

Chapter 19.10

GENERAL PROVISIONS

19.10.040 Definitions.

When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision.

Whenever the following words and phrases appear in Title 16, Land Divisions; Title 17, Zoning; Title 19, Administration of Development Regulations; and Title 25, Development Standards, they shall be given the meaning attributed to them, set forth below:

“Abut” means to share a common boundary at a property line. Parcels separated by an alley or alley right-of-way, and sharing no other common boundary, shall not be considered abutting.

“Accessory building” means a subordinate structure, the use of which is incidental to the use of the main building on the same lot.

“Accessory dwelling unit” means a subordinate dwelling unit incorporated within a single-family structure. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure and may not be rented for a period of less than one month at a time.

“Accessory use” means a use incidental and subordinate to the principal use and located on the lot or in the same building as the principal use.

“Adjacent” means lying near or close to, sometimes continuous or contiguous.

“Adjoining” means two objects are so joined or united to each other that no third object intervenes.

“Administrator” means the planning and community development director or his/her designated representative.

“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, cathode ray tube (CRT) projectors, liquid crystal display (LCD) projectors, television monitors, computer terminals or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, laser discs, digital versatile discs (DVDs), computer discs, Internet sites or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

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

“Adult entertainment” means:

A. 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

B. Any exhibition, performance, or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition, or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

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

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

A. 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, laser discs, digital versatile discs (DVDs), computer discs, Internet sites, 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

B. Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or

C. Allows a tenant or occupant of a sleeping room to sub-let the room for a period of time that is less than ten hours.

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

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

A. Books, magazines, periodicals, or other printed materials or photographs, films, motion pictures, video cassettes, slides, laser discs, digital versatile discs (DVDs), computer discs 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

B. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

C. For the purpose of this definition, the term “principal business purpose” shall mean the business purpose that constitutes fifty 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: (1) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (2) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

“Agricultural processing facility” means a facility which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, bagging, freezing, canning, packing, bottling, or butchering.

“Agricultural support services” means any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services exist within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Such services include, but are not limited to agricultural equipment repair, trucking operations, equipment rental and agricultural research facilities.

“Agricultural tourism” refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.

“Agricultural tourism uses” means uses that support, promote or sustain agricultural operations, including production of value-added merchandise, while providing opportunities for residents and visitors to experience, enjoy, and learn about Chelan’s agriculture and wine industry and heritage. Examples include agriculture-related experiences, production of value-added products, and wineries.

“Agriculturally related industry” means industrial uses directly related to the packaging, processing, storage, or physical/chemical alteration of the agricultural product. Such industries include, but are not limited to: cold storage plants, controlled atmosphere, produce packing, packaging and processing facilities.

“Alter” or “alteration” means any structural changes or addition and any modification made for a change in type of use.

“Annual comprehensive plan review process” means the annual process for concurrently reviewing the cumulative effects of various proposals to amend the comprehensive plan set out in Chapter 19.40.

“Area-wide amendment” means a proposed change or revision to the comprehensive plan or the zoning code which has general applicability throughout the community, and is either a text amendment or a map amendment. In either instance, the proposal is comprehensive in nature and may be geographically distinctive or have unified interest within the city. While an area-wide map amendment typically includes several separate properties under various ownership, it is possible that it would apply to a single, specific piece of property under a single ownership. Whether a map amendment is an area-wide amendment or a site-specific amendment is an administrative interpretation made by the administrator.

“Auditor” means the Chelan County auditor.

“Automobile wrecking yard” means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers or the storage or sale of personally dismantled, obsolete or wrecked vehicles or their parts or the storage of motor vehicles unable to be moved under the power of the vehicle.

“Basement” means that portion of a story, partly underground and having at least one-half of its height or more than five feet below the adjoining finished grade.

“Basic construction material” means all concrete products, lumber, steel, cement and generally those materials used for structural support.

“Battery charging station” means an electrical component assembly or cluster or 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, as amended, and consistent with the rules adopted under RCW 19.27.540, as amended.

“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, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

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

“Beverage production use” means a small-scale craft beverage production use or a winery.

“Block” means a group of lots, tracts or parcels within a plat or short plat with well defined and fixed boundaries.

“Boardinghouse” means a building other than a hotel where lodging and meals are provided for three or more persons for compensation. “Boundary line adjustment” means an adjustment of property lines between two or more adjoining lots or tracts, pursuant to Chapter 16.32.

