



Planning Commission Agenda

Wednesday, March 3, 2021 at 7:00 PM

City Hall Council Chambers

700 Highway 2, Leavenworth, WA

Join the Zoom Meeting using one of the three options:

(1) connect via the Zoom app: Meeting ID: 861 8562 3369 Passcode: 224455

(2) use the web link:

<https://us02web.zoom.us/j/86185623369?pwd=YUVBQ2UxUEtlVFJFZWVhZ2ZFGcWtPQT09> OR

(3) call in: 1-253-215-8782. Alternative call-in phone numbers may be used, visit zoom website for more information: <https://us02web.zoom.us/u/kOFTNV2hD>

Please take notice, in consideration of the current COVID-19 pandemic, for the health and safety of the community, city staff and commissioners, City Hall is closed to the public. We encourage the public to attend meetings via ZOOM.

Staff will open the zoom meeting approximately 10 minutes prior to the meeting for people to assemble. The public is encouraged to submit written comments prior to the meeting by sending to the Development Services Manager - dsmanager@cityofleavenworth.com; comments via email will need to be submitted by no later than 6:00 PM on the meeting day, in order for them to be received and prepared for submission at the meeting. Comments received through US Mail or delivered to City Hall will be included if they are received prior to the meeting.

1. Call Meeting to Order, 7:00 pm

2. Roll Call: *Planning Commission Chair: Andy Lane (position #3 – expiration 2020)*

Planning Commission Commissioners: Steven Booher (#1 - 2022), Kenny Renner-Singer (#2 - 2023), Pete Olson (#4 - 2021), Angie Harrison (#5 - 2021), Colin Forsyth (#6 - 2022) and Alison Miller (#7 - 2022)

3. Review and approval of Minutes – February 17, 2021 (*provided separately*)

4. Housing Recommendations – Priority List (handout)

5. District Use Chart and Definitions Workshop

6. Code Consistencies

7. Future Meeting Considerations

- a. March 17, 2021 Meeting: Wildland Urban Interface (WUI) Workshop, Housing Recommendations, Shoreline Master Program
- b. April 7, 2021 Meeting: Wildland Urban Interface (WUI) Public Hearing, District Use Chart Public Hearing, Housing Recommendations

8. Open Discussion Items, at the Chair's discretion

9. Adjournment

All Planning Commission meetings are open to the public

New District Use Chart

18.25.010 Purpose

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses permitted in each zoning district. No use shall be permitted in a zoning district that is not listed in the use chart as either a permitted, accessory or conditional use, unless the administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be permitted subject to the requirements associated with that use and all other applicable provisions of code.

18.25.020 Shoreline Master Program

The City has adopted the Shoreline Master Program including its Shoreline Use and Modification Matrix which provides a list of permitted, conditional and prohibited uses within the Shoreline jurisdiction. Uses within the shoreline may be more or less restrictive of the District Use Chart; however, whichever regulation is more restrictive (protective of the environment) it shall govern.

18.25.030 District Use Chart

The following acronyms apply to the District Use Chart. If there is no notation in the chart for the zoning district, that use is not permitted. All uses must meet City standards.

- “P” Permitted Use, *those uses/development which are permitted when meeting the City Regulations.*
- “AU” Accessory Use, *a use or structure on the same lot with an 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*
- “C” Conditional Use, *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.*
- “ ” (blank) Prohibited, *a use/development which is not permitted.*

Zoning Districts:

- (RL-6) Residential Low Density 6,000
- (RL-10) Residential Low Density 10,000
- (RL-12) Residential Low Density 12,000
- (MF) Multi-Family Residential District
- (GC) General Commercial
- (CC) Central Commercial
- (TC) Tourist Commercial
- (CDMUI) Commercial District Mixed Use Incentives (overlay)
- (LI) Light Industrial
- (REC) Recreation
- (RP) Recreation-Public

