

**Title 17
ZONING**

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**Chapter 17.04
GENERAL PROVISIONS**

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17.04.010 Short title.

This title shall be known and may be cited as “The city of Chelan Comprehensive Zoning Ordinance.” (Ord. 314 § 1 (1), 1962).

17.04.020 Content – Interpretation.

This title shall consist of the text hereof and in addition thereto, a zoning map identified by the appropriate signature of the chairman of the city of Chelan planning commission and council of the city of Chelan. Said title and each and all of its terms are to be read and interpreted in the light of the commitments of said zoning map. If any conflict of the zoning map and text should arise, the text of this title shall prevail. (Ord. 314 § 1 (2), 1962).

17.04.030 General purposes.

The general purposes of this title are to:

- A. Promote the public health, safety, morals, and general welfare;
- B. Assist in the implementation of the comprehensive plan of the city. (Ord. 314 § 2 (1), 1962).

17.04.040 District classifications.

In keeping with the provisions of Section VII of Chapter 44, Laws of Washington, 1935, as amended, the specific purpose of this title is to classify all territory within the corporate limits of

the city into the following districts:

- A. A – Agricultural District. This district classification is intended to be applied in areas which are or will become devoted to agricultural pursuits. The regulations of this district are intended not only to protect the agriculture industry of the city, but also to limit urban development in these areas until the pressures of natural growth will bring about their most beneficial development.
- B. R-1 – Single-Family Residential District. This district classification is intended to be applied in areas suitable and desirable for residential use, which are or will become developed by one-family dwellings. The regulations of this district will supply the necessary protection for such development. Uses are limited to residential uses and, under specific conditions, public service uses which are necessary to serve residential areas.
- C. R-M – Multi-Family Residential District. This district classification is intended to be applied in areas suitable and desirable for residential use which are, or will become, developed by one, two, three and multi-family dwellings. Uses are limited to those which are residential in character, including motels under strict regulations and, under specific conditions, public service uses which are necessary to serve residential areas.
- D. C-L – Low Density Commercial District. This district classification is intended to be applied to provide for mall shopping areas outside the central business district with low structures, off-street parking and attractive appearance to cater to neighborhood convenience needs without being detrimental to adjoining residential properties.
- E. C-H – High Density Commercial District. This district classification is intended to be applied to provide areas of complete retail facilities necessary for community service and convenience in which high density development is encouraged for the convenience of the walking shopper, where off-street parking is provided, but not required as an accessory use to the individual retail structure.
- F. C-HS – Highway Service Commercial District. This district classification is intended to be applied to provide areas outside the central business district for necessary services to the traveling public and heavy commercial uses not oriented to walk-in convenience shopping.
- G. C-W – Waterfront Commercial District. This district classification is intended to be applied to provide areas on lakefront property for heavy waterfront commercial uses, such as boat fueling and servicing, industrial docks, and other uses incidental to commercial water transportation.
- H. W-I – Warehousing and Industrial District. This district classification is intended to be applied in areas suitable for industrial use which are or will be developed by industries not detrimental to agriculture or recreation in the Lake Chelan area. The regulations of this district will supply the necessary open level space needed for such development.
- I. T-A – Tourist Accommodations District. This district classification is intended to be applied in areas near or adjacent to Lake Chelan which are uniquely suited for motels, hotels, lodges and similar uses in keeping with the importance of the recreation industry to the city. Recognizing the limited amount of land available for such development, uses are limited in this district to those which provide tourist residency or are recreational in nature.
- J. P-D – Planned Development. The purpose of this zoning district is as set forth in Section 17.52.010 of this code.
- K. Zone AP – Chelan Municipal Airport District. This zone applies to the property within the boundary of the Chelan Municipal Airport.
- L. SUD – Special Use District. This designation is to allow the transition in an orderly fashion from agriculture uses to mixed uses of commercial planned unit development and residential homes while protecting ongoing agricultural practices. The commercial use that would be allowed must comply with the requisites of the planned unit development

section of this title.

- M. P – Public Lands and Facilities. This designation is intended to provide areas for municipal use, related structures and facilities. The designation is also intended to allow for passive and active recreational opportunities. This designation is not intended to allow private commercial amusement enterprises, except traditional nine and eighteen hole golf courses. (Ord. 1114 § 4, 1998; Ord. 983 § 2, 1994; Ord. 469 § 1, 1974; Ord. 314 § 2 (2), 1962).

17.04.060 Use of land or buildings.

Except as herein provided:

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in title, as permitted in the use district in which the land, building, structure, or premises is located.
- B. No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged, or rebuilt nor shall any open spaces surrounding any building, or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and yard regulations established by this title for the use district in which such building or structure is located.
- C. No building or structure shall be erected, nor shall any existing building or structure be moved, reconstructed or structurally altered, to exceed in height the limit established by this title for the use district in which such building or structure is located.
- D. No yard or other open spaces provided about any building or structure for the purpose of complying with the regulations of this title or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.
- E. Accessory structures may be built within a rear yard provided that the required total open space area is not exceeded and that no structure or combination of structures shall cover more than fifty percent of the area of the rear yard, except that if the rear lot line of the property abuts on a street, no accessory structures may encroach upon the minimum required rear yard area.
- F. No structure will be allowed closer than five feet from any property line within the rear yard.
- G. In residential districts on lots which were lots of record prior to the passage of this title, and which contain less than the required width and/or less than the required minimum lot area, but contain an area of no less than four thousand square feet and a minimum width of lot at building line of no less than forty feet, a building permit may be issued by the administrator of this title without a hearing before the board of adjustment; provided that the structure built on this building lot of record, of less than minimum width at building line and/or minimum lot area, will meet all of the remaining dimensional standards required in the district in which the structure is located. (Ord. 314 § 15 (B) (1), 1962).

17.04.065 Livestock and poultry.

Livestock and poultry are permitted, provided the property ownership is at least one contiguous acre in size, and the following criteria are met:

- A. The minimum pasture area maintained for each animal shall be as listed below, with additional young animals not included in determining the minimum pasture area:
 - 1. One-half acre per each horse, pony, mule, cow, llama, alpaca and/or other similar size animal, with additional such animals under the age of one year not included;
 - 2. One-quarter acre per each sheep, goat or other similar size animal, with

- additional such animals under the age of one year not included;
3. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, or similar type animals, with additional such animals under the age of three months not included. The keeping of roosters is prohibited;
 4. Twelve small mammals per acre. Small mammals may include any combination of rabbits, guinea pigs, ferrets, or similar type animals, with additional such animals under the age of three months not included;
 5. One acre per each swine. When located within an urban growth area no more than three swine are permitted per property ownership, with additional swine under the age of three months not included.
- B. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisances and shall be in compliance with health district regulations.
 - C. Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any property line and/or any wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.
 - D. Barns, shelters, or other buildings or structures for the keeping or feeding of such animals shall be located a minimum of fifty feet from any property line or one hundred feet from any off-premises residential dwelling, whichever distance is greater.
 - E. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pastures shall be maintained with a permanent, uniform, vegetative top cover and shall be kept free of noxious weeds. The perimeter fence shall be designed, constructed and maintained sufficiently to keep the animals within the fenced area.
 - F. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.
 - G. Potentially dangerous wild animals, as defined in RCW 16.30.010, are prohibited.
 - H. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.
 - I. Violation of the provisions of this section shall constitute a nuisance, and are subject to the enforcement provisions of Chapter 8.26. (Ord. 1361 § 1, 2008).

17.04.070 Exceptions to front yard setback requirements.

- A. If there are dwellings on both abutting or adjoining lots with front yard setback distances of less than the required depth for the district, the front yard setback distance for the lot need not exceed the average front yard setback distance of the abutting dwellings.
- B. If there is a dwelling on one abutting or adjoining lot with a front yard setback distance of less than the required depth for the district, the front yard setback distance for the lot need not exceed the average between the front yard setback distance with less than the required depth and the front yard setback distance required in the district.
- C. The front yard may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in seven feet of distance from the property line.
- D. The front yard may be reduced to fifteen feet from the street right-of-way or forty-five feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in four feet of distance from the front property line.

- E. The front yard may be reduced to twelve feet from the street right-of-way or forty-two feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds two feet of fall in five feet of distance from the front property line.
- F. The front yard may be reduced to ten feet from the street right-of-way or forty feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in two feet of distance from the front property line.
- G. If the front yard requirement is to be reduced under the conditions specified in this section, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street. (Ord. 563 § 1, 1977; Ord. 333 § 3 (part), 1965; Ord. 314 § 15 (B)(2), 1962).

17.04.075 Intrusions into setbacks.

Except as provided in Section 17.04.076 of this chapter, the setbacks required by this title are subject to the following intrusions:

- A. A driveway, walkway, and/or parking area in compliance with current city of Chelan development standards as adopted in Chapter 25.05 of this code as now exists or as may be hereafter amended.
- B. An uncovered patio or court, or other uncovered, ground-level improvement.
- C. A deck which is not higher than thirty inches above grade may extend into a required yard up to the lot line.
- D. Bay windows, eaves, cantilevered parts of a building and other elements of a structure, excluding gutters, that customarily extend beyond the exterior walls of a structure and do not require a foundation may extend up to eighteen inches into any required setback area. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed twenty-five percent of the width of the facade upon which it is located.
- E. Fences may be located in required setback areas subject to the fence requirements specified in this title as it now exists or as may be hereafter amended.
- F. Rockeries and Retaining Walls.
 - 1. Rockeries and retaining walls equal to or less than forty-eight inches in height may be located in required setback areas if:
 - a. The rockery or retaining wall is not being used as a direct structural support for a building; and
 - b. The rockery or retaining wall complies with the clear sight zone standards specified in Section 10 of the city's development standards adopted pursuant to Chapter 25.05 as now exists or as may be hereafter amended.
 - 2. At the discretion of the planning director, the side setback requirement for rockeries and retaining walls more than forty-eight inches in height may be waived to allow a single rockery or retaining wall to support a slope on two adjacent parcels of land provided:
 - a. The owners of adjacent parcels agree to the waiver; and
 - b. The agreement is recorded as a notice to title on the titles of both of the affected parcels, and recorded by the Chelan County auditor.
 - 3. Rockeries and retaining walls more than forty-eight inches in height and less than seventy-two inches in height shall have a five-foot minimum setback at the front, side and rear yards.

4. Rockeries and retaining walls more than seventy-two inches in height shall comply with Section 17.04.077.
 5. Appropriate provisions for drainage must be made in the case of any rockery or retaining wall located in any required setback.
- G. Heating, ventilation, and air conditioning (HVAC) equipment and liquid propane gas (LPG) tanks less than one-hundred-twenty-five-gallon capacity are prohibited from the front setback area and shall not be permitted within a required side setback area unless the equipment is at least five feet from the side property line. HVAC equipment shall be allowed up to two feet from one side property line if enclosed by a fence or vegetative plantings that, at maturity, will provide noise attenuation as solely determined by the city building official. Propane tanks of the capacity of one hundred twenty-five gallons or more are prohibited from the front setback area and shall be allowed in a required rear yard and side yard in compliance with setback requirements provided in the city's current International Fire Code as set forth in Title 15 of this code. (Ord. 1328 § 4 (part), 2006; Ord. 1165 § 1, 2000; Ord. 1151 § 1, 1999).

17.04.076 Utility setback required.

No structure shall be erected within utility easements. Further, all structures including retaining walls, rockeries and other improvements of minor character, excluding fences and landscaping, shall be setback a minimum of five feet from each side of a utility easement. (Ord. 1165 § 2, 2000).

17.04.077 Setbacks for rockeries and retaining walls more than seventy-two inches in height.

The following requirements apply to rockeries and retaining walls more than seventy-two inches in height:

- A. The rockery or retaining wall must comply with the clear sight zone standards specified in Section 10 of the city's development standards adopted pursuant to Chapter 25.05 as now exists or as may be hereafter amended.
- B. The rockery or retaining wall must comply with all applicable provisions of the International Building Code as it now exists or may hereafter be amended.
- C. Rockeries and retaining walls used to retain fill on the site on which said rockery or retaining wall is to be placed must be set back one foot for every foot of wall height.
- D. The following standards apply to retaining walls used to retain cut slopes or banks on the site on which said rockery or retaining wall is proposed:
 1. The application to build the rockery or retaining wall must be accompanied by a geotechnical report identifying any impacts of the action on adjacent parcels, including:
 - a. Impacts of the rockery or retaining wall and any footings; and
 - b. Impacts on structures or other uses to be built or placed on the adjacent parcel or parcels.
 2. The rockery or retaining wall must be set back one foot for every foot of wall height. At the discretion of the planning director, the setback for the rockery or retaining wall may be increased beyond the minimum required by these development standards, based on the findings of the geotechnical report. (Ord. 1328 § 4 (part), 2006).

17.04.080 Recreational vehicles.

- A. Except as provided herein, no recreational vehicle or travel trailer shall be used for a place of habitation in the city, except in those areas designated as recreational vehicle

- parcs or unless a permit has been issued pursuant to Section 17.20.010 of this code which provides for a six-month permit during construction.
- B. Notwithstanding the requirements set forth in subsection A of this section, the city clerk may issue a visitation permit to park a travel trailer or recreational vehicle within the city on improved residential lots with a habitable dwelling for a fourteen-day period. The fee for such permit shall be five dollars. Only two such permits shall be issued to any applicant in any calendar year. No two such permits shall be issued within thirty days of each other. Such permits shall be limited to one recreational vehicle or travel trailer. No recreational vehicle or travel trailer may be used for overnight accommodation on a public right-of-way.
 - C. Notwithstanding the requirements set forth in subsection A of this section, when approved in advance by the city through its parks department, recreational vehicles and travel trailers may be parked in a public park or public playground designated by the city in conjunction with any special event for the same duration and condition listed in subsection B of this section. The city shall establish or may direct the parks department to establish criteria for use of the public parks and playgrounds not inconsistent with this section.
 - D. As used in this section, “special event” means any event or activity which is organized primarily for the purpose of promoting cultural, artistic, entertainment and sporting endeavors, including, but not limited to, arts and crafts fairs, cultural exhibitions, vocal or instrumental concerts, shows, festivals or camps, organized sporting events such as little league baseball, amateur soccer or other similar events. (Ord. 1070 § 1, 1997; Ord. 861 § 1, 1988; Ord. 667 § 3, 1980; Ord. 533 § 6, 1976; Ord. 463 § 3, 1973; Ord. 314 § 15 (C), 1962).