“Boutique” means a small shop, less than one thousand five hundred square feet, offering specialized products and services. A boutique may be located within a hospitality building or a standalone shop; however, it may not be located within a multi-tenant commercial building.

“Brewpub” means an establishment that brews beer on site for sale on site or for limited distribution and operates in conjunction with a restaurant with sit-down eating.

“Building” is a freestanding structure except when divided by party walls without openings when each portion so separated shall be considered a separate building.

“Building height” means the vertical distance measured from the average elevation of the native grade adjacent to the building foundation, to the highest point of the roof, excluding chimneys and roof structures as defined in Section 3601 of the 1991 Uniform Building Code. For purposes of this definition, native grade shall be the grade of the property that existed ten years preceding the construction of the building in question and adjacent shall identify a location five feet away from and outside of the proposed building’s foundation.

“Building line” means the line of that face or corner or part of a building nearest the property line and parallel to the property line.

“Building official” means the building official of the city of Chelan.

“Building permits” means those permits issued pursuant to the following chapters of the CMC as now exist or as may be hereafter amended: (A) Chapter 15.04, Building Codes; (B) Chapter 15.08, Flood Control; (C) Chapter 15.20, Manufactured/Mobile Homes.

“Campground or recreational vehicle park” means a development providing facilities for outdoor recreational activities, including structural improvements which may include covered cooking areas, group facilities, self-contained travel trailer/motor home sites, tent sites, restroom and shower facilities, and laundry facilities for the convenience of temporary occupants. This definition includes camping clubs when developed in accordance with applicable state laws and this title.

“Carport” means a covered shelter for an automobile open on two or more sides.

“Chapter” means a chapter of the code.

“City” means the city of Chelan, Washington.

“Clinic” means a building or portion of a building containing an office or offices of medical doctors, dentists, psychiatrists, chiropractors, physical therapists and other members of the medical profession which provide facilities and services for outpatient care, diagnosis, treatment, and observation of individuals suffering from illness, injury or other conditions requiring medical, surgical or therapeutic services. This definition does not include facilities providing patient beds for overnight care, or opiate substitution treatment facilities. See also “medical-related activities.”

“Closed record appeal” means an administrative appeal on the record to the hearing examiner following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

“Code” or “municipal code” or “CMC” means the Chelan Municipal Code, as it is amended from time to time.

“Collective garden” means as defined in the Washington State Medical Use of Cannabis Act, RCW 69.51A.085(2), and as it may hereafter be amended, to wit: a garden where qualifying patients share responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Commercial garage” means a building or portion thereof, designed and used for the storage and servicing of motor vehicles as a business.

“Community waterfront park” is an area adjacent to Lake Chelan that is used for a subdivision or homeowners’ association for recreational purpose and lake access.

“Community youth center” means an enclosed structure open to the general public that is owned and operated by the city of Chelan or another public agency and that is used predominantly by children for cultural, educational, recreational, or social purposes.

“Compact parking space” means an off-street space (or stall), a minimum of eight feet in width by sixteen feet in length reserved for the parking of small vehicles together with an area provided for reasonable access to such space and adequate additional space for driving vehicles into and out of each space or stall. The minimum area requirements for parking together with access and maneuvering areas is three hundred square feet per compact parking space or stall.

“Comprehensive plan” means the comprehensive plan of the city, adopted pursuant to Chapter 35.70A RCW, and updated through the annual process described in Chapter 19.40.

“Comprehensive plan amendment package” means the annual amendments to the comprehensive plan and zoning code processed as a Type V project permit, according to the process set out in Chapter 19.40.

“Conditional use” means a use permitted, enlarged, or altered upon approval of the hearing examiner in accordance with the standards and procedures of Chapter 17.56.

“Cottage food operation” means preparation of food pursuant to the Washington Cottage Food Operations Law (Chapter 69.22 WAC) and rules (Chapter 16-149 WAC), as amended.

“Cottage winery” means a small-scale winery producing on site within a structure less than ten thousand square feet. A cottage winery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service incidental to the principal use. Retail trade shall be limited to products produced by the cottage winery, accessories related to the cottage winery and its products (e.g., bottle openers, wine glasses, winery logo shirts), artwork, and local and regional agricultural products. For the purposes of this definition, cottage winery includes the production of cider as defined in RCW 66.24.210(6); other forms of distillation are addressed under craft distillery.

