

**Title 18 ZONING**

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**Chapter 18.04**

**GENERAL PROVISIONS**

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- 18.04.030 Interpretation .and enforcement - Authority - Procedure generally.

**18.04.010 Interpretation – Purpose.**

In their interpretation and application:, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

**18.04.020 Building permit.**

Conditions and effect. Building permits issued on the basis of plans and applications approved by the administrative official authorized only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this title and punishable as provided in Section 18.04.060.

**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 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 ten days.

**Chapter 18.08****DEFINITIONS**

## Sections:

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**18.08.010 Accessory use or structure.**

“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.

**18.08.010 Battery charging station**

“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.

**18.08.013 Battery electric vehicle (BEV)**

“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.

**18.08.014 Battery exchange station**

“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.

**18.08.020 Bed and breakfast.**

“Bed and breakfast” means a pre-existing single-family residential unit, church, or other similar structure, which provides transient lodging and breakfast for compensation, by renting of up to three rooms within the primary residence.

**18.08.030 Board.**

“Board” means the Leavenworth city board of adjustment.

**18.08.040 Boardinghouse, lodginghouse or roominghouse.**

“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.”

**18.08.050 Buildable area.**

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

**18.08.060 Building height.**

“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.

**18.08.065 Charging levels**

“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:

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

**18.08.070 City council.**

“City council” means the Leavenworth city council.

**18.08.080 Clinic.**

“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.

**18.08.090 Day care center.**

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

**18.08.100 Drive-in restaurant or refreshment stand.**

“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.

**18.08.120 Dwelling, multifamily.**

“Multifamily dwelling” means a residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**18.08.130 Dwelling, single-family.**

“Single-family dwelling” 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 by one family only.

**18.08.140 Dwelling, two-family.**

“Two-family dwelling” means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

**18.08.150 Dwelling unit.**

“Dwelling unit” means one room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rent, or lease, to one individual family on a monthly or longer basis, and which is physically separated from any other rooms or dwelling units which may be in the same structure and which contains independent cooking and sleeping facilities.

**18.08.152 Electric scooters and motorcycles**

“Electric scooters and motorcycles” means any 2-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.

**18.08.153 Electric vehicle (EV)**

“Electric vehicle” 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: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

**18.08.154 Electric vehicle charging station**

“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.

**18.08.155 Electric vehicle charging station — restricted**

“Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

**18.08.156 Electric vehicle charging station — public**

“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

**18.08.157 Electric vehicle infrastructure**

“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.

**18.08.158 Electric vehicle parking space**

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

**18.08.160 Family.**

“Family” means one or more persons occupying a single dwelling unit; provided, that unless all members are related by blood or marriage, no such family shall contain over five persons; but further provided, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

**18.08.170 Family day care home.**

A “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.

**18.08.175 Family entertainment center.**

“Family entertainment center” 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 center and will not require a conditional use permit.

**18.08.180 Gasoline service station.**

“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.

**18.08.183 Handling or processing of hazardous substances.**

“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.

**18.08.185 Hazardous waste.**

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

**18.08.190 Home occupation.**

“Home occupation” means an occupation carried on for remuneration by the resident of a lot or site occupied by a dwelling, the nature of which is clearly incidental to the use of the dwelling unit for residential purposes, or to the residential use of the lot or site.

**18.08.200 Hospital.**

“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.

**18.08.210 Hotel.**

“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.

**18.08.220 Loading space, off-street.**

“Off-street loading space” 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.

**18.08.230 Lot.**

“Lot” includes the words “plot” or “parcel.” “Lot” means a single parcel or tract of land located within a single block, which at the time of application for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**18.08.240 Lot, corner.**

“Corner lot” means a lot abutting on two or more streets, other than an alley, at their intersection. (See Figure 1.)

**18.08.250 Lot depth.**

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

**18.08.260 Lot, interior.**

“Interior lot” means a lot other than a corner lot with only one frontage on a street. (See Figure 1.)

**18.08.270 Lot of record.**

“Lot of record” means a lot which is part of a subdivision recorded in the office of the city clerk-treasurer or a lot or parcel prescribed by metes and bounds, the description of which has been recorded.

**18.08.280 Lot, through.**

“Through lot” means an interior lot having frontage on two parallel or approximately parallel streets other than alleys. (See Figure 1.)

**18.08.290 Lot width.**

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

**18.08.300 Major recreational vehicles.**

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

**18.08.315 Manufactured home park.**

“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.

**18.08.316 Medium charging**

“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.

**18.08.317 Medium-speed Electric Vehicle**

“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 C.F.R. Sec. 571.500.

**18.08.320 Mini-day care center.**

A “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.

**18.08.330 Motel.**

“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.

**18.08.331 Neighborhood Electric Vehicle**

“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 Title 49 C.F.R. Part 571.500.

**18.08.332 Non-Electric Vehicle**

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

**18.08.333 Off-site hazardous waste facilities.**

“Off-site hazardous waste facilities” 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.

**18.08.336 On-site hazardous waste facilities.**

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

**18.08.340 Ordinary high water mark.**

“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.

**18.08.360 Person.**

“Person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**18.08.370 Planning commission.**

“Planning commission” means the Leavenworth city planning commission.

**18.08.373 Plug-in hybrid electric vehicle (PHEV)**

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

**18.08.375 Professional office.**

“Professional office” means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, licensed real estate brokers and persons engaged in similar occupations.

**18.08.377 Public utility structure.**

“Public utility structure” means a structure or use, such as a telephone exchange, utility station, pumping station or water reservoir, whose location in a residential zone is necessary to its function.

**18.08.378 Rapid charging station**

“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. 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.

**18.08.379 Recreational vehicle.**

“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.

**18.08.380 Recreational vehicle park.**

“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.

**18.08.381 Recreational vehicle site.**

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

**18.08.382 Shall and may.**

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

**18.08.383 Slow charging**

“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,

**18.08.390 Street line.**

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

**18.08.400 Structure.**

“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.

**18.08.405 Transient accommodation.**

“Transient accommodation” means a dwelling unit or motel room regularly rented to transient guests with a less than monthly rental period for each individual or group of guests.

**18.08.410 Travel trailer.**

“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.

**18.08.420 Used or occupied.**

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

**18.08.430 Yard.**

“Yard” means an open space on a lot which is unobstructed from the ground upward 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.

**18.08.440 Yard, front.**

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

**18.08.450 Yard, rear.**

“Rear yard” 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.

**18.08.460 Yard, side.**

“Side yard” 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.

**18.08.470 Yard, special.**

“Special yard” 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.

**Chapter 18.12**

**OFFICIAL ZONING MAP**

Sections:

- 18.12.010 Adopted-Districts established.
- 18.12.020 Certification.
- 18.12.030 Change procedure.
- 18.12.040 Unauthorized change - Penalty.
- 18.12.050 On file-Final authority.
- 18.12.060 Replacement - When - Certification.

**18.12.010 Adopted - Districts established.**

The city is divided into zoning districts as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title.

**18.12.020 Certification.**

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk-treasurer, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in Section 1 of Ordinance No. \_ of the city of Leavenworth, Washington," together with the date of the adoption of the ordinance codified in this title.

**18.12.030 Change procedure.**

If, in accordance with the provisions of this title and Chapter 44, Laws of Washington for 1935 as amended, changes are made in zoning district boundaries or other matter portrayed on the official zoning map, such change shall be entered on the official zoning map promptly after the amendment has been approved by the city council, with an entry on the official zoning map as follows: "On (date), by official action of the city council, the following (change) changes were made in the official zoning map: (brief description of nature of change)," which entry shall be signed by the mayor and attested by the city clerk-treasurer. No amendment to this title which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

**18.12.040 Unauthorized change - Penalty.**

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided und Chapter 21.13 LMC.

**18.12.050 On file – final authority.**

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in the office of the city clerk-treasurer and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

**18.12.060 Replacement – when – certification.**

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or the number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors of omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk-treasurer, and bearing the seal of the city under the following words: "*This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced ) as part of Ordinance No. \_\_ of the city of Leavenworth, Washington.*"

**Chapter 18.16****DISTRICT BOUNDARY INTERPRETATION AND REGULATIONS**

## Sections:

18.16.010 Interpretation.

18.16.020 Regulations.

**18.16.010 Interpretation.**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following shorelines shall be construed to follow the ordinary high water mark; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsection (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (E), the board of adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance codified in this title, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet beyond the district line into the remaining portion of the lot.

**18.16.020 Regulations.**

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this title for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered so as to:
  1. Exceed the height or bulk;
  2. Accommodate or house a greater number of families;
  3. Occupy a greater percentage of lot area;
  4. Have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required in this title, or in any other manner contrary to the provisions of this title.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this title, shall be included as part of a yard, open space; or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title.
- E. All territory which may hereafter be annexed to the city shall be zoned according to the recommendation of the City Planning Commission and the City Council and made part of the annexation proceedings.

**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;
- 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. 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 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 Nonconforming Provisions, excepting setbacks whereby, the legally established structure may receive an administrative deviation to encroach no more than 20%;

- 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; and
  - h. The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence.
- 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:
      - 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/non-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;
  - c. Transient accommodations;
- 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:
    - 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.

**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. II. 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. Hospital;

- P. Manufactured home park;
- Q. Public utility structures;
- R. (Reserved);
- S. Bed and breakfast 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 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 a bed and breakfast facility shall be 6,000 square feet; and
  - 3. Existing 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 shall be allowed to continue as a nonconforming use;
- T. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;
- U. (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 comer 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.**

In a RL12 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,
  - 2. Work and/or storage sheds for noncommercial use or equipment,
  - 3. 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 Section 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.

**18.21.030 Uses requiring a conditional use permit.**

In a RL12 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52:

- 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 Section 18.21.060 (A), and the

project is in compliance with Section 18.52.130;

- O. Hospital;
- P. Manufactured home park;
- Q. Public utility structures;
- R. Home occupations; provided the minimum conditions found in Section 18.20.030 (R) shall apply to the approval of any such conditional use permit:
- S. Bed and breakfast 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 Section 18.20.030 (s) shall apply to the approval of any such conditional use permit.
- T. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC.

**18.21.040 Yard requirements--Specifications.**

- A. Front Yard. There shall be a front yard of not less than twenty-five feet.
- B. Side Yard. There shall be side yards of not less than ten feet.
- C. Rear Yard. There shall be a rear yard of not less than fifteen 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 comer lots, the street side yard shall be a minimum of fifteen 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:

The minimum lot area shall be twelve thousand square feet for a single-family dwelling and duplex.

The minimum lot width at the front building line for new land divisions shall be eighty feet for an interior lot and ninety feet for a comer lot.

**18.21.070 Building height.**

In a RL12 district, no building shall exceed a height of thirty-five feet.

**18.21.080 Lot coverage.**

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

**18.21.090 Off-street parking**

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

**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.

**18.22.20 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, 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. Work and/or storage sheds for noncommercial use or equipment;
  - 3. 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;
- F. 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 site plan review provisions:

- A. Prior to the issuance of a building permit, the developer shall submit, and obtain the approval of a site plan by the Leavenworth design review board. This site plan should address the following minimum areas:
  - 1. Location of all structures to be developed or retained on the site;
  - 2. Location and arrangement of trash receptacles, hydrants, signs, parking, driveways, and internal circulation on the site;
  - 3. Landscaping plan showing the location of planting areas and grass areas including the size and type of plants, which effectively meets the minimum standards presented below.
- B. Minimum landscaping standards shall be as follows:
  - 1. 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.
  - 2. 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.

3. Shrubs. The planting area must be 50 percent covered with shrubs which are two feet or higher at maturity.
  4. Ground Cover. Ground cover is required to complete the landscaping of the planting areas.
  5. Other Areas. All areas not covered by structures, paving or landscaped planting areas shall be maintained in grass.
  6. 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.
- C. Appeal of Site Plan Review. In the event the design review board denies an application for a building permit for its failure to meet the requirements of this section, the unsuccessful applicant may, within 10 days of the date of mailing by the design review board of its written notification of final action, file with the design review board and with the city clerk-treasurer a notice of appeal of the action taken by the design review board. Upon receipt of the notice, the city clerk-treasurer shall put the matter of the appeal as the first item on the agenda of the second regular city council meeting following receipt of the notice. Upon receipt by the design review board of the notice of appeal, the secretary thereof shall cause to be copied, certified and delivered to the city clerk-treasurer, for use at the appeal hearing, copies of all minutes, findings, recommendations and other written memoranda pertaining to the application for which the appeal is taken. The city council at the time of hearing the appeal may grant or deny the relief requested by the appellant.

**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;
- B. Club, lodge or fraternal organization;
- C. Clinic, hospital or sanitarium;
- D. Nursing home, retirement home, rest home or convalescent home;
- E. Youth home, juvenile home or orphanage;
- F. Public facilities and utilities;
- G. Day care center (within existing and new church, public or semipublic buildings only);
- H. 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.**

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,
  - 2. Work and/or storage sheds for noncommercial use or equipment,
  - 3. 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 Section 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.