18.25.030 District Use Chart

Land Uses	RL-6	RL-10	RL-12	MF		CDMUI	GC	CC	TC	LI	REC	RP
Residential (specified use below)												
Accessory Dwelling Unit	AU	AU	AU	AU								
Boardinghouse, lodging house, rooming house				P								
Dwelling, above ground floor						P	AU	AU	AU			
Dwelling, Duplex	P	P	P	P		AU						
Dwelling, Multifamily				P		P	P	P	P			
Dwelling, Single-family	P	P	P	P		AU						
Dwelling, Tiny Home	P	P	P	P								
Manufactured Home, Designated	P	P	P	P								
Manufactured Home/Mobile Home												
Vacation (short-term) Rental							P	P	P			
Accessory Structures (specified use below)												
Accessory Structure	AU	AU	AU	AU			AU	AU	AU	AU	AU	AU
Adult Family Home	P	P	P	P		P	P	P	P			
Bed and Breakfast	C	C	C	C								
Child Day Care	AU	AU	AU	AU		P	P AU	P AU	P AU			
Day Care Center	C	C	C	C		C	P	P	P			
Foster Home	P	P	P	P			P	P	P			
Group A Home Occupation	AU	AU	AU	AU								
Group B Home Occupation	AU	AU	AU	AU								
Nursing /Convalescent Home; Congregate Care Facility	C	C	C	C			C					
Stacked Parking	AU	AU	AU	AU			AU	AU	AU			
Swimming pools	AU	AU	AU	AU			P	P	P		P	P
Youth Home				C								
Public/Semi-Public (specified use below)												
Bus or Taxicab Stop	C	C	C	C		P	P	P	P	P		
Clinic							P	P	P	P		

	RL – 6	RL – 10	RL – 12	MF		CDMUJ	GC	CC	TC	LI	REC	RP
Land Uses												
Hazardous Water facilities												
Hazardous Water facilities												
Heliports and Aviation Activities										C		
High tech industry, computer assembly and similar type uses						C				P		
Junk/Wrecking Yards												
Landfills												
Light Industry						C	C	C	C	P		
Storage Facilities, including mini- and self-storage										P		
Truck and freight terminals, warehousing and storage, parcel delivery service, packaging and crating										P		
Vehicle repair, service maintenance, paint, powder coating and body work										P		
Vehicle towing, including secured storage of vehicles										P		
Warehousing establishments										P		

Definitions (new items)

The following definitions are proposed for modification to match the intent of the District Use Chart.

Land Use Terms	Definitions LMC 21.90
Accessory Dwelling Unit	<p><u>"Dwelling unit, accessory"</u> means a second dwelling on the same parcel of land as a single-family dwelling.</p> <p>"Accessory or secondary use or structure" means a use or structure on the same lot with an 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.</p>
Adult Family Home	<p>"Adult family home" means a residence <u>dwelling</u> 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.</p>
Bed and Breakfast	<p>"Bed and breakfast" means an activity whereby the property owners allow visitors in their homes <u>or accessory dwelling unit</u>, up to three rooms for compensation, for periods of 30 consecutive days or less, while at the property, owner lives on site, in the dwelling unit, throughout the visitors' stay.</p>
Family <u>Child</u> Day Care/ Mini-day Care	<p><u>"Child Day Care"</u> means a place "Family day care home" means a home which regularly provides <u>childcare</u> during part of the 24-hour day to six <u>twelve</u> 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.</p> <p>"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.</p>
Clinic	<p>"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.</p>
Commercial Amusement Enterprise, <u>Low Impact</u>	<p>"Commercial amusement enterprise, <u>low impact</u>" 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.</p>

Land Use Terms	Definitions LMC 21.90
<u>Commercial Amusement Enterprise, High Impact</u>	<u>"Commercial amusement enterprise, high impact" means recreational activities with the potential for excessive noise, traffic or other issues which impact surrounding uses. These activities can include, but are not limited to theme parks, equestrian facilities, rodeos, circuses, race tracks, coasters, and archery and gun clubs.</u>
Community Center; nonprofit	<u>"Community Center" means a facility where members of a community may gather for cultural, recreational or social activities.</u>
Duplex	<u>"Dwelling, Duplex" or "Duplex" means a single building containing two dwelling units, totally separated from each other by an unpierced wall. "Dwelling/duplex, two-family" or "two-family dwelling/duplex" means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. Each unit shall be designed for and occupied on a monthly or longer basis.</u>
<u>Dwelling, above ground floor</u>	<u>"Dwelling, above ground floor" means a single or multi-family dwelling occupying the second or higher level of a building.</u>
<u>Dwelling, Tiny Home</u>	<u>"Tiny Home Dwelling" means residential dwelling less than 400 square feet meeting the requires of the 2018 International Residential Code, Appendix Q.</u>
Eating and Drinking Establishment	<u>"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.</u>
Educational Centers for advanced study and research in an academic field of learning	<u>"Educational Centers" means structures and uses that provide educational services, including but not limited to, business, technical or trade education.</u>
Educational <u>Facilities</u> Institutions	<u>"Educational institutions and facilities" means structures and uses that provide state mandated basic education, public and private institutions of learning offering educational 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.</u>

