

## **ORDINANCE NO. 1651**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON AMENDING 18.12.010 ADOPTED DISTRICTS ESTABLISHED OFFICIAL ZONING MAP THAT SHALL BE ON FILE IN ACCORDANCE WITH 18.12.050, RETITLING CHAPTER 18.21 FROM RESIDENTIAL LOW DENSITY 12,000 DISTRICT (RL-12) TO RESIDENTIAL 8 (R-8), AMENDING SECTIONS 18.21.010, 18.21.040, 18.21.060, 18.21.070, 18.21.080 AND 18.21.090 CONSISTENT WITH THAT RETITLING, REPEALING CHAPTER 18.23, AND AMENDING LMC 18.25.030 DISTRICT USE CHART BY ADOPTING A NEW USE CHART.**

WHEREAS, the City Council of the City of Leavenworth directed the Planning Commission through the 2021 Amendment Docket to consider the Housing Action Plan recommendations, including “evaluate converting RL-12 [Residential Low Density 12,000 District] zone into RL-10 [Residential Low Density 10,000 District] zone to reduce incentives for urban sprawl”; and,

WHEREAS, the Planning Commission found that the RL-12 designation was associated with areas impacted by critical areas and/or existing development and converting this land to RL-10 would have a small impact; therefore, converting both RL-12 and RL-10 to a new R-8 [Residential 8] could better achieve the identified benefits; and,

WHEREAS, the staff recommended other amendments to the zoning map to correct split zoning and to provide for new Public Recreation for a portion of the Osborn former school; and,

WHEREAS, on October 15, 2021, the City of Leavenworth submitted the amendments to State agencies for review pursuant to RCW 36.70A.106, material ID # 2021-S-3279, with the comment period ending December 14, 2021; and,

WHEREAS, on October 20 and 27, 2021, a “Notice of Public Hearing” with the Planning Commission for the amendments was published in the Leavenworth Echo and posted in three locations in City Hall; and,

WHEREAS, the proposed amendments are SEPA exempt, pursuant to WAC 197-11-800(19); and,

WHEREAS, the City of Leavenworth has followed the requirements of the Leavenworth Municipal Code as it relates to processing of legislative actions; and

WHEREAS, on November 3, 2021, the Planning Commission held a duly advertised public hearing to consider the proposals, receive public comment and make a recommendation to the City Council; and,

WHEREAS, the Planning Commission, after considering public comment, recommended approval of the proposed amendments based on the staff report’s finding of facts and conclusions of law; and,

WHEREAS, on October 26, 2021, 2021, the City Council set a public hearing to consider

the amendments; and,

WHEREAS, on December 14, 2021, the City Council held a public hearing to receive and consider public testimony on the amendments; and,

WHEREAS, on December 14, 2021, the City Council remanded the proposed Residential 8 designation and zoning code items back to the Planning Commission for more public engagement and consideration; and,

WHEREAS, the remanded item was reviewed at the January 5, 2022 Planning Commission regular meeting, at a special staff lead Public Workshop on January 19, 2022, at the February 2, 2022 Planning Commission regular meeting, at a special staff lead Public Workshop on February 16, 2022 and the March 2, 2022 Planning Commission regular meeting; and

WHEREAS, a supplemental staff report was provided to the Planning Commission reflecting additional processes and findings; and,

WHEREAS, on March 2, 2022, the Planning Commission recommended approval of the Residential 8 designation and corresponding zoning map and code amendments; and,

WHEREAS, the City Council makes the following findings:

1. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 have been satisfied.
2. The requirements of the Leavenworth Municipal Code related to the updates and amendments have been satisfied.
3. The Planning Commission recommendation was based on the Staff Report findings of fact and conclusion of law.
4. The amendments are consistent with the purpose and intent of the City's Comprehensive Plan.
5. All public notice and public participation requirements have been met.
6. The amendments have undergone sufficient research and evaluation to determine that they may accomplish the purposes for which they are enacted and are intended to further the public health, safety, and welfare.
7. The amendments are in the best interest of the public and further the health, safety, and welfare of the citizens of the City of Leavenworth.
8. The City Council decision is final unless appealed as provided in Chapter 21.11 LMC, Appeals. The appeal shall meet the requirements of the Growth Management Hearing Board process and procedures.
9. The complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection at City Hall during normal business hours, 700 US Hwy 2, Leavenworth, WA. Contact the Development Services Manager, (509) 548-5275.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Retitled Chapter and amendments.** Chapter 18.21 LMC currently titled “Residential Low Density 12,000 District RL-12,000” is retitled “Residential 8000 (R-8)” and Sections 18.21.010, 18.21.040, 18.21.060, 18.21.070, 18.21.080 and 18.21.090 are amended consistent with said retitling all as set out in Attachment A.

Section 2. **Repeal.** Those chapters and or sections of Title 18 set out in Attachment B, and in particular those in Chapter 18.23 LMC and bearing strike through are hereby repealed.

