses.
- 18.23.030 Uses requiring a conditional use permit.

- 18.23.040 Yard requirements – Specifications.
- 18.23.060 Lot size.
- 18.23.070 Building height.
- 18.23.080 Lot coverage.
- 18.23.090 Off-street parking.

18.23.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.23.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL10 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling;
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space,
 - ~~1.2.~~ 2. ~~Swimming pools, cabana, children's play structures, or gazebo,~~
 - ~~2.3.~~ 3. Work and/or storage sheds for noncommercial use or equipment,
 - ~~3.4.~~ 4. Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation provided the minimum requirements of LMC 18.20.020(B)(3) are met;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;

G. Group A home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such limited administrative review of applications;

H. Group B home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such full administrative review of applications;

K. Two-family dwelling/ duplex (non-transient); provided, that the lot size is in conformance with LMC 18.23.060(A), and provided the following minimum requirements are met:

1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
3. Parking shall be pursuant to 14.12;
4. Two-family dwelling unit / duplex shall conform to all other provisions of the LMC. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent;
5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
6. Separate water and sewer utilities shall be required.

H.I. _____ :

18.23.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL10 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;

I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);

~~J. Farming, truck gardening and flower gardening;~~

~~K.J. Educational centers for advanced study and research in an academic field of learning;~~

~~L.K. Temporary subdivision tract offices-subject to approval of the Leavenworth design review board;~~

~~M.L. Day nurseries and nursery schools;~~

~~N.M. (Reserved)Two family dwelling; provided, that the lot size is in conformance with LMC 18.23.060(A), and the project is in compliance with LMC 18.52.130;~~

~~O.N. Hospital;~~

~~P.O. Manufactured home park;~~

~~Q.P. Public utility structures;~~

~~R.Q. (Reserved);~~

R. Bed and breakfast facilities, meaning a single-family dwelling (single family residential unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:

a. LMC 18.52.120;

b. The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and

a.c. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming userental facilities, meaning a single-family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;

S. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

T. (Reserved).

18.23.040 Yard requirements – Specifications.

A. Front Yard. There shall be a front yard of not less than 25 feet.

B. Side Yard. There shall be side yards of not less than eight feet.

- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.23.060 Lot size.

In a RL10 district, the lot size shall be as follows:

- A. The minimum lot area shall be 10,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 70 feet for an interior lot and 80 feet for a corner lot.

18.23.070 Building height.

In a RL10 district, no structure shall exceed a height of 35 feet.

18.23.080 Lot coverage.

In a RL10 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.23.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

18.52.120 Conditional use permit – Bed and breakfast.

In granting a conditional use permit for a bed and breakfast, the hearing examiner shall impose the following minimum conditions:

- A. The bed and breakfast facility shall be the principal residence of the owner.
- B. Detached units with rooms are allowed. Accessory dwelling units allowed?? Not allowed??

- ~~A.C.~~ A bed and breakfast may only be offered in a space intended for human habitation. For example, a host may not rent a space in an accessory structure that is a storage shed or garage; Proof of Residency shall be required.
- ~~B.D.~~ The maximum number of occupants permitted to stay overnight shall be two people for each bedroom plus two additional persons, excluding children under the age of six.
- E. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes. New, converted, or annexed bed and breakfast facilities shall be inspected by the City of Leavenworth prior to operations. From thence forth with renewal of annual permits, inspections shall be conducted by the owner via the “Annual Building, Fire & Life Safety Occupancy Permit Application” provided by the City with the annual permit renewal process. All bed and breakfasts shall receive an annual permit from January 1st to December 31st, under limited administrative review, documenting conformance and agreement to conform to all permits, licenses and permits.
- F. ~~In home short term, vacation or overnight rental facilities and~~ shall be operated so as to not give the appearance of being a business. Bed and breakfasts shall be residential in appearance.
- G. ~~, and t~~Those facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes. Bed and breakfasts shall obtain a City business license and separate annual permits provided by the City; In any advertisement of the bed and breakfast, a host must include the Business License number issued by the City
- ~~C.H.~~ 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, providing guests with information related to emergency exit routes, twenty-four hours a day seven days a week contact information, proposed rules and regulations, litter control, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements. In addition to providing the plan to the City of Leavenworth, contact information shall be provided to the adjacent properties, District 3 fire chief, and Chelan County Sheriff. Placement of, adjacent to the front door (outside), a legible sign clearly visible to the general public listing the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed to be parked on site, and the name and contact information of the contact person. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by City or State regulations, whichever is more stringent. The management plan may be modified with amendment to the conditional use permit.
- I. One nonilluminated sign, not to exceed four square feet, shall be permitted subject to the review process appropriate to the zoning district.;
- ~~D.J.~~ A host must clearly advertise the bed and breakfast as owner occupied. The bed and breakfast may not be advertised as an “entire home” or “entire unit” This applies even in cases in which the home sharing takes place in an Accessory Dwelling Unit. Accessory dwelling units allowed?? Not allowed??