**18.23.030 Uses requiring a conditional use permit.**

In a RL10 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52:

- 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 Section 18.23.060 (A), and the

project is in compliance with Section 18.52.130;

- O. Hospital;
- P. Manufactured home park;
- Q. Public utility structures;
- R. Home occupations, provided the minimum conditions found in Section 18.20.030 shall apply to the approval of any such conditional use permit;
- S. Bed and breakfast 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 Section 18.20.030 (5) shall apply to the approval of any such conditional use permit.
- T. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC.

**18.23.040 Yard requirements--Specifications.**

- A. Front Yard. There shall be a front yard of not less than twenty-five 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 fifteen 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 comer lots, the street side yard shall be a minimum of fifteen 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 ten thousand square feet for a single-family dwelling and twelve thousand square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be seventy feet for an interior lot and eighty feet for a comer lot.

**18.23.070 Building height.**

In a RL10 district, no building shall exceed a height of thirty-five feet.

**18.23.080 Lot coverage.**

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

**18.23.090 Off-street parking.**

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

**Chapter 18.24****SUPPLEMENTARY RESIDENTIAL DISTRICTS REGULATIONS**

## Sections:

18.24.005	Applicability
18.24.010	Corner lot Obstructions to visibility prohibited
18.24.020	Fences, walls and hedges – restrictions
18.24.030	Accessory buildings
18.24.040	More than one principal structure prohibited in low density residential districts
18.24.050	Building height – exceptions to limits
18.24.070	Major recreational equipment – use and storage restrictions
18.24.080	Unlicensed vehicles – Parking and storage restrictions
18.24.090	Yard requirements – modification
18.24.100	Decks, patios and balconies – restrictions and clarifications

**18.24.005 Applicability.**

This chapter applies to all residential districts unless specifically stated otherwise.

**18.24.010 Corner lot--Obstructions to visibility prohibited.**

On a corner lot in any residential zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and a line joining points along such street lines thirty-five feet from the point of the intersection.

**18.24.020 Fences, walls and hedges--Restrictions.**

Notwithstanding other provisions of this title, fences, walls and hedges shall meet the following requirements:

- A. Front and Side Street Yards. Three and one-half feet maximum height within ten feet of the front and/or side street lot lines. 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;
- B. Side Yards. Three and one-half feet maximum height within ten feet of the front lot line; six feet-maximum height when more than ten feet from the front and/or side street lot lines;
- C. Rear Yards. Six feet maximum height;
- D. A fence permit is required for the construction of all fences and walls in residential zoning districts.

**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 one hundred twenty 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 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 site distance.

**18.24.040 More than one principal structure prohibited in low density residential districts.**

Erecting more than one principal structure on a lot is not permitted in the low density residential districts.

**18.24.050 Building height - Exceptions to limits.**

The building height limitations do not apply to spires, belfries, cupolas, antennas (except as provided in Chapter 18.74), ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**18.24.070 Major recreational equipment--Use and storage restrictions.**

Not more than five pieces of major recreational equipment, excluding motorcycles, shall be parked or stored on any parcel other than in fully enclosed storage in a residential district and not more than two such recreational vehicles shall be habitable type recreational vehicles. No habitable recreational vehicle shall be used for living, sleeping or housekeeping purposes for more than ten days in any thirty-day period, when parked or stored on a residential lot or in any location not approved for such uses; provided, however, that a single habitable recreational vehicle may be occupied for housekeeping purposes for a period, not exceeding six months, by an owner or licensed contractor on a residential lot where a permanent dwelling is under construction.

**18.24.080 Unlicensed vehicles--Parking and storage restrictions.**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings

**18.24.090 Yard requirements - Modification.**

- A. Where the average natural slope of the front half of a lot is more than one foot rise or fall in five feet horizontal, the front yard may be reduced by not more than five feet.
- B. Where the average natural slope of the rear half of the lot is more than one foot rise or fall in five feet horizontal, the rear yard may be reduced to ten feet.
- C. Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming single-family dwelling where such nonconformance is due to inadequate front, side or rear yard setback, providing such single-family dwelling complied with the yard setbacks required by ordinance at the time of construction, or was constructed prior to the adoption of setback requirements.

**18.24.100 Decks, patios and balconies – Restrictions and clarifications**

- A. Decks greater than twelve inches above grade and balconies do not count toward building lot coverage, but do need to meet yard setback requirements.
- B. At-grade patios and decks built such that no part of the deck (excluding railings) is greater than twelve inches above grade do not need to meet yard setback requirements and do not count toward building lot coverage.

**Chapter 18.28****GENERAL COMMERCIAL DISTRICT**

## Sections:

18.28.020	Permitted uses.
18.28.030	Uses requiring conditional use permits.
18.28.040	Yard requirements.
18.28.050	Building height.
18.28.060	Lot coverage.

**18.28.010 Purpose.**

The general commercial district classification is intended to be applied to areas suitable and desirable for wholesale and retail sales and services not properly a part of the central area.

**18.28.020 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 general commercial district the following uses and their accessory uses are permitted outright:

- A. Apartments/multifamily dwelling unit;
- B. Automobile, boat, truck, trailer, or similar motor vehicle sales, service, display, rental or storage;
- C. Battery exchange stations and rapid charging stations (also known as level 3 charging and fast charging);
- D. Bakery;
- E. Banks;
- F. Barbershop or beauty shop;
- G. Business, technical or trade school;
- H. Bus or taxicab stop;
- I. Car wash;
- J. Condominiums;
- K. Eating and drinking establishment;
- L. Exercise facilities
- M. Government structure or use of land;
- N. Hotels and/or motels;
- O. Indoor sports arenas, auditoriums, and exhibition halls;
- P. Incidental and accessory structures and uses on the same site with, and necessary for, the operation of a permitted use;
- Q. Laundry or dry cleaning establishment;
- R. Copy and/or printing establishment;
- S. Pharmacy/drug store;
- T. Professional offices (business and professional);
- U. Retail food/grocery store;
- V. Retail sale, rental or repair of nonmotorized recreational equipment;
- W. Retail stores and service establishments;
- X. Theater;
- Y. Upholstery shop;
- Z. Adult family home. See RCW 70.128.010 for definition.

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

- A. Automobile or other motor vehicle repair, not including a body shop;
- B. Day care center;
- C. Cabinet or glass shop;
- D. Commercial amusement enterprise;
- E. Clinic;
- F. Coffee roasting;
- G. Electric, plumbing or heating shop;
- H. Family entertainment enterprise;
- I. Food bank;
- J. Gasoline service station;
- K. Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;
- L. Microbrewery, distillery, or winery;
- M. Parking facilities, including structures and lots;
- N. Pet care centers;
- O. Private clubs and lodges;
- P. Public and private libraries, art galleries, and museums;
- Q. Public buildings, utilities, service structures or installations and grounds;
- R. Recreational vehicle parks;
- S. Veterinarian, animal hospital;
- T. Public parks, including swimming pools;
- U. 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;
- V. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC.

**18.28.040 Yard requirements.**

- A. Front Yard. The front yard shall be a minimum of 25 feet for those parcels of real property in the general commercial district which have a direct frontage on or along State Highway SR2 in the city, or which are located across the street from any residential or recreational zoning district.
- B. Side Yard. The side yard shall be a minimum of 10 feet when the side yard of a parcel of real property in the general commercial district abuts, touches or adjoins any residential or recreational zoning district.
- C. Rear Yard. The rear yard shall be a minimum of 15 feet when the rear yard of a parcel of real property in the general commercial district abuts, touches or adjoins any residential or recreational zoning district.

**18.28.050 Building height.**

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

**18.28.060 Lot coverage.**

In a general commercial district, buildings shall not occupy more than 75 percent of the lot area.

**Chapter 18.32****CENTRAL COMMERCIAL DISTRICT**

## Sections:

- 18.32.010 Purpose.
- 18.32.020 Permitted uses.
- 18.32.030 Uses requiring conditional use permits.
- 18.32.040 Yard requirements.
- 18.32.050 Building height.

**18.32.010 Purpose.**

The central commercial district is intended to provide an appropriately located area of concentrated retail stores, offices, and service establishments of limited nature serving the residents of the city and the surrounding area. Recognizing the established character and attractive scale of the central part of the Leavenworth business area, it is the further purpose of this district regulation to protect and enhance this area for the benefit of the city, businesses, property owner, and the general public.

**18.32.020 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 central commercial district the following uses and their accessory uses are permitted outright:

- A. Professional offices;
- B. Bakery;
- C. Barbershop or beauty shop;
- D. Bus or taxicab stop;
- E. Copy and/or printing establishment;
- F. Rapid charging stations (also known as level 3 charging and fast charging);
- G. Apartments/multifamily dwelling unit;
- H. Condominiums;
- I. Eating and drinking establishment;
- J. Exercise facilities;
- K. Government structure or use of land;
- L. Retail sale, rental or repair of nonmotorized recreational equipment;
- M. Retail stores and service establishments;
- N. Retail food/grocery store;
- O. Incidental and accessory structures and uses on the same site with, and necessary for, the operation of a permitted use;
- P. Banks;
- Q. Hotels and motels;
- R. Indoor sports arenas, auditoriums, and exhibition halls;
- S. Pharmacy/drug store;
- T. Theater;
- U. Adult family homes. See RCW 70.128.010 for definition.

**18.32.030 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 the central commercial district, the following uses and accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Professional and trade schools and colleges;
- B. Clinics;
- C. Coffee roasting;
- D. Commercial amusement enterprise;
- E. Day care centers;
- F. Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;
- G. Mini-day care centers;
- H. Parking facilities, including structures and lots;
- I. Public and private libraries, art galleries, and museums;
- J. Food bank;
- K. Public buildings, utilities, service structures or installations and grounds;
- L. Public parks;
- M. Microbrewery, distillery, or winery;
- N. 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:
  - 1. Cause 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. Cause hazard of fire, explosion, or other physical damage to adjacent structures or vegetation;
  - 3. Exteriorly appear inconsistent in size and scope with adjacent structures;
- O. Hospital;
- P. Family entertainment enterprise, subject to the following minimum conditions:
  - 1. No smoking shall be allowed on the premises,
  - 2. No alcoholic beverage shall be sold or consumed on the premises nor allowed in the possession of anyone on the premises,
  - 3. No possession or use or sale of illegal drugs shall occur on the premises,
  - 4. No congregating of persons shall be allowed to occur in the vicinity of the entrance to the family entertainment enterprise which results in disturbance to adjacent businesses or pedestrians,
  - 5. A family entertainment enterprise shall be no larger than 2,500 square feet of total floor area;
- Q. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;
- R. Pet care centers.

**18.32.040 Yard requirements.**

- A. Front Yard. The front yard shall be a minimum of 25 feet for those parcels of real property in the central commercial district which have a direct frontage on or along State Highway SR2 in the city, or which are located across the street from any residential or recreational zoning district.
- B. Side Yard. The side yard shall be a minimum of 10 feet when the side yard of a parcel of real property in the central commercial district abuts, touches or adjoins any residential or recreational zoning district.
- C. Rear Yard. The rear yard shall be a minimum of 15 feet when the rear yard of a parcel of real property in the central commercial district abuts, touches or adjoins any residential or recreational zoning district.

**18.32.050 Building height.**

In a central commercial district, no structure shall exceed a height of 50 feet.

**Chapter 18.35****COMMERCIAL DISTRICT MIXED USE INCENTIVES**

## Sections:

18.35.010	Purpose
18.35.050	Permitted uses
18.35.030	Uses requiring conditional use permits
18.35.100	Prohibited uses
18.35.110	Development standards

**18.35.010 Purpose.**

The Commercial District Mixed Use Incentives (CDMUI) are intended to encourage the increase in housing types and stock by providing additional permitted uses and flexible standards when residential uses are incorporated with this incentive program. Furthermore, the CDMUI is established to encourage positive development that provides a mix of services and light industry with a residential component, and foster economic development opportunities within the city.

**18.35.020 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 development services manager 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 the commercial districts when residential uses are incorporated with this incentive program, the following uses and their accessory uses are permitted outright:

- A. Adult family home;
- B. Bakery;
- C. Banks without drive-through;
- D. Business offices, Personal services, and Medical office;
- E. Rapid *battery* charging stations (also known as level 3 charging and fast charging);
- F. Barbershop or beauty shop;
- G. Condominiums;
- H. Family day care (12 or fewer children);
- I. Eating and drinking establishment, without drive-in or drive-through;
- J. Exercise facilities;
- K. Government structure or use of land;
- L. Hotels and/or motels;
- M. Laundry or dry cleaning establishment;
- N. Multifamily dwellings;
- O. Pharmacy/drug store;
- P. Pull-out bus or taxicab stop;
- Q. Public and private libraries, art galleries, and museums;
- R. Retail sale, rental or repair of nonmotorized recreational equipment;
- S. Retail stores and service establishments;
- T. Retail food/grocery store;
- U. Theater;
- V. Incidental and accessory structures and uses on the same site with, and necessary for, the operation of a permitted use.