Section 3. **District Use Chart.** A new District Use Chart is hereby adopted and Section 18.25.030 is hereby amended to reflect that new District Use Chart as set out in Attachment C.

Section 4. **Official Zoning Map.** A new official zoning map of the City of Leavenworth is hereby adopted in accordance with LMC 18.12.010 and filed under 18.12.050 as set out in and depicted in Attachment D.

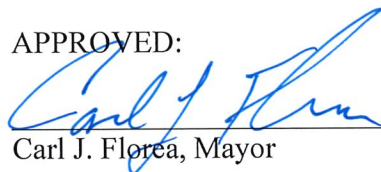
Section 5. This ordinance shall be in effect five (5) days after its passage and publication in accordance with law.

Section 6. If any section or part of this Ordinance, or any attachment is declared unlawful, the balance of the attachment, chapter or section of the Ordinance or of the Attachment shall be unaffected and shall remain in full force and effect.

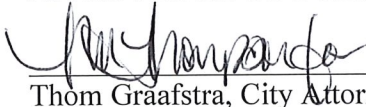
Passed by the City Council of the City of Leavenworth and approved by the Mayor this 22<sup>nd</sup> day of March, 2022.

CITY OF LEAVENWORTH


APPROVED:

  
Carl J. Florea, Mayor

APPROVED AS TO FORM:

  
Thom Graafstra, City Attorney

ATTEST:

  
Chantell R. Steiner, Finance Director/City Clerk

## ATTACHMENT A

### Chapter 18.21 RESIDENTIAL ~~LOW DENSITY 128,000-DISTRICT~~ (~~RL12~~R-8)

#### 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, duplexes, and accessory 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~~residents, and to prohibit almost 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.~~

#### ~~18.21.030 Uses requiring a conditional use permit.~~

#### 18.21.040 Yard requirements – Specifications.

Unless city code provides for a deviation:

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

#### 18.21.060 Lot size.

In a ~~RL12 district~~R-8 district, the lot size shall be as follows:

- A. The minimum lot area shall be 128,000 square feet ~~for a single family dwelling and duplex.~~
- B. The minimum lot width at the front building line for new land divisions shall be 80-60 feet ~~for an interior lot and 90 feet for a corner lot.~~

#### 18.21.070 Building height. In a ~~RL12~~R-8 district, no structure shall exceed a height of 35 feet.

#### 18.21.080 Lot coverage. In a ~~RL12~~R-8 district, buildings and structures shall not occupy more than 35 percent of the lot area.

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



## ATTACHMENT B (Repeal)

### **~~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 almost 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.~~**

~~Repealed by Ord. 1627.~~

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

~~Repealed by Ord. 1627.~~

### **~~18.23.040 Yard requirements — Specifications.~~**

~~Unless city code provides for a deviation:~~

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

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

~~C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.~~

~~D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.~~

### **~~18.23.060 Lot size.~~**

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

~~A. The minimum lot area shall be 10,000 square feet for a single family dwelling and 12,000 square feet for a duplex.~~

~~B. The minimum lot width at the front building line for new land divisions shall be 70 feet for an interior lot and 80 feet for a corner lot.~~

### **~~18.23.070 Building height.~~**

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

### **~~18.23.080 Lot coverage.~~**

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

### **~~18.23.090 Off street parking.~~**

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

### Attachment C District Use Chart

Land Uses	RL6	<del>RL10</del> RL8	<del>RL12</del>	MF		CDMUI	GC	CC	TC	LI	REC	RP
Residential (Specified Use Below)			-									
Accessory Dwelling Unit	AU	AU	<del>AU</del>	AU								
Boardinghouse, Lodging House, Rooming House			-	P								
Dwelling, Above Ground Floor			-			P	AU	AU	AU			
Dwelling, Duplex	P	P	<del>P</del>	P		AU						
Dwelling, Multifamily			-	P		P	P	P	P			
Dwelling, Single-Family	P	P	<del>P</del>	P		AU						
Dwelling, Tiny Home	P	P	<del>P</del>	P								
Manufactured Home, Designated	P	P	<del>P</del>	P								
Manufactured Home/Mobile Home			-									
Vacation (Short-Term) Rental			-				P	P	P			
Accessory Structures and Uses			-									
Accessory Structure	AU	AU	<del>AU</del>	AU			AU	AU	AU	AU	AU	AU
Adult Family Home	P	P	<del>P</del>	P		P	P	P	P			
Bed and Breakfast	C	C	<del>C</del>	C								
Child Day Care	AU	AU	<del>AU</del>	AU		P	P	P	P			
Day Care Center	C	C	<del>C</del>	C		C	P	P	P			
Foster Home	P	P	<del>P</del>	P			P	P	P			
Group A Home Occupation	AU	AU	<del>AU</del>	AU								
Group B Home Occupation	AU	AU	<del>AU</del>	AU								

