



**City of Leavenworth
Planning Commission Meeting
August 3, 2016 (Wednesday)
7:00 PM
City Hall – Council Chambers**

AGENDA

1. Call Meeting to Order
2. Roll Call
3. PC Minutes: ~~July 6, 2016~~
4. Consultant presentation and PC feedback - Regional Stormwater / Wetland Master Plan Final Draft (approximately 45 minutes)
 - a. Consultants - Thom Kutrich with Pacific Engineering, Ryan Walker with Grette Associates, and Anne Hessburg with Grette Associates.
 - b. Presentation from Thom Kutrich and Ryan Walker.
 - c. Question, answer, and PC feedback.
5. Second Reading - Residential uses review and update Chapters 18.20, 18.,21, 18.22, 18.23, and 18.52
 - a. Review of amendment to strengthen the existing LMC regarding short-term / vacation / overnight rentals in residential neighborhoods.
 - b. Review Listed Permitted and Conditional Uses.
 - c. Review of amendment to clarify Duplex and new ADU regulations.
6. Second Reading - LMC - Titles 21 and 18-Consolidation of Definitions
7. First Reading - Recreational vehicle parks (formerly Camp Grounds) to the TC listed uses. Review CUP criteria, address Park Models, and update other existing uses / criteria for recreational vehicle parks Chapters 18.51 and 18.44.
8. Upcoming Meetings (**tentative agenda items to be determined**)

Chapter 21.90
COMMON DEFINITIONS

Sections:

- 21.90.002 Purpose.
- 21.90.004 Generally.
- 21.90.030 Definitions.

21.90.010 Purpose.

The following definitions are in addition to definitions found elsewhere in this code. Where conflicts or inconsistencies arise between definitions in this title and those in others, the definitions in this title shall supersede those in other titles.

21.90.020 Generally.

Except where specifically defined in this chapter, all words used in this code shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied"; "written" includes printed, typewritten, mimeographed or multigraphed, "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed," title of Office - use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Leavenworth, "preceding" and "following" mean next before and next after, respectively. and the words "he" and "she" shall each be considered to mean "he" or "she." The definition of any word or phrase not listed in these definitions, which is in question when administering this code, shall be defined from one of the following sources. Said sources shall be utilized by seeking the desired definition from source number one, and if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. Any city of Leavenworth resolution, ordinance, code, regulation, or formally adopted comprehensive plan, shoreline master plan or program, or other formally adopted land use plan;
- B. Any statute or regulation of the state of Washington;
- C. Legal definitions from Washington common law or a law dictionary; and
- D. The common dictionary.

21.90.030 Definitions

“Abandoned sign” means any sign and/or sign structure which represents or displays any reference to a business or use which has been discontinued for one year or for which no valid business license is in effect in the city. “Abandoned sign” shall also mean any sign remaining in place after a sign has not been maintained for a period of 60 or more consecutive days after notification of such by the city.

“Abandonment” means the discontinuation of use for a period of one year.

“Accessory use or structure” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure

“Accessory or secondary use or structure” means a use or structure on the same lot with and incidental or subordinate to the primary use or structure, and which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.

“Administrator” or “city administrator” means the city administrator of the city of Leavenworth or his or her designee.

“Adult business” means any business which sells, rents, displays, or provides adult stock in trade depicting, describing or relating to specified sexual activities or specified anatomical areas, or engages in or permits specified sexual activities on the premises, and which excludes any person by virtue of age from all or part of the premises.

“Adult arcade” means a commercial establishment containing individual viewing areas or booths where, for any form of tr including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

“Adult cabaret” means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

“Adult entertainment” means:

1. Any exhibition, performance, or dance conducted in an adult entertainment facility where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
2. Any exhibition, performance, or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition, or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

“Adult entertainment facility” means a commercial establishment defined herein as an adult arcade, adult cabaret, adult motel, adult motion picture theater or adult retail store.

“Adult motel” means a hotel, motel, or similar commercial establishment which:

1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
2. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

“Adult motion picture theater” means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

“Adult retail store” means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed materials or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
2. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.
3. For the purpose of this definition, the term “principal business purpose” shall mean the business purpose that constitutes 25 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

“Adult family home” means a residence licensed by the state of Washington where personal care, special care, room, and board are provided for more than one but not more than six adults who are not related by blood or a marriage to the person or persons providing the services, per Chapter 70.128 RCW.

“Alley” means a public thoroughfare or right-of-way used primarily for utility installation, service or delivery access, or for a secondary means of vehicular access for abutting properties that are adjacent to a street.

“Alteration” means a change, addition, or modification in construction or occupancy, except as otherwise provided for elsewhere in this code.

“Antenna” means a wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building.

“Applicant” means the owner or owners of record of the property subject to an application for development approval from the city, or authorized representative of such owner or owners, except in the case of a legislative matter.

“Application” means a request for any land use permit required from the city for proposed development or action, including without limitation building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

“Balloon” means a flexible bag designed to be inflated with hot air or with a gas, and a bag shaped like a figure or object when inflated.

“Banks, savings and loan and other financial institutions” means offices and service facilities for banks, savings and loans, credit unions or other financial institutions, including drive-through windows.

“Bakery” means a facility preparing baked goods for retail sales and offering baked goods including pies, doughnuts, cakes and breads for sale to the public.

“Barber/beauty shop” means a facility offering haircuts, manicures and similar personal services.

“Baroque” means a period as well as a style of art or design that used exaggerated motion and clear, easily interpreted detail to produce drama, tension, exuberance, and grandeur in sculpture, painting, literature, dance, and music. The style started around 1600 in Rome, Italy, and spread to most of Europe. For purposes of this title the term “Baroque” describes art, graphics, or design that represents this style which was characterized between 1575 to 1770 in Bavaria.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the “100-year flood.”

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

“Bavarian Alpine” means that area of land in present day Germany which extends from the Bavarian forest along the Czech Republic border to Garmisch-Partenkirchen on the Austrian border, including the cities of Regensburg and Munich, then extending east along the Austrian border to Berchtesgaden and Passau, but not including the towns on the Tauber River, such as Nuremberg or Rothenberg.

“Bavarian folk art,” also “bauernmalerei” which translates as “peasant painting” (literally “farmer painting”) in German. Bauernmalerei was known throughout central Europe starting in the early 1500s where it took various forms from simple, naive-like decoration to more elaborate painting incorporating Renaissance, Baroque, and Rococo design. Bavarian folk art is a style of art or design which evolved following the end of the feudal system of land ownership and incorporates traditional design elements and colors characterized by stroke work using a round brush to paint natural elements (such as lilies, tulips, roses, daisies, cornflowers, fruit, leaves, and snail shells), mimic hard surfaces (such as wood, stone, and marble), and decorative elements (ornamentation such as scrolling). For purposes of this title, the term “Bavarian folk art” describes a style of art, graphics, or design that represents this style which was characterized during the 1500s to 1700s in Bavaria.

“Bed and breakfast” means an activity whereby the resident(s) host visitors in their homes, up to three rooms for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit’s primary residents lives on-site, in the dwelling unit, throughout the visitors’ stay. “Benefit or reimbursement area” means that area which includes parcels of real estate adjacent to or likely to require a connection to improvements made by a developer who has applied to the city for a latecomer reimbursement agreement pursuant to this chapter.

“Binding site plan” means an alternate method of land division under the following circumstances: (A) the division of land into two or more lots, parcels, or tracts located in a commercial or industrial zoning district; (B) the division of land for lease when no other structure other than mobile homes or recreational vehicles are to be placed on the land; and (C) the division of land into lots or tracts when performed in accordance with Chapters 64.32 and 64.34 RCW, and RCW 58.17.040(7), and complying with the provisions contained in Chapter 17.10 LMC.

“Block” means a group of lots, tracts or parcels within well defined and fixed boundaries, conforming to the standards outlined in LMC 17.14.030.

“Board” means the former Leavenworth city Board of Adjustment. The functions of the Board of Adjustment have been transferred to the Leavenworth Hearing Examiner.

“Boardinghouse,” “lodginghouse” or “roominghouse” means a building where lodging, with or without meals, is provided by members occupying such building. This term shall not be construed to include buildings which fit the definition of the term “motel.”

“Boundary line adjustment” means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, and complies with the provisions contained in Chapter 17.04 LMC.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Buildable area” means the portion of a lot remaining after required yards have been provided.

“Building envelope” means the buildable area of a lot after applicable yards / setbacks, easements, and other restrictions on the lot are taken into account.

“Building face” means the outer surface of any building which is visible from any private or public street, highway or alley. For the purposes of building wall calculations, where multiple walls differ in outer edge plane, the secondary planes, corners, and/or angles shall be incorporated into the primary building elevation, and shall not be calculated independently, or as a secondary building elevation.