Land Use Terms	Definitions LMC 21.90
<p><u>Essential Public Facilities</u> Landfills</p>	<p><u>"Essential Public Facilities"</u> means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.</p>
<p>Family Entertainment Enterprise</p>	<p>"Family entertainment enterprise" means an indoor <u>business location</u>, 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, <u>indoor water activities</u> 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.</p>
<p>Retail Food/Grocery Store</p>	<p>"Retail" Food/grocery store" means an <u>retail</u> establishment offering a wide variety of comestibles (edible/eatable), beverages and household supplies for sale.</p>
<p>Golf Courses (excluding miniature golf, putting courses and driving ranges)</p>	<p><u>"Golf Course"</u> means an area of land where 9 or 18 holes of golf is played. A golf course may, or may not, include putting course and driving range. A golf course does not include miniature golf which is defined as commercial amusement activity.</p>
<p>Hostels</p>	<p><u>"Hostel"</u> means a type of lodging where guests rent a bed (rather than a room or suite), unusually a bunk bed, in a dormitory with a shared lounge and <u>bathrooms</u>. A hostel may include a shared kitchen space. Hostels are intended to primarily serve backpackers and cycle tourist rather than vehicular travelers.</p>
<p>Indoor Sports Events Arenas, Auditoriums and Exhibition Halls</p>	<p>"Indoor <u>Events</u> sports arenas, auditoriums, and exhibition halls" means a <u>enclosed</u> building for indoor (open wall) sports, theater, concert hall, or other <u>gathering public building</u>, in which the audience sits, and/or building for gatherings or entertainment.</p>
<p><u>Light Industry</u> Manufacturing, Assembly, Fabricating, Processing, Packing, Repairing or Storage of goods which have not been declared a nuisance</p>	<p>"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, <u>assembly, processing, packaging, treatment/fabrication of glass, wood, metal, food, computers, scientific materials</u> and home appliances. Conversely, ship building would fall under heavy industry.</p>
<p>Manufactured Home Park</p>	<p>"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 <u>residential</u> dwelling purposes.</p>

Land Use Terms	Definitions LMC 21.90
Mobile Food Vendor	<p><u>"Mobile food vendor" means a seller of foods from a mobile food preparation van, cart or other conveyance, whether upon the public streets, alleys or public property or on private property. "Mobile vendor" means a transient business selling or delivering food or goods in the city. (1) When accessed from the highway</u></p>
Multi-family	<p>"Dwelling, multifamily" or "multifamily dwelling" 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.</p>
Parking Structure/ Lots	<p>"Parking Structure/<u>Lots</u>" 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.</p>
Personal service	<p>"Personal service" <u>means a variety of businesses engaged in providing services to individuals, generally involving the maintenance of the human body, or other services to one's person or household pets. Such businesses include, but are not limited to, barber and beauty shops, instruction/music studios, photographic studios, tanning parlors, massage practitioners, pet grooming, tutoring, instructional services and activities. This does not include medical offices, kennels, veterinary clinics, schools, or institutions of higher education</u> means businesses engaged in providing care of the corporeal person or his apparel, not including health care.</p>
<u>Place of Worship</u> Churches, convents and monasteries	<p>"Place of Worship" means a building or area designated for worship of a religion. These may include a church, convent, monastery, mosque, <u>synagogue or temple.</u></p>
<u>Preschool</u> Day nurseries and nursery schools	<p>"Preschool," also known as nursery school, means an educational facility <u>serving children before they begin attending elementary school or kindergarten.</u></p>
<u>Public Facility</u> Government Buildings (STRUCTURE OR USE)	<p>"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 <u>government or public buildings, such as, city hall, law enforcement and fire, post office, library, museum, public works facilities, and animal control.</u> public facilities defined in RCW 36.70A.030, as amended. RCW—streets, roads, water, storm, sewer, parks and schools</p>
Public Utility and municipal uses such as substations, fire stations, wastewater treatment facilities, water wells and/or treatment facilities and maintenance shops	<p>"Public Utility" means structures and uses associated with utilities, including <u>but not limited to, wastewater treatment, domestic wells, water treatment facilities, and power stations.</u></p>
Recycling Centers (collection and storage)	<p>"Recycling Center" means a building or area maintained, operated, or used for <u>storing, keeping, buying or selling of recyclable products, including newspaper, aluminum, plastic and glass.</u></p>