17.04.085 Mobile homes.

Mobile homes shall be permitted as single-family dwellings in all districts. All single-family dwellings 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 the entire length thereof. (Ord. 533 § 1, 1976).

17.04.090 Structures, general.

- A. No accessory building shall be used as a place of habitation.
- B. No basement shall be used as a place of habitation while the dwelling is under construction. (Ord. 314 § 15 (D), 1962).

17.04.100 Zoning lots.

No zoning lots shall be divided into two or more zoning lots and no portion of any zoning lot shall be sold unless all zoning lots resulting from said division or sale shall conform to all dimensional standards of the district in which the zoning lot is located. (Ord. 314 § 15 (E), 1962).

17.04.110 Movement of single-family dwelling, two-family dwelling or multi-family dwelling.

- A. District permitted:
 - 1. R-1, R-M, T-A, C-HS or C-W district.
- B. Minimum conditions:
 - 1. The residential building proposed to be moved shall be consistent with the existing general design and appearance of other residential buildings in the neighborhood of the lot where the residential building is proposed to be located, where such consistency, if allowed, would adversely affect the property values in the neighborhood.

2. The residential building shall be moved onto the proposed lot and all alterations or enlargements to the building shall be completed in accordance with the plans approved by the board of adjustment within nine months of the date of approval of the conditional use by the board of adjustment. Upon failure to comply with the provisions of this section, the applicant shall either remove the building within thirty days or he shall apply to the board of adjustment for an extension of time, such time extension shall not exceed ninety days.
3. No such residential building shall remain in transit for a longer period of time than three days nor shall such residential building be located on any lot on a temporary basis for a longer period of time than thirty days. (Ord. 360 § 1, 1966; Ord. 314 § 15 (F), 1962).

17.04.120 Zoning of annexations.

All property annexed into the city shall be zoned R-1 single-family residential district unless a proposed zoning regulation has been adopted for the area proposed for annexation in accordance with RCW 35A.14.330 and RCW 35A.14.340 as the same exist now or may be amended. (Ord. 870 § 1, 1989; Ord. 314 § 19, 1962).

17.04.125 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 with other land uses and services permitted 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 be permitted in the C-W Waterfront Commercial District as set forth in Section 17.40.010(J) 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 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. Variances. Whenever the applicant for an adult entertainment facility believes that the separation requirements set forth in this section are not necessary to achieve an effective degree of physical separation between the proposed adult entertainment facility and the zoning districts and uses identified in subsection B of this section, the applicant shall have the right to apply for a variance from the separation requirements subject to the procedures set forth in Chapter 17.64, Variances and upon payment of the applicable fee for a variance application. In determining whether a variance should be granted, the board of adjustment shall consider the following criteria in addition to the variance criteria set forth in Chapter 17.64, Variances:
1. The extent to which physical features would result in an effective separation between the proposed adult entertainment facility and any zoning districts or uses identified in subsection B of this section in terms of visibility and access;
 2. The extent to which the proposed adult entertainment facility complies with the goals and policies of the Chelan Municipal Code;
 3. The extent to which the proposed adult entertainment facility is compatible with adjacent and surrounding land uses;
 4. The availability or lack of alternative locations for the proposed adult entertainment facility;
 5. The extent to which the proposed adult entertainment facility can be avoided by alternative vehicular and pedestrian routes; and
 6. The extent to which the applicant can minimize the adverse secondary effects associated with the proposed adult entertainment facility. If, after considering these criteria and the variance criteria set forth in Chapter 17.64, Variances, the board of adjustment finds that an effective degree of physical separation between the proposed adult entertainment facility and the zoning districts and uses identified in subsection B of this section can be achieved without requiring the full distance of separation provided by this section, the board of adjustment shall determine the degree of variance to be allowed and shall grant the variance. Otherwise, the variance application shall be denied.
- E. Nonconforming Adult Entertainment Facilities. An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Chapter 17.68, Nonconforming Uses, if a zoning district or 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. (Ord. 1299 § 1, 2005; Ord. 1189 § 5, 2000).

17.04.130 Amendments – Initiation of action.

Amendments, supplementations, or modifications to this title, including proposed change to use districts, may be initiated in the following manner:

- A. By the council of the city or the city planning commission;
- B. By the 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. (Ord. 616 § 1, 1979; Ord. 314 § 20 (A), 1962).

17.04.140 Amendment procedure.

- A. Proposed amendments or additions to this title, including proposed changes to use districts, shall first be considered by the planning commission at a public hearing. The planning commission shall hold a public hearing to consider proposed amendments or additions to this title within sixty days after receiving the application for a proposed amendment or addition to this title.
- B. Notice of the planning commission public hearing on amendments and additions to this title shall include the time, place, and purpose of the public hearing and shall be published at least once in a newspaper of general circulation delivered in the city and in the official Gazette, if any, of the city, at least ten days prior to the date of the public hearing. Continued hearings may be held at the discretion of the planning commission, but no additional notices need be published. Within thirty days following the public hearing and any continuances thereof, the planning commission shall prepare written findings, conclusions and a decision and provide the same to the city council.
- C. The city council shall, within sixty days after receiving the planning commission findings, conclusions, and recommendation, consider the proposed amendment at a public meeting and shall either:
 - 1. Adopt the findings, conclusions and recommendations of the planning commission as the decision of the council;
 - 2. Modify the findings and conclusions of the planning commission without changing the planning commission's recommendation, as the decision of the council;
 - 3. Reject the findings, conclusions and/or recommendation of the planning commission and adopt findings and conclusions of its own, based on the record presented to the planning commission at the public hearing, and enter its own decision;
 - 4. Remand the matter back to the planning commission with written instructions for further consideration or additional public hearings; or
 - 5. Hold its own public hearing to consider the proposed amendment, and, after the hearing: (a) adopt, modify, or reject the recommendation of the planning commission; (b) remand the matter to the planning commission with instructions; or (c) take such other action relating to the proposed amendment or addition as the council deems appropriate.
- D. Notice requirements for any such public hearing before the city council shall be the same as those notice requirements set forth in this section for planning commission public hearings. (Ord. 871 § 1, 1989: Ord. 691 § 1, 1982: Ord. 314 § 20 (B), 1962).

17.04.150 Limitation.

No request for a use district boundary or use district classification amendment to this title shall be considered by the planning commission within the twelve-month period immediately following a previous denial of such request, except that the planning commission shall consent to a new hearing, if in the opinion of the planning commission, new evidence or a change of circumstances warrants it. (Ord. 314 § 20 (C), 1962).

**Chapter 17.08
DEFINITIONS**

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ALSO See 19.10 at end of this document

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- 17.08.664 Winery.
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- 17.08.667 Vineyard.
- 17.08.670 Yard, front.
- 17.08.680 Yard, rear.
- 17.08.690 Yard, side.

ALSO See 19.10 at end of this document

17.08.010 Used or occupied.

The words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” (Ord. 314 § 3 (1), 1962).

17.08.020 General definitions.

- A. “City” means the city of Chelan, a municipal corporation.
- B. “Council” means the city council of the city of Chelan.
- C. “Planning commission” means the planning commission of the city of Chelan.
- D. “Building official” means the building official of the city of Chelan.
- E. “Hearing examiner” means the hearing examiner of the city of Chelan and, for purposes of this code and all other ordinances of the city, means the “board of adjustment,” “board,” or “board of appeals.”
- F. Whenever the term “this ordinance” is referred to, it shall include all amendments.
- G. “Comprehensive Plan” means any map, plan or policy pertaining to the development of land use, street, or public utilities and facilities for all or any portion of the city of Chelan which has been officially adopted by the council and the planning commission of the city. (Ord. 1206 § 1, 2001; Ord. 314 § 3A, 1962).

17.08.025 Abut.

"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. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.030 Accessory building.

“Accessory building” means a subordinate structure, the use of which is incidental to the use of the main building on the same lot. (Ord. 314 § 3B(1), 1962).

17.08.035 Accessory dwelling unit.

“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. (Ord. 1058 § 1, 1996).

17.08.040 Accessory use.

“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. (Ord. 314 § 3B(2), 1962).

17.08.050 Adjacent.

“Adjacent” means lying near or close to, sometimes continuous or contiguous. (Ord. 314 § 3B(3), 1962).

17.08.060 Adjoining.

ALSO See 19.10 at end of this document

“Adjoining” means two objects are so joined or united to each other that no third object intervenes. (Ord. 314 § 3B(4), 1962).

17.08.065 Adult arcade.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.066 Adult cabaret.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.067 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. (Ord. 1189 § 3 (part), 2000).

17.08.068 Adult entertainment facility.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.069 Adult motel.

“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

ALSO See 19.10 at end of this document

- 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-rent the room for a period of time that is less than ten hours. (Ord. 1189 § 3 (part), 2000).

17.08.070 Adult motion picture theater.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.071 Adult retail store.

“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 disc (“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. (Ord. 1189 § 3 (part), 2000).

17.08.080 Alley.

Repealed by Ord. 1061. (Ord. 314 § 3B(6), 1962).

17.08.090 Alter or alteration.

“Alter or alteration” means any structural changes or addition and any modification made for a change in type of use. (Ord. 314 § 3B(7), 1962).

17.08.100 Automobile wrecking yard.

“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. (Ord. 314 § 3B(8), 1962).

17.08.110 Basement.

“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. (Ord. 314 § 3B(9), 1962).

17.08.115 Bed and breakfast.

“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. (Ord. 800 § 1, 1987).

17.08.120 Boardinghouse.

“Boardinghouse” means a building other than a hotel where lodging and meals are provided for three or more persons for compensation. (Ord. 314 § 3B(10), 1962).

17.08.125 Brewpub.

“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. (Ord. 1101 § 1, 1998).

17.08.130 Building.

A “building” is a freestanding structure except when divided by party walls without openings when each portion so separated shall be considered a separate building. (Ord. 314 § 3B(11), 1962).

17.08.140 Building height.

“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. (Ord. 978 § 1, 1993; Ord. 314 § 3B(12), 1962).

17.08.150 Building line.

“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. (Ord. 314 § 3B(13), 1962).

17.08.160 Business sign.

Repealed by Ord. 1022. (Ord. 314 § 3B(14), 1962).

17.08.170 Carport.

“Carport” means a covered shelter for an automobile open on two or more sides. (Ord. 314 § 3B(15), 1962).

17.08.180 Clinic.

“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. See also "medical-related activities."

17.08.185 Community youth center.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.190 Conditional use.

“Conditional use” means a use which, because of public convenience and necessity and its effect upon the neighborhood, shall be permitted only upon the approval of the board of adjustment after due notice and public hearing and a finding that it will not be detrimental to the general comprehensive plan or to adjacent and surrounding property. (Ord. 314 § 3B(17), 1962).

17.08.200 Construction material, basic.

“Basic construction material” means all concrete products, lumber, steel, cement and generally those materials used for structural support. (Ord. 314 § 3B(18), 1962).

17.08.210 Coverage, lot.

“Coverage, lot” 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. (Ord. 1152 § 1, 1999; Ord. 314 § 3B(19), 1962).

17.08.215 Day care center.

“Day care center” means a center for the care of thirteen or more children during part of the twenty-four-hour day. (Ord. 712 § 1 (part), 1983).

17.08.217 Depth.

"Depth," with regard to buildings, means the dimension of the building that is perpendicular to the front property line. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.220 Dwelling.

“Dwelling” means a building or portion thereof, designed exclusively for a residential occupancy including one-family, two-family, three-family and multi-family dwellings, but not including hotels, boardinghouses or lodging houses. (Ord. 314 § 3B(20), 1962).

17.08.230 Dwelling unit.

“Dwelling unit” means a building or portion thereof, providing complete housekeeping facilities for one family. (Ord. 314 § 3B(21), 1962).

17.08.240 Dwelling, detached.

“Detached dwelling” means a dwelling unit surrounded on all sides by open spaces. (Ord. 314 § 3B(22), 1962).

17.08.250 Dwelling, single-family.

“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. (Ord. 532 § 1, 1976; Ord. 314 § 3B(23),

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17.08.260 Dwelling, two-family.

“Two-family dwelling” means a building containing two kitchens, designed to be occupied by two families, living independently of each other. (Ord. 314 § 3B(24), 1962).

17.08.270 Dwelling, three-family.

“Three-family dwelling” means a building containing three kitchens and designed to be occupied by three families living independently of each other. (Ord. 314 § 3B(25), 1962).

17.08.280 Dwelling, multi-family.

“Multi-family dwelling” means a building containing more than three kitchens and designed to be occupied by more than three families living independently of each other. (Ord. 314 § 3B(26), 1962).

17.08.285 Existing single family dwelling.

“Existing single-family dwelling” means a legally established principal dwelling on a legal lot of record. (Ord. 1058 § 1, 1996).

17.08.290 Family.

“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 US Code, Section 3602(k) and persons with handicaps within the meaning of Title 42US 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."

17.08.295 Family day care home.

“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. (Ord. 712 § 1 (part), 1983).

17.08.300 Fences.

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. (Ord. 314 § 3B(28), 1962).

17.08.310 Garage, commercial.

Commercial garage” means a building or portion thereof, designed and used for the storage and servicing of motor vehicles as a business. (Ord. 314 § 3B(29), 1962).

17.08.320 Garage, private.

“Private garage” means a building or a portion of a building in which motor vehicles are stored or kept as an accessory use. (Ord. 897 § 1, 1990: Ord. 314 § 3B (30), 1962).

17.08.330 Gross floor area.

“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. (Ord. 314 § 3B (31), 1962).

17.08.332 Habitable space.

"Habitable space" means space in a structure for living, sleeping, eating or cooking. Garages, storage spaces, and utility spaces are not considered habitable space. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.333 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. (Ord. 868 § 1 (part), 1989).

17.08.335 Hazardous waste.

"Hazardous waste" means and includes all dangerous and extremely dangerous wastes as defined by Washington Administrative Code Sections 173-303-070 through 173-303-103. (Ord. 868 § 1 (part), 1989).

17.08.340 Home occupation.

"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. (Ord. 314 § 3B(32), 1962).

17.08.350 Hospital.

"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. (Ord. 314 § 3B(33), 1962).

17.08.360 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. (Ord. 314 § 3B(34), 1962).

17.08.370 Junkyard.

"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. (Ord. 314 § 3B(35), 1962).

17.08.380 Lodging house.

"Lodging house" means a building with not less than three guest rooms where lodging is provided for compensation. (Ord. 314 § 3B(36), 1962).