“Council” means the legislative body of the city.

“Covered patio” means an improved outdoor living area, open on at least three sides with a roof or other overhead shelter.

Craft Beverage Production, Small-Scale. See “small-scale craft beverage production.”

“Craft distillery” means a distillery that produces by distillation spirits for consumption within a structure less than ten thousand square feet. A craft distillery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service. Retail trade shall be limited to products produced by the craft distillery, accessories related to the craft distillery and its products (e.g., drinking glasses, distillery logo shirts), artwork, and local and regional agricultural products.

“Day care center” means a center for the care of thirteen or more children during part of the twenty-four-hour day.

“Dedication” means the deliberate conveyance of land by an owner of record for any general and public uses, reserving no rights other than those compatible with the full exercise and enjoyment of the public uses for which the land has been conveyed. The intention to dedicate shall be evidenced by the owner of record by the presentment for filing of a plat, short plat or binding site plan showing the dedication thereon or quit claim deed. Acceptance of the dedication by the city shall be evidenced by the approval of the land division and the filing with the auditor.

“Depth,” with regard to buildings, means the dimension of the building that is perpendicular to the front property line.

“Detached dwelling” means a dwelling unit surrounded on all sides by open spaces.

“Development regulations” means Title 19, Administration of Development Regulations.

“Development standards” means the standards adopted pursuant to Title 25, Development Standards.

“Distillery” means a distillery facility that produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sales and samples shall not be permitted except as allowed under state law.

“Dwelling” means a building or portion thereof, designed exclusively for a residential occupancy including one-family, two-family, three-family and multifamily dwellings, but not including hotels, boardinghouses or lodging houses.

“Dwelling unit” means a building or portion thereof, providing complete housekeeping facilities for one family.

“Easement” means the grant by an owner of record to specific persons or to the public to use land for a specific purpose or purposes.

“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 (BEV); (2) a plug-in hybrid electric vehicle (PHEV); (3) a neighborhood electric vehicle; and (4) medium speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, classified at three different operating levels, as set out in Section 17.63.020.

“Engineer” means an individual licensed as a professional engineer pursuant to Chapter 18.43 RCW.

“Excavation permits” mean those permits issued pursuant to Chapter 15.12.

“Existing single-family dwelling” means a legally established principal dwelling on a legal lot of record.

“Expanded home occupations” means limited commercial, light manufacturing or service activity such as agriculture retail, small machine repair or contractor business conducted in conjunction with and accessory to a legal residential dwelling unit, that is larger and/or more intensive in nature than minor home occupations, yet operates subject to standards that reduce or eliminate undesirable effects to surrounding uses.

“Exterior boundaries” means all property located adjacent to the area of a proposed project action subject to a project permit, which adjacent property is owned by the applicant.

“Family” means one or more persons (but not more than five unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons. “Adult family homes,” as defined by RCW 70.128.175, shall be included within this definition of “family.” Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of “family.”

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

“Farm stand” means a use engaged in the sale of agricultural products produced or grown on site. The use may be temporary or permanent but is to be seasonal in duration, open for the duration of the harvest season.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and the land division code.

“Front, side and rear fences” are those which partially or completely enclose the front, side or rear yard respectively.

“Fence” includes hedges and/or similar plantings.

“Front yard” means an open area extending across the full width or depth of the lot and lying between the front line of the lot and the building line.

“Frontage” means the property line which abuts the principal means of access to the property.

“Fuel/chemical distribution and bulk storage” means facilities that allow for the storage and wholesale or retail sale of fuel and chemicals so long as all such operations comply with applicable state and federal laws.

“General binding site plan” means a scaled drawing processed in accordance with Chapter 16.24 and Chapter 58.17 RCW, that identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, drainage tracts, lots, any other matters specified in the land division code, and contains provisions requiring any development proceeding therewith.

“Gross floor area” means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including terraces and exterior stairs.

“Gross project area” means total project site.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Garages, storage spaces, and utility spaces are not considered habitable space.

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

“Hazardous waste” means and includes all dangerous and extremely dangerous wastes as defined by WAC 173-303-070 through 173-303-103.