**18.35.030 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 development services manager 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 the commercial district when residential uses are incorporated with this incentive program, the following uses and accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Business, technical or trade school;
- B. Clinic;
- C. Coffee roasting;
- D. Copy and/or printing establishment;
- E. Commercial amusement enterprise;
- F. Day carecenter;
- G. Electric, plumbing or heating shop;
- H. Family entertainment centers, subject to the following minimum conditions: Criteria omitted from this chart;
- I. Food bank;
- J. High tech industry, computer assembly and similar type uses (excepting when located in the Central Commercial District);
- K. Light industrial welding and fabrication;
- L. 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;
- M. Microbrewery, distillery, or winery;
- N. Pet care centers;
- O. Places of worship;
- P. Public buildings, utilities, service structures or installations and grounds;
- Q. Radio/TV studios;
- R. Repair services for electronics and/or appliances(excepting when located in the Central Commercial District);
- S. Schools and Institution of higher education;
- T. Upholstery shop;
- U. Veterinary offices/clinics (excepting boarding facilities and/or kennels);
- V. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC.

**18.35.100 Prohibited uses.**

The following uses are specifically not allowed within the CDMUI:

- A. Agricultural uses such as sorting, packing, storage, processing, refrigeration and shipping of agricultural products, feed stores, nursery/greenhouses or other similar uses;
- B. Automobile, boat, truck, trailer, or similar motor vehicle sales, service, display, rental or storage;
- C. Automobile or other motor vehicle repair, not including a body shop;
- D. Auto towing including secured storage of vehicles;
- E. Boarding facilities and/or kennels;
- F. Breaking of bulk and redistribution in smaller lots, including packaging, repackaging, or bottling products, such as liquors or chemicals;
- G. Carwash;
- H. Catering;
- I. Construction contractor's yards;

- J. Feed lots, rendering or meat packing plants;
- K. Fuel sales;
- L. Gas stations and bulk fuel storage;
- M. Heliports and supporting aviation activities;
- N. Indoor sports arenas, auditoriums, and exhibition halls;
- O. Junk/wrecking yards;
- P. Landfills;
- Q. Lumber and basic construction material sales and storage;
- R. On-site hazardous waste facilities shall be permitted as an accessory use to any legal land use listed in this section;
- S. Processing and packaging of food, drugs, pharmaceuticals, perfumes and cosmetics;
- T. Public parks, including swimming pools;
- U. Recreational vehicle parks;
- V. Recycling centers for the collection and temporary storage of materials;
- W. Scientific and agricultural research, testing and experimental development laboratories;
- X. Sign painting shop;
- Y. Truck and freight terminals, warehousing and storage, parcel delivery service, packaging and crating;
- Z. Warehousing establishments;
- AA. Commercial or personal-storage establishments including mini and self-storage;
- BB. Wholesale trade establishments and storage of durable and nondurable goods including automobile parts and supplies, tires and tubes; furniture and home furnishing, lumber, manufactured homes, recreational vehicles, boats and campers and construction materials.

**18.35.110 Development standards.**

Development which incorporates the Commercial District Mixed Use Incentives shall meet all applicable provisions of this title and all other rules, regulations and provisions of the LMC, including the following:

- A. Development of residential units shall be in conjunction with any incentive provided herein.
- B. For the purposes of the CDMUI, development includes:
  - 1. Attached or on-site residential unit(s) shall be constructed with other allowed uses. This allowance for additional mixed occupancy and/or other incentives are to accommodate the inclusion of residential units. Residential units do not include transient accommodations (hotels and motels or similar less than monthly rental);
  - 2. Dwellings, including rental apartments, multifamily, live-work units, single- dwelling and condominiums, shall be a gross floor area of one square foot of dwelling to one square foot of commercial or light industrial use found within the listed permitted uses;
  - 3. Common areas may include: loading areas, main entrance, restrooms, and other shared rooms (office and conference room(s));
  - 4. The primary function is to accommodate the mixed uses. Site development shall include consideration of activities that may conflict with equipment/pedestrian or other travel, odors, noise, and vibration;
  - 5. Site and/or development review shall be conducted pursuant to LMC 21.09.040, Full administrative review of applications;
  - 6. Development standards in each Commercial District shall apply to the CDMUI zoning district, except that a CDMUI building height may expand to a maximum of 50 feet. Conversion of the residential units and/or area is prohibited, and at the expense of the applicant, the City may require a notice to title to ensure the residential units remain with the incentive provided by this section. When located in the Shoreline Jurisdiction, the Shoreline Master Program shall govern.
- C. Uses permitted in the CDMUI zoning district shall meet all applicable regulations pursuant to the LMC.
- D. Off-street parking shall be provided in the amount prescribed in Chapter 14.12 LMC, except as allowed by administrative modification.
- E. Landscaping shall be provided pursuant to 14.12.190 LMC.
- F. Signs are permitted in accordance with Chapter 14.10 LMC, Signs.
- G. All sites and building shall be compliant with Chapter 14.08, Leavenworth's Old World Bavarian Alpine

Theme.

- H. General Storage. Storage of personal property and materials shall be located outside of required front yard areas, and shall be entirely within an enclosed building or screened from view of the surrounding properties with a sight-obscuring fence and landscaping.
- I. Vehicle Storage. Storage of recreational vehicles, boats, and similar off-road vehicles not used for daily transportation shall be prohibited unless a fully enclosed building is provided on site specifically for that purpose.
- J. All multifamily developments shall meet the multifamily development standards listed in LMC Chapter 18.22.
- K. In some cases, uses vary from the underlying zoning district in which projects are located. In the case of discrepancies, standards of the CDMUI shall govern.
- L. Uses permitted in each overlay shall meet all applicable general regulations as detailed in LMC or as modified herein.

**Chapter 18.40****PLANNED DEVELOPMENT DISTRICT**

## Sections:

18.40.010	Uses conditional upon approval
18.40.020	General public benefit requirement
18.40.030	Perimeter transition requirements
18.40.040	Facility, utility and area size requirement
18.40.050	Residential project requirements – perimeter requirements
18.40.060	Residential project requirements – connection to through street required when
18.40.070	Residential project requirements – minimum requirements
18.40.080	Residential project requirements – additional requirements
18.40.090	Multiple-use project requirements
18.40.100	Approval – conditions

**18.40.010 Uses conditional upon approval.**

In a planned development district, no primary or accessory use is permitted outright. All uses in a planned development district are conditional upon approval of the Leavenworth Hearing Examiner, in accordance with the provisions of this chapter, which provisions shall constitute the basis for and become the zoning requirements of the particular planned development district.

**18.40.020 General public benefit requirement.**

All planned development projects shall demonstrate that there is a general public benefit to be gained by deviation from the existing zoning classification and its regulations to those of a planned development district. These deviations may include, but are not limited to:

- A. Increased population density;
- B. Variations from normal street development patterns, pedestrian walks, traffic circulation facilities, and other public facilities;
- C. The creation of multiple-use projects including residential, commercial, or recreational facilities.

**18.40.030 Perimeter transition requirements.**

All planned development projects shall bear the burden of perimeter transition with surrounding land uses and may be required to provide for:

- A. Additional or improved relationship of open spaces;
- B. Additional public facilities, such as pedestrian walks, traffic circulation facilities and/or public access to lakes and streams;
- C. Preservation of natural assets, such as historic land, parks, streams, or views;
- D. General public benefit features which contribute to improving the total environment of the neighborhood of the proposed development.

**18.40.040 Facility, utility and area size requirement.**

- A. Planned development projects shall be complete developments and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, drainage, sanitary sewers, underground power and telephone lines, landscaping and off-street parking, subject to the requirements of the planning commission.
- B. Planned development districts may be established on parcels of land suitable to such development and shall contain a minimum of two acres.

**18 40.050 Residential project requirements - Perimeter requirements.**

Land area and buildings around the perimeter of the projects shall be in harmony with but not necessarily identical to the development of adjoining properties. Each application shall be considered on its individual merit and must be found to be in conformity with the general "intent and criteria of this chapter.

**18.40.060 Residential project requirements.**

Connection to through street required when projects of five acres or more which funnel traffic to a principal access point shall connect at that point to a through, major residential, or higher traffic capacity street.

**18.40.070 Residential project requirements - Minimum requirements.**

- A. Maximum Density. A maximum density averaging one dwelling unit per two thousand square feet of site area may be permitted.
- B. Minimum Setback Distances and Height Requirements. The Planning Commission may specify more restrictive or less restrictive setback and height requirements.
- C. Maximum Land Coverage. Maximum land coverage shall be fifty percent for all buildings.
- D. Parking. One and one-half parking spaces shall be provided for each dwelling unit, with all such spaces to be located to the rear of the front yard setback line. Parking shall be provided within fifty feet of the dwelling it is intended to serve.
- E. Distance Between Buildings. There shall be a minimum distance of twenty feet between all multiple residential buildings.
- F. Recreational Sites. There shall be designated as space for recreational purposes one or more sites within the development having a total area equal to not less than three hundred square feet for each dwelling unit.
- G. Public Streets. All public streets within or adjacent to a planned development are to meet all applicable State, County, or City standards in force at the time of application.

**18.40.080 Residential project requirements - Additional requirements.**

The Planning Commission may use a degree of flexibility and diversification in imposing additional requirements so that the development will be in harmony with the surrounding area. In approving a planned development the Planning Commission may impose, in addition to the regulations and standards expressly-specified by this chapter, other conditions found necessary to protect the best interest of the surrounding property, the neighborhood, or the community as a whole. These conditions may include the following:

- A. Preservation of light, air, and view;
- B. Elimination of undue congestion;
- C. Designation of sites for recreation facilities;
- D. Improvement of internal traffic circulation;
- E. Requirement of suitable landscaping and/or fencing, both internally and around the perimeter of the development;
- F. Improvement of public utilities;
- G. Specification of a specific time limit for construction; and
- H. Submission to the city, by the applicant, of an adequate performance bond in order to assure development as specified in the approval of the planned development.

**18.40.090 Multiple-use project requirements.**

Any planned development project containing combinations of residential, commercial, or recreational uses, may be known as a multiple-use project, and shall bear the following relationships to the zoning districts in which they are proposed:

- A. In any district, the principal use or uses proposed in a multiple-use project shall be in harmony with such district.
- B. In the residential districts, which abut other residential districts, multiple-use projects which include residential use should:
  - 1. Limit land area of nonresidential uses to four percent of the gross area of the development;
  - 2. Limit nonresidential use to those business facilities which, in size and service, can be related principally to the project; e.g., grocery, drug, and specialty shops, or professional offices. Such uses should be in ground floor locations and in buildings comparable in size, character, and architectural style with the project buildings;
  - 3. Multi-family units shall be in character and of similar architectural style to the single-family

- buildings of the project;
- 4. Nonresidential uses permitted as a part of a planned development project in a low density residential area shall not be designed to dominate surrounding residential uses by incorporating oversized advertising signs, intense lighting, increased building height, or other devices which focus attention on location.
- C. In residential districts located in transitional areas immediately abutting and adjoining non-residentially zoned property, multiple-use projects which include residential use should:
  - 1. Orient nonresidential uses and their automobile circulation and parking towards the adjoining nonresidential district;
  - 2. Limit commercial nonresidential uses to ground floor locations;
  - 3. Provide residential uses on all perimeters adjoining residential districts.
- D. A proposed multiple-use project in a residentially zoned area shall complete construction of fifty percent of the dwelling units or floor area of the residential part of the project prior to the issuance of building permits for any nonresidential construction.

**18.40.100 Approval-Conditions.**

The granting of approval of a planned development district constitutes an amendment to the zoning map, and must comply with the provisions set forth in the Leavenworth Comprehensive Plan and Leavenworth Zoning Ordinance.

**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.

**18.44.010 Purpose.**

The tourist commercial district classification is intended to be applied to areas suitable and desirable for motels, restaurants, service stations and similar uses to accommodate auto-oriented patrons.

**18.44.020 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 the tourist commercial district the following uses and their accessory uses are permitted outright:

- A. Motels and/or hotels;
- B. Bakery;
- C. Battery exchange stations and rapid charging stations (also known as level 3 charging and fast charging);
- D. Bus or taxicab stop;
- E. Business, technical or trade school;
- F. Condominium;
- G. Copy and/or printing establishment;
- H. Apartments/multifamily dwelling unit;
- I. Government structure or use of land;
- J. Eating and drinking establishment;
- K. Exercise facilities;
- L. Family entertainment enterprise;
- M. Barbershop or beauty shop;
- N. Pharmacy/drug store;
- O. Retail food/grocery store;
- P. Indoor sports arenas, auditoriums, and exhibition halls;
- Q. Incidental and accessory structures and uses on the same site with, and necessary for, the operation of a permitted use;
- R. Professional office;
- S. Banks;
- T. Retail sale, rental or repair of nonmotorized recreational equipment;
- U. Retail sales and services establishment;
- V. Theater;
- W. Adult family home. See RCW 70.128.010 for definition.

**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;
- D. Commercial entertainment enterprise;
- E. Food bank;
- F. Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;
- G. 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. Microbrewery, distillery, or winery;
- J. Private clubs and lodges;
- K. Public parks, including swimming pools;
- L. Public and private libraries, art galleries, and museums;
- M. Public buildings, utilities, service structures or installations and grounds;
- N. Commercial amusement enterprise;
- O. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;
- P. Pet care centers.