17.08.390 Lot of record.

“Lot of record” means a lot which has been recorded, as required by the laws of the state of Washington (RCW 58-16 and 58-10.140) in the office of the auditor of Chelan County. (Ord. 314 § 3B(37), 1962).

17.08.400 Lot, zoning.

A “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. (Ord. 314 § 3B(38), 1962).

17.08.410 Lot width.

“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. (Ord. 314 § 3B(39), 1962).

17.08.420 Manufactured or modular homes and structures.

“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. (Ord. 463 § 1 (part), 1973: Ord. 314 § 3B(39a), 1962).

17.08.425 Mini day care center.

“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. (Ord. 712 § 1 (part), 1983).

17.08.430 Mobile home.

“Mobile home” means a dwelling unit designed to be transported upon the public streets or highways and certified as approved as such by the State Department of Labor and Industries and evidenced by the attachment of their official “red” seal. (Ord. 533 § 2, 1976: Ord. 463 § 1 (part), 1973: Ord. 314 § 3B(39b), 1962).

17.08.435 Mobile home park.

“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. (Ord. 533 § 3, 1976).

17.08.440 Motel.

“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 as defined herein. (Ord. 959 § 1, 1992: Ord. 314 § 3B(40), 1962).

17.08.450 Municipal building.

“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

ALSO See 19.10 at end of this document

primary function is that of public assembly. (Ord. 314 § 3B (41), 1962).

17.08.460 Nonconforming dimensional standards.

A building and/or structure or the uses contained upon a lot or zoning lot, shall be “nonconforming as to dimensional standards” when such use or uses do not conform to the prescribed dimensional standards contained in this title, relating to yard requirements, minimum lot areas, gross floor area, off-street parking regulations, or minimum floor area as provided in this title, which were in existence at the time of the effective date of the regulations contained in this title. (Ord. 314 § 3B(42), 1962).

17.08.470 Nonconforming building.

“Nonconforming building” means a legally established building or structure which was in existence at the time of the effective date of the regulations contained in this title, and which does not conform in its construction, area, yard requirements, or height, to the regulations of the zone in which it is located, or the requirements of the current uniform building code for the city as amended. (Ord. 314 § 3B(43), 1962).

17.08.480 Nonconforming use.

“Nonconforming use” means a tract of land or building occupied by a use legally established which was in existence at the time of the effective date of the regulations contained in this title, and which does not conform to the use provisions of the district in which the use is located. (Ord. 314 § 3B(44), 1962).

17.08.490 Nonconforming vacant.

“Nonconforming vacant” means all tracts of land, buildings and/or structures considered to be nonconforming as to dimensional standards and use until an occupancy permit has been issued indicating that the use is to be contained upon the land, buildings and/or structure as in accordance with the regulations provided in this title, either for conforming uses as established by the zoning regulations or nonconforming uses permitted by the regulations relating to nonconforming uses as to use regulations and dimensional standards. (Ord. 314 § 3B(45), 1962).

17.08.493 Off-site hazardous waste facilities.

“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. (Ord. 868 § 1 (part), 1989).

17.08.495 On-site hazardous waste facilities.

“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. (Ord. 868 § 1 (part), 1989).

17.08.497 Owner occupancy.

“Owner occupancy” means a property owner, as reflected in title records, 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. (Ord. 1058 § 1, 1996).

17.08.500 Parking space (or stall).

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“Parking space (or stall)” means an off-street space, a minimum of nine feet in width by eighteen feet in length reserved for the parking of vehicles together with an area provided for reasonable access to such space and adequate additional space for driving vehicles into and out from each space or stall. The minimum area requirement for parking together with access and maneuvering areas, is four hundred square feet per parking space (or stall). (Ord. 314 § 3B (46), 1962).

17.08.501 Parking space, compact.

“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. (Ord. 936 § 1, 1992).

17.08.510 Patio, covered.

“Covered patio” means an improved outdoor living area, open on at least three sides with a roof or other overhead shelter. (Ord. 314 § 3B (47), 1962).

17.08.520 Permissive use.

“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 to be issued by the board of adjustment. (Ord. 314 § 3B (48), 1962).

17.08.xxx Personal Service.

“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, tanning parlors, body wrapping, tattoo parlors and massage practitioners.

17.08.525 Place of public or private assembly.

“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. (Ord. 1071 § 1, 1997).

17.08.528 Professional office.*

“Professional office” means an office where a state-licensed professional such as a professional engineer, licensed surveyor, certified public accountant, attorney, dentist or para-professional such as a bookkeeper conducts their business. (Ord. 1114 § 2, 1998).

*Code reviser's note: Ordinance No. 1114 adds this section as 17.08.529. It has been editorially renumbered to prevent duplication.

17.08.529 Protected aboveground tank.

“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. (Ord. 1104 § 1, 1998).

17.08.530 Principal use.

“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. (Ord. 1071 § 2, 1997; Ord. 314 § 3B (49), 1962).

17.08.531 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 as evidenced by the attachment of their official “green” seal. (Ord. 533 § 4, 1976).

17.08.532 Recreational vehicle park.

“Recreational vehicle park” means a lot, parcel, or tract of land, improved or unimproved, upon which two or more recreational vehicles occupied for dwelling or sleeping purposes are located. (Ord. 533 § 5, 1976).

17.08.534 Roofline modulation.

"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. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.536 Security fence.

“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. (Ord. 886 § 1, 1989).

17.08.540 Sign.

“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. (Ord. 1022 § 2, 1995; Ord. 314 § 3B (50), 1962).

17.08.550 Special exceptions.

“Special exceptions” means either variances in the use or space requirements of the zoning ordinance or conditional property uses subject to standards established in the zoning ordinance and approval by the board of adjustment. (Ord. 314 § 3B(51), 1962).

17.08.560 Secondary use.

“Secondary use” means use within the dwelling which is subordinate to the principal use. (Ord. 314 § 3B (52), 1962).

17.08.570 Setback distance.

“Setback distance” means the horizontal distance from the property line of the lot to the building line of the structure. (Ord. 314 § 3B (53), 1962).

17.08.580 Setback line.

“Setback line” means a line parallel to the property line and located the minimum distance from the property line. (Ord. 314 § 3B (54), 1962).

17.08.585 Sexually oriented materials.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.590 Story.

“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. (Ord. 314 § 3B (55), 1962).

17.08.595 Specified anatomical areas.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.596 Specified sexual activities.

“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. (Ord. 1189 § 3 (part), 2000).

17.08.598 Step back.

"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. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.600 Street.

Repealed by Ord. 1061. (Ord. 314 § 3B (56), 1962).

17.08.610 Structure.

“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. (Ord. 1152 § 2, 1999: Ord. 314 § 3B (57), 1962).

17.08.620 Substandard street.

“Substandard street” means a street having less than a sixty foot right-of-way. (Ord. 314 § 3B (58), 1962).

17.08.630 Terrace.

“Terrace” means an improved area adjacent to a structure being open and uncovered. (Ord. 314 § 3B (59), 1962).

17.08.635 Townhouse.

"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 multi-family dwelling and regulated as such. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.640 Travel trailer.

“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. (Ord. 463 § 2, 1973: Ord. 314 § 3B (60), 1962).

17.08.650 Trailer plaza.

“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. (Ord. 415 § 2, 1970: Ord. 314 § 3B(61), 1962).

17.08.655 Transient business.

- A. “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.
- B. 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.
- C. 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. (Ord. 837 § 1, 1988).

17.08.656 Transient guest.

“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. (Ord. 959 § 2, 1992).

17.08.660 Use.

“Use” means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. (Ord. 314 § 3B(62), 1962).

17.08.662 Width.

“Width,” with regard to buildings, means the length of the longest building face fronting a street. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.08.663 Winery, cottage.

“Cottage winery” means a small scale winery with less than ten thousand cases of production per year and may include a wine tasting room of one thousand square feet or less and/or retail area of one thousand square feet or less. Retail trade shall be limited to winery-produced products and accessories, and tourist retail. (Ord. 1257 § 2 (part), 2002).

17.08.664 Winery.

“Winery” means a large scale winery with more than ten thousand cases of production per year. As authorized by the terms of a conditional use permit, a winery may include a wine tasting room or retail space and outdoor events limited to outdoor concerts, indoor and outdoor weddings, garden parties, and art galleries. (Ord. 1257 § 2 (part), 2002).

17.08.665 Veterinary hospital.

“Veterinary hospital” means a building designed and used for veterinary medicine, dentistry and surgery for out-patient and in-patient treatment of livestock, household pets and other animals under the care of a licensed practitioner. (Ord. 834 § 1, 1988).

17.08.667 Vineyard.

“Vineyard” means the use of land for agricultural production of vines/grapes. (Ord. 1257 § 2 (part), 2002).

17.08.670 Yard, front.

“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. (Ord. 314 § 3B(63), 1962).

17.08.680 Yard, rear.

“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. (Ord. 314 § 3B(64), 1962).

17.08.690 Yard, side.

“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. (Ord. 314 § 3B(65), 1962).

**Chapter 17.12
ADMINISTRATION, CONSTRUCTION AND ENFORCEMENT**

Sections:

- 17.12.010 Districts – Established and designated.**
- 17.12.020 Boundaries.**
- 17.12.025 Fees.**
- 17.12.030 Administrative authority.**
- 17.12.040 Permits and authorization to conform.**
- 17.12.050 Building official.**
- 17.12.060 Enforcement.**

17.12.010 Districts – Established and designated.

The incorporated territory of the city of Chelan is divided into the land use districts set forth in Section 17.04.040 as the same exists now or may be hereafter amended.

These land use districts of the city are established and designated by a legend on the official map of land use districts (the official city zoning map) as the same now exists or may be hereafter amended, which by this reference is made a part of this title.

The regulations set forth in this title for each land use district shall be the minimum requirements. (Ord. 1114 § 5, 1998; Ord. 469 § 2, 1974; Ord. 314 § 4A, 1962).

17.12.020 Boundaries.

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

- A. Where such boundaries are indicated as approximately following the centerline of roads, streets, highways, alleys, railroads or rivers, the centerlines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following lot lines the lot lines shall be construed to be such boundaries.
- C. In unsubdivided land and where a zone boundary divides an ownership, the location of the boundary, unless it is indicated by dimensions shown on the map, shall be determined by scale measurement.
- D. Where zoning districts border Lake Chelan, the line separating such districts shall be projected to the one-thousand-seventy-nine-foot contour meander line of the lake in such a manner that the projection is a continuation of the boundary line as it is plotted above the present shoreline of Lake Chelan. In cases where the natural projection of these lines shall cross prior to their reaching the one-thousand-seventy-nine-foot contour meander line, the lines bearing the closest to the true north-south direction shall be continued to the one-thousand-seventy-nine-foot contour meander line and other projection lines shall terminate at the intersection. (Ord. 314 § 4B, 1962).

17.12.025 Fees.

The city council shall, by resolution, establish fees payable at the time of filing for actions to be taken under this title. (Ord. 688 § 1, 1982; Ord. 656 § 1, 1980; Ord. 616 § 2, 1979; Ord. 314 (part), 1962).

17.12.030 Administrative authority.

A city official appointed by the mayor with the consent of the council is authorized to administer the provisions of this title not otherwise designated, and may appoint officers and deputize such employees as may be authorized to assist him in its administration. The official designated above shall adopt, and revise as required, such instructions and forms as are necessary to serve the public need and carry out the provisions of this title. (Ord. 314 § 18A, 1962).

17.12.040 Permits and authorization to conform.

No city official or employee shall issue a building permit or give other authorization, including a variance or conditional use permit, for any use or occupancy that would not be in full compliance with this title. Any such permit or other authorization in violation of this title shall be void without the necessity of any proceedings for revocation or nullification, and any work undertaken for use established pursuant to any such permit or other authorization shall be unlawful, and no action shall be taken by any elected or appointed official of the city purporting to validate any violations. (Ord. 314 § 18B, 1962).

17.12.050 Building official.

The city official appointed by the mayor with the consent of the council shall investigate within ten days any charge of violation of this title brought to his attention. Upon verifying a violation of this title, the mayor or his assigns shall serve notice to the property owner to comply with the title within thirty days. The mayor or his assigns shall reinspect the premises thirty days after serving notice of violation and if the violation is still in effect, he shall request that a warrant be issued by the justice court having jurisdiction. (Ord. 314 § 18C, 1962).

17.12.060 Enforcement.

The mayor or his authorized representative is charged with the enforcement of this title. (Ord. 314 § 22, 1962).

Emergency and Transitional Housing

17.13 Emergency housing and transitional housing.

- A. **Emergency housing intent.** Emergency housing is intended to provide short term temporary housing in order to help transitional persons (defined below) who are temporarily without shelter, at risk of homelessness, or experiencing personal or family crisis make the transition to a more permanent, safe, and stable living situation. Emergency housing may also include self-sufficiency training and human services for such persons.
- B. **Transitional housing intent.** Transitional housing is intended to provide housing on a temporary basis in order to help transitional persons make the transition to placement in permanent housing. Transitional housing may also include self-sufficiency training and human services for such persons.
- C. **Definitions.**
1. "Emergency housing" means temporary housing provided to transitional persons for a period of up to 30 days, provided by non-profit organizations, public housing authorities, establishments of religion, or other organizations or partnerships formed to promote public welfare, for the purpose of facilitating the movement of such persons to a more permanent, safe, and stable living situation.
 2. "Nonprofit corporation" means an organization that does not distribute its surplus funds to owners or shareholders, but instead uses them to help pursue its goals, and that is certified by the Secretary of State of the State of Washington as a nonprofit corporation. The term "nonprofit corporation", as used herein, does not refer to an organization's federal tax code status.
 3. "Park model" means a towable living unit which is built on a single chassis and mounted on wheels, primarily designed to provide temporary or permanent living quarters, which may be connected to utilities necessary for operation of installed fixtures and appliances, with a gross exterior square footage of less than 400 square feet when set up, certified as approved as such by the Washington State Department of Labor and Industries as evidenced by the attachment of their official "green seal," and identified with a tag on the unit containing a serial number beginning with the letters "PT" or "RPT." A park model is the same as a recreational park trailer.
 4. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use with or without motive power, of such size and weight as to not require a special highway movement permit and certified as approved as such by the Washington State Department of Labor and Industries as evidenced by the attachment of their official "green seal." For the purposes of 17.xx, this definition does not include "park models," which are considered separately.

5. "Transitional housing" means temporary housing provided to transitional persons for a period of 31 days to 24 months by non-profit organizations, public housing authorities, establishments of religion, or other organizations or partnerships formed to promote public welfare, for the purpose of facilitating movement of said persons to independent living.
6. "Transitional person" means an adult or child who lacks a fixed, regular, and adequate nighttime residence. This definition excludes any persons who are abusing alcohol, prescription drugs, or other controlled substances.