- ~~E.K.~~ Driveways accessing a bed and breakfast which are more than 100 feet in length shall have an improved width of at least 12 feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions;
- E. One off-street patron parking space, not located within a required yard area, shall be provided for each room rented. All parking must be accommodated on site. ~~;~~ ~~and~~
- A. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.
- B. An affidavit certifying that the host will comply with all of the provisions of the bed and breakfast regulations, Conditional Use Permit, Business License Conditions for operating a bed and breakfast, and all relevant laws shall be required.
- C. Violation of the conditions of approval, as determined by the City, shall result in immediate revocation of the bed and breakfast and a monetary penalty of \$2,000. Re-establishment shall be allowed administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.
- D. Within the annual permits provided by the City, the owner shall report to the City, the following minimum information:
- a. The address of the residence; and the contact name(s) of the person(s) responsible for the bed and breakfast.
 - b. The total number of nights that the bed and breakfast was occupied for tourist or transient use.
 - c. The host shall both have legal responsibility for the collection of all applicable taxes and remittance of the collected tax.
 - d. The Host must provide its clients or potential clients the following disclosure:

“On _____, 2016, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its ban on the rental of entire dwellings as vacation rentals. The new Bed and Breakfast Ordinance also legalized the short term rental of a portion of a person’s home when the host lives on-site throughout the visitor’s stay and when the host obtains appropriate permits, including a business license. Hosts are also required to collect and remit necessary taxes.”

18.52.130 Conditional use permit – Two family dwelling units (duplexes).

In granting a conditional use permit for a two family dwelling unit/ duplex in the residential low density zone, the hearing examiner shall impose the following minimum conditions:

- A. The minimum lot area shall be 12,000 square feet for a duplex;
- B. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
- C. Parking shall be pursuant to 14.12;
- D. Two family dwelling unit / duplex shall conform to all other provisions of the LMC. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally

established structure may receive an administrative deviation to encroach no more than 20 percent;

E. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and

F. Separate water and sewer utilities shall be required.

BUILDING, FIRE AND LIFE SAFETY INSPECTION

Sections: new or incorporated above???

?????? Program adopted.

??? Self-inspection letters, forms and permits.

??? On-site inspection.

??? Violation – Penalty.

Program adopted.

The city of Leavenworth hereby adopts a fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. Bed and breakfast owners in the city of Leavenworth subject to applicable building fire codes shall conduct a self-inspection of their property annually and submit a self-inspection form to the city no later than 30 days after receipt from the city. The inspection is to be conducted by the owner, or their designee.

Self-inspection letters, forms and permits.

A standard letter from the city will mail to bed and breakfast owners requiring the self-inspection. A partial list of fire and building inspection review elements to be included with the inspection form. The City supplied self-inspection form shall be completed and signed by the property owner and returned to the city. A copy of the Certificate of Occupancy or Change of Use permit application must accompany the self-inspection form together with the applicable application fee as established by resolution of the city of Leavenworth.

On-site inspection.

In the event an owner fails to timely file the self-inspection form with the city of Leavenworth, the city may order an on-site inspection by the city building and/or fire official or the building and/or fire official's designee and the owner shall be billed the applicable fee for said on-site inspection. The occupancy permit application fee and on-site inspection fee, if required, shall be established by resolution of the city council.

Violation – Penalty.

Any person, partnership, association, firm or corporation who violates or fails to comply with this chapter is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in LMC Chapter 21.13 or \$2,000 Penalty above??.

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