“Hearing examiner” means the hearing examiner described in Chapter 2.15. Whenever reference is made to a board of adjustment or planning commission in this chapter, the reference shall mean “hearing examiner.”

“Home occupation” means a lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zones were created and primarily intended.

“Home stay establishment” means a use providing temporary accommodations to visitors and tourists located on a working farm or other agricultural, horticultural or agribusiness operation that produces agricultural products as its primary source of income.

“Hospital” means a building designed and used for medical, dental and surgical diagnosis, treatment and care of inpatients and outpatients under the care of doctors and nurses.

“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.

“Improvements” means appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments and the like, as well as off-site improvements and unimproved abutting streets necessary to the land division, required to be completed as a condition for the approval of a land division.

“Junkyard” means a place where junk, waste or discarded or salvaged materials, such as scrap metal, bones, rags, used cloth, used rubber, used rope, used bottles, old or used machinery, used tools, used appliances, used fixtures,

used lumber, used boxes or crates, used pipe or pipe fittings, used tires, or other manufactured goods are bought, sold, exchanged, stored, baled, packed or handled.

“Land division” means any method of dividing land authorized by the land division code.

“Land division code” means Title 16.

“Land division map” means a neat and orderly depiction of the land division, containing the information described in Section 16.04.090. A land division map includes, without limitation, a short plat, preliminary plat, final plat, general binding site plan, specific binding site plan, as well as the applications therefor.

“Land surveyor” means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.

“Live-work” means a mixed-use development in which the needs of the work component take precedence over the quiet enjoyment expectations of residents. The predominant use of a live-work unit or development is industrial or manufacturing activity; residential uses are a secondary use.

“Lodging house” means a building with not less than three guest rooms where lodging is provided for compensation.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

“Lot coverage” means the amount or percent of the ground area of a lot on which buildings or other structures are located. Lot coverage does not include structures and improvements identified in Section 17.04.075.

“Lot of record” means a lot, the evidence of which is on file with the auditor.

“Lot width” means the dimension of the lot line at the street or in an irregular shaped lot, the dimension across the lot at the building line or in a corner lot, the narrow dimension of the lot at the street or building line.

“Manufactured or modular homes and structures” means a dwelling unit or structure which conforms to the uniform building codes adopted by the city of Chelan.

“Map amendment” means a change or revision to one or more of the maps of the comprehensive plan or the zones of the city. A map amendment to the zoning code may be either an area-wide amendment or a site-specific amendment.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.

“Marijuana license business” means a marijuana processor, marijuana producer, marijuana retailer and marijuana retail outlet.

“Marijuana paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana processor” means a person licensed by the Washington State Liquor Control Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the Washington State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retail outlet” means a location licensed by the Washington State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.

“Marijuana retailer” means a person licensed by the Washington State Liquor Control Board to sell usable marijuana and marijuana-infused products at a marijuana retail outlet.

“Microbrewery” means a brewery that produces less than fifteen thousand U.S. barrels (one million eight hundred thousand liters) of beer per year. A microbrewery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service. Retail trade shall be limited to products produced by the microbrewery, accessories related to the microbrewery and its products (e.g., bottle openers, brewery logo shirts), artwork, and local and regional agricultural products.

“Mini day care center” means a center for the care of twelve or fewer children during part of the twenty-four-hour day in a facility other than the family abode of the permittee, or a home for the care of from seven through twelve 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 twelve years of age who are on the premises.

“Mini-storage” refers to a facility divided into self-storage spaces which are rented to tenants, usually on a monthly basis and limited to storage use only.

“Mobile home park” means a lot, parcel, or tract of land, improved or unimproved, upon which two or more mobile homes occupied for dwelling or sleeping purposes are located.

“Motel” means a building or group of buildings in which lodging is offered to transient guests for compensation and providing accommodations for automobiles adjacent to the lodging. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names. This term also includes any single-family dwelling used for motel purposes.

“Multifamily dwelling” means a building containing more than three kitchens and designed to be occupied by more than three families living independently of each other.

“Municipal building” means a structure which is built, owned and maintained by governmental units for the exclusive use of a governmental function which shall not include structures whose primary function is that of public assembly.

“Net acre” is the net project area minus open space.

“Net project area” means the gross project area minus publicly owned community facility land and right-of-way, stormwater detention facility tracts or easements (unless underground and usable for recreation/open space), private roads or access easements.