Land Use Terms	Definitions LMC 21.90
Retail stores and services establishments	“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.
<u>Tiny Home Park</u>	<u>"Tiny home park" means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more tiny homes for residential dwelling purposes.</u>
Townhomes	“Townhouse” means <u>dwelling units which share a vertical wall and may be under separate ownership or parcels of land.</u> 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.
<u>Vacation (short-term) Rental</u>	<u>Vacation (short-term) Rental, see "Transient accommodation and/or lodging"</u> “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.
Wireless Telecommunications Facility ies	<u>"Wireless telecommunications facility" means a facility for the transmission and reception of radio or microwave signals used for communication, cellular phones, personal communications services, enhanced specialized mobile radio or any other services licensed by the FCC, and unlicensed wireless services including but not limited to associated equipment shelter, support tower and antenna array.</u>
Youth Home, Juvenile Home, Orphanage	<u>"Youth Home" means a State licensed dwelling that supports youth in transition between housing.</u>
Garage/Carport/Parking space	“Garage, private” means an accessory building or a space within the principal building used for the storage or parking of vehicles. “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. “Parking, private” means parking facilities for the noncommercial use of the occupant and guests of the occupant. “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.
Outdoor recreation facility	“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.
Passive recreation	"Passive recreation" means recreational development generally associated with a low level of human activity and limited construction-related impacts, which may include natural trails and similar uses.

Land Use Terms	Definitions LMC 21.90
Business, Technical or Trade School	"Business, technical or trade school" means a facility which offers post-secondary professional and training education.
Sanitorium	"Sanitorium" means a facility for the treatment of chronic disease or various nervous or mental disorders.
Public Museums and Art Galleries	-
Drive in Restaurant	"Drive in restaurant" or "refreshment stand" means any place or premises used for sale, dispensing, or serving 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.
Barber/Beauty Shop	"Barber/beauty shop" means a facility offering haircuts, manicures and similar personal services.
Pharmacy/Drug Store	"Pharmacy/drug store" means an establishment where medicinal drugs are dispensed and sold.
Theater	"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.
Commercial Entertainment Enterprise	"Commercial Entertainment" means a "commercial amusement enterprise, low impact," or a "family entertainment enterprise" which is an appurtenant use (25% of the floor area or less) of another type of business.
Garage, parking or commercial	"Garage, parking or commercial" means a building used for storage, repair or servicing of motor vehicles as a commercial use.
Parking Facilities (structures and lots	"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.
Agricultural Uses— sorting, packing, storage, processing, refrigeration and shipping of agricultural products, feed stores, nursery/greenhouse or other similar uses	"Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

Cross-References to be Removed

Chapter 18.20 Residential Low Density 6,000 District (RL6)

- 18.20.020 Permitted uses
- 18.20.030 Uses requiring a conditional use permit
- 18.20.090 Off-street parking

Chapter 18.21 Residential Low Density 12,000 District (RL12)

- 18.21.020 Permitted uses
- 18.21.030 Uses requiring a conditional use permit
- 18.21.030 Off-street parking

Chapter 18.22 Multifamily Residential District (MF)

- 18.22.020 Permitted uses
- 18.22.040 Uses requiring a conditional use permit
- 18.22.090 Off-street parking

Chapter 18.23 Residential Low Density 10,000 District (RL10)