D. Districts where emergency housing and transitional housing are permitted.

1. Single-Family Residential (R-1) District.

- a. An owner-occupied single-family dwelling used for emergency housing or transitional housing may house up to six transitional persons (adults and children) not related to the owner as conditionally permitted. Dwellings may not be used for emergency housing or transitional housing when not owner occupied, with the following exception: Accessory Dwelling Units may be used for emergency housing or transitional housing when the main dwelling is owner-occupied and the emergency housing or transitional housing is overseen by the owner. Emergency housing or transitional housing is not permitted in dwellings other than single-family dwellings and associated Accessory Dwelling Units;
- b. Recreational vehicles and park models shall not be used for emergency housing or transitional housing in R-1 districts, EXCEPT by conditional use permit, and then ONLY on property owned by non-profit organizations, public housing authorities, establishments of religion, or other organizations formed to promote public welfare. No more than two such units may be permitted for any one such property, and no such unit may be permitted on vacant property;

2. Multi-Family Residential (R-M) District.

a. Single-family dwellings.

- i. Emergency housing or transitional housing for up to ten transitional persons (adults and children) is an allowed use in a single-family dwelling. Accessory Dwelling Units may be used for emergency housing or transitional housing when the main dwelling is owner-occupied and the emergency housing or transitional housing facility is overseen by the owner. Recreational vehicles and park models may be used for emergency housing or transitional housing ONLY by conditional use permit. One such unit may be allowed for one residence, and no such unit may be used on vacant property;
- ii. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;

b. Multi-family dwellings.

- i. In multi-family dwellings, emergency or transitional housing is only allowed in owner-occupied buildings or apartment complexes.
- ii. Emergency housing or transitional housing for up to ten transitional persons not related to the owner is allowed in multi-family buildings or apartment complexes;
- iii. Emergency housing or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;
- iv. Recreational vehicles and park models may be used for emergency housing or transitional housing, ONLY by conditional use permit. One such unit may be allowed for one building or apartment complex, and no such unit may be used on vacant property;

- c. Non-residential sites.** Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by non-profit organizations, public housing authorities, establishments of religion, or other organizations formed to promote public welfare by conditional use permit ONLY. No more than two such units may be permitted for any one such property, and no such unit may be permitted on vacant property;

3. Tourist Accommodations (T-A) District.

a. Single-family dwellings.

- i. Emergency housing or transitional housing for up to ten transitional persons (adults and children) is an allowed use in a single-family dwelling. Accessory Dwelling Units may be used for emergency housing when the main dwelling is owner-occupied and the emergency housing facility is overseen by the owner. Recreational vehicles and park models may be used for emergency housing or transitional housing ONLY by conditional use permit. One such unit may be allowed for one residence, and no such unit may be used on vacant property;
- ii. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;

b. Multi-family dwellings.

- i. In multi-family dwellings, emergency housing or transitional housing is only allowed in owner-occupied buildings or apartment complexes.
- ii. Emergency housing or transitional housing for up to ten transitional persons not related to the owner is allowed in multi-family buildings or apartment complexes;
- iii. Emergency housing or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;

- iv. Recreational vehicles and park models may be used for emergency housing or transitional housing ONLY by conditional use permit. One such unit may be allowed for one building or apartment complex, and no such unit may be used on vacant property;
 - c. **Non-residential sites.** Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by non-profit organizations, public housing authorities, establishments of religion, or other organizations formed to promote public welfare by conditional use permit ONLY. No more than two such units may be permitted for any one such property, and no such unit may be permitted on vacant property;
- 4. Downtown Mixed Residential Zone.**
- a. **Single-family dwellings.**
 - i. Emergency housing or transitional housing for up to ten transitional persons (adults and children) is an allowed use in a single-family dwelling.
 - ii. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;
 - iii. Accessory Dwelling Units may be used for emergency housing when the main dwelling is owner-occupied and the emergency housing is overseen by the owner. Recreational vehicles and park models may be used for emergency housing or transitional housing ONLY by conditional use permit. One such unit may be allowed for one residence, and no such unit may be used on vacant property;
 - b. **Multi-family dwellings.**
 - i. In multi-family dwellings, emergency housing or transitional housing is only allowed in owner-occupied buildings or apartment complexes.
 - ii. Emergency housing or transitional housing for up to ten transitional persons not related to the owner is allowed in multi-family buildings or apartment complexes;
 - iii. Emergency or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;
 - iv. Recreational vehicles and park models may be used for emergency housing or transitional housing ONLY by conditional use permit. One such unit may be allowed for one building or apartment complex, and no such unit may be used on vacant property;
 - c. **Non-residential sites.** Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by non-profit organizations, public housing authorities, establishments of religion, or other organizations formed to promote public welfare by conditional use permit ONLY. No more than two such units may be permitted for any one such property, and no such unit may be permitted on vacant property;

5. Downtown Single Family Residential Zone and Downtown Mixed Use Zone.

- a. Emergency housing is NOT ALLOWED;
- b. Transitional housing is NOT ALLOWED.

E. Recreational vehicles and park models. All recreational vehicles and park models used for emergency housing and transitional housing are subject to the following conditions, IN ADDITION TO minimum conditions listed below (CMC Chapter 17.xx.F):

1. **Conditional use permit.** Recreational vehicles and park models may be used for emergency housing by conditional use permit ONLY. Park models may be used for transitional housing by conditional use permit ONLY. Recreational vehicles may not be used for transitional housing;
 - a. No recreational vehicle or park model so permitted may be used for rental or vacation housing, and such use shall constitute a violation per CMC Chapter 17.xx.E.9, below;
 - b. All permit applications shall be accompanied by a submitted plot plan showing the location, installation specifics determined necessary by the Planning Director and by the Public Works Director, and all other pertinent information required in this chapter. See “Siting requirements” and “Installation requirements,” below;
 - c. All permit applications shall be accompanied by an application form provided by the Planning Director together with appropriate supporting documents demonstrating compliance with this chapter;
 - d. Owner authorization shall be required for all conditional use applications for emergency housing and transitional housing;
2. **Conditional use permit review.** A Conditional Use Permit for emergency or transitional housing shall be subject to review by the Planning Director six months after approval, to allow for review of compliance and adequacy of conditions. In the course of that review, the Planning Director may elect to allow the use to continue, amend conditions, or require another review six months thereafter;
3. **CMC code exceptions.** Portions of the CMC prohibiting or limiting habitation of recreational vehicles (including but not limited to CMC 17.04.080 and 17.20.01.010.D.) shall NOT APPLY to conditionally permitted recreational vehicles or park models used for emergency housing or transitional housing;
4. **Recreational vehicle standards.** Recreational vehicles used for emergency housing shall comply with all requirements established by the City and by the Washington Department of Labor and Industries (L&I):
 - a. All units shall display on the outside of the unit a L&I “green insignia” or “green seal,” and no alterations may occur without re-inspection and a new L&I “green seal”;
 - b. All units shall comply with ANSI A119.2 and NFPA 1192 standards;

- c. All units shall include facilities for living, cooking, bathing, and sleeping;
 - d. Tent trailers may not be used for emergency housing;
 - e. All units shall be fully insulated for year-round use;
5. **Park model standards.** Park models used for emergency housing and transitional housing shall comply with all requirements established by the City and by the Washington Department of Labor and Industries (L&I):
- a. All units shall display on the outside of the unit a L&I “green PT insignia” or “green PT seal,” and no alterations may occur without re-inspection and a new L&I “green PT seal”;
 - b. All units shall comply with 2009 ANSI A119.5 standards or as amended;
 - c. All units shall be fully insulated for year round use;
 - d. All unit roofs shall have adequate snow load capacity;
 - e. All units shall have built-in mechanical air exchange systems in the kitchen and bathroom;
 - f. All units shall be equipped with standard household flush toilets. Mechanical seal toilets are NOT permitted;
6. **Vacancy requirements.** The Hearing Examiner may require that recreational vehicles used for emergency housing stand vacant for a certain number of days per year in order to reduce impacts on neighboring properties. No such requirement shall apply to park models used for emergency housing or transitional housing;
7. **Siting requirements.** The following shall apply to all recreational vehicles and park models used for emergency housing or transitional housing:
- a. Units shall not be located in the front yard;
 - b. Units shall not be located in any right of way or easement;
 - c. Unit location shall conform to all building setback requirements;
 - d. Units shall be located a minimum of 15 feet from the main dwelling or structure;
 - e. Units shall be located a minimum of 10 feet from any detached accessory structure;
 - f. The Hearing Examiner may require Type B landscape buffering to screen units from adjacent lots or the street. Buffering is not required to screen from alleys;
 - g. Park models are not allowed in parking lots;
 - h. A maximum of two park models or recreational vehicles may be allowed on the property of establishments of religion or other facilities defined in CMC Chapter 17.xx.D.1.b. Units (including any steps, awnings, or porches) must be spaced a minimum of 10 feet apart;
 - i. A maximum of two recreational vehicles may be allowed in a parking lot, if permitted by the Hearing Examiner. Parking lots may not be used for recreational vehicles unless the Hearing Examiner determines that parking spaces will remain adequate for the primary use. Units (including any steps, awnings, or porches) must be spaced a minimum of 10 feet apart;
 - j. Location of any unit must comply with lot coverage requirements;

- 8. Installation requirements.** The following shall apply to all recreational vehicles and park models used for emergency housing or transitional housing:
- a. All units shall be supplied with electrical power and shall connect to City sewer and water utilities per City of Chelan Development Standards. Use of a sewage holding tank is not permitted. Water shall not be supplied with a garden hose. Power shall not be supplied by an extension cord from the main dwelling or structure;
 - b. All units shall be installed on a pad no smaller than the entire footprint of the unit. Pads shall be level concrete, asphalt, or 3 inches minimum compacted gravel. Drainage shall be directed away from the pad;
 - c. Tarps or other non-standard protection shall not be used on roofs, walls or windows of units;
 - d. Recreational vehicles must be sheltered under a snow shed with a pitched roof for winter occupancy. Snow sheds must be permitted structures;
 - e. Park models must be installed with skirting. Skirting must be a securely attached exterior material that extends around the entire unit between the ground and the outer bottom portion of the unit. The exterior material shall be suitable for the outer portion of a finished residence;
 - f. Park models shall have steps or ramps with landings at each entry. Said steps, ramps and landings shall be structurally independent of the unit, may not use any part of the park model as a structural member, and must conform to IBC standards;
 - g. Park models must be set on wheels with stabilization jacks under all four corners of the unit. Tie downs or anchoring straps are required;
- 9. Inspections and checklists.**
- a. The permittee shall give the Chelan Building Official notice when the unit is ready for inspection and shall not proceed further until approval has been given by the official pursuant to each inspection;
 - b. All recreational vehicles and park models conditionally permitted for emergency housing or transitional housing shall be inspected after installation. No unit may be occupied prior to inspection and approval by the Building Official;
 - c. Inspections shall insure that all requirements of this code are met for each installation;
 - d. Annual inspection by the Building Official is required for each unit to insure continued compliance with all the requirements of this code. The Building Official shall provide the permittee with 21 days notice prior to inspection;
 - e. Inspections without notice may be required at the discretion of the Planning Director, and the Planning Director may order more frequent than annual inspections to insure compliance;
 - f. The permittee shall complete a safety checklist, provided by the Planning Director, based upon CMC Chapter 17.xx.F, prior to occupation of any unit by a new transitional person or family of transitional persons, and shall complete said checklist yearly at the minimum. All checklists shall

be submitted to the Building Official within 14 days of Notice of Annual Inspection (CMC Chapter 17.xx.E.8.d, above);

10. Violations and penalties.

- a. Use of a recreational vehicle or park model for emergency housing or transitional housing without a permit, or contrary to the provisions of a permit issued therefor, or in violation of this chapter shall constitute a misdemeanor;
- b. Each day's use of a recreational vehicle or park model for emergency housing or transitional housing without a permit or contrary to the provisions of a permit issued therefore shall constitute a separate misdemeanor;
- c. Violations and penalties shall be applied to the permittee, not to any transitional person;
- d. Provisions of CMC Chapter 17.72.010.C Violations and penalties shall apply.

F. **Minimum conditions.** All emergency housing and transitional housing are subject to the following minimum conditions:

1. **Number of residents.** The number of residents allowed in an emergency or transitional housing facility is determined by zoning district, type of dwelling unit (single- or multi-family) and whether or not the dwelling is owner occupied, and is specified above, EXCEPT for recreational vehicles and park models;
2. **Number of residents in a recreational vehicle.** The number of residents allowed in a recreational vehicle conditionally permitted for emergency housing shall be determined by the number of beds or other designed sleeping spaces built into the unit. All residents of any one unit shall be members of a single family. The number of residents may be further limited by the Hearing Examiner;
3. **Number of residents in a park model.** The number of residents allowed in a park model conditionally permitted for emergency housing or transitional housing is limited to a maximum of 6 persons for up to 30 days, and limited to a maximum of 5 persons for 31 days to 24 months. All residents of any one unit shall be members of a single family. The number of residents may be further limited by the Hearing Examiner;
4. **Licensing.** A business license is required for all emergency housing facility permittees and for all transitional housing facility permittees;
5. **Living requirements.**
 - a. **Space requirements.** Emergency housing and transitional housing must comply with all applicable standards, including International Building Code (IBC) and International Residential Code (IRC) standards and including the requirement for at least 200 square feet of living space per person. Confirmation by the Building Official that the residence complies applicable IBC and IRC provisions, based on the number of people