“Nonconforming building” means a legally established building or structure of which the characteristics do not comply with the applicable adopted codes of the city as they are adopted and revised by the city.

“Nonconforming use” means a tract of land or building occupied by a use legally established which does not comply with the applicable adopted codes of the city as they are adopted and revised by the city from time to time.

“Nursery” means an area where plants are grown to usable size and sold to the general public. This use may also be associated with the use of a greenhouse or similar structure.

“Off-site hazardous waste facilities” means hazardous waste treatment and storage facilities that treat and store hazardous waste from generators on properties other than those properties which the facilities are located on or are geographically contiguous to.

“Off-site tasting room” means a tasting room for domestic wine, beer, or spirits produced off the site of the tasting room and approved as an additional location by the Washington State Liquor Control Board.

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

“Open record hearing” means a hearing that creates the city’s record through testimony and submission of evidence and information, under procedures prescribed under Chapter 19.30.

“Open space” means areas that serve active or passive recreational needs; areas such as local parks, historic sites, ball parks, and natural and manmade water bodies and those areas not suitable for residential or other development due to existence of hazardous and/or environmentally sensitive conditions (critical areas).

“Owner occupancy” means an owner of record, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit.

“Owner of record” means the person(s) who owns, or is purchasing, the fee interest in land.

“Park” includes mini, neighborhood, community, and regional parks as defined by the city of Chelan parks and recreation department design standards which are open to the general public.

“Parties of record” means: (A) The applicant; (B) any person who testified at the open record public hearing on a project permit application; and/or (C) any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

“Permissive use” means a primary use of the land in accordance with provisions of the use district in which it is allowed and which does not require a special permit.

“Person” means any individual, partnership, corporation, association or public or private organization of any character.

“Personal service” means a business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one’s person. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, body piercing, manicuring shops, tanning parlors, body wrapping, tattoo parlors and massage practitioners.

“Place of public or private assembly” means a building used in whole or part for the gathering together of persons for such purposes as deliberation, entertainment, amusement or awaiting transportation. Clubs, lodges, theaters and similar uses shall fall under this definition.

“Planning commission” means the planning commission described in Chapter 2.19.

“Plat” means a map or representation of a subdivision, showing thereon the division of land into lots, blocks, streets and alleys, or other divisions, dedications and information.

“Plat alteration” means the alteration of a plat or short plat, pursuant to Chapter 16.20.

“Plat certificate” means a report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of land to be divided pursuant to the land division code.

“Preliminary plat” means a scaled drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a subdivision which shall furnish a basis for the preliminary approval of a subdivision pursuant to the land division code.

“Principal use” means the established main use on a property, allowed as a permitted or conditional use in the zoning designation by which the property is classified.

“Private garage” means a building or a portion of a building in which motor vehicles are stored or kept as an accessory use.

“Private road” means a privately owned and maintained access easement to property from a public right-of-way.

“Professional office” means an office where a state-licensed professional such as a professional engineer, licensed surveyor, certified public accountant, attorney, dentist or paraprofessional such as a bookkeeper conducts their business.

“Project permit” or “project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, land divisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this definition.

“Protected aboveground tank” shall be defined as set forth in the Uniform Fire Code Appendix II-F, Section 2, which is adopted by this reference as if fully set forth, as now exists or as may be hereafter amended. The setbacks required for protected aboveground tanks shall conform with the city of Chelan’s master shoreline management program, as now exists or as may be hereafter amended, for setbacks of twenty feet from the high water mark.

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the city’s decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or city council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the city’s project permit application file.

“Public works director” means the city’s public works director, described in Section 2.08.130.

“RCW” means the Revised Code of Washington, as it is revised from time to time.

“Rear yard” means an open area extending across the full width or depth of the lot and lying between the rear property line of the lot and the nearest point of the building.

“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 as evidenced by the attachment of their official green seal.

Recreational Vehicle Park. See “campground or recreational vehicle park.”

“Regional agricultural products” means produce and value-added products grown or produced in one of the following counties: Chelan, Douglas, Grant, Okanogan, Kittitas, or Yakima.

“Religious assembly” means a building, such as a church, temple, mosque, monastery, etc., used by an organized congregation and whose primary purpose is for public worship, acts of devotion, veneration, or religious study. The inclusion of “primary purpose” would preclude residences.