- 18.23.020 Permitted uses
- 18.23.030 Uses requiring a conditional use permit
- 18.23.030 Off-street parking

Cross-References to be moved

Chapter 18.22 Multifamily Residential District (MF)

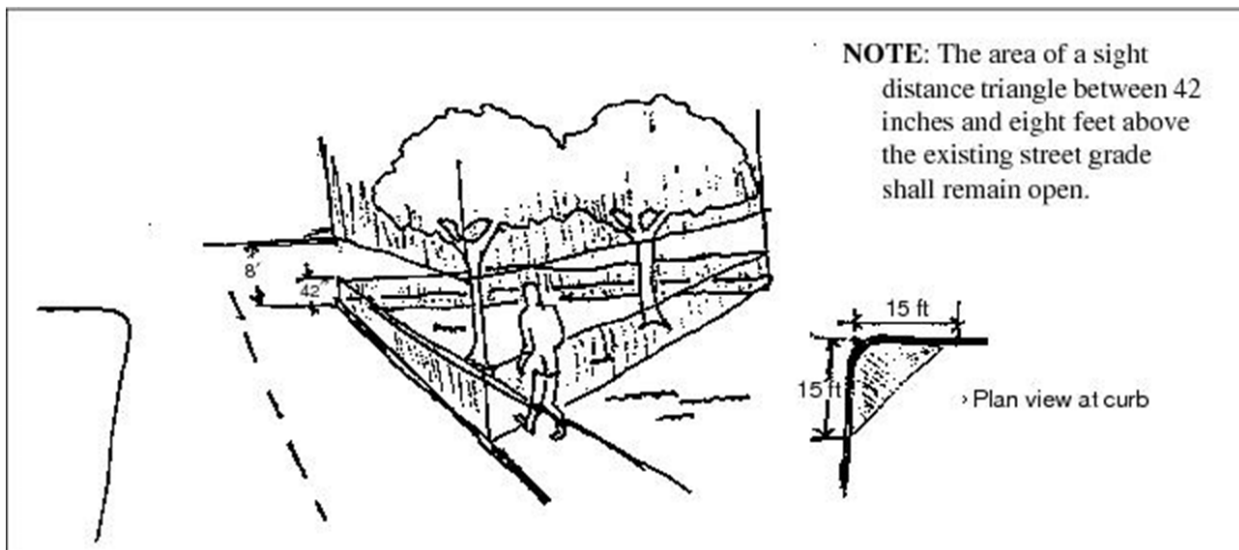
- 18.22.030 Site Plan Review moved and retitled to LMC 18.24.035 Multifamily Regulations

18.24 Supplementary Residential District Regulations

18.24.010 ~~Corner lot~~—Obstructions to visibility prohibited.

Except for utility poles, trunks of approved street trees, [approved safety bollards](#), and traffic control signs, the following sight distance provisions shall apply to all intersections, roadways, and site access points:

A. A sight distance triangle area ~~as determined by subsection (B) of this section~~ shall ~~not~~ contain ~~no~~ a view-obscuring fence, berm, vegetation, on-site vehicle parking area, ~~signs~~ or other physical obstruction between 42 inches and eight feet above the existing street grade.



~~B1.~~ The sight distance triangle ~~at~~ shall be determined by measuring 15 feet along a street property line (or access point - driveway) beginning at the point of intersection of the two streets (or a street and a driveway).

~~1.~~ A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

~~2.~~ A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

18.24.020 Fences, walls and hedges – Restrictions.

Notwithstanding other provisions of this title, fences, walls and hedges shall meet the following requirements. [Fences require a building permit prior to construction activities.](#) :

A. Front and ~~Side-Street~~ [Side](#) Yards. ~~Six feet~~ [Three and one-half feet](#) maximum; ~~and, height solid (view obscuring) fencing to the property line excepting three inch visible gaps between board planks or cyclone fences for any portion within sight distance from a public right-of-way to the primary entrance~~

~~of the dwelling. As an alternative, a fence may be solid and reduced in height to three and one-half feet to ensure uninterrupted sight to the front entrance of the dwelling from public right-of-way;~~