“Building height” means the vertical distance measured from the average elevation of the actual or proposed finish grade around the building to the highest point of a flat roof and the mean height between eaves and ridge of a pitched roof.

“Bus and/or taxi stop” means a bus and/or taxi transfer area or facility providing passenger access to routes and adjacent activities.

“Business, technical or trade school” means a facility which offers post-secondary professional and training education.

“Business visit” means an individual trip made for the purpose of conducting business or receiving instruction, or for performing services, or for delivering goods or stock in trade.

“Car wash” means facilities for the washing of passenger cars and light trucks as either a principal use or accessory to fueling stations, convenience stores or similar permitted uses.

“Carport” means an accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides

“Character” means the aggregate of visible Old World Bavarian Alpine theme architectural features and traits that together form the individual nature of the Old World Bavarian Alpine theme.

“Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- A. Level 1 is considered slow charging.
- B. Level 2 is considered medium charging.
- C. Level 3 is considered fast or rapid charging.

“City” means the city of Leavenworth, Washington, or the area within the territorial limits of the city of Leavenworth, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded

“City council or Council” means the city council of the city of Leavenworth, Washington. “All its members” or “all councilmen” mean the total number of councilmen provided by the general laws of the state of Washington.

“City engineer” means the city of Leavenworth engineer or his/her designated representative.

“Cost of construction” means those costs (excluding interest charges or other financing costs) incurred for design, acquisition for right-of-way and/or easements, construction, labor, materials and installation required in order to create an improvement which complies with city standards, as determined by the city’s engineer or authorized agent.

“Classical” means a stylistic period of the art of ancient Greece. The onset of the Persian Wars (480 BC to 448 BC) is taken as the beginning of the Classical period, and the reign of Alexander the Great (336 BC to 323 BC) is taken as the end of the period. For purposes of this title, the term “Classical” describes a style of art, graphics, or design that represents the style used during this time period.

“Clinic” means a building designed and used for the medical, dental and surgical diagnosis and treatment of outpatients under the care of doctors and nurses, having a central reception room for one or more doctors with one or more associated licensed personnel, and operating under a general management.

“Commercial” means any activity carried on for a financial gain or a business endeavor.

"Commercial Amusement Enterprise" means a location where recreation activities take place. These activities can include but are not limited to stadium, arena, outdoor theater (amphitheaters or outdoor music events, theme parks, equestrian facilities, rodeos, circuses, skateboard parks, race tracks, go karts, ATV or motorcycle tracks, and sports stadiums or arenas), bowling alley, dance hall, skating rink, archery club, gun club, private tennis club, private swimming club, or similar athletic club, batting cages, BMX courses, paintball and golf driving ranges. If these activities are an appurtenant use to another commercial use and will occupy less than 25 percent of the floor area of a business, they will not be considered a commercial amusement enterprise and will not require a conditional use permit.

“Closed record appeal” means an appeal based on the existing record with no or limited new evidence or information allowed to be submitted and with only appeal argument allowed.

“Cluster subdivision” means a subdivision technique that allows lot sizes to be reduced and buildings sited closer together; provided, that the total densities at the project level do not violate the density limits identified in the comprehensive plan and the applicable zoning district, for the

protection of critical areas, to allow for the retention of open space, and to avoid areas with development limitations.

“Community service event” or “civic event” means an event (e.g., festival, parking, fun run and/or meeting) sponsored by or for the benefit of a nonprofit organization.

“Comprehensive plan” means the City of Leavenworth Comprehensive Plan, adopted in 1996, and any subsequent amendments thereto.

“Comprehensive plan amendment” means an amendment or change to the text or maps of the comprehensive plan.

“Communality Development Director or Director” means the director of community development or his or her designee, unless the title or chapter contained in this code refers to the director of another department.

“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapters 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

“Congregate care facility” or “retirement center” means a residential facility designed for and occupied by at least one person per unit who is able to live independently and without 24-hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation.

“Copy and/or printing establishment” means a retail print service, including blueprinting, photostat copies, copier and other business support services.

“County” means the county of Chelan, Washington.

“Critical areas” means areas of environmentally sensitive areas, including the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) frequently flooded areas; and (5) geologically hazardous areas.

“Critical Facility, special flood hazard” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Cul-de-sac” means a short dead-end street having one end intersecting another street and the other end terminating in a vehicular turnaround space.

“Date of decision” means the date on which final action occurs and from which the appeal period is calculated.

“Day care center” means a center for the care of 13 or more children during part of the 24-hour day.

“Dedication” means the deliberate appropriation of land by an owner for any general and public use, reserving to the owner no other rights than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

“Density” means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

“Department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

“Design review board” means the board created by Ordinance 983 (Chapter 2.38 LMC), as amended.

“Deterioration” means the falling from a higher to a lower level in quality and/or character. Building deterioration is typically caused by failure to clean and carry out routine maintenance; inadequate inspecting; and natural aging of the structural elements.

“Developer” means an individual, firm, corporation, limited liability company or partnership who proposes to improve real property within the city or its urban growth area (“UGA”), proposes an action, or seeks a permit regulated by LMC Titles 14, 15, 16, 17 or 18, inclusive.

“Development” means any land use permit or action regulated by this code, including but not limited to subdivisions, planned developments, rezones, building permits, design review permits, shoreline permits, conditional use permits, or variances.

“Development code” means the applicable titles of this code, including, but not limited to, zoning ordinances, critical areas ordinances, subdivision ordinances, shoreline master programs, and official controls, together with any amendments thereto.

“Development, special flood hazard” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Direct connection” means a service connection, to be owned and maintained by the property owner and not the city, from existing or new utility improvements based on the following criteria:

1. Water system direct connections are single and dual water service taps;
2. Sewer system direct connections include side sewer (service) connections.

“Direct illumination” means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

“Drive-in restaurant” or “refreshment stand” means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

“Driving surface” means that portion of a street intended for vehicular travel or parking.

“Duplex” means a single building containing two dwelling units, totally separated from each other by an unpierced wall.

“Dwelling, multifamily” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis.

“Dwelling, single-family ” means a detached residential dwelling unit, which is site-built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family. Dwelling, single-family also means single family residence.

“Dwelling, two-family ” means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as separate living quarters. A dwelling unit includes a single-family residence, an apartment or other leased premises, or residential condominium unit. A dwelling unit shall include a detached Accessory Dwelling Unit that is intended for human habitation (i.e. living quarters). Dwelling unit does not include individual hotel/motel guest rooms, condominium timeshare units, cabins, or similar guest accommodations rented to transient guests in a motel, hotel, inn, or similar transient lodging establishment.

“Easement” means a recorded grant or permission given by a property owner to another person, public utility, company, or municipality for a specific use of a portion of his/her property.

“Easement, access” means a private right-of-way which provides vehicular access to a street from no more than three existing or potential lots.

“Eating and drinking establishment” means an establishment designed and constructed to serve food and beverages for consumption on the premises, in an automobile or for carry-out for off-premises consumption and which establishment may or may not have on-premises dining room or counter. Such establishment may include, but is not limited to: restaurant, coffee shop, cafeteria, short- order cafe, tavern, bar, lounge, sandwich stand, soda fountain, catering and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale. Mobile lunch cart or other temporary mobile food vendors are excluded from this definition.

“Educational institutions and facilities” means uses that provide state mandated basic education, public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the state of Washington; certified by the Washington State Board of Education; and/or under the authority and/or oversight of the Washington State Office of Superintendent of Public Instruction (OSPI). Preschools and pre-kindergarten facilities (day cares) are not educational institutions and facilities for the purposes of this definition.

“Effective date” means the date a final decision or action becomes effective.

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle (EV)” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (A) a battery electric vehicle; (B) a plug-in hybrid electric vehicle; (C) a neighborhood electric vehicle; and (D) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with level 1 or level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station – restricted” means an electric vehicle charging station that is (A) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (B) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle charging station – public” means an electric vehicle charging station that is (A) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (B) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance procedures).

“Eave line” means the juncture of the roof and the perimeter wall of the structure.

“Erect” means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not all related by blood or marriage, living together in a dwelling unit.

“Family day care home” means a home which regularly provides care during part of the 24-hour day to six or fewer children. Such number shall be reduced by the number of permittee’s own children and foster children under 12 years of age who are on the premises.

“Family entertainment enterprise” means an indoor location, on a smaller scale than a commercial amusement enterprise, where family-oriented recreation activities take place. These

activities can include but are not limited to video games, indoor miniature golf, billiard tables, foosball tables, air hockey tables, table tennis, and darts. If these activities are an appurtenant use to another commercial use (i.e., video games in a pizza parlor) and will occupy less than 25 percent of the floor area of a business, they will not be considered a family entertainment enterprise and will not require a conditional use permit.

“Festival sponsoring group” shall mean a nonprofit group with its home office located within the Cascade School District, and which seeks to sponsor a festival for the purposes of tourism promotion.