- who will occupy the premises, is required. This condition shall be WAIVED by the Building Official for recreational vehicles and park models when conditionally permitted and complying with “number of residents” requirements, above;
- b. **Kitchens.** Kitchens for emergency housing and transitional housing must be adequate for safe and sanitary food preparation and storage. Where a CUP is required, the Hearing Examiner may determine adequacy based upon the size and condition of kitchen appliances (including but not limited to freezers, refrigerators, stovetops, ovens and dishwashers), food preparation surfaces, sinks and food storage areas;
 - c. **Bathrooms.** One full bathroom or one three-quarter bathroom must be provided for each three bedrooms;
 - d. **Doors.** Every bedroom, bathroom and closet door must open from the inside and the outside. All exit doors leading to the outside must open from the inside without a key or any special knowledge or effort by residents;
 - e. **Lighting.** Emergency housing and transitional housing must provide adequate light fixtures for each task a resident or staff does. Emergency lighting for staff and residents, such as working flashlights, must be readily accessible;
 - f. **Safety and maintenance.** Emergency housing and transitional housing permittees must:
 - i. Keep the facility both internally and externally in good repair and condition with a safe, sanitary environment that is free of hazards;
 - ii. Ensure that there is outdoor space that is safe and usable for residents;
 - iii. Provide safe and functioning systems for:
 - a. Heating;
 - b. Cooling (which may include circulating fans);
 - c. Hot and cold water;
 - d. Electricity;
 - e. Plumbing;
 - f. Garbage disposal;
 - g. Sewage;
 - h. Artificial and natural light;
 - i. Ventilation; and
 - j. Any other feature of the facility;
 - iv. Ensure water temperature does not exceed one hundred twenty degrees Fahrenheit at all fixtures used by or accessible to residents;
 - v. Provide storage for toxic substances, poisons, and other hazardous materials that is only accessible to residents under direct supervision;
 - vi. Provide rapid access for all staff to any bedroom, toilet room, shower room, closet, or other room occupied by each resident;
 - vii. Keep the facility free from rodents, flies, cockroaches and other vermin;

- g. **Telephones.** Emergency and transitional housing permittees must provide at least one working non-pay telephone in the facility, and must ensure residents have reasonable access to the telephone;
- h. **Temperature and ventilation.** Emergency housing and transitional housing permittees must ensure adequate ventilation, and that the maximum and minimum temperature of any room used by a resident is adequate and does not compromise health and safety;
- i. **Water supply.**
 - i. Emergency housing and transitional housing permittees must provide a clean and healthy drinking water supply for the facility.
 - ii. If not using public water supplies, emergency housing and transitional housing permittees must obtain local health authority approval to use a private water supply.
 - iii. Emergency housing and transitional housing permittees must label any non-potable water to avoid use as a drinking water source.
- j. **Bedroom windows.**
 - i. Emergency housing and transitional housing bedroom windows must not be more than forty-four inches above the floor;
 - ii. The bedroom window must have the following:
 - a. A minimum opening area of 5.7 square feet, except that grade level floor window openings may have a minimum clear opening of 5.0 square feet;
 - b. A minimum opening height of twenty-four inches and a minimum opening width of twenty inches;
 - c. Emergency housing and transitional housing permittees must ensure that bedroom windows can be opened from inside the room without keys or tools;
 - iii. When resident bedroom windows are fitted with storm windows, emergency housing and transitional housing permittees must equip the storm windows with release mechanisms that easily open from the inside, and do not require a key or special knowledge or effort to open;
 - iv. Emergency housing and transitional housing permittees must ensure that each basement window and each resident bedroom window are kept free from obstructions that might block or interfere with access for emergency escape or rescue;
- k. **Automatic smoke detectors.** Emergency housing and transitional housing permittees must ensure approved automatic smoke detectors are:
 - i. Installed, at a minimum, in every bedroom used by a resident, on every level of a multilevel facility, and in proximity to the area where the management sleeps;
 - ii. Installed in a manner so that the fire warning is heard in all parts of the facility upon activation of a single detector; and
 - iii. Kept in working condition at all times;

1. **Fire extinguishers.**
 - i. Emergency housing and transitional housing emergency housing and transitional housing permittees must provide an approved five-pound 2A:10B:C rated fire extinguisher on each floor of the facility;
 - ii. Emergency housing and transitional housing permittees must ensure the fire extinguishers are installed according to manufacturer recommendations, inspected and serviced annually, in proper working order; and readily available for use at all times;
 - iii. If required by Chelan fire authorities, emergency housing and transitional housing permittees must provide different fire extinguishers in place of the fire extinguishers required in subsection (i.) of this section;
- m. **Space heaters and stoves.**
 - i. Emergency and transitional housing permittees must ensure that oil, gas, kerosene, or electric portable space heaters are not used in an emergency or transitional housing facility except during a power outage when the portable heater is the only safe source of heat; and
 - ii. Emergency and transitional housing permittees must ensure that portable stoves and heaters do not block residents, staff or household members from escaping, and that electric cords do not present a hazard;
6. **Site access.** Emergency housing and transitional housing must have a road accessible at all times to emergency vehicles;
7. **Water hazard safety.** Water features and bodies of water, including decorative pools, constructed or natural ponds, and constructed water features are prohibited on the premises of emergency housing and transitional housing facilities, EXCEPT swimming pools, which must conform to current Chelan zoning and building code requirements;
8. **Parking.** *THIS WILL BE TRANSFERRED TO THE DEVELOPMENT CODE AND WILL NOT BE ADDRESSED IN THIS CODE.* In addition to any parking required for the primary use, one off-street parking space, plus one off-street parking space per non-resident service provider (including nonresident volunteers), plus one off-street parking space for every six transitional adults permitted, is required;
9. **Loading space.** *THIS WILL BE TRANSFERRED TO THE DEVELOPMENT CODE AND WILL NOT BE ADDRESSED IN THIS CODE.* One temporary loading space (ten by twenty feet) for emergency or transitional housing residences that accommodate more than six transitional adults is required. Legal curbside on-street parking spaces adjacent to the residence may be applied toward this requirement;
10. **Fire safety.** Confirmation by the Building Official that the facility meets applicable fire safety standards, based on the number of people who will occupy the premises, is required;

11. Emergency preparedness.

- a. All emergency and transitional housing facilities must have written emergency and disaster plans and procedures to meet the needs of each resident during emergencies and disasters.
- b. Emergency and disaster plan requirements. Transitional housing and emergency housing permittees must ensure the emergency and disaster plan includes:
 - i. Plans for responding to natural and man-made emergencies and disasters that may reasonably occur at the facility;
 - ii. Actions to be taken by staff and residents when an emergency or disaster strikes; and
 - iii. The fire drill plan for evacuation of the facility.
- c. Fire drill plan and procedures for emergency evacuation—required:
 - i. Emergency housing and transitional housing permittees must:
 - a. Have an emergency evacuation plan, including a fire drill plan and procedures, for evacuating all residents from the facility; and
 - b. Not admit or keep residents who cannot safely be evacuated.
- d. Elements of emergency evacuation floor plan. Emergency and transitional housing permittees must prepare and maintain an emergency evacuation floor plan that includes:
 - i. An accurate floor plan of the facility, including rooms, hallways, and exits (such as doorways and windows) to the outside of the facility;
 - ii. Emergency evacuation routes showing the paths to take to exit the facility; and
 - iii. The location for the residents to meet outside the facility.
- e. Posting the emergency evacuation floor plan—required.
 - i. Emergency housing and transitional housing permittees must display an emergency evacuation floor plan on each floor of the facility in:
 - a. A visible location in the facility; and
 - b. Common areas normally used by residents, staff and visitors.
- f. Emergency evacuation drills—required.
 - i. Frequency and participation. Emergency and transitional housing permittees must ensure emergency evacuation drills occur at least every two months;
 - ii. Documentation of emergency evacuation drills—required.
 - a. Emergency and transitional housing permittees must document in writing the emergency evacuation drills, which must include:
 - i. Names of each resident and staff member involved in the drill;
 - ii. Name of the person conducting the drill;
 - iii. Date and time of the drill; and
 - iv. The length of time it took to evacuate all residents.

- g. Emergency evacuation—notification required.
 - i. Emergency and transitional housing permittees must notify the Planning Director immediately by telephone, and in writing within ten (10) days, of:
 - a. Any fire; or
 - b. Emergency evacuation from the facility;
- 12. **Utilities.** Sewer capacity and adequacy of domestic water supply shall be confirmed by the City of Chelan Public Works Department, based upon the number of permitted residents;
- 13. **Traffic.** Traffic mitigation measures may be established for dwellings that are permitted as emergency housing or transitional housing for 15 or more residents (adults and children) plus managers and other service providers;
- 14. **Managers and other service providers.**
 - a. Any emergency or transitional housing facility that is not owner occupied must have a live-in manager;
 - b. The Hearing Examiner may limit the number of service providers (including volunteers and paid employees, and including both live-in managers and day workers) and require mitigation measures for emergency housing facilities and transitional housing facilities that use service providers to avoid impacts on the neighborhood and ensure that the facility is consistent with the intent of the zoning district in which it is located and the character of the neighborhood. Any human services or training provided on the premises shall be for the benefit of residents only;
- 15. **Drugs and alcohol.** Use of alcohol and controlled substances, except by prescription, is strictly prohibited on emergency or transitional housing premises;
- 16. **Home occupation businesses.** Home occupation businesses are not permitted in single-family dwellings used for emergency housing or transitional housing, except by conditional use permit;
- 17. **Compensation.** Providers of permitted emergency housing or transitional housing may receive compensation from transitional persons living in that housing; however, ability to pay a specified amount may not be used as a criterion for admitting individuals to permitted emergency housing or transitional housing;
- 18. **Buffering.** For conditionally permitted emergency housing or transitional housing, buffering per the Chelan landscaping code may be required at the discretion of the Hearing Examiner;
- 19. **Dispersal of like facilities.** For all emergency housing facilities and transitional housing facilities conditionally permitted, the Hearing Examiner shall take into consideration the desirability of spacing like facilities at least one block apart, and avoiding concentration of like facilities within a single neighborhood;_____

20. Neighborhood character. For all emergency housing facilities and transitional housing facilities conditionally permitted, the Hearing Examiner shall take into consideration the neighborhood character established by any adopted Neighborhood Plan;

Chapter 17.15
Chelan Infill Overlay District Land Use and Development Code

- 17.15.010 General Provisions
- 17.15.020 Zero-Lot-Line and Courthome Development Standards
- 17.15.040 Definitions

17.15.010 General Provisions

A. Purpose and Intent

The purpose of this Infill Overlay District is to provide existing neighborhoods with efficient land use and cost effective delivery of urban services by providing tools for infill development. The provisions of this Infill Overlay District recognize the design challenges inherent to developing infill properties but are intended to ensure new development is consistent in character and scale with existing development and neighborhoods. The intent of the Infill Overlay District is to:

1. Accommodate growth in the City of Chelan by encouraging and facilitating new single-family development on vacant, bypassed and underutilized land within the Downtown Planning Area—development that could use existing infrastructure, utilities, and public facilities, thus promoting affordable housing while addressing the needs of local residents.
2. Encourage efficient use of land and public services in the context of existing neighborhoods.
3. Stimulate economic investment and development in established neighborhoods.
4. Provide developers and property owners flexibility so that they can achieve high-quality design and develop infill projects that strengthen existing neighborhoods.
5. Implement the goals, objectives and policies of the City of Chelan Comprehensive Plan and Community Housing Manual.
6. Provide a variety of housing choices.
7. Encourage compact development that is pedestrian-scaled.
8. Provide clear standards to ensure that infill development is compatible with the established character of the existing neighborhood.

B. Applicability

1. The boundaries of the Infill Overlay District are the same as those of the Downtown Planning Area, shown in Chapter 17.14 CMC.
2. This Infill Overlay District Land Use and Development Code provides for two optional single-family housing types, zero-lot-line development and courthomes. All zero-lot-line and courthome developments located within the Infill Overlay District must comply with the provisions of this chapter.
3. The requirements of the infill overlay district are in addition to the requirements of the Chelan Downtown Land Use and Development Code unless otherwise expressly provided herein.

4. The infill provisions herein are intended to supplement the Chelan Downtown Land Use and Development Code, other provisions of this title, and other existing city codes applicable to developments. Where there is a conflict between the provisions of this chapter and other codes, the provisions herein shall apply as determined by the director.

C. Review Process

1. Platting and Site Planning.

- a. All zero-lot-line and courthome developments within the Infill Overlay District are subject to site plan review and approval. Both the site plan and plat (short plat or preliminary plat) must be fully consistent with the standards of this section and all other applicable requirements.
- b. The site plan shall be processed as a Type IB project permit application as set forth in CMC Title 19.18.
- c. The short plat or final plat shall show the building envelope for each lot in compliance with the setbacks established in this chapter.
- d. Short plats and preliminary plats may be approved only when conditions of approval are established to ensure development on the resultant lots will be fully consistent with the approved site plan.
- e. Building permits for structures may only be approved when fully consistent with the approved site plan and recorded land division plat.

2. Deviations.

- a. To encourage the implementation of alternative or innovative practices, the Planning Director shall have the authority to review a request from an applicant for deviations from the infill development standards provided the deviation(s) implement the intent of the standard to be modified and provide equivalent benefits without significant adverse impacts on the environment or surrounding development. The decision to approve or deny the request shall include consideration of written information submitted by the applicant, which shall include the following:
 - i. The specific deviation(s) being requested.
 - ii. A description of how the requested alternative(s) will implement the intent of the standard to be modified and provide equivalent benefits without significant adverse impacts on the environment or surrounding development.
 - iii. Agreement to extend the city's regulatory time frame, when applicable, to review and act on the request.
- b. The Planning Director shall notify the applicant in writing of the decision as part of the normal permit review process and shall document his or her findings in support of the decision.

- c. Conditions of approval. In granting a deviation, the Planning Director may require conditions that will substantially secure the objectives of the standard to be modified and that will substantially mitigate any potential adverse impact on the environment or surrounding development (including the existing character of the neighborhood), including but not limited to additional landscaping or buffering.

D. Design Standards

1. The Single-Family Design Standards of the Downtown Land Use and Development Code shall apply to all zero-lot-line and Courthome developments permitted by this chapter.
2. The face of any attached garage shall be flush with or recessed behind the remainder of either the ground floor living area or a covered porch facing the street.
3. Dwellings should not be set back more than fifteen (15) feet beyond the average front setback of established existing dwellings in the block.