**18.44.040 Yard requirements.**

- A. Front Yard. There shall be a front yard of not less than 25 feet.
- B. Side Yard. There shall be a side yard of not less than 10 feet.
- C. Rear Yard. There shall be a rear yard of not less than 10 feet, except that yard area shall be increased to 20 feet when abutting, touching or adjoining any residential or recreational zoning district.

**18.44.050 Building height.**

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

**18.44.060 Lot coverage.**

In a tourist commercial district, buildings shall not occupy more than 50 percent of the lot area.

**Chapter 18.45**

**LIGHT INDUSTRIAL DISTRICT (LI)**

Sections:

- 18.45.010 Purpose
- 18.45.020 Permitted uses – prohibited uses
- 18.45.030 Uses requiring a conditional use permit
- 18.45.040 Lot size
- 18.45.050 Building height
- 18.45.060 Yard requirements – specifications
- 18.45.070 Enclosure requirements
- 18.45.080 Screening requirements
- 18.45.090 Not subject to a variance

**18.45.010 Purpose.**

The purpose of the light industrial district is to promote the development of clean, light manufacturing of goods and wares. In addition, the light industrial district can accommodate storage type facilities.

**18.45.020 Permitted uses – Prohibited uses.**

- A. In the light industrial district, the following uses shall be permitted outright, provided they have not been declared a nuisance by statute, resolution, or any court of competent jurisdiction, and provided these uses shall not cause: (a) 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, or (b) hazard of fire, explosion, or other physical damage to adjacent structures or vegetation.
  - 1. Battery exchange stations and rapid charging stations (also known as Level 3 charging and Fast charging)
  - 2. Light manufacturing, assembly, processing, packaging, treatment or fabrication of wood, glass, metal, food, furniture, fixtures, computers, scientific materials, lumber, clothing, or textile goods, products and machinery;
  - 3. Warehousing establishments;
  - 4. Wholesale trade establishments, and storage of durable and nondurable goods including automobile parts and supplies, tires and tubes; furniture and home furnishing, lumber, manufactured homes, recreational vehicles, boats and campers and construction materials;
  - 5. Public utility and municipal uses such as substations, fire stations and maintenance shops;
  - 6. Mini-storage or self-storage establishments;
  - 7. Contractor’s yards;
  - 8. Professional, private and public office buildings;
  - 9. Processing and packaging of food, drugs, pharmaceuticals, perfumes and cosmetics;
  - 10. Truck and freight terminals, warehousing and storage, parcel delivery service, packaging and crating;
  - 11. Vehicle, tractor, truck, boat, manufactured home and implement sales, repair, maintenance and rental, including paint and body work;
  - 12. Communications facilities including telephone exchanges and radio and television broadcasting stations;
  - 13. Public/private facilities such as law enforcement and fire stations, corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, governmental and charitable organizations, public animal control facilities, and other similar noncommercial uses;
  - 14. High tech industry, computer assembly and similar type uses.
- B. The following uses are not allowed within the light industrial district:
  - 1. Junk/wrecking yards;
  - 2. Feed lots, rendering or meat packing plants; and
  - 3. Landfills.

**18.45.030 Uses requiring a conditional use permit.**

In the light industrial district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18. 2:

- A. Heliports;
- B. Gas stations and bulk fuel storage;
- C. Scientific and agricultural research, testing and experimental development laboratories;
- D. Agricultural uses such as sorting, packing, storage, processing, refrigeration and shipping of agricultural products, feed stores, nursery/greenhouses or other similar uses;
- E. Recycling centers for the collection and temporary storage of materials.
- F. Wireless telecommunications facilities {WTF}, in accordance with the requirements of Chapter 18.74 LMC.

**18.45.040 Lot size.**

There shall be no minimum lot size. However, a division of land must comply with RCW Chapter 58.17 and Title 17 of the Leavenworth Municipal Code.

**18.45.050 Building height.**

In a light industrial district, the maximum building height shall be fifty feet.

**18.45.060 Yard requirements - Specifications.**

- A. Front Yard. There shall be a front yard of not less than twenty-five feet. For corner lots or through lots there shall be more than one front yard.
- B. Side Yard. There shall be a side yard of not less than five feet.
- C. Rear Yard. There shall be a rear yard of not less than ten feet.
- D. When any side or rear yard is abutting, touching, or if located across a street or alley from any residential or recreational zone, the yard area shall be increased to twenty feet.
- E. The provisions of Section 18.24.010 shall also apply to any buildings, structures, storage, screening and/or fencing which occurs in this district.

**18.45.070 Enclosure requirements.**

When any portion of a light industrial activity is located within three hundred feet of any residential zone, the light industrial use shall be completely enclosed by a building. Exceptions to the enclosure requirement shall include:

- A. Off-street parking for patrons and employees of the light industrial use;
- B. Off-street loading, provided no off-street loading shall occur from nine p.m. to seven a.m.;
- C. Storage of materials necessary to the activity.

**18.45.080 Screening requirements.**

All light industrial uses shall meet the following screening requirements when abutting, touching, or if located across a street or alley from any residential, commercial or recreational zone:

- A. There shall be installed and maintained in good condition a solid six foot fence on those property lines which actually abut, touch or are located across a street or alley;
- B. In lieu of a fence, a view obscuring six foot tall evergreen hedge, that is as effective as a solid fence, may be used;
- C. No material shall be stacked so as to be visible above the fence;
- D. All material and equipment associated with the use shall be stored within the fenced area; and
- E. Exterior lighting shall be designed and installed so as not to create glare upon any residential areas.

**18.45.090 Not subject to a variance.**

The following sections of this chapter shall not be authorized to be varied from the required standard:

- A. Sections 18.45.070 and 18.45.080.

**Chapter 18.46****RECREATION DISTRICT**

## Sections:

18.46.010	Purpose
18.46.020	Permitted uses
18.46.030	Uses requiring a conditional use permit
18.46.040	Parking/loading requirements
18.46.050	Yard requirements
18.46.060	Building height
18.46.070	Lot coverage

**18.46.010 Purpose.**

The recreation district is to promote both passive and active recreation. This district is suitable for such uses as wildlife refuge and sanctuaries, municipal parks, ball fields, playground, and golf courses. This designation is not applicable to commercial amusement parks and other such activities. This designation may also be appropriate for institutions that utilize play fields and/or open space as part of their normal day to day operation or landscaping.

**18.46.020 Permitted uses.**

In the recreation district, the following uses are permitted outright:

- A. Public parks.
- B. Public or private traditional nine or eighteen-hole golf courses.
- C. Public or private educational institutions or educational centers for advanced study and research in an academic field of learning provided:
  - 1. There is a designated public open space that can be utilized by the general public during normal non-operating hours.
  - 2. The designated public open space must equal or exceed the total gross floor area of all structures and parking areas for the institution.
- D. Public museums, art galleries, community center, or governmental buildings provided:
  - 1. There is a designated public open space that can be utilized by the general public during normal non-operating hours.
  - 2. The designated public open space must equal or exceed the total gross floor area of all structures and parking areas for the institution.
- E. Churches, convents or monasteries, provided:
  - 1. There is a designated public open space that can be utilized by the general public during normal non-operating hours.
  - 2. The designated public open space must equal or exceed the total gross floor area of all structures and parking areas for the institution space.

**18.46.030 Uses requiring a conditional use permit.**

- A. Public utility structures.
- B. Hospital.
- C. Subdivision for single family residential homes provided:
  - 1. There is dedicated the equal amount of land for public park or open
  - 2. To area to be dedicated as park or open space must be equal to the total area that is being developed (including supporting infrastructure).
  - 3. The subdivision must comply with Title 17 and Chapters 18.20 and of this code.
- D. Recreational vehicle parks pursuant to Section 18.51.040.
- E. Recreational campgrounds.
- F. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74.

**18.46.040 Parking/loading requirements.**

All permitted uses and conditional uses must comply with Chapter 14.12 LMC.

**18.46.050 Yard requirements.**

Front Yard. There shall be a front yard of not less than twenty-five feet.

Side Yard. There shall be a side yard of not less than five feet.

Rear Yard. There shall be a rear yard of not less than twenty feet.

**18.46.060 Building height.**

In a recreation district, the building height shall not exceed a height of thirty-five feet.

**18.46.070 Lot coverage.**

In a recreation district, building/structures shall not occupy more than thirty-five percent of the buildable lot area.

**Chapter 18.47**

**RECREATION-PUBLIC DISTRICT**

Sections:

- 18.47.010 Purpose.
- 18.47.020 Permitted uses.
- 18.47.030 Uses requiring a conditional use permit.
- 18.47.040 Parking/loading requirements.
- 18.47.050 Yard requirements.
- 18.47.060 Building height.
- 18.47.070 Lot coverage

**18.47.010 Purpose.**

The recreation-public district is intended to be applied to publicly owned properties for public recreation and utility uses. This district is suitable for recreational and public uses, and commercial uses that are determined by the city's legislative authority to be in the best interest of the community.

**18.47.020 Permitted uses.**

In the recreation-public district, the following uses and accessory uses and structures normally appurtenant to them are permitted outright:

- A. Public parks;
- B. Traditional nine or eighteen-hole golf courses;
- C. Swimming pools;
- D. Playgrounds and ball fields;
- E. Wildlife refuge and sanctuary;
- F. Commercial leases and concessions as authorized by the public entity that is the owner of the land.

**18.47.030 Uses requiring a conditional use permit.**

- A. Public utility structure;
- B. Educational institutions or centers for advanced study and research provided;
  - 1. There is a designated public open space that can be utilized by the general public during normal non-operating hours;
  - 2. The designated public open space must equal or exceed the total gross floor area of all structures and parking for the institution
- C. Public museums, art galleries, community centers, governmental buildings provided;
  - 1. There is a designated public open space that can be utilized by the general public during normal non-operating hours;
  - 2. The designated public open space must equal or exceed the total gross floor area of all structures and parking for the institution.
- D. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC.

**18.47.040 Parking/loading requirements.**

All permitted and conditional uses must comply with Chapter 14.12 LMC.

**18.47.050 Yard requirements.**

Front Yard. There shall be a front yard of not less than twenty-five feet.  
 Side Yard. There shall be a side yard of not less than five feet.  
 Rear Yard. There shall be a rear yard of not less than twenty feet

**18.47.060 Building height.**

In the recreation-public district, the building height shall not exceed a height of thirty-five feet.

**18.47.070 Lot coverage.**

In the recreation-public district, buildings/structures shall not occupy more than thirty-five percent of the buildable lot area.

**Chapter 18.50****MANUFACTURED HOME PARKS**

## Sections:

18.50.010	Purpose.
18.50.020	Definitions.
18.50.030	Required plans.
18.50.040	Location.
18.50.050	Site and lot requirements.
18.50.060	Garbage and trash.
18.50.070	Off-street parking.
18.50.080	Manufactured home pad.
18.50.090	Perimeter buffer/screening fence and groundcover.
18.50.100	Recreational areas.
18.50.110	Signs.
18.50.120	Storage, accessory structures and manufactured home setup.
18.50.130	Street system.
18.50.140	Utilities.
18.50.150	Miscellaneous provisions.

**18.50.010 Purpose.**

The purpose of this chapter is to establish minimum standards for the construction, development, and management of manufactured home parks. These standards are intended to ensure the public health, safety, and welfare, as well as encourage innovative and imaginative manufactured home parks that will provide desirable, economical housing opportunities for local residents. It is a goal of this section to ensure that manufactured home parks are designed and developed in such a manner that they can be considered an asset to the city.

**18.50.020 Definitions.**

As used in this chapter, the following words and terms are defined:

- A. "Accessory structure" means a structure incidental, appropriate and subordinate to the main use of the property, and located on the same manufactured home lot or attached to the manufactured home itself, such as awnings, carports, porches, utility buildings and similar structures.
- B. "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.
- C. "Manufactured home" means a structure transportable in one or more sections, that in the traveling mode is eight body feet or more in width or thirty-two body feet or more in length or more than three hundred twenty square feet in area and is built on a permanent chassis and designed to be used with or without a permanent foundation.
- D. "Manufactured home lot" means that area within the manufactured home park that is designated for the private use of the occupants of the lot.
- E. "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.
- F. "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.
- G. "Utility buildings" means accessory structures intended for the storage of typical outdoor equipment incidental to the use and upkeep of an occupied manufactured home space, i.e., lawnmower, lawn chairs, barbecue, etc.

**18.50.030 Required plans.**

- A. Submission of Plans. All conditional use applications for manufactured home parks shall be accompanied by a minimum of three scale drawings of not less than one hundred feet to the inch and a landscape and screening plan.

- B. Adequate Plans. The City shall reserve the right to refuse to examine any incomplete, unintelligible or indefinite drawings.
- C. Information Required on Plans.
  1. The required scale drawings shall include the location of all buildings; manufactured home spaces; water, electric, and sewage lines; community trash containers, fire hydrants; roadways, entrances, and exits; proposed drainage; lighting, signs; boundary of the site; perimeter buffer, recreation and open space; and any proposed public dedications. At the discretion of the administrative official, this drawing may also require topographic contours with an interval of not more than five feet.
  2. A landscape and screening plan shall include the name, location and size of Vegetation-and the location, and height of the screening fence.