“Final decision” means the final action by the director, hearing examiner or city council.

“Flag” means a fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

“Flag, business” means a flag or representation of a flag displaying the letters, figures, design, symbol, trademark or device, including artificial representation of stock-in-trade, name, insignia, emblem, logo, product, service, or other graphic representation of a business.

“Flag, government” means an official flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or similar type of organization.

“Flagpole” means a free-standing structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.

“Flag lot” means a lot not meeting minimum frontage requirements and where access to the developed street is by a narrow private right-of-way or driveway.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

“Floodplain” means any land area susceptible to being inundated by water during a flood. In connection with the National Flood Insurance Program, the term usually refers to the 100-year floodplain. The term is identical to “flood hazard area.” The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map, for the city of Leavenworth, as amended, shall determine the extent of the floodplain. “Area Of Special Flood Hazard” is further defined as the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map, for the city of Leavenworth, as amended, shall determine the extent of the floodway.

“Floor area” means the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces inside the building, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.

“Food booth” shall mean a temporary structure set up in the public right-of-way, which is used to house a group, either nonprofit or commercial, for the purpose of serving food to the public during a festival.

“Foster home” means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

“Fully shielded fixture” means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, or from any angle around the fixture or tube, the fixture or tube is not fully shielded.

“Funeral home” means a facility licensed by the state engaged in preparing human remains for burial. Services may include, but are not limited to, embalming, transport, memorial services, and the sale of caskets.

“Garage, parking or commercial ” means a building used for storage, repair or servicing of motor vehicles as a commercial use.

“Garage, private ” means an accessory building or a space within the principal building used for the storage or parking of vehicles.

“Gasoline service station” means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and not to include a repair garage or body shop.

“Glare” occurs when a bright light source causes the eye to continually be drawn toward the bright image or brightness of the source prevents the viewer from adequately viewing the intended target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing overall visibility. Two classifications of glare are discomfort glare and disability glare.

1. “Discomfort glare” does not necessarily keep the viewer from seeing an object, but does cause a constant adaptation of the eye to the contrast of light levels that in turn may cause a sensation of discomfort.

2. “Disability glare” occurs when the bright light source causes stray light to scatter in the eye which causes the primary image on the retina to be obscured. It may prevent the viewer from seeing things of importance.

“Greenbelt” means an area of vegetation, either native stock or replanted, in public or private ownership.

“Gross area” means, for the purpose of calculating density for Chapter 17.16 LMC, Cluster Subdivision, the total area of the project site; provided, that sloped areas in excess of 40 percent slope and designated critical areas, as identified in Chapter 16.08 LMC, are credited at 50 percent of their area.

“Guest or visitor” means a person who rents a home-share rental.

“Handling or processing of hazardous substances” means the use, dispensing, wholesaling, retailing, compounding, manufacture, storage, treatment or synthesis of hazardous substances in quantities greater than five gallons in volume per individual container.

“Hazardous waste” means all dangerous and extremely dangerous wastes as defined by WAC 173-303-070 through 173-303-100.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor.

“Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

“Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

“Hazardous waste treatment and storage facility, on-site” means storage and treatment facilities which treat and store hazardous wastes generated on the same property.

“Hazardous waste facilities, off-site” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

“Hazardous waste facilities, on-site” means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from geographically contiguous property.

“Hedge” means a fence or boundary formed by a dense row of shrubs or low trees.

“Height” (of a freestanding sign) means the vertical distance measured from the highest point of the sign structure to the grade of the adjacent street or the surface grade at any point beneath the sign, whichever provides the lowest elevation.

“Home occupation” means a lawful economic enterprise that is conducted or operated within a residential dwelling unit or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use

of the dwelling unit. The intent of a home occupation is to establish criteria for operating home occupations in dwelling units within residential districts while maintaining the peace, quiet, and residential character of all residential neighborhoods within the city, and alleviating or limiting excessive noise, excessive traffic, nuisance, fire hazard, and other adverse effects of commercial uses being conducted in residential areas. Furthermore, the intent is to direct uses not maintaining the peace, quiet, and residential character of all residential neighborhoods into the commercial or industrial zoning districts where such activities and operations are accepted.

“Home occupation, Group A” means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has no nonresident worker. In addition, limited customers visit the business. Group A home occupation is not visible from outside the home. The business must be conducted in the home by a resident and have no impact on the surrounding neighbors. Examples of Group A home occupation include, but are not limited to: “desk and telephone” occupations, cottage crafts where mail services are used, and a consultant’s office with infrequent customer and/or client visits (maximum of two per month).

“Home occupation, Group B” means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has a maximum of one nonresident worker. In addition, customers visit the business. Group B home occupation allows more flexibility, including the potential of impacting the neighbors; therefore, a full administrative review of applications is required. Examples of Group B home occupation include, but are not limited to: hairdressers, music teachers, and a consultant’s office with customer and/or client visits (more frequent than two per month). Transient accommodations and/or lodging are not considered a home occupation and are prohibited within residential zones.

“Hospital” means an establishment whose primary function is to provide sleeping and eating facilities to persons receiving medical or surgical care with nursing service on a continuous basis.

“Host” means a person engaged in providing a home-sharing rental.

“Hotel” means a building or portion thereof designed or used for transient rental of more than five units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

“Indoor sports arenas, auditoriums, and exhibition halls” means a building for indoor (open wall) sports, theater, concert hall, or other public building, in which the audience sits, and/or building for gatherings or entertainment.

“Infill development” means development designed to occupy scattered vacant parcels of land which remain after the majority of development has occurred in an area.

“Irregular lot” means a lot which is shaped in such a way that application of yard / setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

“Installed” means attached, or fixed in place, whether or not connected to a power source

“Kennel” means a structure or lot on which four or more domestic animals at least four months of age are kept and deemed to be a public nuisance.

“Laundry/dry cleaning” means a facility providing machines for the washing and drying of clothes and personal items. This definition does not include an industrial facility providing laundry, dry cleaning, linen supply, and uniforms on a regional basis.

“Law” denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the city of Leavenworth, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“Light display” means an outdoor visual exhibition designed to dominate surrounding uses by incorporating items such as intense lighting which focuses attention on location.

“Light industry” means industrial uses which are consumer-oriented industry. Such products are produced for end users (and storage) rather than as intermediates for use by other industries. Light industry facilities have less environmental impact than those associated with heavy industry, and may be near residential areas. It is the production of small consumer goods. Examples of light industries include the manufacturing of clothes, shoes, furniture, consumer electronics and home appliances. Conversely, ship building would fall under heavy industry.

“Light trespass” occurs when neighbors of an illuminated space are affected by the lighting system’s inability to contain light within the area intended. The most common form of light trespass is spill light which illuminates objects beyond the property boundaries.

“Lives on-site” means being present in the dwelling unit where the in home short-term, vacation or overnight rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining, and engaging in other activities in the dwelling unit that are typically enjoyed by a person in their home.

“Loading space, off-street” means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

“Local commercial food establishment” shall mean a private, for-profit business located within the city of Leavenworth for a period of at least one year, which is typically operated for the preparation and delivery of food to the general public.

“Local nonprofit group” shall mean an organization which is recognized by the federal Internal Revenue Service as a not-for-profit organization, and is operated from, or provides services to residents of, the city of Leavenworth.

"Lodging unit" means an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

“Lot” means a fractional part of divided lands having fixed boundaries or single parcel of land located within a single block, which at the time of application for a building permit is designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

“Lot, corner” means a lot abutting on two or more streets, other than an alley, at their intersection.

“Lot coverage” means the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members. Decks, balconies, and at-grade patios do not count toward lot coverage; however, roofed areas including, but not limited to, porches, breezeways, and covered walkways shall count toward lot coverage.

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line.

“Lot, interior” means a lot other than a corner lot with only one frontage on a street.

“Lot of record” means a lot, parcel, or area of land as shown on an officially recorded plat, subdivision, or short subdivision which has been recorded with the Chelan County auditor and was divided in accordance with all applicable development regulations and laws in force at the time of subdivision; or a lot, parcel, or area of land for which a deed or contract was recorded with the Chelan County auditor prior to July 1, 1974, when the parent parcel was divided into four lots or less, or prior to May 23, 1969, when the parent parcel was divided into five lots or more.

“Lot, through” means an interior lot having frontage on two parallel or approximately parallel streets other than alleys.

“Lot width” means the horizontal distance between the side lot lines measured at the front building line.

“Low wattage” is lighting which is “muted,” diffused and for purposes of this chapter is used primarily for architectural embellishment. This light shall not shine, glare, emit direct illumination, or cast a shadow on the adjacent property.

“Lowest Floor, special flood hazard” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than abasement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the LMC (i.e. provided there are adequate flood ventilation openings).