17.15.020 Zero-Lot-Line and Courthome Development Standards

A. Zero-Lot-Line Developments

1. Intent: these zero-lot-line standards offer greater site development flexibility while achieving single-family development character. Zero-lot-line homes provide for greater usable yard space on each lot and allow for more efficient subdivision of land. The purpose of zero-lot-line developments as described in this section is to:
 - a. Allow single-family structures against one of the side property lines, permitting the open space to be consolidated and used to maximum benefit.
 - b. Promote the efficient use of land.
 - c. Ensure zero-lot-line developments contribute to the overall character of established neighborhoods.
2. Lot Orientation. To the maximum extent practicable, the orientation of new lots in a zero-lot-line development shall repeat the predominant relationship of buildings-to-buildings and buildings-to-street along the same and facing blocks.
3. Development Standards.
 - a. Height Standard
 - i. The maximum building height specified in the Chelan Downtown Land Use and Development Code shall apply; and
 - ii. No building shall exceed twenty-five (25) feet in height.
 - b. Minimum Lot size: three thousand six hundred (3,600) square feet.
 - c. Minimum Lot Width at building line: forty (40) feet.
 - d. Maximum Lot Coverage: fifty (50) percent of lot.
 - e. Minimum setback distances for dwelling units and accessory structures are as follows:
 - i. Front: twelve (12) feet. Adjacent front yard setbacks within zero-lot-line developments must be staggered or alternate by a minimum of three (3) feet.
 - ii. Side:

- a. Zero-lot-line side: zero (0) feet.
- b. Side opposite zero-lot-line side: ten (10) feet.
- c. Corner lots: twenty (20) feet.
- iii. Rear: ten (10) feet.
- f. Privacy. In order to maintain privacy, no windows, doors, or air conditioning units are permitted along a zero lot line except where such construction does not allow for visibility into the side yard of the adjacent lot, such as a clerestory skylight or opaque window. There are no restrictions on openings where a wall abuts a permanent open space or a public or private right-of-way. All construction must comply with fire protection standards.
- g. Eaves. Maintenance and Drainage Easements. A perpetual easement related to maintenance, eaves, and drainage of at least ten (10) feet shall be provided on the lot adjacent to the zero lot line and shall be kept clear of structures, with the exception of walls and/or fences, provided: no such easement may be established on a lot that is not part of a zero-lot-line development without the express permission of the owner of said lot. Said easement shall be shown on the face of the plat and incorporated into each deed transferring title on the property.
- h. Eaves may project a maximum of eighteen (18) inches over the adjacent property on the zero-lot-line side when a maintenance and access easement has been established.
- i. The building wall along the zero lot line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.

B. Courthomes

- 1. Intent: courthomes are a type of housing in which houses on individual small lots are arranged around a courtyard comprising a common driveway and common landscaped open space. These standards offer an alternative to creating single-family developments. The purpose of courthome developments as described in this section is to:
 - a. Promote efficient use of land.
 - b. Ensure courthome developments contribute to the overall character of established neighborhoods.
 - c. Promote high quality development.
 - d. Provide a housing option that may increase affordability.
 - e. Create residential neighborhoods that provide visual interest.
- 2. Development Standards
 - a. No building shall exceed thirty (30) feet in height.
 - b. Minimum Lot size: four thousand five hundred (4,500) square feet.
 - c. Minimum Lot Width at building line: forty (40) feet.
 - d. Maximum lot coverage: forty-five (45) percent of lot.
 - e. Minimum setback distances for dwelling units and accessory structures are as follows:
 - i. Front: twelve (12) feet. Porches that are a minimum six (6) feet deep may be set back ten (10) feet.

- ii. Side: five (5) feet.
 - iii. Rear: fifteen (15) feet.
 - iv. Corner lots: twenty (20) feet on each side adjoining public right of way.
3. Architectural and Building Design
- a. All units in a court shall comply with the Character and Diversity standards for cottage housing specified in the Chelan Downtown Land Use and Development Code.
 - b. Houses in a courthome development that are adjacent to a local residential street and that face the court rather than the street shall provide:
 - i. At least ten feet of landscaped open space between the residence and the street; and
 - ii. At least two architectural details approved by the Planning Director, such as: decorative lighting; decorative trim; special door; trellis or decorative building element; or one or more bay windows. Other design treatments that provide visual interest to the pedestrian will be considered.
 - c. All courthomes shall take garage access from the court, with the following exception: lots abutting an alley may take garage access from the alley.
4. Courtyard Design Standards
- a. A maximum of five dwelling units shall be accessed from a single courtyard. The Planning Director may allow up to six dwelling units where terrain constrains site development.
 - b. The common driveway shall have a minimum width of twenty-four (24) feet and a depth not to exceed one hundred and fifty (150) feet.
 - c. A fire hydrant may be required at the entrance of courtyards as determined by the Fire Department.
 - d. Each courtyard shall include a landscaped common area located at the end of the common driveway farthest from the street, in order to create a green-space focal point. In size, said common area shall total at least two hundred (200) square feet per dwelling unit in the courthome development,
 - e. Landscaping.
 - i. An average of two hundred (200) square feet of landscaping per lot shall be provided within the courtyard. Said landscaping is in addition to the landscaped open space at the end of the common driveway.
 - ii. Trees and large landscape fingers between parking aprons are required to break up the expanse of paving and view of garages.
 - iii. A minimum of one tree per lot is required.
5. Maintenance. A homeowners' association shall be responsible for maintenance of the courtyard, open space, drainage areas and other amenities and common features. A written instrument establishing such must be recorded with the Chelan County Assessor's Office.

Chapter 17.16
ZONE A – AGRICULTURAL DISTRICT

Sections:

17.16.010 Permitted uses.

17.16.020 Accessory uses.

17.16.030 Conditional uses.

17.16.040 Dimensional standards.

17.16.010 Permitted uses.

Permitted uses are as follows:

- A. One-family dwelling;
- B. Crop and tree farming, truck farming, nurseries, provided no retail sales rooms or other retail buildings are maintained on the premises;
- C. Horticulture and floriculture;
- D. Parks and playgrounds including park buildings; provided that such parks and playgrounds shall be located in conformance with the comprehensive plan;
- E. Veterinary hospitals; provided they meet the following standards:
 - 1. A facility must be located at least one hundred feet from the nearest residence;
 - 2. Parking area standards identified in Chapter 17.76 of the Chelan Municipal Code shall be applicable and are adopted by reference as if fully set forth herein;
 - 3. The site must have paved access to a major arterial or collector street;
- F. Home occupations that involve no customer or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home is active in the home occupation business. In addition, the home occupation must comply with the conditions for home occupation set forth in Section 17.56.060 of this code and the fees for a home occupation permit as established by resolution of the city council must be paid. (Ord. 1205 § 1, 2001; Ord. 834 § 2, 1988; Ord. 314 § 5A, 1962).

17.16.020 Accessory uses.

Accessory uses are as follows:

- A. The keeping of cows, goats, riding horses, and chickens are permitted as accessory uses to a family dwelling; provided that all barns, barnyards or corrals shall be located not less than seventy-five feet from any public highway or road nor less than fifty feet from any property held under separate ownership adjoining the premises on either side, nor less than twenty-five feet from any property held under separate ownership abutting on the rear and all chicken houses, yards or runs shall be located not less than fifty feet from any public highway or road, nor less than twenty feet from any adjoining or abutting property held under separate ownership; provided further, that such animals or poultry shall not be kept for business purposes, but for family purposes only;
- B. Cold storage warehouses, but only for produce grown on the premises;
- C. Tenant residences; provided that they are located behind the minimum setback distances prescribed for this district;
- D. Signs appertaining to any permitted use;
- E. Fences as permitted in Section 17.20.020G. (Ord. 886 § 2, 1989; Ord. 314 § 5B, 1962)

17.16.030 Conditional uses.

Conditional uses are as follows:

- A. Public schools and private schools offering curricula similar to public schools under conditions set forth in Chapter 17.56;
- B. Churches under conditions set forth in Chapter 17.56;
- C. Municipal buildings under conditions set forth in Chapter 17.56;
- D. Telephone exchanges, electric substations, and similar uses of public service corporations providing they are either:
 - 1. Completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the A-1 Agricultural District, or
 - 2. If the use is of an outdoor nature, such as a neighborhood substation, it shall be completely enclosed by a view-obscuring fence or hedge, with the exterior grounds landscaped, and the enclosure to meet the following setback requirements:

Front yard: Thirty feet,

Side yard: Twenty feet,

Rear yard: Ten feet, if abutting on alley; otherwise twenty feet;

- E. Mini day care centers, and day care centers within churches or other semipublic buildings, under conditions set forth in Chapter 17.56;
- F. Home occupations, not meeting the permitted use criteria set forth in Section 17.16.010F, under conditions set forth in Chapter 17.56;
- G. Historical site or structure under conditions set forth in Section 17.56.200. (Ord. 1205 § 2, 2001; Ord. 712 § 2, 1983; Ord. 625 § 1 (part), 1979; Ord. 314 § 5C, 1962).

17.16.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: Forty thousand square feet;
- B. Maximum building height: Two and one-half stories, but not to exceed thirty-five feet for residential buildings;
- C. Maximum land coverage: Fifteen percent of lot for all buildings;
- D. Minimum setback distances: Twenty-five feet for front yard, twenty feet for rear yard, five feet for side yard. Buildings on corner lots shall observe the minimum front yard setback on both streets. (Ord. 314 § 5D, 1962).

Chapter 17.18
ZONE AP – CHELAN MUNICIPAL AIRPORT DISTRICT

Sections:

17.18.010 Purpose.

17.18.020 Permitted uses.

17.18.030 Accessory uses.

17.18.040 Conditional uses.

17.18.050 Development and use standards.

17.18.010 Purpose.

- A. This zone relates to the property within the boundary of the Chelan Municipal Airport.
- B. The primary purposes of the Chelan Municipal Airport District are:
 - 1. To assure that the property comprising the Chelan Municipal Airport will continue to be used in a manner that is compatible with a general aviation airport and aircraft operations.
 - 2. To establish a framework within which both commercial and recreational aviation and aviation-related activities can prosper.
- C. This chapter provides for both aviation-related and compatible commercial and light industrial development within the airport zone.
- D. Development standards are established to assure the orderly and appropriate use of airport property. These standards identify and protect the operating spaces necessary for aircraft. They also set regulations for commercial and light industrial/manufacturing development that may occur on airport property.
- E. This chapter is adopted pursuant to Chapter 14.12 RCW, the “Airport Zoning Act,” Federal Air Regulation Part 77 “Objects Affecting Navigable Airspace” and Federal Aviation Administration Advisory Circular 150/5300-13 “Airport Design,” as now exist or as may be hereafter amended. (Ord. 1075 § 1 (part), 1997).

17.18.020 Permitted uses.

- A. Aviation uses, including, but not limited to the following types of activities, provided they comply with the development standards of this chapter:
 - 1. Runways, taxiways, navigational equipment, aircraft parking areas and other facilities and features normally associated with a general aviation airport.
 - 2. Aircraft sales, repair, rebuild, maintenance service and storage and the facilities essential for or important to their operation.
 - 3. Schools related to aircraft and flight operations and the facilities essential for or important to their operation.
 - 4. Hangars intended for the storage of aircraft.
 - 5. Fixed base operations providing aviation and aircraft services to the general public.
 - 6. Storage of aviation fuel, oil and other fluids commonly used in aircraft.
 - 7. Air terminal facilities including those used for both cargo and passengers.
 - 8. Uses directly dependent upon airport services such as aircraft assembly.
- B. Medical uses associated with a general aviation airport, including but not limited to the following types of activities, provided they comply with the development standards of this chapter.
 - 1. Structures used to provide first aid and/or medical stabilization necessary prior to air evacuation. (FAA Advisory Circular 150/5210-2A “Airport Emergency Medical Facilities and Services”).

2. Facilities necessary for the staging of helicopter and fixed-wing air-ambulance aircraft including those necessary for ambulances and other emergency vehicles.
- C. Special event as defined in and pursuant to the provisions of Chapter 5.50 of the Chelan Municipal Code, as the same exists now or may hereafter be amended. (Ord. 1245 § 1, 2002; Ord. 1075 § 1 (part), 1997).

17.18.030 Accessory uses.

- A. Storage of personal property inside leased spaces, as long as such storage does not interfere with the primary use of such space. (Ord. 1075 § 1 (part), 1997).

17.18.040 Conditional uses.

- A. Agricultural aircraft mixing/loading sites, defined as a site (location) anywhere within the boundary of Chelan Municipal Airport at which more than three hundred gallons of liquid pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of one thousand five hundred pounds of pesticides as active ingredients are being mixed, repackaged or transferred from one container to another within a calendar year. In addition to those that may be included in the conditions of approval, the following conditions must be met:
 1. All operational area activities occurring at a permanent mixing/loading site shall take place on or within an operational area containment facility.
 2. The operational area containment facility shall be constructed of concrete or other material with similar permeability. If synthetic materials are used in construction, they shall be chemically compatible with the products mixed and loaded at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.
 3. The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.
 4. The containment facility shall be of adequate size and design to contain one hundred twenty-five percent of the capacity of the largest storage container, or application equipment used at the facility up to a maximum of one thousand five hundred gallons.
 5. The operational area containment facility shall slope to a liquid-tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above-ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above-ground tank or tanks are used for temporary storage, the tank(s) shall be located within operational area or secondary containment. The tank shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.
 6. Any pump used for recovering material from the operational area containment facility shall be manually activated.
 7. The operational area containment facility shall not have a discharge outlet or valve. Operational area containment facilities may be interconnected.
 8. Mixing/loading sites shall be enclosed by a fence with locking gate. Fences shall be constructed of nonflammable materials and shall not exceed ten feet in height.
 9. Mixing/loading sites shall have an outdoor night security lighting system approved by the Chelan building department.
 10. Water acquisition and holdings systems must meet the specifications of the city of Chelan.
 11. Agricultural chemical mixing/loading sites shall comply with all applicable

sections of the Washington State Department of Agriculture's Rules Relating to Secondary and Operational Containment for Bulk Pesticides and Fertilizer Storage Facilities, Chapters 16-229 and 16-201 WAC, as now exist or as may be hereafter amended.

- B. Public and semi-public buildings, structures and uses essential to the welfare of the city of Chelan such as fire stations, pump stations and water storage. (Ord. 1075 § 1 (part), 1997).

17.18.050 Development and use standards.

- A. Nonconforming Uses. Nothing contained herein shall require any change or alteration of a lawfully constructed or established structure or use, or use authorized under an existing lease, in existence upon these regulations as specified in the nonconforming provisions of this title.
- B. General Provisions.
 - 1. All uses shall be compatible with the continued operation of the airport. No uses shall be allowed which:
 - a. Release into the air any substances which would impair visibility or otherwise interfere with the operation of aircraft.
 - b. Produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision including the reduction of night vision capability of pilots while on the ground.
 - c. Produce emissions which would interfere with aircraft communications systems or navigational equipment.
 - 2. No uses shall cause or produce objectionable effects which would impose a hazard or nuisance to adjacent properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other conditions that would adversely affect the public health, safety and general welfare.
 - 3. No uses which require the manufacturing or warehousing of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall be permitted except for the storage of aircraft fuel, oil, hydraulic fluid, paint and materials intended for aerial application for agricultural purposes provided those materials are warehoused, loaded and unloaded according to the requirements of this chapter and other applicable regulations and laws.
 - 4. Except as provided herein, no structure or any portion thereof on the premises of a permitted use shall be used for a residential dwelling. Exceptions to this section include:
 - a. Airport manager's residence.
 - b. Structures necessary to temporarily shelter individuals responding to an emergency as identified and authorized by the city of Chelan or other governmental entity.
 - c. Primitive camping for those bringing aircraft to the airport. This shall not include any utility hookups. Campers shall camp at the plane parking site or in designated areas.
- C. Noise. Noise originating from aircraft in flight and that which is directly related to flight operations shall be expected to impact people in surrounding districts and is generally exempt from noise standards. Noise from aviation testing and maintenance that is not related to imminent flight shall be restricted to certain hours, locations or other effective conditions by the Chelan airport board upon finding that the noise causes unreasonable impacts.
- D. Lighting.