B. Side Yards. Six feet maximum height; Side yard fencing shall be limited to three and on-half feet when located within the front yard setback area; and,

C. Rear Yards. Six feet maximum height; and,

D. It is the property owner's responsibility to accurately locate all property lines. The property owner shall stake the property line prior to fence installation activities, and such stakes shall remain throughout fence installation activities; and,

E. Wood fences shall be separated from any structure with a minimum of 4 feet nonflammable fencing material, to reduce fire spread. ~~This chapter applies to all residential districts unless specifically stated otherwise.~~

21.90.030 Definitions

"Sight distance triangle" or "Clear-view triangle" means a visually unobstructed triangular area adjacent to intersecting streets and driveways.

18.24.030 Accessory buildings.

A. No accessory buildings shall be erected in any required yard and no separate accessory buildings shall be erected within five feet of any other building; provided, however, that nonresidential accessory buildings may be located to within eight feet of the rear lot line.

B. Accessory buildings that are smaller than 120 square feet of floor area, such as store-purchased buildings, tool and storage sheds, and play structures shall ~~be allowed within three feet of any~~ at least 3' from the side property line which is not a street side yard and/or a rear property line, provided the placement of the building does not inhibit sight distance.

Chapter 18.56 VARIANCES

18.56.010 ~~Application — Requirements~~ Purpose.

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant, because special conditions or circumstances exist which are peculiar to the site, or location of existing structures thereon, due to size, shape, topography or other physical conditions of and inherent to the site. No variance shall be granted to establishment or expansion of a use otherwise not permitted in this title, nor for economic reasons.~~A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the hearing examiner, on forms prescribed by the commission, at least 15 days prior to the commission meeting at which the proposal is to be considered. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property. Each application shall be accompanied by a receipt indicating payment of a fee, charged according to a schedule of fees set forth in Chapter 18.64 LMC, or modifications or changes thereto duly adopted by the city council.~~

18.56.020 Application Forms and Procedure.

A property owner or authorized agent may request a variance by providing a complete application and fees to the Administrator. It is the applicant's responsibility to provide all documentation necessary to address the requirements of a variance. Variances are processed as a Quasi-judicial review, with a decision issued by the Hearing Examiner, pursuant to Title 21.

18.56.040 Application – Postponement or withdrawal.

Any applicant, or ~~his~~ agent, may at any time request withdrawal or postponement of consideration of ~~his~~ the application.

18.56.050 Granting – Conditions – Authority.

~~There shall be vested in a hearing examiner the authority to grant variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located.~~ In granting a variance, the ~~commission~~ Hearing Examiner may attach conditions ~~which it finds~~ necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

18.56.060 Requirements.

Variances to a requirement of this title may be granted only if, on the basis of investigation and evidence submitted, all six expressly written findings are made:

~~No variance shall be granted unless it can be shown that all of the following conditions exist:~~

- A. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship;

~~E. The hardship asserted by the applicant results from the application of this title to his property.~~

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same area;

~~1. Exceptional or extraordinary circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with zoning code, the ability to secure a scenic view, nor the ability to make more profitable use of the property.e~~

~~B. The plight of the applicant is due to unique circumstances such as topography, lot size or shape, or size of buildings, over which the applicant has no control.~~

C. That the exceptional or extraordinary circumstances or conditions did not result from the applicant's actions;

~~C. The hardship asserted by the applicant is not the result of the applicant's or the owner's action.~~

D. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity;

~~D. The authorization of the variance shall not be materially detrimental to the purposes of this title, be injurious to property in the same district or neighborhood in which the property is located, or be otherwise detrimental to the objectives of any comprehensive plan.~~

E. That the granting of the variance would support goals and policies contained within the comprehensive plan; and

F. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures or buildings in the zone in which the property is located.

~~A. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same neighborhood or district.~~

18.04.030 Interpretation ~~and enforcement~~ — Authority — Procedure generally.

It is the intent of this title that all questions of interpretation and enforcement shall be first presented to the [Administrator, pursuant to LMC 21.03.020](#). ~~administrative official and that such questions shall be presented to the planning commission only on appeal from the decision of the administrative official, and that recourse from the decisions of the planning commission shall be to the appropriate court of law within 10 days.~~