“Lumen” means the unit used to measure the actual amount of visible light that is produced by a lamp.

“Luminaire” means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.

“Luminous tube (neon tube)” means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10 to 15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. Does not include common fluorescent tubes.

“Maintenance” means the ordinary maintenance and repair of any architectural feature and/or sign that does not involve removal or a change in design, dimensions, materials or outer appearance of such feature.

“Maintained” means not broken, torn or ripped, securely attached or affixed to the supporting structure, clean in appearance, without chipped, faded or peeling paint, or otherwise in a condition a reasonable person would deem in “good condition.”

“Major recreational vehicles” includes boats, boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, snowmobiles, motorbikes, and the like.

“Manufactured Home, Designated” means a manufactured home constructed after June 15, 1976, in accordance with the state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;
2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:13 pitch; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code (International Construction Code) compliant single-family residences.

“Manufactured Home or Mobile Home” means a structure, designed and constructed to be transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the National Mobile Home Construction and Safety Standards Act of 1974 as adopted by Chapter 43.22 RCW, State Government – Executive, Department of Labor and Industries, if applicable. Manufactured home does not include a modular home. A structure which met the definition of a “manufactured home” at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

“Manufactured Home, New” means any manufactured home required to be titled under RCW Title 46, Motor Vehicles, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2), Excise Tax on Real Estate Sales.

“Manufactured home lot” means that area within the manufactured home park that is designated for the private use of the occupants of the lot.

“Manufactured home park” means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more manufactured homes for dwelling purposes.

“Medium charging” means an electrical outlet which is standard for home and public charging and typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

“Mini-day care center” means a center for the care of 12 or fewer children during part of the 24-hour day in a facility other than the family abode of the permittee, or a home for the care of from seven through 12 children in the family abode of the permittee. Such number shall be reduced by

the number of permittee's own children or foster children under 12 years of age who are on the premises.

"Mitigation contribution" means a cash donation or other valuable consideration offered by the applicant in lieu of: (1) a required dedication of land for public park, recreation, open space, public facilities, or schools; or (2) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. The city may accept voluntary contributions.

"Mobile Home, Used" means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW, Retail Sales Tax, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW, Use Tax, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

"Month" means a calendar month.

"Motel" means a building or group of buildings in which lodging is offered to transient guests for compensation and providing parking accommodations for automobiles adjacent to the lodging. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names.

"Mounting height" shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

"New Construction, special flood hazard" means structures for which the "start of construction" commenced on or after the effective date of Ordinance No. 1222.

"Non-electric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."

"Nonprofit organization" means an organization licensed by the state of Washington pursuant to RCW Title 24.

"Nonresident worker" means an employee or other person who does not reside in the dwelling but who regularly performs services at the dwelling as part of, in pursuit of, or in furtherance of a home occupation.

"Nursing or convalescent home" means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

"Professional office" or "office" means a building or separately defined space within a building occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, licensed real estate brokers and persons engaged in similar occupations. The use of an office does not include on-premises sales or manufacture of goods.

“Old World Bavarian Alpine theme” means a unifying or dominant design style typified by the Bavarian Alpine region of Europe during the 15th to 17th centuries. For the purposes of this chapter, “Old World Bavarian Alpine” shall mean design which includes Baroque, Rococo, Classical, or Bavarian folk art elements or graphics, or graphics painted or produced in a manner which mimics these styles, and which uses only colors which would have been found during the 15th to 17th centuries in Europe. Such colors shall conform with the examples shown within the Resolution of the Design Review Board No. 1-2011 or as approved by the design review board. This resolution is available for review at no cost at City Hall during normal business hours.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

“Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

“Ordinary high water mark” means that mark on all rivers and streams where the presence of waters is so long continuous as to mark upon the soil and rock a character distinct from the abutting uplands; for lakes and reservoirs, the water mark is where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

“Outdoor light fixture” means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube and/or similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape and architectural lighting;
5. Billboards and other signs (advertising or other);
6. Street lighting;
7. Product display area lighting;
8. Building overhangs and open canopies;
9. Pedestrian walkways or areas;
10. Building or landscape decoration.

“Outdoor recreation facility” means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

“Owner” means any person who, alone or jointly or severally with others, has title or interest in any building and/or structure with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building and/or structure.

“Parking facility” or “parking lot” means an area permanently reserved for the temporary storage of one or more automobiles and connected with a street by a surfaced driveway that affords ingress and egress for automobiles.

“Parking space, off-street” means an off-street enclosed or unenclosed impermeable surface area permanently reserved for the temporary storage of one automobile and connected with a street by an impermeable surface driveway which affords ingress and egress for automobiles. “Parking structure” means a partially or fully enclosed surfaced area, either underground or aboveground, permanently reserved for the temporary storage of one or more automobiles and connected with a street by a surfaced driveway that affords ingress and egress for automobiles.

“Parking, Private ” means parking facilities for the noncommercial use of the occupant and guests of the occupant.

“Party of record” means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

“Performance bond” or “surety bond” means a binding agreement between the city and a developer or applicant guaranteeing that certain stated work will be accomplished by a specific date.

“Person” means any individual, firm, corporation, association, partnership, or public entity and their agents or assigns.

“Personal service” means businesses engaged in providing care of the corporeal person or his apparel, not including health care.

“Pet care center” means an indoor kennel which provides boarding and grooming services.

“Pharmacy/drug store” means an establishment where medicinal drugs are dispensed and sold.

“Planned action” means a significant development proposal as defined in RCW 43.21C.031, as amended.

“Planned unit development” or “planned development district” means a flexible method of land development which accomplishes the purposes of Chapter 18.40 LMC, as amended.

“Planning commission” means the Leavenworth city Planning Commission.

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

“Plat alteration” means the alteration, re-orientation, and/or reconfiguration of lots, or any portions thereof, within a major subdivision or short subdivision that involves a public dedication, provided there is no increase in the overall number of lots, tracts, or parcels, and provided the provisions of Chapter 17.06 LMC, as amended, are complied with.

“Plat certificate” means a document prepared by a title company that contains information on the subject property to be platted such as ownership, legal description, easements, liens, etc.

“Plat, final” means the final drawing of the subdivision (five or more lots) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended.

“Plat, final short” means the final drawing of the short subdivision (four lots or less) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended.

“Plat, preliminary” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.12 LMC, as amended.

“Plat, preliminary short ” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.08 LMC, as amended.

“Plat vacation” means to render a plat, short plat, or binding site plan inoperative.

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (A) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (B) charges its battery primarily by connecting to the grid or other off-board electrical source; (C) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (D) has the ability to travel powered by electricity.

“Primary or principal use” means the predominant use of the land or building to which all other uses are secondary or accessory.

“Private driveway easement” means a driveway that is on private property and is used for access to no more than three lots.

“Project” means a proposal for development.

“Property” includes real and personal property.

“Property, personal” includes, but is not limited to, money, goods, chattels, things in action and evidences of debt.

“Property, real” includes lands, tenements and hereditaments.

“Public facilities and utilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken.

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

“Public improvement” means any structure, utility, roadway, or sidewalk for use by the public, required as a condition of development approval.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules

adopted under RCW 19.27.540. A rapid charging station typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

“Reader board sign” means a sign face consisting of readily changeable letters allowing frequent changes of copy.

“Recreational facilities” means facilities for recreational uses, including but not limited to swimming pools, athletic clubs, tennis courts, ball fields, play fields, and skate parks.

“Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use with or without motive power of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official “Green” seal.

“Recreational Vehicle, special flood hazard” means a vehicle,

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Recreational vehicle park” means a tract of land under single ownership or control upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

“Recreational vehicle site” means a plot of ground within a recreational vehicle park intended for accommodation of a recreational vehicle on a temporary basis.

“Rehabilitation” means the process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are Old World Bavarian Alpine theme compliant.

“Repair” means any change that is not construction, addition, demolition, moving, or alteration.

“Resource lands” means lands primarily devoted to commercial forests, commercial agriculture, or containing minerals, as defined in RCW 36.70A.030, as amended.

“Restoration” means the act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at the time of design review board approval, removal of features outside of the Old World Bavarian Alpine theme; and reconstruction of missing features from the design review board approval.

“Retail food/grocery store” means a retail establishment offering a wide variety of comestibles (edible/eatable), beverages and household supplies for sale.

“Retail stores and service establishments” means an establishment where the majority of sales of goods or services (or of both) is for resale and is recognized as retail sales or services in the particular industry.

“Right-of-way” means land designated for public use for utility, vehicular and/or pedestrian travel or access to adjoining properties.

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

“Rococo,” also referred to as “Late Baroque,” means an 18th-century style of art or design which developed as Baroque artists gave up their symmetry and became increasingly ornate, florid, and playful. Rococo style may be described as more lighthearted than Baroque design and may be abstract and asymmetrical in decoration. For purposes of this title the term “Rococo” describes a style of art, graphics, or design that represents this style which was characterized between 1720 to 1775 in Bavaria.