1. Structural lighting, with the exception of airport navigational lighting, shall not project directly into any residential district.
 2. Sign and building exterior lighting shall not project directly into the runway, taxiway or airport approach surfaces to the extent that it is a hazard or a distraction to aircraft.
 3. Lighting of vehicle and aircraft parking areas shall not create a nuisance to adjacent zones nor shall it pose a hazard to other vehicular traffic.
 4. Airport lighting used to illuminate runways, taxiways, airplane parking areas and to provide visual guidance for landing aircraft shall comply with the Chelan Municipal Airport development plan, as now exists or as may be hereafter amended, a copy of which is on file at City Hall.
- E. Height Restrictions. The height restrictions shall be in accordance with Federal Air Regulations Part 77 “Objects Affecting Navigable Airspace” and Federal Aviation Administration Advisory Circular 150/5300-13 “Airport Design.”
- F. Setbacks.
1. Front: Five feet.
 2. Side: Ten feet, five feet where bordered by taxiway or roadway greater than twenty feet in width.
 3. Rear: No requirement.
- G. Building Design.
1. Color: Earth tone colors.
 2. Doors: No sliding doors with supports that extend beyond exterior walls of building.
 3. Floors: All buildings must have concrete floors.
 4. Height: Thirty-five feet.
 5. Construction: All buildings must be built out of metal. (Ord. 1075 § 1 (part), 1997).

Chapter 17.20
ZONE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sections:

17.20.010 Permitted uses.

17.20.020 Accessory uses.

17.20.030 Conditional uses.

17.20.040 Dimensional standards.

17.20.010 Permitted uses.

Permitted uses are as follows:

- A. One-family dwellings, but not to exceed one dwelling on any one lot; provided, that the lot abuts on a public street or private road;
- B. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;
- C. Crop and tree farming, truck farming, and nurseries; provided no retail sales rooms or other retail buildings are maintained on the premises and provided further that the raising or keeping of livestock or poultry would not be permitted;
- D. Travel trailers and recreational vehicles for occupied overnight parking are permitted for a six-month period during construction, provided the owner has a permit therefor. The owner may obtain a permit by paying the city a fee of five dollars after the purchasing of a building permit. All such vehicles shall have operable self-contained sanitary facilities or be connected to the city sewer system. The permit shall be prominently displayed on such vehicle so as to be visible on the abutting street;
- E. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and Fire Code requirements as set forth in Chapter 212-54 WAC;
- F. Home occupations that involve no customers or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation. In addition, the home occupation must comply with the conditions for home occupation set forth in Section 17.56.060 and the fees for a home occupation permit as established by resolution of the city council must be paid. (Ord. 1363 § 1, 2008; Ord. 1283 § 7, 2004; Ord. 1205 § 3, 2001; Ord. 1061 § 27, 1997; Ord. 712 § 3 (part), 1983; Ord. 667 § 2, 1980; Ord. 415 § 4, 1970; Ord. 333 § 3 (part), 1965; Ord. 314 § 6A, 1962).

17.20.020 Accessory uses.

Accessory uses are as follows:

- A. Attached or freestanding private garage, carport or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.20.030. Detached garages or carports must be no closer to the front property line than the principal structure on a lot.

- B. Other accessory buildings collectively shall be twenty-five percent of the floor area of the principal structure, excluding the basement area, not to exceed six hundred square feet, provided that, regardless of size of the principal structure, other accessory buildings collectively may be at least three hundred square feet;
- C. The renting of rooms to not more than two boarders or lodgers;
- D. Agricultural uses with the exception of the keeping of livestock;
- E. Not more than one each of a house trailer or truck, or two boats, may be stored in the rear yard area of any one zoning lot;
- F. Repealed by Ord. 1022;
- G. Fences:
 - 1. Front yard: Forty-two inches maximum height. On corner lots, fences shall be limited to thirty-six inches in height for a distance of fifteen feet from the intersection of the property lines abutting the street and to forty-two inches for the remainder of the front yard facing on those streets.

Where two adjoining properties have front yards of differing depths, any fence built along the side yard between the two properties shall not exceed a height of forty-two inches adjacent to the front yard of either dwelling.

Front yard fence height may be increased to a maximum of four feet in those instances where a “family day care home, mini day care center and day care centers” have been established in accordance with the provisions of Section 17.56.080,

- 2. Side yard: Six feet maximum height,
- 3. Rear yard: Six feet maximum height,
- 4. Where there is a difference in grade between two adjoining properties, the base line for the fence height shall be the median of the difference between the grades of the two properties;
- H. Covered patios:
 - 1. A freestanding covered patio must meet the standards of this section. If the covered patio is attached to a dwelling, it is to be considered as a part of that dwelling,
 - 2. Height limit: Ten feet; provided however, that a fireplace flue may extend beyond the maximum height limit to a height of not over thirteen feet,
 - 3. Area of limit must not exceed provision of Section 17.16.020;
- I. Swimming pools:
 - 1. All swimming pools must be located behind the front yard setback line and the yard or area around them must be enclosed by a fence of not less than five feet in height. At least a five-foot setback from all side and rear property lines must be maintained;
- J. Cold storage warehouse, but only for produce grown on the premises, may be permitted accessory to the agricultural use of land;
- K. Tenant residences; provided that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land.

EXHIBIT H

TA2015-03

Community Waterpark as a conditional use in Zone R-1 (Single Family Residential District)

17.20.030 Conditional uses. Conditional uses are as follows:

- A. Accessory Dwelling Units. One accessory dwelling unit is permitted provided all of the following conditions are met:
1. Either the primary residence or the accessory dwelling unit must be occupied by the owner of the property;
 2. The total number of occupants of both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in Section 17.08.290;
 3. The accessory dwelling unit shall contain not less than three hundred square feet and not more than one thousand square feet, excluding any related garage area; provided, if the accessory dwelling unit is completely located on a single floor, the planning director may allow increased size in order to efficiently use all for area, so long as all their standards set forth in this section are met;
 4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed forty percent of the total square footage of the primary residence and accessory dwelling unit combined, except for a unit completely located on one floor as provided in subsection (A)(3) above;
 5. There shall be one off-street parking space provided for the accessory dwelling unit, in addition to any off-street parking spaces required for the primary residence;
 6. The construction of a second entry door facing on a street front for entrance into an accessory unit is prohibited. New entrances not facing a street front are permitted on the sides and rear of a house, or on the front side facing on a street where no other door exists; provided that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of the doors to access the accessory dwelling unit;
 7. The accessory dwelling unit shall meet all construction and utility code standards including, but not limited to, building, fire, plumbing, and Title 13, regulating water and sewers, all as now exist or as may be hereafter amended;
 8. Accessory dwelling units must be screened from neighboring properties with a six-foot height solid visual barrier where necessary to protect abutting property owners' privacy;
 9. Accessory dwelling units may not be permitted in accessory structures detached from the primary residence, including but not limited to detached garages, guest cottages, or workshops;
 10. Accessory dwelling units may not be permitted in homes approved for home occupations or bed and breakfast, unless the property owner relinquishes such approval; and
 11. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering;
 12. Violations and Penalty.
 - a. The first and second violations of the provisions of this subsection shall be subject to a civil penalty of up to one thousand dollars. Third and subsequent offenses shall be a misdemeanor. Each day shall constitute a separate violation.

- b. There shall be a six-month period from the date of passage of the ordinance codifying this section, whereby previously established accessory dwelling units shall be allowed to apply for approval as an accessory dwelling unit with no penalty. After such time, penalties may be assessed.
- B. Bed and breakfast under conditions set forth in Chapter 17.56.
- C. Churches under conditions set forth in Chapter 17.56.
- D. Historical site or structure under conditions set forth in Section 17.56.200.
- E. Home occupations, not meeting the permitted use criteria set forth in Section 17.20.010F, under conditions set forth in Chapter 17.56.
- F. Mini day care centers, and day care centers within churches and other semipublic building, under conditions set forth in Chapter 17.56.
- G. Municipal buildings under conditions set forth in Chapter 17.56.
- H. Parks and playgrounds, including park buildings.
- I. Public schools and private schools offering curricula similar to public schools under conditions set forth in Chapter 17.56.
- J. Telephone exchanges, electrical substations and similar uses of public service corporations provided they are either:
 - 1. Completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the R-1 zone; or
 - 2. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be completely enclosed by a view-obscuring fence or hedge with the exterior grounds landscaped and the enclosure to meet the following setback requirements:
 - a. Front yard: Thirty feet;
 - b. Side yard: Twenty feet;
 - c. Rear yard: Ten feet if abutting on alley, otherwise twenty feet.
- K. Garage and carport sizes larger than fifty percent of the floor area of the principal structure, including basement area; provided, that any detached garage or carport must be no closer to the front property line than the principal structure on a lot.
- L. Community waterfront parks.

17.20.040 Dimensional standards.

City of Chelan

Dimensional standards are as follows:

- A. Minimum lot area: Six thousand square feet;
- B. Minimum width of lot at building line: Sixty feet;
- C. Minimum lot depth: Ninety feet;
- D. Maximum building height: Thirty feet;
- E. Maximum land coverage: Thirty percent for all buildings;
- F. Minimum setback distances, except as specifically provided in this chapter or Chapter 17.56 for a particular use, are as follows:
 - 1. Front yard: Twenty-five feet;
 - 2. Rear yard: Twenty feet;
 - 3. Side yard: Five feet;
 - 4. Detached accessory buildings adjacent to alleys shall maintain a minimum of a five foot side and rear yard setback; and
 - 5. Corner lot buildings: Buildings on corner lots shall observe the minimum front yard setback on one side and a fifteen foot setback on the second front yard except that in the case of a garage or carport the setback shall be at least twenty feet. (Ord. 1071 § 4, 1997; Ord. 935 § 4, 1992; Ord. 741 § 1, 1984; Ord. 665 § 1, 1980; Ord. 632 § 1, 1979; Ord. 314 § 6D, 1962).

Resolution 2016-09 eff. February 16, 2016

Chapter 17.24
ZONE R-M – MULTI-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.24.010 Permitted uses.**
- 17.24.020 Accessory uses.**
- 17.24.030 Conditional uses.**
- 17.24.040 Dimensional standards.**
- 17.24.045 Habitable space requirements.**
- 17.24.050 Parking requirements.**
- 17.24.055 Easement and maintenance agreements.**

17.24.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-1 Residential District;
- B. Two-family, three-family and multi-family dwellings;
- C. Townhouses (a type of multi-family dwelling). (Ord. 1355 § 3 Exh. 1 (part), 2008: Ord. 314 § 7A, 1962).

17.24.020 Accessory uses.

Accessory uses are as follows:

- A. Single-family dwellings located in the R-M District shall be subject to the same conditions as in the R-1 District set forth in Section 17.20.020A, B and C;
- B. Attached or freestanding private garages, carports or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.24.030. Detached garages or carports must be no closer to the front property line than the principal structure on a lot.
- C. Accessory uses other than private garages and carports for multi-family dwellings shall be restricted to one hundred square feet per dwelling unit;
- D. The renting of rooms to not more than five boarders or lodgers;
- E. Agricultural uses with the exception of the keeping of livestock;
- F. Not more than one each of a truck of gross vehicle weight of twelve thousand pounds or greater, or a house trailer, or two boats, may be stored in the rear yard area of any one zoning lot;
- G. Repealed by Ord. 1022;
- H. Fences: Fences subject to the same conditions as in the R-1 Residential District as set forth in Section 17.20.020(G);
- I. Swimming pools: Swimming pools subject to the same conditions as in the R-1 Residential District as set forth in Section 17.20.020(I);
- J. Cold storage warehouse, but only for produce grown on the premises may be permitted accessory to the agricultural use of land;
- K. Tenant residences; provided that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land. (Ord. 1136 § 1, 1999; Ord. 1071 § 5, 1997; Ord. 1022 § 4, 1995; Ord. 940 § 1, 1992: Ord. 897 § 3, 1990: Ord. 314 § 7B, 1962).

17.24.030 Conditional uses.

Conditional uses are as follows:

- A. All conditional uses allowed in the R-1 Residential District subject to the same conditions which they must meet in that district;
- B. Clinics, hospitals and sanitariums, including those for drug and alcohol treatment, under conditions set forth in Chapter 17.56;
- C. Schools and studios for group instructions under conditions set forth in Chapter 17.56;
- D. Repealed by Ord. 1328;
- E. Trailer plazas, under conditions set forth in Chapter 17.56;
- F. Places of private or public assembly under conditions set forth in Chapter 17.56;
- G. Public or commercial parking lots under conditions set forth in Chapter 17.56;
- H. Parks and playgrounds, including park buildings;
- I. Historical site or structure under conditions set forth in Section 17.56.200;
- J. Bed and breakfast, under conditions set forth in Section 17.56.230;
- K. Garage and carport sizes larger than fifty percent of the floor area of the principal structure, including basement area; provided, that any detached garage or carport must be no closer to the front property line than the principal structure on a lot;
- L. Professional offices. (Ord. 1328 § 4 (part), 2006; Ord. 1283 § 4, 2004; Ord. 1136 § 2, 1999; Ord. 800 § 2, 1987; Ord. 774 § 1, 1986; Ord. 625 § 1 (part), 1979; Ord. 314 § 7C, 1962).