**18.50.040 Location.**

- A. Any parcel of property being considered for a manufactured home park must front on and have direct access to a developed public road at a minimum of one location. The administrative official may require more than one direct access to a public road where it is determined to be in the best interest of the community.
- B. Manufactured home parks may be permitted in residentially zoned areas only, subject to approval of a manufactured home park conditional use permit.
- C. Manufactured home parks shall not be located in any area which the planning commission finds to be unsuitable for residential development due to flooding, poor drainage, steep slopes, unstable soils or geology, or other features likely to be harmful to the safety or general health of its occupants.

**18.50.050 Site and lot requirements.**

- A. Size of Manufactured Home Park. The minimum size of a manufactured home park shall be two acres.
- B. Size of Manufactured Home Lots. The minimum size of a manufactured home lot shall be four thousand five hundred square feet for any manufactured home over fourteen feet wide and three thousand five hundred square feet for manufactured homes fourteen feet wide or less. The minimum width of a manufactured home lot shall be fifty feet for the former and forty feet for the latter size manufactured home. The lot boundaries shall be plainly marked by corner stakes.
- C. Spacing Standards.
  1. There shall be a minimum of fifteen feet between manufactured homes. Attached accessory structures shall be regarded as part of the manufactured home for setback and spacing purposes.
  2. There shall be a minimum distance of three feet between a manufactured home and an unattached accessory structure.
- D. Setbacks for Manufactured Homes.
  1. There shall be a minimum distance of fifteen feet between an individual manufactured home and an adjoining interior park street.
  2. No manufactured home shall be located closer than twenty-five feet from a public road right-of-way.
  3. There shall be a minimum distance of five feet between a manufactured home and a manufactured home side lot line, except, one side yard may be reduced to zero feet if a minimum separation of at least fifteen feet is maintained between adjacent manufactured homes.
  4. There shall be a minimum distance of ten feet between a manufactured home and the interior line of the perimeter buffer.
- E. Lot Coverage. There shall be no more than fifty percent of a manufactured home lot covered by structures.

**18.50.060 Garbage and trash.**

- A. The storage, collection and disposal of refuse in the manufactured home park shall be conducted so as to prevent health hazards, rodent harborage, insect breeding areas, accidental fire hazards, and air pollution.
- B. Community-type containers will be required to be located not more than one hundred fifty feet away from any manufactured home lot. These collection areas shall be screened by landscaping and/or a view obscuring fence.

**18.50.070 Off-street parking.**

- A. A minimum of two off-street parking spaces shall be provided at each manufactured home lot. These spaces shall be at least five feet from the park street. Parking spaces shall not be located within the ten-foot buffer zone required around the perimeter of the manufactured home park.
- B. An additional minimum of two off-street parking spaces shall be provided for the manufactured home park office.
- C. All residential and common parking areas require bituminous surfacing or better.

**18.50.080 Manufactured home pad.**

Each manufactured home lot shall be provided with a pad of sufficient size to accommodate the manufactured home and any attached accessory structure. Each manufactured home pad shall be surfaced with a minimum of three inches of washed gravel of uniform size or other surface approved by the administrative official. The manufactured home pad shall be graded to obtain adequate surface drainage.

**18.50.090 Perimeter buffer/screening fence and groundcover.**

- A. Buffer Required. A minimum ten-foot landscaped buffer or screen shall be required around the sides and rear of the park. The front yard buffer shall be a minimum of twenty feet, within which shall be erected an ornamental wall, fence, or screen planting, acceptable to the administrative official, and no less than five feet in height around the perimeter of the manufactured home park. If screen plantings are to be used, the plants should be of sufficient size so as to provide immediate screening benefit. If, in the opinion of the planning commission, it is unreasonable to require this screening along the side and rear boundaries due to the nature of the existing topography or other conditions that might render such screening ineffective, the commission, at its discretion, may waive or modify the requirements as specified in this section. A permanent irrigation system shall be installed to ensure adequate maintenance of the landscaping in these areas.
- B. Groundcover Required. Lawn or other suitable ground cover shall be required in all areas except those covered by structures, by paved or surfaced areas and by planting beds. Also excepted are undisturbed areas such as ravines and streams to be preserved in their natural state.

**18.50.100 Recreational areas.**

- A. Not less than five hundred square feet per manufactured home site shall be provided for recreational space; provided, however, that no outdoor recreation areas shall contain less than two thousand five hundred square feet.
- B. In lieu of providing recreational areas, recreational opportunities such as clubhouses, swimming pools, handball courts, etc., may be considered by the planning commission.
- C. Required buffer/screening areas shall not constitute required open space or recreational area.

**18.50.110 Signs.**

- A. Signs and advertising devices shall be prohibited in a manufactured home park except:
  - 1. One identifying sign at the entrance of the manufactured home park which may be indirectly lighted but shall be non-flashing and which shall not exceed thirty-two square feet in area;
  - 2. Directional or information signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc., provided such signs are not larger than four square feet in area.
- B. A sign within the buffer or setback area along a public or private road shall be no more than six feet in height.
- C. The design and placement of the identifying sign shall be subject to the review and approval of the Leavenworth design review board.
- D. Individual manufactured homes shall display neat, easily read address numbers to facilitate the location of specific manufactured homes within the park. These numbers shall be consistently located either on the units or posted on the space.

**18.50.120 Storage, accessory structures and manufactured home setup**

- A. A secured community storage area shall be developed to provide a minimum storage space of nine feet by thirty feet for each six manufactured home lots, or fraction thereof, for the storage of boats, RV units, etc.
- B. Normal accessory structures for manufactured homes shall be allowed and may include awnings,

carports, deck and storage facilities, etc. All accessory structures shall comply with manufactured home park front yard setbacks and local building code requirements.

- C. All manufactured homes shall be equipped with steps or ramps for all exits which meet the Uniform Building Code requirements.
- D. All manufactured homes shall be skirted with fire-resistant and weather-resistant material deemed appropriate by the administrative official, which shall be properly maintained.
- E. Manufactured home tongues shall be removed or disguised.

**18.50.130 Street system.**

- A. The interior road system for a manufactured home park shall be privately owned, constructed and maintained; provided, that roads which are located such that they could or should be an integral part of the overall circulation pattern may be required to be constructed as public roads. The administrative official may also require either construction of additional public roads or reservation of right-of-way for future roads where necessary to provide adequate circulation.
- B. Road construction standards shall be as follows:
  - 1. The layout and general development plan for major and minor access driveways within the manufactured home park, together with the location and dimension of access junctions with public street right-of-way shall be approved by the administrative official. All interior streets shall remain private and be the responsibility of the park operator.
  - 2. All interior streets shall have a minimum width of thirty feet with parking permitted on one side only. On-street parking shall be restricted during the winter so that adequate and safe access can be maintained when plowed snow accumulates at the side of the street.
  - 3. Roads designed to have one end permanently closed or in the form of a cul-de-sac shall be provided at the closed end with a turnaround having a minimum right-of-way radius of not less than forty-five feet or with a "T" permitting comparable ease of turning.
  - 4. All public roads in a manufactured home park shall be constructed in accordance with minimum standards for plat street construction.
  - 5. All roads, parking lots and walkways shall be adequately lighted at night. Lights shall be directed away from adjacent properties. Spacing of light standards on roadways shall be not greater than one hundred feet and/or at each major change in direction of a roadway.
- C. All park streets and access roads shall be on an adequate base, graded, and surfaced with bituminous surfacing or better as defined in the state highway specifications.
- D. All manufactured home park proposals shall be reviewed by the fire chief to assure adequate ingress and egress, internal circulation for emergency vehicles, and the location of fire hydrants.

**18.50.140 Utilities.**

- A. All manufactured home parks shall install city services, to include domestic water, sanitary sewage, refuse disposal, fire hydrants and storm drainage systems. These services shall be installed in accordance with guidelines established by the city utility superintendent.
- B. All utilities within the manufactured home park shall be installed underground.

**18.50.150 Miscellaneous provisions.**

- A. It shall be the responsibility of the park owner and manager to assure that the provisions of this chapter are observed and maintained. Violations shall subject both the owner and the manager of the facility to any penalties provided for such violation. The owner or a designated agent shall be available and responsible for the direct management of the manufactured home park.
- B. All electrical connections shall comply with the electrical codes and shall be subject to inspection. All sewage connections to manufactured homes shall conform to the Uniform Plumbing Code.
- C. Portable fire extinguishers of appropriate class rating as determined by the fire chief shall be kept in service buildings and other locations as required by local codes.
- D. The park shall be maintained free of any brush, leaves and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around or under any manufactured home.

- E. It is noted that the Snow Load Analysis for Washington by the State Association of Structural Engineers prescribes a seventy-two pounds per square inch snow loading factor for the Leavenworth area. Manufactured homes are excluded from regulation under the Uniform Building Code by state law, and by subject to H.U.D. standards, which only require a roof loading factor of thirty pounds per square inch. Manufactured home park owners shall adopt and administer covenants and standards relating to snow loading. Such covenants could include all or some of the following provisions:
1. Permitting only manufactured homes with composition roofs or special design packages intended for heavy snow load areas;
  2. Requiring installation of heat tapes on manufactured home roofs;
  3. Requiring the clearing of roofs when snow depths exceed twelve inches;
  4. Develop and administer a policy relating to the construction of snow shed roofs on individual manufactured home lots. If permitted by the park, such structure would have to comply with the Uniform Building Code. Also the park should adopt standards to assure that such structure-s complement rather than detract from the appearance of the park;
  5. Presenting a statement of all tenants informing them of the snow load factors for the area, and the roof loading standards of manufactured homes, which would be signed by the tenant, thereby relieving the city and the park owner of liability for snow-load damage to roof structures.

**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.
18.51.070	Completion prior to occupancy - 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 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 fourteen consecutive days 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 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 garage.
- 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. Tents shall not be allowed.
- D. There shall be no electrical power generators allowed.
- E. No person, company or corporation shall establish or modify a recreational vehicle park without first complying

**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 Section 18.5-1.040, in the tourist commercial (TC) district.
- B. The minimum site area of a park shall be two 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 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 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.

**18.51.070 Completion prior to occupancy.**

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; 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 twenty-two units per gross acre. The hearing examiner may limit density further to insure compatibility with the surrounding areas.
- B. Campsite Size. Each individual recreational vehicle site shall be not less than eight hundred square feet in size. Open space and buffer areas shall not be included in calculating allowed campsite size.
- C. 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. 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 one hundred feet of the intersection with the park entrance.
- D. Parking. At least one parking space shall be provided on each site. At least one parking space for each fifteen sites shall be provided for visitor parking in the park.
- 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. Park roads shall have minimum improved width as follows:
  1. One-way road, no parking - twelve feet;
  2. One-way road, parking on one side - eighteen feet;
  3. Two-way road, no parking - twenty-two feet;
  4. Two-way road, parking on one side - twenty-eight feet;
  5. Roads with parking on both sides are not permitted.
- F. Open Space/Recreational Facilities. A minimum of twenty percent of the site shall be set aside and maintained as an open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all 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.

- G. Setbacks. No recreational vehicle site shall be closer than twenty feet from any exterior park property line abutting upon a major arterial, shoreline, or residential zone, or fifteen feet from any other exterior park property line. Permanent structures within a park shall have minimum front rear property line setbacks of twenty feet each, and minimum side yard setbacks often feet each.
- H. 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 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. The landscaped area shall include a designated pet exercise area.
- I. Fencing. In addition to landscaping requirements, a six-foot-high view-obscuring perimeter fence will be required by the board when deemed appropriate.
- J. 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 15.28 of this code. All park spaces shall be marked by numbered sign posts.
- K. 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.
- L. Storm Drainage. Storm drainage control facilities shall be installed in accordance with the requirements of the city engineer.
- M. 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;
  - 3. Restroom facilities containing showers and toilets connected to the city's sewer utility, the minimum number of which shall be one commode and one shower for each gender per twenty-two recreational vehicle sites;
  - 4. A 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.
- N. Walkways. When required, pedestrian walkways shall have a three foot minimum tread width.

#### **18.51.090 Accessory uses.**

Management headquarters, recreational facilities, restrooms, dumping stations, showers, coin-operated laundry 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 shall be permitted as accessory uses in 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 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 of the park;
- C. The structures housing such facilities shall not be located closer than fifty 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 ten p.m. to seven a.m., or as otherwise provided by state regulations, whichever is more stringent. Quiet hours shall be as defined and regulated in WAC 173.60.

**18.51.110 Additional requirements.**

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

**Chapter 18.52****CONDITIONAL USES**

## Sections:

18.52.010	Application – Requirements.
18.52.030	Hearing – Recess – Decision – Final action notice.
18.52.040	Application – Postponement or withdrawal.
18.52.050	Approval or denial – Authority.
18.52.060	Additional requirements and conditions.
18.52.070	Use change – Conformance required.
18.52.080	Bond – Authority to require.
18.52.090	Approval – Term – Permanent.
18.52.100	Notice of violation – Hearing.
18.52.110	Conditional use permit – Mini-day care or day care center.
18.52.120	Conditional use permit – Bed and breakfast.
18.52.125	Conditional use permit – Dance studio as a home occupation Group B.
18.52.130	Conditional use permit – Two-family dwelling units (duplexes).
18.52.135	Conditional use permit – Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.