“Rope lights” means lights which simulate neon lighting and are in an enclosed tube

“Screen” or “screening” means a continuous fence, hedge, landscaping, or combination which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

“Segregation” means a large parcel, upon which is levied a reimbursement charge, is divided into smaller parcels. The associated charge is divided among the smaller parcels in accordance with the provisions of the original means of allocating the reimbursement charge.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology.

“Sexually oriented materials” means any books, magazines, periodicals, or other printed materials or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas. The term “sexually oriented materials” includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

“Shall” is mandatory; the word “may” is permissive.

“Sidewalk” means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

“Sign” means a communication device, structure, or fixture located on the exterior of a structure and visible from public rights-of-way or located in the interior of a structure and visible from public rights-of-way which incorporates graphics, symbols, or written copy that is intended to promote the sale of a product, commodity or service, or provide direction or identification for a premises, business, or facility. “Sign” does not include actual unpriced stock in trade on display and available for sale. “Sign” does not include murals, but may be incorporated into a mural.

“Sign” includes all structural members and, without limitation, the following types of signs:

1. “Bench sign” means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way. A bench sign does not include those components of a bench which are commemorative or information plaques, not used for commercial purposes.
2. “Billboard sign” means a freestanding sign without the on-site business name and information and/or off-site advertisement.

3. "Business listing sign" means a sign in which the names of the occupants of a building are given and displayed in columns and/or rows.
4. "Commemorative plaque" means a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.
5. "Community bulletin board" or "kiosk" means a freestanding structure or wall structure which includes a surface intended for the posting of messages; for example, announce events, sales, or provide information. Such structure shall only be established by the city of Leavenworth.
6. "Construction sign" means any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
7. "Directional sign" means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs).
8. "Directory sign" means a sign on which the names and locations of occupants or the use or uses of a building are listed on a building diagram attached to the wall of the building.
9. "Drive-through menu board sign" means a freestanding or wall sign used for establishments to display their menu items and prices. The establishment shall have and maintain provision for automotive drive-through customers in order to be eligible for a drive-through menu board sign.
10. "Existing nonconforming sign" means any sign located within the city limits on the date of adoption or amendment of the ordinance codified in this chapter, which does not conform with the provisions of this chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.
11. "Freestanding sign" means a sign, not attached to any building or similar type of structure, which is securely and permanently attached to the ground.
12. "Illuminated sign" means any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tubes, either directly or indirectly. Such illuminated signs include, but are not limited to: television screens, monitors (computer or otherwise sourced), backlit canopies, LED, neon, internally illuminated channel letters, acrylic formed faces and other types of directly or indirectly illuminated signs.
13. "Incidental sign" means a sign, emblem, or decal informing the public of the property address, business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).
14. "Integral sign" means any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.
15. "Label sign" means a manufacturer's identification of the manufacturer, nature, ownership, or destination.

16. "Logo sign" means a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.
17. "Menu sign" or "menu board sign" means a sign displaying the food products and prices provided by the eating and drinking establishment.
18. "Noncommercial sign" means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.
19. "Off-site sign" means a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises or at the location where the sign is located.
20. "Pennant" means a long, tapering, usually triangular flag or an emblem similar in shape to a ship's pennant.
21. "Political election sign" means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, state or national election or referendum.
22. "Political free speech sign" means a temporary sign expressing an opinion on a public, social, or ballot issue.
23. "Portable sign" means any mobile, movable sign or sign structure, such as a sandwich-board sign (A-frame sign), which is not securely attached to the ground or any other structure.
24. "Private use sign" means a temporary sign announcing an event, use or condition of personal concern, nonbusiness in nature, including, without limitation, "garage sale" or "lost animal" signs.
25. "Projecting sign" means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.
26. "Real estate sign" means any sign which is used to offer property for sale, lease or rent.
27. "Residential development sign" means a sign identifying a recognized subdivision, condominium complex or residential development.
28. "Roof sign" means any sign erected or constructed wholly upon and over the roof of any building or structure; provided, however, that a sign on the surface of a canopy shall be regarded as a projecting or wall sign.
29. "Special event sign" means individual temporary booth, tent, or vendor sign allowed for a special event or festival.
30. "Temporary community service event sign" means a sign for the purpose of "community service event" or "civic event."
31. "Temporary sign" means a sign not constructed or intended for long-term use. For the purposes of this definition, a temporary sign shall not be in place greater than 24 hours, unless specifically allowed a greater duration by this chapter. Temporary signs installed pursuant to this title do not have vested status and cannot become permanent installations.

32. "Trailer sign" means any sign mounted, painted, or attached through some other method on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.
33. "Transient business sign" means any sign used for any person either as principal or agent who sells goods, wares, services or merchandise at a fixed location on private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the International Building Code and the LMC.
34. "Vehicle sign" means advertisement or graphics intended to advertise business affixed to a vehicle, but does not include license plates, license plate frames or vehicle brand.
35. "Wall sign" means any sign painted on or attached to and erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. Awning, canopy, and window (for the purposes of this definition, the window area is not calculated for temporary "sale" and "special product announcements" signs) signs are considered wall signs for the purposes of this definition. In addition, single-sided signs located parallel to the building wall, in the same building elevation, and separated from the wall are considered wall signs for the purposes of this definition.
36. "Warning sign" means any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing," "no hunting," "flammable," "dangerous dog," "no parking," "no dumping" and rules that govern.

"Sign area" means, for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller) or logical outer boundary of a polygon which will wholly contain the sign; provided, that the outer boundary of the polygon does not protrude beyond the sign as determined by the city administrator or his/her designee. The structure supporting a sign shall not be included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural (see LMC 14.08.040) incorporating commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition. In the case of double sided signs, erected in a manner so that the display surfaces are placed directly back to back to one another, the area of one side is that which is used to calculate the allowed area of a sign, provided the surfaces are identical in size, color and design. In the case of business listing signs, each business sign area shall be calculated separately, and compiled for a total area excluding clearly defined spacing and/or gaps.

"Site development permit" means an application for site preparation of undeveloped land where no building or structure is altered, moved or constructed.

"Site plan" means a scaled drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces, and other principal development features for a specific parcel of property and other information as required by the applicable sections of this code.

“Slow charging” means an electrical outlet which is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet.

“Specified anatomical areas” means and includes any of the following:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

“Specified sexual activities” means and includes any of the following:

1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

“Start of Construction, special flood hazard” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement as within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Stock in trade” means any item or goods that are kept on hand for sale to customers as part of a business; or that are produced, purchased, processed, finished, or fabricated as part of a home occupation and are intended for resale, or are incorporated into any such item, or are used to make, manufacture, produce, process, finish, or fabricate any such item; provided, that it does not include samples.

“Street” means a public right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

“Street, developed” means a right-of-way improved to the minimum development standards established by the city.

“Street, undeveloped or substandard” means a right-of-way not improved to the minimum development standards established by the city.

“Street line” means the right-of-way of a street.

“Structure” means anything constructed or erected with a fixed location. Among other things, structures include buildings, mobile homes, flagpoles, towers, tower structures, light displays, homes, walls, fences, billboards, and poster panels.

“Structure, special flood hazard” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Subdivision code” means LMC Title 17.

“Subdivision, major” means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.12 LMC.

“Subdivision, short” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.08 LMC.

“Substantial Damage, special flood hazard” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial Improvement, special flood hazard” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude: 1) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Temporary lighting” means lighting which does not conform to the provisions of this chapter and which will not be used for more than a temporary period. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects.

“Temporary food service establishment” means an eating and drinking establishment operating for a temporary period (one day up to six months) in connection with a fair, community event, public exhibition or other similar gatherings in which a special use permit is obtained.

“Tenant” and “occupant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

“Terrain classification, special flood hazard” are as follows:

1. “Ordinary terrain” means a cross slope range of zero percent to eight percent;
2. “Rolling terrain” means a cross slope range of eight percent to 15 percent;
3. “Hilly terrain” means a cross slope range of over 15 percent.

“Theater” means a structure or area designed for the presentation of live performances, including dramatic works, concerts, and motion pictures.

“Transient accommodation and/or lodging” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

“Travel trailer” means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and length not exceeding 31 feet 11 inches.

“Total outdoor light output” means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for all classes of lighting. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered.

“Tower/tower structure” means a structure taller than its diameter which can stand alone or be attached to a building or other structure, and anything tall and thin approximating the shape of a column or tower.

“Townhouse” means a duplex dwelling unit meeting the following criteria: (1) no dwelling unit overlapping another vertically; (2) common side walls joining units; (3) not more than two dwelling units in one structure; and (4) each unit being on its own lot of record.