Land Uses	RL6	<del>RL10</del> RL8	<del>RL12</del>	MF		CDMUI	GC	CC	TC	LI	REC	RP
Nursing/Convalescent Home, Congregate Care Facility	C	C	€	C			C					
Stacked Parking	AU	AU	AU	AU			AU	AU	AU			
Swimming Pools	AU	AU	AU	AU			P	P	P		P	P
Youth Home			-	C								
Public/Semi-Public (Specified Use Below)			-									
Bus or Taxicab Stop	C	C	€	C		P	P	P	P	P		
Clinic			-				P	P	P	P		
Community Center	C	C	€				C				C	
Educational Centers	C	C	€			C	P	C	C	C	C	C
Educational Facilities	C	C	€			C						
Golf Courses			-								P	P
Hospital			-				C	C	C		C	
Place of Worship	C	C	€			C						
Preschool	C	C	€			C	C					
Public Facility, High Impact			-			P	P	P	P	P	C	C
Public Facility, Low Impact	C	C	€			P	P	P	P	P	C	C
Public Utility	C	C	€	C		C	C	C	C	P	C	C
Recreation, Outdoor Use	C	C	€	C			C	C	C		P	P
Recreation, Passive	P	P	P	P		P	P	P	P	P	P	P
Recycling Center			-							C		
Wireless Telecommunications Facility	C		-	C		C	C	C	C	P	C	C
Development Options			-									
Commercial District Mixed Use Incentives			-				P	P	P			



Land Uses	RL6	<del>RL10</del> RL8	<del>RL12</del>	MF		CDMUI	GC	CC	TC	LI	REC	RP
Condominiums (with Binding Site Plan)			-	P		P	P	P	P			
Incubator Planned Site Development			-							P		
Manufactured Home Park	C	C	€	P								
Temporary Subdivision Tract Offices	C	C	€									
Tiny Home Park	C	C	€	P								
Commercial/Retail			-									
Adult Entertainment Facilities			-				P	P	P			
Bakery			-			P	P	P	P			
Banks			-			P	P	P	P			
Battery Exchange Stations/Rapid Charging Stations			-			P	P		P	P		
Car Wash			-				P			P		
Club, Lodge or Fraternal Organization			-	C			P	P	P			
Coffee Roasting			-			C	C	C	C	P		
Commercial Amusement Enterprise, High Impact			-									
Commercial Amusement Enterprise, Low Impact			-				C	C	C			
Copy/Printing Establishment			-			C	P	P	P	P		
Eating and Drinking Establishment			-			P	P	P	P			
Exercise Facilities			-			P	P	P	P			
Family Entertainment Enterprise			-				P	P	P			



Land Uses	RL6	<del>RL10</del> R- 8	<del>RL12</del>	MF		CDMUI	GC	CC	TC	LI	REC	RP
Food/Grocery Store			-			P	P	P	P			
Gasoline Service Station			-				C		C	C		
Hostels			-				P	P	P			
Hotel or Motels			-			P	P	P	P			
Indoor Events/Auditoriums			-			P	P	P	P		P	P
Laundry or Dry-Cleaning Establishment			-			P	P	P	P	P		
Micro Brewery, Distillery or Winery			-			C	C	C	C	P		
Brewery			-							P		
Mobile Food Vendor			-								P	P
Parking Structure/Lots			-	AU			P	P	P	AU		
Personal Service			-			P	P	P	P	P		
Pet Care Centers/Kennels			-			C	C	C	C	P		
Professional Offices (Business and Professional)			-			P	P	P	P	P		
Recreational Vehicle Parks/Campground			-				C		C		C	
Retail Stores and Services			-			P	P	P	P			
Vehicle Repair Services			-				P	P		P		
Vehicle Sales or Rental			-				P		P	P		
Veterinarian/Animal Hospital			-			C	C			P		
Industrial (Specified Use Below)			-									
Bulk Fuel Storage			-							C		
Construction Yards			-							P		
Cryptocurrency Mining			-							P		

Land Uses	RL6	<del>RL10</del> 8	<del>RL12</del>	MF		CDMUI	GC	CC	TC	LI	REC	RP
Essential Public Facilities			-							P		
Feed Lots, Livestock, Rendering or Meat Packing Plants			-									
Hazardous Waste Facilities			-									
Heliports and Aviation Activities			-							C		
High Tech Industry, Computer Assembly and Similar Type Uses			-			C				P		
Junk/Wrecking Yards			-									
Landfills			-									
Light Industry			-			C	C	C	C	P		
Storage Facilities, Including Mini- and Self-Storage			-							P		
Truck and Freight Terminals, Warehousing and Storage, Parcel Delivery Service, Packaging and Crating			-							P		
Vehicle Repair, Service Maintenance, Paint, Powder Coating and Body Work			-							P		
Vehicle Towing, Including Secured Storage of Vehicles			-							P		
Warehousing Establishments			-							P		

## Attachment D Official Zoning Map