**18.52.010 Application – Requirements.**

A request for a conditional use may be initiated by a property owner or his authorized agent by filing an application with the hearing examiner on forms prescribed by the examiner, 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.

**18.52.030 Hearing – Recess – Decision – Final action notice.**

The hearing examiner may recess a hearing on a request for a conditional use in order to obtain additional information. Upon recessing for this purpose, the examiner shall announce the time and date when the hearing will be resumed. The examiner shall make his or her decision on a conditional use within 75 days after the first public hearing on the conditional use. The examiner shall cause written notification of his or her action to be mailed to the applicant for a conditional use within five days after the decision has been rendered.

**18.52.040 Application – Postponement or withdrawal.**

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

**18.52.050 Approval or denial – Authority.**

Uses designated in this title as conditional uses shall be permitted only upon approval of the Leavenworth hearing examiner, after a public hearing, in accordance with this chapter. Conditional uses are those which may be appropriate, desirable, convenient or necessary in the district in which they are allowed, but which by reason of their height or bulk or creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public health, safety, welfare, comfort and convenience unless appropriate conditions are imposed.

**18.52.060 Additional requirements and conditions.**

In permitting a conditional use, the hearing examiner may impose, in addition to the regulations and standards expressly specified by this title, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the county as a whole. These conditions may include but are not limited to the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to

- adjacent property;
- C. Controlling the location and number of vehicular access points to the property;
- D. Increasing the street width;
- E. Increasing the number of off-street parking or loading spaces required;
- F. Limiting the number, location and size of signs;
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;
- H. Specifying a specific time limit for construction, alteration or enlargement to begin for a structure to house a conditional use;
- I. Requiring that any future enlargement or alteration of the use be reviewed by the hearing examiner in view of specifying new conditions.

**18.52.070 Use change - Conformance required.**

A change in use, expansion or contraction of a site area, or alteration of structures or uses which are classified as conditional and are existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.

**18.52.080 Bond – Authority to require.**

The hearing examiner may require that the applicant for a conditional use furnish the city with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the examiner.

**18.52.090 Approval – Term – Permanent.**

Any approval of any application for a conditional use shall:

- A. Automatically be for a period of one year from the date of approval;
- B. At the expiration of its first year of approval, and after review by the community development director and assurance by the director that all conditions of approval have been or are being met, any such approved conditional use may be continued. At any time, the city may at its discretion require that the conditional use permit be reviewed by the hearing examiner, who will have the authority to revise the initial conditions of approval if need for mitigation is determined. All conditions of the permit shall continue to apply throughout the life of the use.

**18.52.100 Notice of violation – Hearing.**

The administrative official shall give the holder of a valid conditional use permit written notification of any observed or reported violation of the terms of the permit or of any terms of the zoning district which are not expressly modified by the conditional use permit. Such notification shall include the violation and the terms of the ordinance which apply thereto, and shall give the permit holder 10 days to correct the violation. In the event that a violation is continued beyond the 10-day notification period, the hearing examiner shall review the matter at a public hearing and, on its finding that the violation does exist and that the notification of correction did not produce a correction of the violation, may declare any such conditional use permit null and void and refer the matter to the city attorney for legal action.

**18.52.110 Conditional use permit – Mini-day care or day care center.**

In granting a conditional use permit for a mini-day care center or a day care center, the hearing examiner shall impose the following minimum conditions:

- A. Forty feet of frontage on a public street;
- B. One off-street parking space per employee, and, for day care centers, one off-street loading space (10 by 20) for every five children beyond the first 12 children;
- C. One hundred fifty square feet of fenced outdoor play space per child, exclusive of garage area, located in the rear yard;
- D. Fifty square feet of interior floor space per child;
- E. Hours of operation shall be between 6:00 a.m. and 9:00p.m.;
- F. Licensing shall be in accordance with Department of Social and Health Services regulations;
- G. Confirmation by the building official that the facility meets the requirements of Chapters 8 and 33 of the

International Building Code;

H. Confirmation by the fire marshal that the facility meets the requirements of Chapter 212-12 WAC.

**18.52.110 Conditional use permit – Bed and breakfast.**

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

- A. The bed and breakfast facility shall be the principal residence of the owner;
- B. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes and shall be operated so as to not give the appearance of being a business, and those facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to peaceful occupancy of their homes;
- C. Signs for bed and breakfast in the multifamily residential districts shall conform to the sign provisions of home occupations as set forth in LMC 18.20.030;
- D. 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;
- F. The 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.

**18.52.125 Conditional use permit – Dance studio as a home occupation Group B.**

In granting a conditional use permit for a dance studio in a residential zone district, the hearing examiner shall impose the following minimum conditions:

- A. The studio shall be the primary residence of the instructor;
- B. No outside employee other than the instructor shall be allowed;
- C. The studio as a home occupation shall be secondary to the residential use of the property;
- D. The studio and its associated uses shall not occupy more than 50 percent of the home;
- E. The home occupation may be conducted in the home or in an outside building such as a garage;
- F. Classes shall be limited to 10 students;
- G. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.;
- H. Recitals, performances, and similar attractions outside of daily instruction shall not be allowed;
- I. One off-street parking space (compliant with Chapter 14.12 LMC) per every two students shall be required;
- J. Classes shall be spaced a sufficient distance (minimum of 15 minutes) that there is not an overlap in pick-up/drop-off hours (this time can be further increased at the discretion of the hearing examiner). This distance may be waived if the total of students transitioning between classes totals 10 or less;
- K. Noise shall be kept to a minimum; this shall be accomplished by:
  - 1. Proper spacing of class hours (minimum of 15 minutes) to prevent overlap in students exiting/entering the building;
  - 2. All classes shall occur indoors in a closed window environment that prevents the passage of noise into the outside atmosphere;
  - 3. The volume of music shall be kept low enough that it shall not be heard outside of the building; and
  - 4. Students and their parents shall not be allowed to idle outside of the building;
- L. Structural alterations shall be allowed which result in compliance with the building, fire safety, and handicap accessibility codes and standards;
- M. The structure shall be fully compliant with all applicable laws, including but not limited to building, fire and accessibility codes, prior to use as a studio;
- N. Signs shall conform to the sign provisions for home occupations as set forth in LMC 18.20.130;
- O. No window display and no sample commodities or related materials shall be displayed outside the building or on windows or other features;
- P. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television or other factors;

- Q. 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 in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking;
- R. Stock-in-trade or commodities kept for sale which are not produced on premises shall not constitute more than 30 percent of the total volume of business.

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

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

- A. Verify that the duplex can be allowed by the DDA overlay;
- B. Only one duplex is allowed per block. A “block” for purposes of this section shall be defined as a tract or tracts of land bounded on all sides by public streets or a combination of public streets and the corporate limits boundary of the city (an alley does not create two separate blocks);
- C. A duplex cannot be located across a street from another duplex or multifamily structure. “Across a street” for purposes of this subsection shall mean the full length of the blocks sharing the common street;
- D. All known legal and nonconforming duplexes and multifamily units shall count toward the total duplexes allowed for a DDA. For example, if a DDA that is allotted four duplexes contains two legal duplexes and one nonconforming duplex, only one more duplex is allowed for that DDA. Duplexes or multifamily units presently in use in violation of the Leavenworth zoning ordinance shall not count toward the total number of duplexes allowed in a particular DDA. Such uses are unlawful. The owners of such unlawful uses shall be notified by the city to cease the activity and, in the case of a duplex, such owners may seek a conditional use permit if the allotted number of duplexes has not been expended for the DDA;
- E. The priority of a duplex conditional use permit application shall be the time and date a completed application and a completed SEPA checklist are filed with the city;
- F. If the hearing examiner denies or approves an application for a duplex, that allotment shall remain expended until the 10-day appeal period has run or until a final order has been issued regarding the appeal;
- G. If the owner of a building permit for a duplex is not in compliance with LMC 18.60.030, the permit issued for the duplex will be revoked and will be subtracted from the number of duplex allotments expended for that DDA;
- H. The lot size shall conform to LMC 18.20.060(A).

**18.52.135 Conditional use permit – Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.**

- A. In granting a conditional use permit for an underground parking facility on property(ies) in the multifamily zone district to provide parking for the use of property(ies) located in a commercial zone district, the hearing examiner shall impose the following minimum conditions:
  1. Parking facilities which provide parking for the use of a property in a commercial zone district shall only be allowed if on an adjacent land parcel which is zoned multifamily and which is contiguous to or separated only by an alley from the commercially zoned property.
  2. All parking facilities shall be underground with the following exception:
    - a. The entryway to the facility may be located aboveground to accommodate slope requirements for the access driveway but shall be minimized to only the extent necessary to provide access to the facility.
  3. All components of underground parking facilities shall be set back a minimum of five feet from adjacent properties and shall comply with aboveground yard requirements of the zone district in which it is located with the following exceptions:
    - a. The entryway to the facility may be located within setback and yard areas but shall be minimized in height and width to only the extent necessary to provide access to the facility; and
    - b. Those underground components of the garage that abut public rights-of-way shall be exempt from setback requirements.
  4. The city may require those protective measures and financial securities it deems necessary for protection when excavating adjacent to or in close proximity to the right-of-way.
  5. Aboveground improvements (vents, ducts, piping or emergency egress stairs, and/or other similar items) are not allowed in aboveground setback and yard areas and shall be shielded with landscaping or similar

- natural barriers.
6. Machinery to serve the underground parking facility shall not be located aboveground unless enclosed by a structure which shall be required to meet all setback and yard standards.
  7. Underground parking facilities shall not be subject to aboveground lot coverage restrictions except where parking facility elements are visible or exist above ground.
  8. Aboveground parking facility elements shall not exceed the lotcoverage requirements of the zone district in which it islocated.
  9. A perpetual parking easement or analogous document, as approved by the city, shall be required for the utilization of the property(ies) located in the multifamily zone district by a property or properties in the commercial zone district. The properties may be allowed to have different owners; however, a covenant or declaration shall be recorded to title on both properties which describes all properties and identifies the dominant and subordinate tenant(s) and that the easement is perpetual.
  10. No at-grade alley or street crossings by vehicles to access the parking facility and/or components of the parking facility shall be allowed so that circulation within and/or between parking facility components shall have a reduced impact to on- street and/or alley traffic patterns.
  11. Applicants shall be required to obtain an easement from the city in order to create a passage under a public right-of-way. The city can choose to approve, approve with conditions, or deny this request.
  12. Visual impacts created by the parking facility shall be minimized by:
    - a. All visible portions of the parking facility shall have a five-foot landscape buffer and shall incorporate some vertical landscape elements at least every 20 feet; and
    - b. All visible portions of the facility, including, but not limited to, windows, ventilation openings, and ingress/egress points shall be subject to the design standards outlined in the Old World Bavarian Design Theme, with particular attention to LMC 14.08.040, Design Elements.
- B. In granting a conditional use permit, the hearing examiner shall evaluate the use for impacts and may impose conditions as he/she determines necessary to mitigate the impacts. At a minimum, the hearing examiner shall evaluate the following in this process:
1. Impacts from size, location, noise, light, pollution, and/or vibration to neighboring properties. For example: If a proposed facility is located next to a property with a preexisting structure with nonconforming yard requirements, the hearing examiner could require that the garage be set back an additional distance and/or relocated. Another example: If there is the potential for venting of fumes in close proximity to an adjacent structure, the hearing examiner could require the relocation or reorientation of the vent and exhaust system;
  2. Impacts to adjacent properties from damages and disturbances during construction. For example: The hearing examiner could require bonding to correct any damages;
  3. Impacts to residentially and commercially zoned neighborhoods from altered traffic patterns. For example: To avoid impacts to the residential neighborhood from higher levels of commercial traffic, access to the commercial component of the parking garage could be required to be through the commercially zoned property only and access to the multifamily residential component of the parking facility could be required to be through multifamily zoned property only. In other words, the hearing examiner could require that underground parking facilities be designed such that flow patterns between separate uses are physically and/or functionally separated; and
  4. Impacts to alleys from heightened traffic levels. For example: To avoid impacts of higher traffic and potential crossflow of traffic in alleys, the hearing examiner could require that access to the facility be required to be taken from a public street and alley access would not permitted unless no other viable access point exists. Another example is requiring improvements such as widening, resurfacing, and traffic controls if the alley is allowed to be used.

**Chapter 18.54****ADULT ENTERTAINMENT BUSINESSES**

## Sections:

- 18.54.010 Definitions.  
 18.54.020 Adult entertainment facilities.

**18.54.010 Definitions.**

- A. In construing the provisions of this chapter, except when otherwise declared, or clearly apparent from the context, the following definitions shall be applied:
- B. "Adult arcade" means a commercial establishment containing individual viewing areas or booths where, for any form of consideration 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.
- C. "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.
- D. "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.
- A. "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.
- B. "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 ten 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 ten hours.
- C. "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.
- D. "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 twenty-five 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 non-sexually 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 non-sexually oriented materials.
- E. "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.
- F. "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.
- G. "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.