“Upholstery shop” means a retail service for the upholstery and re-upholstery of furniture.

“Used” or “occupied” includes the words intended, designed, or arranged to be used or occupied.

“Vehicle” means a device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including mopeds, and excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

“Walkway” means a hard surfaced portion of a street, right-of-way, trail, or easement intended for pedestrian use.

“Water or sewer improvements” means the acquisition of right-of-way and/or easements, design, inspection and installation of improvements to city standards, as defined in RCW 35.91.020 as it now reads or as hereafter amended. They are further defined to include the following:

1. “Water system improvements” includes, without limitation, such things as treatment facilities, mains, reservoirs, wells and appurtenances such as valves, pumping stations and pressure-reducing stations.

2. "Sewer system improvements" includes, without limitation, such things as treatment facilities, mains and maintenance holes, pumping stations, force mains, inlets, catch basins, ditches, and swales. This term also includes all sanitary sewer or storm sewer improvements.

"Water and sewer latecomer reimbursement agreements" means a written contract, as approved by the city council and executed by the mayor, between the city and one or more developers providing for construction of water or sewer facilities and for partial reimbursement to the developer(s) by owner(s) of properties benefited by the improvements.

"Watercourse" means the course or route followed by waters draining from the land, formed by nature or man and consisting of a bed, banks, sides, and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity (but not necessarily continuously), naturally, and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks, and associated wetlands.

"Wetland" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

"Yard / Setback" means an open space on a lot which is unobstructed from the ground upward and the minimum distances required for buildings and structures to be set back from the property lines except for the projection of such features as cornices, eaves, gutters, shades and related architectural elements, which may project not more than four feet into a required front or rear yard or two feet into a required side yard in the residential zones and not more than six feet into any required yard in the commercial zones.

"Yard / Setback line" means a line which is parallel to a lot line or access easement located at the distance required by the yard / setback.

"Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

Lot line, front.

"Front lot line" means the line separating any lot or parcel of land from a street right-of-way. On a through lot, the line abutting the street providing primary access to the lot or the street address of the lot. On a flag lot, it is the interior lot line most parallel to and nearest the street from which access is obtained.

"Yard, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.

July, 2016

Lot line, rear.

“Rear lot line” means a lot line or lines which are opposite and most distant from the front lot line.

“Yard, side” means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building.

Lot line, side.

“Side lot line” means any lot line that is not a front or rear lot line.

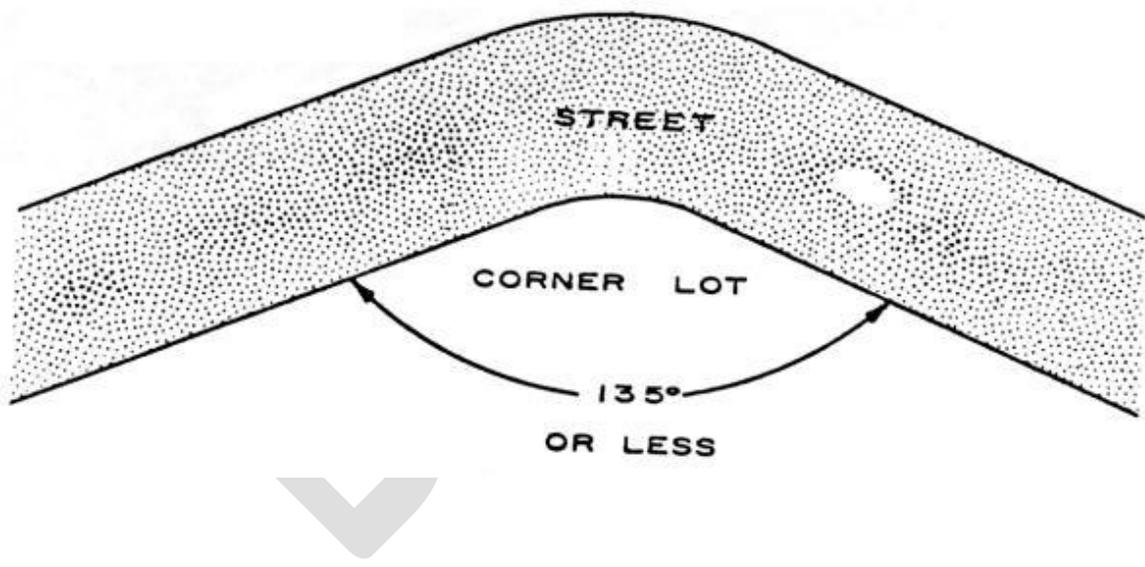
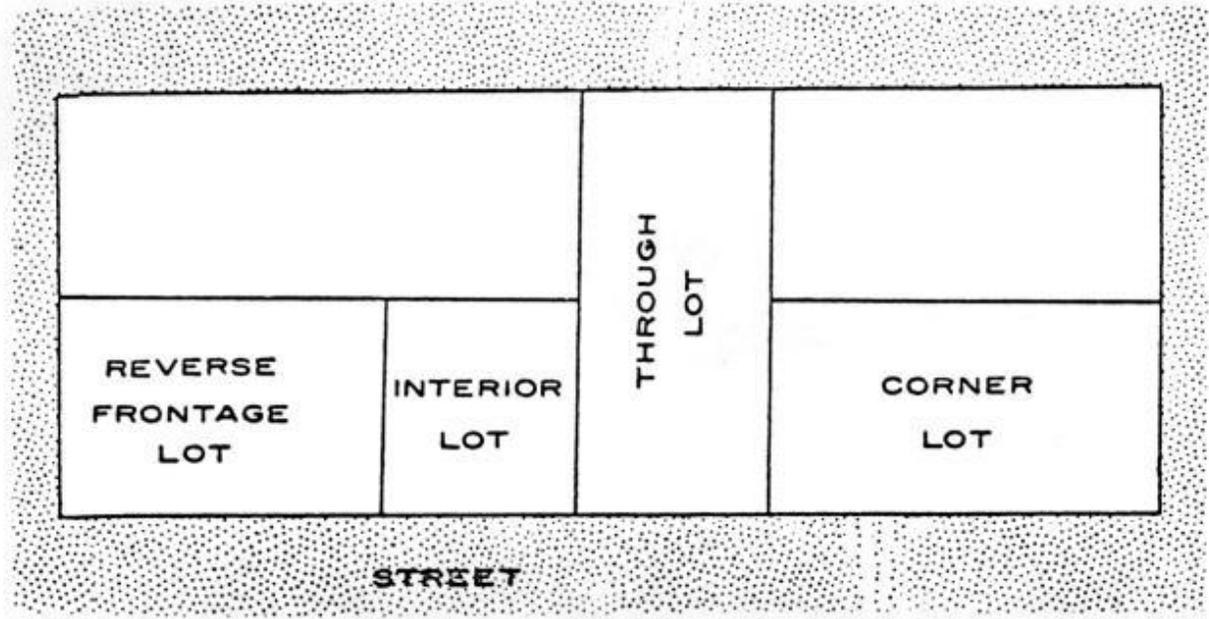
“Yard, special” means a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

“Zone” or “zoning district” means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in LMC Title 18.

“Zoning code” means LMC Title 18.

DRAFT

FIGURE 1



The following Chapters need the below inserted

Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application

Chapter 18.08 DEFINITIONS (Zoning)

14.10.210 Definitions (SIGNS)

14.04.020 Definitions (DEVELOPER REIMBURSEMENT AND COLLECTION AGREEMENTS)

14.16.040 Definitions (RESIDENTIAL STRUCTURE DESIGN STANDARDS)

14.17.020 Definitions (FLAGS, FLAGPOLES, TOWERS, AND TOWER STRUCTURES)

14.28.040 Definitions (LIGHTING STANDARDS)

18.50.020 Definitions (MANUFACTURED HOME PARKS)

21.01.040 Definitions (INTRODUCTION)

16.04.040 Additional definitions (STATE ENVIRONMENTAL POLICY ACT – WAC)

NOTE: a few definitions will continue to remain in place in the LMC. When imbedded in the text, one word is in the chapter, or very specific to the chapter.