“Retail” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and customary auxiliary uses and services incidental to the sale of such goods.

“Retail trade serving industrial uses” means establishments engaged in selling goods or merchandise to industrial businesses or employees.

“Road” means a facility providing public or private access including the surfaced road and all other improvements inside the right-of-way.

“Roadside stand” means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on or off site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and nonfood items. This use is to be seasonal in duration, open for the duration of harvest season.

“Roofline modulation” means a lowering of portions of a building’s roofline. Where roofline modulation is used to meet the requirements of this title at least twenty-five percent of the longest building face fronting a street shall be at least ten feet lower in height than the maximum height of the building, and the lowered sections shall extend at least twenty feet back from the front facade of the building. Lowered sections of the building may be used as balconies or roof decks. Pitched roofs and changes in roof pitch may be used to satisfy roofline modulation requirements. The purpose of roofline modulation is to enhance views, reduce the visual impact of buildings, and allow more natural light and air to reach dwellings, yards, and streets.

“Secondary use” means use within the dwelling which is subordinate to the principal use.

“Section” means a section of the code.

“Security fence” means any fence located in a nonresidential area more than six feet in height and constructed for the purpose of enclosing an outdoor storage yard, preventing entry by unwanted persons, and/or providing a visual screen.

“SEPA” means the State Environmental Policy Act, Chapter 43.21C RCW, and the SEPA Rules, Chapter 197-11 WAC, as both are amended from time to time.

“Setback distance” means the horizontal distance from the property line of the lot to the building line of the structure.

“Setback line” means a line parallel to the property line and located the minimum distance from the property line.

“Sexually oriented materials” means any books, magazines, periodicals, or other printed materials or any photographs, films, motion pictures, video cassettes, slides, laser discs, digital versatile discs (DVDs), computer discs, Internet sites 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.

“Short plat” means the final drawing of the short subdivision and dedication approved by the administrator and prepared for filing with the auditor.

“Short subdivision” means the division of land into nine or less lots, tracts, parcels or sites for the purpose of sale, lease, or transfer, as set out in Chapter 16.12.

“Short-term event,” as used in Chapter 17.47, means a gathering held on private property for the purpose of private gain or profit in a zoning district in which the agricultural tourism regulations of the Chelan Municipal Code apply and which is expected to draw a number of people at a certain time or within a range of hours, and that can be expected to generate traffic and noise impacts in the neighborhood of the site of the event. This definition includes catered functions, wedding services, concerts for which an admission fee is charged, and wine, beer, or harvest festivals. This definition does not include those agriculture-related experiences regulated as low intensity uses in said Chapter 17.47; nor does it include music played as part of the routine operation of a tasting room when no admission fee is charged. Generally, a short-term event entails an admission fee charged of each person attending or a fee paid by the organizer of the event to the owner of the event site.

“Side yard” means an open area between the side line of the lot and the nearest point of the building and extending from the front setback line to the rear yard.

“Sign” means a structure or fixture using letters, symbols, trademarks, logos or written copy that is intended to aid the establishment, promote the sale of products, goods, services or events.

“Single-family dwelling” means a detached building containing one kitchen designed for and occupied exclusively by one family and the household employees of that family. The dwelling shall have a total floor area of at least seven hundred twenty square feet, and have a minimum width of not less than seventeen feet along its full length.

“Site-specific amendment” means a map amendment which is not an area-wide amendment. Whether a map amendment is an area-wide amendment or a site-specific amendment is an administrative interpretation made by the administrator.

“Small-scale craft beverage production” means cottage wineries, microbreweries, and craft distilleries, as defined in this title, and similar beverage production uses, regulated by the Washington State Liquor Control Board.

“Small stock animal” means up to four rabbits or chickens in any combination over the age of three months; roosters are prohibited.

“Specific binding site plan” means the final drawing of the general binding site plan prepared for filing with the auditor upon compliance of all conditions of approval as determined by the administrator and containing all the elements set forth in Chapter 16.24.

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

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

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

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

“Step back” means a horizontal shifting of the building massing towards the center of the building. Where side step backs are required, the part of the building that is taller than thirty feet shall be stepped back from the required side yard setback a minimum of one foot for every one foot in height over thirty feet. The purpose of side step backs is to increase privacy and allow more natural light and air to reach adjacent dwellings.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of a floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above it. If the finished floor level directly above the basement is more than six feet above grade, such basement shall be considered a story. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

“Street” is synonymous with “road.”