**18.54.020 Adult entertainment facilities.**

- A. Scope of Restrictions. All adult entertainment facilities shall comply with the requirements of this section. The purpose and intent of requiring standards for adult entertainment facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility within the city. The standards established in this section apply to all adult entertainment facilities and include, but are not limited to, the following: adult arcades, adult cabarets, adult motels, adult motion picture theaters, and adult retail stores. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (1) plays, operas, musicals, or other dramatic works that are not obscene; (2) classes, seminars, or lectures which are held for a serious scientific or educational purpose that are not obscene; and (3) exhibitions, performances, expressions, or dances that are not obscene.
- B. Separation Requirements. Adult entertainment facilities shall only be permitted in the city's commercial zones and only if the following separation requirements are met:
1. No adult entertainment facility shall be located closer than five hundred feet to any other adult entertainment facility whether or not such adult entertainment facility is located within or outside the city limits.
  2. No adult entertainment facility shall be located closer than five hundred feet to any residential zoning district whether or not such zoning district is located within or outside the city limits.
  3. No adult entertainment facility shall be located closer than five hundred feet to any of the following uses whether or not such use is located within or outside the city limits:
    - a. Any public park;
    - b. Any public library;
    - c. Any public or private nursery school or preschool;
    - d. Any public or private primary or secondary school;
    - e. Any day care;
    - f. Any community youth center; and

- g. Any place of worship.
- C. Measurement. The buffers required by this section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to:
  - 1. The nearest point on the boundary line of a residential zoning district;
  - 2. The nearest point on the property line of a public park; or
  - 3. The nearest point on the property line of the lot containing an adult entertainment facility, a public library, public or private nursery school or preschool, public or private primary or secondary school, day care, community youth center, or place of worship.
- D. Nonconforming Adult Entertainment Facilities. An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Title 18 and Title 21 of this code if a use identified in subsection B of this section locates within five hundred feet of such adult entertainment facility after the date that such adult entertainment facility has located within the city in accordance with the requirements of this section.

**Chapter 18.56****VARIANCES**

## Sections:

18.56.010	Application - Requirements.
18.56.040	Application - Postponement or withdrawal..
18.56.050	Granting- Conditions - Authority
18.56.060	Requirements.

**18.56.010 Application - Requirements.**

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 fifteen 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 18.72 of this title, or modifications or changes thereto duly adopted by the city council.

**18.56.040 Application - Postponement or withdrawal.**

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

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

- 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.
- 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. The hardship asserted by the applicant is not the result of the applicant's or the owner's action.
- 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. The hardship asserted by the applicant results from the application of this title to his property.

**Chapter 18.60**

**BUILDING PERMIT**

Sections:

- 18.60.010 Permit and compliance required.
- 18.60.020 Application - Information required - Notice of approval or disapproval.
- 18.60.030 Permit - Expiration - Notice.

**18.60.010 Permit and compliance required.**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this title, unless he receives a written order from the hearing examiner in the form of an administrative review, special exception, or variance as provided by this title.

**18.60.020 Application - Information required - Notice of approval or disapproval.**

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this title. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

**18.60.030 Permit - Expiration - Notice.**

If the work described in any building permit has not begun within ninety days from the date of issuance thereof, such permit shall expire. It shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, such permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

**Chapter 18.64**

**FEES, CHARGES AND EXPENSES**

Sections:

18.64.010      Established - Payment prerequisite.

**18.64.010      Established - Payment prerequisite.**

- A. The city council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this title. The schedule of fees shall be posted in the office of the administrative official and may be altered or amended only by the city council.
- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**Chapter 18.68**

**NONCONFORMING PROVISIONS \***

Sections:

- 18.68.010 Purpose and intent.
- 18.68.020 Establishment.
- 18.68.030 Nonconforming lots of record.
- 18.68.040 Nonconforming uses, buildings, structures.
- 18.68.050 Discontinuance.

**18.68.010 Purpose and intent.**

Within the districts established by this chapter or amendments that may later be adopted, there may exist lots, uses and structures which were lawful before the ordinance codified in this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures, or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used grounds for adding other structures or uses prohibited elsewhere in the same district. Ultimately, it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building or lot.

**18.68.020 Establishment.**

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the city. Determination of the nonconforming status of a lot, use, building or structure is an administrative function of the director. Property owners asserting existing nonconforming status shall submit such information as the director deems necessary to substantiate or document the claim to the existing nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of existing nonconforming status.

**18.68.030 Nonconforming lots of record.**

In any district in which single-family dwellings are permitted, a single-family dwelling and allowed accessory buildings may be erected on nonconforming lots of record. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided all other current regulations of the zoning district shall still apply, including, without limitation, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access and road improvement.

**18.68.040 Nonconforming uses, buildings, structures.**

- A. A nonconforming use; building and/or structure lawfully established under the Leavenworth Municipal Code (LMC) and which became or becomes nonconforming by amendment to LMC Title 18 may continue as long as it remains otherwise lawful. No nonconforming use, building and/or structure shall be enlarged, increased or extended to occupy a greater area of land, nor shall it be moved in whole or in part to any other portion of the lot or parcel being occupied by such use, at the effective date of the adoption or amendment of the ordinance codified in this title; except as provided for in this chapter:
- B. The following provisions shall apply when a nonconforming use is damaged, demolished or destroyed by any means:
  - 1. When a nonconforming use and associated building/structure are damaged by any means, and reconstruction costs do not exceed seventy-five percent of the value of the building/structure (as determined by using a contractor's estimate for reconstruction and the most recent assessed value as stated

in the Chelan County assessor's records, or an appraisal submitted by a licensed real estate appraiser), the nonconforming use, building and/or structure may be replaced or rebuilt as it was immediately prior to the damage, or in a manner that is more conforming. No replacement or reconstruction of a nonconforming building/structure shall be performed without issuance of a development permit(s) as appropriate. The property owner shall provide the information necessary to reasonably assure the review authority that the replacement or reconstruction complies with this section. The review authority may approve replacement or reconstruction in conformance with the submitted and verifiable plans or in a manner that is more conforming to the applicable provisions of the LMC and the district in which the building/structure is located. The proposed replacement or reconstruction cannot be completed in such a manner as to constitute an expansion of the on conforming use, building and/or structure.

2. Provisions contained within this chapter do not supersede or relieve a property owner from compliance with the requirements of the uniform building and fire codes, and the provisions of the development regulations that are beyond the specific nonconformance addressed by this chapter.
- C. Single-family residential dwellings lawfully permitted and established within a commercial district prior to adoption or amendment of this chapter may be maintained, repaired or reconstructed in accordance with the provisions of this chapter, provided the dwelling meets the provisions of LMC Chapter 18.20 and LMC Chapter 18.24. Additionally, accessory buildings which are allowed with single-family residences may be erected provided the following conditions and/or regulations are complied with:
1. The structure(s) shall meet the applicable provisions of LMC Chapter 18.20 and LMC Chapter 18.24; and
  2. The single-family residence has not been converted to a more conforming, nonresidential use at any previous time.
- D. The sale or transfer of a nonconforming use or building/structure does not alone affect the right to continue the nonconforming use or use of a nonconforming building! structure.
- E. Buildings/structures, lots, required improvements, uses and/or developments which were not legally established or not legally existing as of the effective date of this title retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions of the LMC.
- F. The term "nonconforming use" refers only to the single existing use and does not include all uses which the property could have been used for under a prior zoning ordinance or zoning classification.
- G. Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming building/structure, including the replacement of walls, fixtures and plumbing provided that value of work and materials in any twelve-month period does not exceed twenty-five percent of the assessed value of the building/structure, as described in Section 18.68.040(3) (1), prior to such work.
- H. Expansions of structures that are nonconforming with respect to a required yard may not encroach any further into the required yard, and are limited to extensions adding no more than twenty-five percent of the length of the original wall as it existed on May 24, 1999, subject to other applicable requirements of the LMC. Nothing in this section will prohibit vertical expansion in the side or rear-yards up to the height allowed in the applicable-zoning district, provided all other applicable requirements of the LMC are met. Nothing in this section will prohibit vertical expansion in the front yard up to the height allowed in the applicable zoning district if the portion of the nonconforming structure to be expanded is fifteen feet or greater from the front property line. If the portion of the nonconforming structure to be expanded is less than fifteen feet from the front property line, that portion of the structure can be extended vertically up to twenty-five percent of the existing height of the structure, provided all other applicable requirements of the LMC are met.

#### **18.68.050 Discontinuance.**

- A. A nonconforming use, building and/or structure shall be discontinued when it is:
1. Succeeded by another use, building and/or structure that is more conforming; or
  2. Discontinued and not re-established within one year; or
  3. Damaged, demolished, removed or destroyed, by any means, to the extent that replacement and/or reconstruction costs exceed seventy-five percent of its value as described in Section 18.68.040(B) (1); or
  4. Damaged, demolished, removed or destroyed, by any means, to the extent that replacement and/or reconstruction cost does not exceed seventy-five percent of its value as described in Section 18.68.040 (B) (1) and when a complete application for such replacement and/or reconstruction is not made within one

- year of such damage.
- B. When a nonconforming use becomes discontinued as defined above, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use Any subsequent use shall conform to the provisions of the district in which it is located.

**Chapter 18.72**

**AMENDMENTS**

Sections:

- 18.72.010       Initiation.
- 18.72.020       Hearing - Required.
- 18.72.030       Denial - Effect - New hearing when.

**18.72.010       Initiation.**

Amendments, supplementations or modifications to this title may be initiated in the following manner:

- A. By the council or the planning commission;
- B. By property owners, as follows: by the filing with the planning commission of a petition of one or more owners of property within the city, setting forth the proposed amendment, supplementation or modification, which petition shall be on a standard form as prescribed by the planning commission. Each application shall be accompanied by a receipt indicating payment of a fee charged according to a schedule of fees as set forth in Chapter 1 .64 of this title, or modifications or changes thereto duly adopted by the city council.

**18.72.020       Hearing - Required.**

- A. Proposed amendments, supplementations or modifications shall first be heard by the hearing examiner, and the decision of the hearing examiner shall be made and reported to the council within ninety days of the time that the proposed amendment, supplementation or modification was requested. The hearing examiner shall hold a public hearing on any such proposed amendment, supplementation or modification.
- B. The council, pursuant to public hearing called by it, upon application therefore by an interested party or upon its own order, may affirm, modify or disaffirm any decision of the hearing examiner.
- C. For the purposes of publication of amendments, supplementations or modifications to this title, the amended section shall be set forth at full length. The term "section," for purposes of publication, shall include the smallest subheading unit of the zoning ordinance; provided, however, that sufficient text shall be published to effectively communicate the nature and context of the proposed amendment.

**18.72.030       Denial - Effect- New hearing when.**

No request for a zone boundary or zone classification amendment to this title shall be reconsidered by the hearing examiner within the twelve-month period immediately following a previous denial of such request, except that the hearing examiner may consent to a new hearing if, in the opinion of the hearing examiner, such hearing is warranted by new evidence or a change of circumstances.

**Chapter 18.74**

**WIRELESS TELECOMMUNICATIONS FACILITIES**

Sections:

- 18.74.010 Purpose.
- 18.74.020 Governing Standards.
- 18.74.030 Definitions.
- 18.74.040 Applicability/Exemptions.
- 18.74.050 Permits Required.
- 18.74.060 Application Requirements.
- 18.74.070 Location Standards.
- 18.74.080 Development Standards.
- 18.74.090 Design Standards.
- 18.74.100 Federal Requirements.
- 18.74.110 Removal of Wireless Telecommunications Facilities.
- 18.74.120 Third Party Review.

**18.74.010 Purpose.**

The purpose of this chapter is to establish comprehensive standards for regulating the placement, modification, and removal of wireless telecommunications facilities (WTF) within the City of Leavenworth. These standards are intended to comply with the Telecommunications Act of 1996, and to protect the health, safety, and general welfare of the public. The standards are also designed to protect property values by minimizing the visual impacts created by WTF, while allowing for the development of enhanced telecommunications services in the city.

Leavenworth is a tourist destination that attracts thousands of visitors each year due to its Old World Bavarian Alpine theme as well as the abundance and variety of year-round recreational opportunities afforded by the mountains and rivers that surround the city. The visual attractiveness of the city of Leavenworth is paramount to its continued economic vitality. For this reason, the provisions of this chapter very specifically regulate the manner in which telecommunications facilities may be placed within the city; however, the regulations included in this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless services.

**18.74.020 Governing Standards.**

In the event of a conflict between the standards of this chapter and the development standards contained in Title 14 or elsewhere in the Leavenworth Municipal Code, the more stringent standards shall govern.

**18.74.030 Definitions.**

Definitions applicable to wireless telecommunications facilities are located in Chapter 21.90 LMC.

**18.74.040 Applicability/Exemptions.**

The requirements of this ordinance shall apply to all new WTF within the City of Leavenworth and the expansion, modification, and/or alteration of any existing WTF, except that the following shall be exempt from the provisions of this ordinance:

- A. Direct-to-home personal satellite dish antennas (not more than one (1) meter in diameter), TV antennas, wireless cable antennas, and customer-end antennas that receive and transmit fixed wireless signals, intended .to receive and process video programming signals for non-commercial use, and not located within any front yard setback area. This exemption is per the FCC Over-the-Air Reception Devices Rule cited as 47 C.F.R. Section 1.4000, as amended.
- B. Military and federal, state, and local government communications facilities used for temporary purposes for emergency preparedness and public safety.
- C. Normal, routine and emergency maintenance and repair of existing wireless telecommunications facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal laws and regulations.
- D. Send and receive citizens band radio antennas or antennas operated by federally licensed amateur ("ham")

radio operators may be located in any zoning district, in compliance with FCC regulation PRB-1, as amended.