3.80.010 Defined (CABLE TELEVISION BUSINESS)

3.73.010 Defined (BUSINESS AND OCCUPATION TAX ON TELEPHONE BUSINESS)

3.72.010 Definitions (REGISTRATION OF CITY BONDS AND OBLIGATIONS)

3.79.010 Defined (GARBAGE BUSINESS)

3.75.010 Defined (ELECTRIC POWER)

12.20.060 Person defined (SNOW AND ICE REMOVAL)

3.74.010 Defined (PERSONAL WIRELESS COMMUNICATION SERVICES)

3.81.010 Defined (PRIVATE COLLECTION AND DISPOSAL OF GARBAGE BUSINESS)

3.78.010 Defined (STORM WATER BUSINESS)

3.77.010 Defined (SEWER BUSINESS)

3.76.010 Defined (WATER BUSINESS)

6.12.010 Definitions (Dog Licensing)

16.08.120 Definitions (Critical Areas)

13.04.030 Definitions (WATER UTILITY AND WATER DISTRIBUTION SYSTEM)

July, 2016

13.06.020 Definitions (Cross Connection Control)

13.72 DEFINITIONS (WATER AND SEWERS)

13.90.040 Definitions (SURFACE AND STORM WATER MANAGEMENT PROGRAM RATE STRUCTURE)

18.54.010 Definitions (ADULT ENTERTAINMENT BUSINESSES)

8.41.020 Definitions (JUNK, GARBAGE AND DEBRIS ON PRIVATE PROPERTY)

8.53.020 Definitions (ABATEMENT OF JUNK VEHICLES)

8.48.020 Definition of litter (LITTERING)

9.33.015 Definitions (PUBLIC DISTURBANCE NOISE REGULATIONS)

12.28.010 Definitions (MOUNTAIN VIEW CEMETERY REGULATIONS)

10.08.100 Long-term parking of recreational vehicles and trailers prohibited in the public right-of-way (and Others) (PARKING REGULATIONS)

5.36.010 Definitions (TAXICABS AND MOTORIZED VEHICLES FOR HIRE)

5.21.010 Definitions (TRANSIENT BUSINESSES)

5.04.020 Definitions (BUSINESS LICENSE TAX – GENERALLY)

10.92.010 Definitions (SIDE-BY-SIDE WHEELED ALL-TERRAIN VEHICLES)

10.05.010 Definitions (LOCAL TRAFFIC REGULATIONS)

FESTIVALS

GENERAL PROVISIONS



City of Leavenworth

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City Council
Cheryl K. Farivar - *Mayor*
Elmer Larsen
Robert Francis
Carolyn Wilson - *Mayor Pro Tem*
Gretchen Wearne
Mia Bretz
Margaret Neighbors
Richard Brinkman
Joel Walinski - *City Administrator*

DATE: July 26, 2016
TO: Nate Pate, Development Services MGR
FROM: Don S. Heffner, CBO
RE: Bed and Breakfast Criteria and the International Residential Code

The term B&B, or Bed and Breakfast is no longer used in the International Building Codes. The 2012 and 2015 edition of the International Residential Code (IRC) defines B&Bs as Lodging Houses and Guest Rooms.

Definitions:

- Lodging House: A one-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms.
- Guestrooms: Any room or rooms used or intended to be used by one or more guests for living or sleeping purposes.

The 2012 IRC adoption required sprinklers for all lodging houses. The city of Spokane and B&B owners requested an amendment which was eventually adopted and became effective on July 1, 2016 as follows:

- The 2015 IRC Code exempts fire sprinkler systems in owner occupied 1 or 2 guest room lodging houses. This also includes separate buildings on the same lot with the owner occupying one of the buildings.
- 3 to 5 guest room lodging houses are allowed under the IRC with a fire sprinkler system.

The Washington State Administration Code, WAC 51-51-01010, Scope in part:
EXCEPTIONS 2 and 3:

2. *Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the international Residential Code for One- and Two-Family Dwellings (One and Two Family Dwellings in Washington State do not require fire sprinkler systems).*
3. *Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International residential Code for One- and Two-Family dwellings where equipped with a fire sprinkler system in accordance with Appendix Q.*

Nathan Pate

From: Cary Siess
Sent: Thursday, July 07, 2016 11:24 AM
To: Nathan Pate
Subject: Known B&Bs

The following are known Bed and Breakfasts in Leavenworth:

1. Tumwater Mountain Bed and Breakfast - 106 W. Center (RL6 zone)—Legally Permitted B&B CUP 1999-01 - maintains a City Business License
2. Alps Romance Suites - 225 Prospect Street (RL6 zone) - Legally Permitted B&B CUP 2003-07 - maintains a City Business License
3. Stroud Bed and Breakfast - 1112 Commercial Street (CC Zone) - Legally Permitted B&B CUP 20013-02 - **NO City Business License** (out of business?)
4. Chikamin Haus B&B - 705 Birch Street (GC zone) - Legally Permitted B&B in commercial zone (old code) - maintains a City Business License
5. Amanda's Lodge - 321 Whitman (RM zone) - Legally Permitted B&B - maintains a City Business License

Other known legally permitted transient accommodation in residential zones (permitted under previous Code):

1. Der Bear-Varian Inn - 337 Whitman (RM zone) - Legally Permitted nightly/weekly rental of up to two units within the tri-plex with an on-site resident manager required and other restrictions, CUP 1992-03 - maintains a City Business License (appears may be out of compliance with conditions of approval as a fourth unit was added without permits, etc).
2. Ahren's Rental - 303 1/2 Whitman (RM zone) - Legally Permitted nightly/weekly rental - **NO City Business License** (may operate under property management company, but owner should still have a business license for this location)

Cary Siess

Planner
City of Leavenworth, Development Services
700 Highway 2 / PO Box 287
Leavenworth, WA 98826
Phone (509) 548.5275 Fax (509) 548.6429

This e-mail may be subject to public disclosure, and appropriate discretion should be used when replying.

Chapter 18.51
RECREATIONAL VEHICLE PARKS

Sections:

- 18.51.010 Purpose.
- 18.51.020 General requirements.
- 18.51.030 Criteria for locating a recreational vehicle park.
- 18.51.040 Conditional use permit required.
- 18.51.050 Health district approval required.
- 18.51.060 ~~Binding site plan~~ Uses and design.
- 18.51.070 Completion prior to ~~occupancy opening/operations~~ – Phasing.
- 18.51.080 Design standards.
- 18.51.090 Accessory uses.
- 18.51.100 Park administration.
- 18.51.110 Additional requirements.

18.51.010 Purpose.

The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the ~~occupants~~ guests of such parks and the citizens of the city.

18.51.020 General requirements.

- A. No recreational vehicle shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy in a park by any RV unit for more than ~~14~~ three (3) ~~30~~ consecutive ~~days~~ months shall be conclusively deemed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation, is prohibited.
- B. No permanent external appurtenances; ~~such as carports, cabanas or patios~~ (excluding retractable awnings and table tarps); may be attached to any recreational vehicle while it is in a park. Freestanding patios, decks and stairs for park model RVs and cabins may be allowed with required permits and approvals.
- C. No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter. Recreational vehicles shall only be located in appropriate sites within designated recreational vehicle sites, and not in buffer or open space areas. Overflow areas may be developed outside of the required buffer and/or open space areas. ~~Tents shall not be allowed.~~

- D. ~~There shall be no e~~Operation of an electrical power generators shall not be allowed except by approval within the Conditional Use Permit as determined by the Hearing Examiner. The Hearing Examiner may consider ~~be screened and compliance with noise ordinances and/or shall not run during quiet hours~~ allowed.
- E. No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter.

18.51.030 Criteria for locating a recreational vehicle park.

Recreational vehicle parks may only be established on property within the city which meets the following criteria:

- A. Recreational vehicle parks shall only be allowed, subject to LMC 18.51.040, in the tourist commercial (TC) district.
- B. The minimum site area of a park shall be ~~two~~ ten (10) acres.
- C. Recreational vehicle parks shall be located with direct access to an arterial or collector as defined and identified in the Leavenworth area comprehensive plan, or on a state highway or county road and with appropriate frontage thereon to permit appropriate design of entrances and exits. ~~No entrance or exit from a park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.~~
- D. The hearing examiner shall deny an RV park conditional use permit application if ~~the board finds that~~ the proposed project will likely result in ~~unreasonable impacts to a particular neighborhood because of the cumulative size of RV parks in the neighborhood, taking into consideration the RV park development for which application is made, or if the hearing examiner finds other unreasonable~~ impacts which cannot be reasonably mitigated by applying the standards and provisions of this chapter.

18.51.040 Conditional use permit required.

A recreational vehicle park shall be allowed only upon the issuance of a conditional use permit by the hearing examiner.

18.51.050 Health district approval required.

Prior to ~~occupancy opening and/or operations~~ of a recreational vehicle park, the owner shall obtain a permit from the Chelan-Douglas health district and shall comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, or the park will be closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

18.51.060 Uses and design ~~Binding site plan.~~

~~A site plan shall be submitted with all applications for a recreational vehicle park. Said site plan shall be subject to review, modification, approval or denial by the Leavenworth hearing examiner. An approved binding site plan shall constitute an integral part of the permit for the recreational vehicle park, and shall be binding upon the owner of the property, its successors and assigns. All development within the recreational vehicle park shall be consistent with the binding site plan. Such plans may be modified or amended at the request of an owner upon receiving approval of the administrative official; provided, that if said modification or amendment affects the external impacts of the recreational vehicle park, or is determined by the administrative official to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner.~~ Recreational vehicle parks shall provide outdoor hospitality experiences for non-permanent, transient guests in a variety of accommodation types which may include recreational vehicles, park model recreational vehicles, tents, cabins and yurts. A site layout design consistent with these uses and in compliance with the provisions of this chapter shall be submitted as part of the conditional use permit process. The hearing examiner may modify or adopt other uses which may be deemed appropriate for specific recreational vehicle park applications.