“Structure” means that which is built or constructed. Edifice or building of any kind or any piece of work artificially built up or completed of parts joined together in some definite manner, but not including residential fences, retaining walls of equal to or less than four feet in height, rockeries and similar improvements of a minor character.

“Subdivider” means a person applying for the division of land pursuant to the land division code.

“Subdivision” means the division of land into ten or more lots or tracts for the purpose of sale, lease or transfer pursuant to Chapter 16.16, and includes all resubdivisions of land.

“Terrace” means an improved area adjacent to a structure being open and uncovered.

“Text amendment” is an amendment to the comprehensive plan or zoning code to change or revise the goals, policies, objectives, assumptions and/or standards. A text amendment is an area-wide amendment.

“THC concentration” means the percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content.

“Three-family dwelling” means a building containing three kitchens and designed to be occupied by three families living independently of each other.

“Townhouse” means an attached dwelling unit in a row of at least two and not more than six such units, separated by property lines and by vertical common fire-resistant walls from other dwelling units in the row and having individual outside access and legal frontage on a public street. Each dwelling unit shall be designed for and occupied exclusively by one family and the household employees of that family. A townhouse shall extend from foundation to roof, and no townhouse shall be located over another unit. Common walls between townhouses shall have no doors, windows or other provisions for human passage or visibility. Each townhouse shall be attached to other units in the row by not more than two common walls. The principal access shall be at or near grade. Townhouses shall be considered a type of multifamily dwelling and regulated as such.

“Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential or nonresidential construction and shall not be included in density calculations for land divisions.

“Trailer plaza” means an area of land occupied or designed for the rental occupancy of two or more mobile homes, travel trailers or recreational vehicles.

“Transient business” means any person, firm, corporation or association or any agent of any person, firm, corporation or association that sells goods, wares and services or merchandise from a fixed location on public or private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the provisions of the Uniform Building Code addressing permanent structures, as opposed to temporary buildings. For the purposes of this definition, the following activities are not considered to be transient businesses: The sale of agricultural products or other produce sales or farmers’ market; any sales activity sponsored by a nonprofit group or organization for the purpose of raising funds for said group or organization; any carnival, street fair or similar festival; any promotional activities of a specific retail business located within a permanent structure.

“Transient guest” means any individual who pays a fee to occupy a portion of real property for less than a continuous period of one month.

“Travel trailer” means a structure or vehicle designed for highway transport which is less than thirty-five feet in length and/or eight feet wide and constructed to permit temporary occupancy for dwelling or sleeping purposes.

“Triplex” means a multi-family structure with three dwelling units sharing common walls or ceiling on one tax parcel. Triplexes are considered multi-family dwellings for land use purposes only, whereby they are allowed in any zone that permits multi-family dwellings.

“Two-family dwelling” means a building containing two kitchens, designed to be occupied by two families, living independently of each other.

“Urban growth area” or “UGA” means the urban growth area of the city, as defined by RCW 36.70A.30, and designated by Chelan County.

“Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

“Use” means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

“Veterinary hospital” means a building designed and used for veterinary medicine, dentistry and surgery for outpatient and inpatient treatment of livestock, household pets and other animals under the care of a licensed practitioner.

“Vineyard” means the use of land for agricultural production of vines/grapes.

“Warehouse” means a building or portion thereof primarily used for storage and/or distribution of products, equipment, materials or commodities that are not available for retail sale on the premises.

“Water-based transportation” means the use of land and water for public or commercial boat or seaplane facilities used for transportation of persons or goods.

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

“Width,” with regard to buildings, means the length of the longest building face fronting a street.

“Winery” means a winery not meeting the definition of a cottage winery. A winery may occur in a building greater than ten thousand square feet; may include wine tasting, retail, meeting, and/or food and beverage facilities of twenty thousand square feet or less; and may conduct concerts for which an admission fee is charged, wedding services, and catered functions.

“Zoning code” means Title 17.

“Zoning lot” is a single tract of land located within a single block which at the time of filing for a building permit is designated by the owner or the developer as a tract of land to be used, developed or built upon as a unit under single ownership or control.