**18.74.050 Permits Required.**

- A. Design Permit. A design permit shall be required for all WTF proposed within all zoning districts of the city of Leavenworth, in accordance with design standards contained in this chapter and in Title 14 LMC. Design permit approval shall be required two weeks prior to the conditional use permit public hearing. If an application for a WTF fails to receive design permit approval, the application cannot proceed to a public hearing before the hearing examiner for the conditional use permit.
- B. Conditional Use Permit. A conditional use permit shall be required for all WTF permitted within the City of Leavenworth, in accordance with the development standards contained in this chapter, and the requirements of Chapter 18.52 and Title 21 LMC.
- C. Building Permit. A building permit shall be required for all WTF, if required by the Uniform Building Code, unless specifically exempted in Section 18:74.040 LMC.
- D. State Environmental Policy Act. SEPA compliance shall be required unless categorically exempt per WAC 197-11-800, as amended.
- E. Planned Development District. Any WTF allowed through a conditional use permit in a Non-planned development district zone may be applied for and allowed through a planned development district zone approval.
- F. Temporary Uses. A WTF may be permitted as a temporary use with administrative review and approval by the director, in order to facilitate continuity in wireless telecommunications service during repair or maintenance of existing wireless telecommunications facilities. Such temporary WTF shall be allowed for not more than sixty (60) days, commencing when construction of such temporary facility begins. The temporary WTF shall be removed within thirty (30) days after the facility is no longer needed for telecommunications purposes.
- G. Other Permits. The applicant for a permit pursuant to this chapter shall obtain any other required federal, state, or local permits, prior to installation of the WTF.

**18.74.060 Application Requirements.**

- A. Applicants shall submit the following in addition to required application materials.
- B. Design permit. In addition to the standard application requirements for a design permit, applicants shall submit the following:
  - 1. A scaled site plan clearly indicating the location of the proposed facility, all other structures and uses on the site, adjacent roadways, proposed means of access, parking, existing and proposed landscaping, and setbacks from property lines.
  - 2. Scaled elevation drawings of all sides of the structure showing the proposed antenna, any proposed accessory equipment structures, existing or proposed fencing, buffering, and screening, type of architectural treatment (concealment), and any other features necessary to show compliance with the applicable standards, shall be provided.
  - 3. Photo-simulations of the proposed facility from all adjacent properties and public rights-of-way for all commercial facilities. For non-commercial uses, scaled drawings shall be submitted showing how the proposed use will appear from all adjacent properties.
  - 4. A location evaluation study that shows that the WTF is required for present and future network coverage, that the height requested is the minimum necessary to provide for the function of the antenna(s), and, if not located in the light industrial zoning district, documentation as to why it is not.
- B. Conditional use permit. In addition to the above additional requirements for a design permit, and the standard application requirements for a conditional use permit, applicants shall also submit the following:
  - 1. An agreement signed and notarized by the owner of the building or structure, for location of the WTF on an existing building or structure.
  - 2. A letter of credit, performance bond, or other security acceptable to the city, as described in Subsection 18.74.050(J), to cover the future costs of removal of the WTF.
  - 3. Proof of license by the FCC, if applicable.
  - 4. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed WTF, if applicable.
  - 5. A declaration, made under penalty of perjury, or sworn statement by an appropriate technical expert,

stating:

- a. That the antenna usage will not interfere with other adjacent or neighboring transmission or reception communications signals; and
  - b. That any facility will comply with all applicable federal, state, and local laws, including specifically FCC and FAA regulations and the Leavenworth Municipal Code.
6. A lease agreement (if the proposed site is a leased site) which specifies or shows that the site owner is not precluded from entering into leases on the site with other providers.
  7. Engineering evidence that the antenna must be located at the proposed site to satisfy its function in the applicant's local grid system. The city may require the applicant to provide feasibility studies which demonstrate that locations on existing wireless telecommunications support structures-(outside the city limits of the City of Leavenworth) and/or in preferred locations, as noted in Subsection 18.74.070(B), have been explored and are not feasible or available.

**18.74.070 Location Standards.**

- A. Wireless Telecommunications Towers. Wireless telecommunications towers are prohibited within the City of Leavenworth.
- B. Attached Antennas. Attached antennas and accessory equipment structures are allowed within all zoning districts of the City of Leavenworth. Locating attached antennas within the light industrial zoning district is preferred over locations in any other zoning district within the city. Antennas shall not, to the greatest extent possible, have a negative impact on views from commercial, residential, or recreational zoning districts. Attachment of antennas onto existing structures used for utility functions shall be preferred as long as the use does not adversely affect other public uses on the site. Location of antennas onto or within new or existing buildings or structures is allowed.

**18.74.080 Development Standards.**

The following minimum development standards shall apply to all WTF, in addition to any standards applicable to the underlying zoning district in which they are located. As part of the conditional use permit review process, the hearing examiner shall determine that these standards are met. The hearing examiner is also authorized to require additional conditions

- A. Anti-climbing devices. All WTF and required fencing shall be equipped with appropriate and effective anti-climbing devices, as needed.
- B. Attachment to trees prohibited. It is prohibited to attach any WTF or portion thereof to any tree.
- C. Signage. All WTF shall be identified with a non-illuminated sign not exceeding sixteen (16) square inches. The sign shall list the wireless service provider's name and emergency telephone number, and shall be posted in a place visible to the general public, to be approved by the director before installation. The sign shall be considered a noncommercial sign. No advertising signs for wireless service providers shall be located on buildings that antennas are attached to unless otherwise permitted per the sign ordinance, Chapter 14.10 LMC. In addition, antennas may be camouflaged as otherwise permitted signs.
- D. Lighting. WTF shall not be illuminated except where required by the FAA. Lighting of WTF shall be contained to the site the facility is located on to the greatest extent possible and directed and/or shielded away from adjacent properties.
- E. Noise from accessory equipment. WTF shall comply with state noise level standards per WAC Chapter 173-60, as amended. Generators may only be permitted for emergency operation purposes when there is a loss -of electrical power and will only be allowed until electrical power is restored. If air conditioning or other noise generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. The city may require noise attenuation devices or other mitigation measures to minimize impacts.
- F. Antennas on utility poles. Antennas to be located on utility poles shall be limited to whip antennas, and the antenna shall not exceed the height of the existing pole. No utility pole shall be extended in height in order to accommodate an antenna.
- G. General height standards. The following standards shall apply to WTF:
  1. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

2. If require a lightning room not to exceed ten (10) feet in height, and FAA required lighting shall not be included in the height limitations.
  3. The maximum height of the WTF-shall not exceed one-third greater than the average height of the structure the antenna is attached to, with height of the structure being measured as in the Uniform Building Code, and shall not exceed the maximum height allowed for buildings in the underlying zone, measured directly from the average grade to the top of the WTF.
- H. Parking. All wireless telecommunications staffed facilities shall have one off-street parking space per staff member. The design of any on-site required parking shall be per the requirements of Chapter 14.12 LMC, as amended.
- I. Setbacks. Accessory equipment structures for WTF shall comply with the setback requirements for buildings in the underlying zoning district. Antennas attached to buildings or other permanent structures shall comply with the setback requirements for buildings in the underlying district.
- J. Performance bond. The owner or operator of the WTF shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the City of Leavenworth in the amount of 150% of the estimated cost of removal, as submitted by the owner or operator and approved by the director, but not less than \$1,000. The bond is intended to cover the costs of removal of such facility at such time as the facility may be required to be removed pursuant to Section 18.74.110.

#### **18.74.090 Design Standards.**

The following design standards shall be used by the design review board in reviewing design applications for WTF within all zoning districts of Leavenworth. In addition, a WTF located within any of the commercial zoning districts shall require approval by the design review board, pursuant to the requirements of LMC Chapter 14.08, Old World Bavarian Architectural Theme. Visual impacts shall be minimized to the greatest extent possible by maximum feasible use of the following design standards. The design review board is authorized to require additional conditions, if necessary, to ensure design compatibility with the surrounding environment.

- A. A WTF shall be located so as to minimize the visibility of the facility and the obstruction of scenic views from adjacent properties.
- B. Concealment technology. Concealment technology shall be used to camouflage all permitted wireless facilities, except in the case of accessory equipment structures that are completely screened by landscaping, walls or fences or if the wireless facility is completely located within the interior of a structure. If the facility cannot be located within the interior of a structure, the preferred concealment method shall be design and construction of a structure that is architecturally compatible with the surrounding buildings and area.
- C. Attached antennas shall be designed or placed to blend with the predominant background or architectural features of the structure they are attached to, as seen from abutting residential uses, commercial uses, public recreational areas, roadways, or other public rights of way.
- D. Painting. WTF shall be painted or finished utilizing like colors and materials so that the WTF will blend the dominant color of the background (natural or man-made). The applicant, owner, and/or the operator of the facility shall be responsible for continued maintenance of such paint or finish.
- E. When located on buildings, panel antennas shall be placed closely against walls or existing parapets, and shall not extend above the wall or parapet unless required to achieve better compatibility with the building design or to obtain antenna function.
- F. Accessory equipment structures shall be placed underground, wholly enclosed in an existing structure or building, or designed to blend into the architecture and landscaping of the surrounding buildings or structures.
- G. Ground-mounted dishes shall be solidly screened to at least as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the top of the dish on sides adjacent to and visible from all zoning districts, except the light industrial zone. When located in any commercial zoning district, the dish shall be screened per the requirements of Section 14.08.070 LMC.
- H. Roof-mounted dishes shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building. Roof-mounted dishes should be placed as close to the center of the roof as possible to minimize visibility from the surrounding area. When located in any commercial zoning district, the dish shall be screened per the requirements of Section 14.08.070 IM C.
- I. Landscaping standards. Wireless telecommunications facilities shall be subject to landscaping and screening standards. Concealing the facility using architectural means is preferred over screening by landscaping.

1. If accessory equipment structures are not camouflaged by utilizing concealment technology, they shall be enclosed by a fence or wall at least six (6) feet in height, and a row of evergreen shrubs, spaced not more than five (5) feet apart and capable of growing to form a continuous hedge at least five (5) feet high within five (5) years of planting, and at least one row of evergreen trees or shrubs spaced not more than ten (10) feet apart nor less than six (6) feet high when planted shall be installed on the outside of the fence or wall. The vegetation and fence or wall shall totally screen the structure(s) or concealment technology shall be used.
2. Landscaping materials shall be selected and sited to produce a hardy and drought resistant landscaped area, Irrigation shall be provided to help ensure survival during the plant establishment period and continued health of the landscaping.
3. Maintenance of the landscaped area shall be the responsibility of the owner and/or operator of the facility. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with healthy in-kind materials at the earliest opportunity and no longer than within the next year's growing season. A landscaping maintenance plan shall be submitted as part of the conditional use permit application.
4. The design review board may allow the use of any combination of existing vegetation, new landscaping, topography, walls, decorative fences or other features to meet the intent of required landscaping, if the proposal achieves the same degree of screening as the required landscaping. The design review board may waive the standards for those sides of the facility that will not be visible from public streets or other properties.
5. When landscaping installation is required, a maintenance bond, assignment of funds, or other financial guarantee acceptable to the city shall be provided in the amount of one hundred percent (100%) of the value of the labor and materials, per City of Leavenworth bond procedures. The guarantee shall be in effect for two years from the date of planting.

**18.74.100 Federal Requirements.**

All wireless telecommunications facilities must meet current standards and regulations of the FAA and the FCC.

**18.74.110 Removal of Wireless Telecommunications Facilities.**

No less than thirty (30) days prior to the date that a wireless service provider plans to abandon or discontinue operation of a facility, the provider shall notify the City of Leavenworth Department of Community Development by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. The owner of the facility shall then remove the antenna(s) and all other elements of the facility within ninety (90) days of discontinuation or abandonment, unless an additional period of time is authorized by the director. In any case, if the city finds that any wireless telecommunications facility has not operated for a continuous period of six (6) months, the owner or lessee of the property on which the WTF is situated or the owner of the WTF shall remove the facility within ninety (90) days of receipt of notice from the city to remove the facility. If the antenna(s) and/or all other elements of the WTF are not removed within said time period, the city may remove the antenna or WTF at the owner's expense.

**18.74.120 Third Party Review.**

Wireless service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, and topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a wireless service provider. The city or hearing examiner may require a technical review as part of a permitting process. The cost of the technical review shall be borne by the wireless service provider.

The selection of the third party expert may be by mutual agreement between the provider and the city, or at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review their qualifications. The expert review is intended to address interference, public safety issues, and a site-specific review of technical aspects of the facilities. The technical review may also review the provider's methodology and equipment used.

Based on the results of the expert review, the city or hearing examiner may require changes to or condition the

provider's application. The expert review may be required to address the following:

- A. The accuracy and completeness of submissions;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached; and
- D. Any specific technical issues designated by the city.