18.51.070 Completion prior to ~~occupancy opening/operations~~ – Phasing.

All required site improvements and other conditions of the permit ~~and binding site plan~~ shall be met prior to occupancy of any site by a recreation vehicle ~~and/or guest~~; provided, that completion may be accomplished by phases if such phases are identified and approved in the permit.

18.51.080 Design standards.

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

A. Density. The number of recreational vehicles permitted in a park shall not exceed a density of 22 units per gross acre. The number of tent spaces permitted in a park shall not exceed a density of 30 units per gross acre. The hearing examiner may limit density further to ensure compatibility with the surrounding areas. The application materials shall include the maximum capacity of the property.

A-B. On-site caretaker residences shall be allowed to a maximum of one per 10 acres with up to one for the first 10 acres.

B-C. Campsite Size. Each individual recreational vehicle site shall be not less than 800 square feet in size. Each individual tent space shall be not less than 120 square feet in size. Open space and buffer areas shall not be included in calculating allowed campsite size. A site layout shall be submitted with the conditional use application; and the sites may be laid out for adjustments to accommodate terrain, trees, natural features, and circulation. The sites may be rearranged and modified for the life of the permit consistent with the maximum capacity and the approved overall site layout.

C-D. Access points. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be

~~through such entrances and exits~~ A traffic impact analysis is required. Within the analysis study of the entrance and exit impacts shall be considered. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within 100 feet of the intersection with the park entrance.

~~D.E.~~ _____ Parking. At least one parking space shall be provided on each RV campsite. At least one parking space for each 15 RV campsites shall be provided for visitor parking in the park beyond the trailer space. Tent parking shall be a ratio of one stall for every ~~four~~ ~~(4)~~two (2) tent sites; and located in the visitor parking area.

~~E.~~ _____ Internal Park Roads. All internal park roads shall be privately owned and maintained. They shall be constructed to all-weather standards, as approved by the city engineer; ~~graveled roads will not be acceptable~~ Fire Marshal. Minimum widths of RV park and campground roads designed to accommodate all types and sizes of camping units shall be 10 ft. per traffic lane and 8 ft. per parallel parking lane ~~Park roads shall have minimum improved width as follows:~~

~~F. One-way road, no parking: 12 feet;~~

~~G. One-way road, parking on one side: 18 feet;~~

~~H. Two-way road, no parking: 22 feet;~~

~~I. Two-way road, parking on one side: 28 feet;~~

~~J.F. Roads with parking on both sides are not permitted.~~

~~K.G.~~ _____ Open Space/Recreational Facilities. A minimum of 20 percent of the site shall be set aside and maintained as an open space for the recreational use of park ~~occupants~~ guests. Such space and location shall be accessible and usable by all guests ~~residents of the park~~ for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space. The percentage requirements shall not be reduced if substantial and appropriate recreational facilities, (such as recreational buildings, swimming pool or tennis courts) are provided.

~~L.H.~~ _____ Setbacks. No recreational vehicle site shall be closer than 20 feet from any exterior park property line abutting upon a ~~major arterial~~ public street; ~~shoreline~~; or residential zone, ~~or 15 feet from any other exterior park property line~~. Permanent structures within a park shall have minimum ~~front and rear~~ property line setbacks of 20 feet ~~each, and minimum side yard setbacks of 10 feet each~~.

~~M.I.~~ _____ Landscaping/Screening. The park shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable ground cover, shrubs and trees; provided, that they are installed prior to ~~the first~~ ~~occupancy~~ opening and/or operations of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be maintained ~~by the park~~

~~management~~ in a healthy growing condition ~~at all times~~. Permanent irrigation shall be installed. The landscaped area shall include a designated pet exercise area.

N.J. Fencing. In addition to landscaping requirements, a six-foot-high view-obscuring perimeter fence will be required along the entire any portion of the property boundary adjacent to residentially zoned property except necessary entrances / exits, or mandated by law. ~~by the board when deemed appropriate.~~

O.K. Signs. Recreational vehicle parks shall be limited to one park entrance sign and such interior directional or informative signs as may be needed for the convenience of guests. All signs are subject to approval by the hearing examiner under the provisions of Chapter 14.10 LMC. All park spaces shall be marked by numbered sign posts. Temporary informative signs may change daily according to activities, special events, store specials, fire danger, and other needs; and comply with LMC 14.10.

P.L. Utilities. ~~Water, sewer and electricity shall be provided to each recreational vehicle site.~~ All utility lines in the park shall be underground and shall be approved by the agency responsible for inspection.

Q.M. Storm Drainage. Storm drainage control facilities shall be installed in accordance with the requirements of the city engineer.

R.N. Public Facilities. Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as is approved by the hearing examiner:

1. A water distribution system connected to the city's water utility. Fire hydrants, in number and location, shall be required as specified by the fire chief and the city engineer;
- ~~2. A water station for filling recreational vehicle water storage tanks;~~
2. Restroom facilities containing showers and toilets connected to the city's sewer utility. A minimum of one toilet shall be provided for each sex up to the first 25 sites. For each additional 25 sites not provided with sewer connections, an additional toilet for each sex shall be provided. Gender neutral equivalent may be allowed if separate from shower or other common areas. ~~the minimum number of which shall be one commode and one shower for each gender per 22 recreational vehicle sites;~~
4. A metered sanitary waste station for emptying sewage holding tanks of recreational vehicles;
5. Refuse containers for solid waste in adequate quantity shall be placed in approved locations, ~~as specified in the binding site plan,~~ and picked up by the city's garbage collection service. Garbage can and/or dumpster locations shall be screened from view by a fence or landscaped enclosure, ~~as specified on the binding site plan.~~

S.O. Walkways. When required, pedestrian walkways shall have a threefive-foot minimum tread width.

18.51.090 Accessory uses.

Management headquarters, recreational facilities, restrooms, dumping stations, showers, ~~coin operated~~ laundry facilities, retail space for groceries and camp supplies, limited food service facilities, -and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses to the park. -In addition, grocery stores and convenience shops accessory uses shall be permitted ~~as accessory uses~~ at the discretion of the hearing examiner, subject to the following restrictions:

- A. Such establishments and parking areas primarily related to their operations shall not occupy more than **five (5)** percent of the gross area of the park;
- B. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than ~~occupants~~ guests of the park;
- C. The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

18.51.100 Park administration.

The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the ~~binding site plan, the~~ conditional use permit, and all applicable laws and ordinances.

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, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by state regulations, whichever is more stringent. Quiet hours shall be as defined and regulated in Chapter 173-60 WAC

18.51.110 Additional requirements.

In addition to the minimum standards and requirements as set out in this chapter, the hearing examiner may adopt other requirements which may be deemed appropriate for specific recreational vehicle park applications.

Chapter 18.44

TOURIST COMMERCIAL DISTRICT

Sections:

- 18.44.010 Purpose.
- 18.44.020 Permitted uses.
- 18.44.030 Uses requiring conditional use permits.
- 18.44.040 Yard requirements.
- 18.44.050 Building height.
- 18.44.060 Lot coverage.

18.44.030 Uses requiring conditional use permits.

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 tourist commercial district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Coffee roasting operations;
- B. Clinic;
- ~~C. Day care center;~~ Commercial amusement enterprise;
- ~~C.—~~
- D. Commercial entertainment enterprise;
- E. Day care center;
- ~~D.—~~
- E.F. Food bank;
- F.G. Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;
- ~~G.A. Parking facilities, including structures and lots;~~
- H. Manufacturing, assembling, fabricating, processing, packing, repairing or storage of goods which have not been declared a nuisance by statute or city of Leavenworth resolution, and provided these uses shall not cause:
 - 1. Unreasonable dissemination of dust, smoke, visible gases or noxious gases, fumes, noise, vibration, or odor beyond the boundaries of the site on which the use is conducted,
 - 2. Hazard to fire, explosion, or other physical damage to adjacent structures or vegetation;
- I. Micro brewery, distillery, or winery;
- ~~J.A. Private clubs and lodges;~~

J. Parking facilities, including structures and lots;

K. Pet care centers.

L. Private clubs and lodges;

~~K.M.~~ Public parks, including swimming pools;

~~L.N.~~ Public and private libraries, art galleries, and museums;

O. Public buildings, utilities, service structures or installations and grounds;

~~M.P.~~ Recreational vehicle parks

~~N. Commercial amusement enterprise;~~

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

~~P.Q.~~ Pet care centers.

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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