17.24.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: Five thousand square feet or one thousand five hundred square feet per dwelling unit, whichever is the greater;
- B. Minimum width of lot at building line:
 - 1. Townhouses, seventeen feet;
 - 2. All other uses, fifty feet;
- C. Minimum lot depth: Eighty feet;
- D. Maximum building height:
 - 1. Townhouses:
 - a. Thirty feet, except as provided in subsection (D)(1)(b) of this section;
 - b. The incentives listed below apply to townhouses. Where an increase in building height is granted as an incentive, the building shall comply with dimensional standards applicable to the increased building height. Incentives may not be used to increase the height of a building above forty feet;
 - i. Underground parking will be encouraged, with a five-foot increase in maximum building height allowed as an incentive;
 - ii. Where access to off-street parking is from a street, access from a flanking street will be encouraged, with a five-foot increase in maximum building height allowed as an incentive. (Note that alley access is required, where possible as provided in Section 9 of the City of Chelan Development Standards; where alley access is provided, this incentive will not be applicable.);
 - 2. All other uses, fifty feet, with the following exception: where the building site abuts an existing single-family residence, side step backs or an alternative design approved by the planning director shall be required for any building taller than thirty feet. Where an alternative to side step backs is used, it shall achieve the purpose of the side step backs as stated in this title, that is, to increase privacy

- and allow more natural light and air to reach the adjacent single-family dwelling;
- E. Maximum land coverage: Forty percent for all buildings;
 - F. Minimum setback distances, except as specifically provided in this chapter or Chapter 17.56 for a particular use, are as follows:
 - 1. Front yard: Twenty feet;
 - 2. Rear yard: Twenty feet, plus one additional foot for each two feet by which the building height exceeds thirty feet;
 - 3. Side yard: Five feet, plus one additional foot for each two feet by which the building height exceeds thirty feet;
 - 4. In the case of townhouses, the side-yard setback shall be waived at the property line between two townhouses sharing a common wall;
 - 5. Detached accessory buildings adjacent to alleys shall maintain a minimum of a five-foot side and five-foot rear yard setback; and
 - 6. Corner lot buildings: Buildings on corner lots shall observe the minimum front yard setback on one side and a fifteen-foot setback on the second front yard except that in the case of a garage or carport the setback shall be at least twenty feet;
 - G. Building Width. Buildings wider than seventy feet and taller than thirty feet shall use roofline modulation or an alternative design approved by the planning director on each building face that exceeds seventy feet in width. Where an alternative to roofline modulation is used, it shall achieve the purpose of roofline modulation as stated in this title. (Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 935 § 5, 1992; Ord. 741 § 2, 1984; Ord. 665 § 2, 1980; Ord. 632 § 2, 1979; Ord. 333 §§ 1 and 2, 1965; Ord. 314 § 7D, 1962).

17.24.045 Habitable space requirements.

All multi-family residential buildings shall have habitable spaces facing the street at ground level. No more than fifty percent of the street frontage at ground level shall be occupied by garages. Two-family dwellings, including townhouse buildings consisting of two townhouses only, are exempt from the habitable space requirements. (Ord. 1355 § 3 Exh. 1 (part), 2008).

17.24.050 Parking requirements.

Parking requirements are as specified in the City of Chelan Development Standards, Section 9, "Parking Standards." (Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 314 § 7E, 1962).

17.24.055 Easement and maintenance agreements.

All townhouse developments shall require submittal of an easement and maintenance agreement in a form acceptable to the planning director as part of the permit application process. A draft agreement shall be submitted with the building permit application and a final recorded agreement shall be submitted prior to final occupancy being granted. Said agreement shall be in accordance with the easement and maintenance agreement specification document available at the planning department and shall be binding on the owner of each townhouse. (Ord. 1355 § 3 Exh. 1 (part), 2008).

Chapter 17.28
ZONE C-L – LOW DENSITY COMMERCIAL DISTRICT

Sections:

17.28.010 Permitted uses.

17.28.020 Accessory uses.

17.28.030 Conditional uses.

17.28.040 Dimensional standards.

17.28.050 Screening provisions.

17.28.010 Permitted uses.

The following uses and their accessory uses are permitted outright:

- A. Dwelling, single- or multiple-family, including townhouses. All dwellings shall be subject to the relevant provisions of Chapter 17.24;
- B. Restaurants, exclusive of drive-ins;
- C. Barber or beauty shops;
- D. Office, business or professional;
- E. Bakery, candy store, or confectionery store, provided all products which are produced are sold only at retail on the premises;
- F. Shoe sales or repair;
- G. Radio, television and small appliance sales and service, provided all storage is contained within the structure;
- H. Photographic and musical studio, sales and service;
- I. Tailor and upholstery shop;
- J. Bank or other financial institution;
- K. Apparel;
- L. Parking lot;
- M. Locksmith;
- N. Newspaper, printing or lithography establishment;
- O. Florist;
- P. Self-service laundry;
- Q. Arts and crafts;
- R. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and fire code requirements as set forth in Chapter 212-54 WAC;
- S. Radio and TV studios;
- T. Private educational institutions;
- U. Special event as defined in and pursuant to the provisions of Chapter 5.50 of the Chelan Municipal Code, as the same exists now or may hereafter be amended. (Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 1245 § 2, 2002; Ord. 1226 § 1, 2001; Ord. 724 § 1, 1983; Ord. 712 § 4 (part), 1983; Ord. 631 § 1, 1979; Ord. 590 § 1, 1978; Ord. 561 § 1, 1977; Ord. 355 § 1, 1966; Ord. 314 § 8A, 1962).

17.28.020 Accessory uses.

Accessory uses are as follows:

- A. The renting of rooms in residences existing prior to the establishment of the C-L zone not to exceed two boarders or lodgers;
- B. Repealed by Ord. 1022;

- C. Fences: Any fence permitted in the R-1 Residential District;
- D. On-site hazardous waste facilities. (Ord. 1022 § 5, 1995; Ord. 868 § 2, 1989; Ord. 631 § 2, 1979; Ord. 314 § 8B, 1962).

17.28.030 Conditional uses.

Conditional uses are as follows:

- A. Church;
- B. Mortuary;
- C. Clinics, medical and dental; convalescent home and nursing home;
- D. Governmental structure or use of the land providing all equipment storage on the site is within an enclosed structure;
- E. Public utility provided all equipment storage on the site is within an enclosed structure;
- F. Motels;
- G. Parks and playgrounds, including park buildings;
- H. Mobile home park;
- I. Mini-storage within enclosed structure;
- J. Retail food and general merchandise which meets the day-to-day needs of the household;
- K. Museum;
- L. Antique shop;
- M. Restaurants with cocktail lounges exclusive of taverns and bars, but not within one hundred fifty feet of any residential zone;
- N. Historical site or structure under conditions set forth in Section 17.56.200;
- O. Mini day care centers, and day care centers within churches and other semipublic buildings, under conditions set forth in Chapter 17.56;
- P. Gasoline service stations accessory to a convenience store under conditions set forth in Section 17.56.220;
- Q. Bed and breakfast, under conditions set forth in Section 17.56.230;
- R. Veterinary hospitals, under conditions set forth in Section 17.56.260. (Ord. 925 § 1, 1991; Ord. 800 § 3, 1987; Ord. 730 § 1, 1984; Ord. 712 § 4 (part), 1983; Ord. 631 § 3, 1979; Ord. 625 § 1 (part), 1979; Ord. 560 § 1, 1977; Ord. 402 § 1, 1970; Ord. 314 § 8C, 1962).

17.28.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: five thousand square feet;
- B. Minimum lot width at the building line: fifty feet;
- C. Maximum lot coverage: seventy-five percent;
- D. Maximum building height: fifty feet;
- E. Minimum setback distance:
 - 1. All structures shall be set back at least twenty-five feet from the front property line. The setback for commercial structures may be reduced to ten feet upon compliance with the following:
 - a. A minimum landscaped buffer of at least ten feet in width is located between the building and the property line.
 - b. An agreement in a form acceptable to the city guaranteeing the property owner will maintain the landscaped buffer is executed by the property owner and filed with the city.
 - c. The landscaped buffer shall be designed so as not to impair site distance requirements and other traffic safety concerns of the city.
 - d. A detailed site plan shall be submitted to the city administrator for

review and approval prior to the issuance of a building permit.

- e. The property owner shall improve the city right-of-way adjacent to the property, which may include the construction of a sidewalk conforming to city standards if required by the city administrator or the execution of a waiver of protest for a local improvement district to construct street and sidewalk improvements.
2. Side yard minimum: five feet.
3. Year yard minimum: twenty feet. (Ord. 935 § 1, 1992; Ord. 665 § 3, 1980; Ord. 631 § 4, 1979; Ord. 314 § 8D, 1962).

17.28.050 Screening provisions.

A continuous fence supplemented with landscaped plantings or a continuous wall, evergreen hedge, or combination thereof, must be provided so as to effectively screen the use which it encloses, along each property line which abuts or faces across an alley or any lot in a residential zone. Such screening is to be maintained in good condition. The maximum heights apply as in the R-1 Residential District. (Ord. 631 § 5, 1979; Ord. 314 § 8F, 1962).

Chapter 17.32
ZONE C-H – HIGH DENSITY COMMERCIAL DISTRICT

Sections:

17.32.010 Permitted uses.

17.32.020 Accessory uses.

17.32.030 Conditional uses.

17.32.040 Dimensional standards.

17.32.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the C-L Commercial District;
- B. General merchandise and apparel retail sales with the exception of lumber, basic construction materials, fuels, livestock feeds, and heavy equipment sales;
- C. Hotels, office buildings, banks, department stores and indoor theaters;
- D. Liquor stores, taverns, cocktail lounges, night clubs, pool rooms, dance halls, and bowling alleys;
- E. Post office, newspaper offices, and job printing offices, radio and television studios;
- F. Household appliances, repair services;
- G. Bakeries and laundries catering to retail trade;
- H. Public and commercial automobile parking lots;
- I. Mortuaries;
- J. Advertising signs, provided they meet with the setback requirements of this district;
- K. Churches;
- L. Schools and studios for group instruction;
- M. Places of public or private assembly;
- N. Municipal buildings;
- O. Bus and taxi terminals;
- P. Day care centers under conditions set forth in Chapter 17.56;
- Q. Radio and TV studios. (Ord. 724 § 2, 1983; Ord. 712 § 5, 1983; Ord. 502 § 1, 1975; Ord. 314 § 9A, 1962).

17.32.020 Accessory uses.

Accessory uses are as follows:

- A. Multi-family dwellings, boardinghouses, lodging houses, and housekeeping rooms, provided that:
 - 1. One parking space shall be required for each dwelling unit located to the rear of the front yard setback line,
 - 2. In cases of boardinghouses or lodging houses: One parking space shall be required at the rear of the front yard setback line for each tenant or guest. Such parking areas shall be on the same property as the use to which it is incidental, or upon adjacent property;
- B. Repealed by Ord. 1022;
- C. On-site hazardous waste facilities;
- D. Fences: A fence with a maximum height of six feet may be placed in any side, rear or front yard, provided that any fence placed in a front yard shall be set back a minimum of thirty inches from the property boundary in order to provide a landscaping strip. Landscaping materials shall be placed in said landscaping strip at the time of fence

construction. Any fence located in a front yard shall be placed in such a manner so as not to create sight restrictions for vehicles traveling on or entering the public right-of-way. (Ord. 1022 § 6, 1995; Ord. 886 § 4, 1989; Ord. 868 § 3, 1989; Ord. 314 § 9B, 1962).

17.32.030 Conditional uses.

Conditional uses are as follows:

- A. Clinic, hospitals, and sanitariums under conditions set forth in Chapter 17.56;
- B. Municipal buildings, under conditions set forth in Chapter 17.56;
- C. Parks and playgrounds, including park buildings;
- D. Historical site or structure under conditions set forth in Section 17.56.200;
- E. Gasoline service stations under conditions set forth in Section 17.56.220;
- F. Bed and breakfast, under conditions set forth in Section 17.56.230;
- G. Brewpub under conditions set forth in Chapter 17.56. (Ord. 1101 § 2, 1998; Ord. 800 § 4, 1987; Ord. 730 § 2, 1984; Ord. 625 § 1 (part), 1979; Ord. 314 § 9C, 1962).

17.32.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: No minimum;
- B. Minimum width of lot at building line: No minimum required;
- C. Minimum lot depth: Sixty feet;
- D. Maximum building height: Fifty feet;
- E. Maximum land coverage: No maximum except as otherwise provided;
- F. Minimum setback distances:

Front yard: Zero feet,

Rear yard: Five feet,

Side yard: Zero feet. (Ord. 665 § 4, 1980; Ord. 314 § 9D, 1962).

Chapter 17.36
ZONE C-HS – HIGHWAY SERVICE COMMERCIAL DISTRICT

Sections:

17.36.010 Permitted uses.

17.36.020 Accessory uses.

17.36.030 Conditional uses.

17.36.040 Dimensional standards and development requirements.

17.36.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-1 Residential District, R-M Residential District, C-L Commercial District, or T-A Tourist Accommodation District. Single- and multi-family dwellings, including townhouses, shall be subject to the relevant provisions of Chapter 17.24;
- B. Public and commercial automobile parking lots and garages and appertaining uses;
- C. Mortuaries;
- D. Advertising signs provided that they meet the setback requirements of this district;
- E. Veterinary hospitals;
- F. Automobile sales lots, repairs, bus and truck terminals;
- G. Machinery and farm equipment sales and services, tire recapping and similar businesses;
- H. Lumberyards, basic construction materials, fuel, livestock feeds and similar uses;
- I. Boat building and sales;
- J. Plumbing, heating or electrical shops;
- K. Trailer plazas; provided they meet the following standards:
 - 1. There shall be provided one off-street parking space per each trailer unit and one off-street parking space for guest parking for each three trailer units provided within the trailer plaza. All parking spaces shall be established in accordance with the minimum standards provided in Chapter 17.56,
 - 2. There shall be a minimum of two hundred cubic feet of storage space per trailer unit located either in community accessory buildings accessible to all trailer court tenants or in individual accessory buildings at each trailer space,
 - 3. Minimum distances as follows:
 - a. Ten feet between trailer structures,
 - b. Ten feet between trailer structures and trailer court community buildings,
 - c. Ten feet between trailer structures and/or community buildings and streets or private roads,
 - 4. No accessory building shall be constructed as a permanent part of a trailer nor shall any other structure or device other than a cloth awning or a similar temporary device that can be carried with the trailer be permitted to be attached thereto,
 - 5. The following dimensional requirements to supplement the other dimensional requirements of this zone:
 - a. Minimum lot area: Twenty thousand square feet,
 - b. Population density: A minimum of two thousand square feet of ground area per trailer unit required;
- L. Drive-in restaurants;
- M. Liquor stores, taverns, cocktail lounges, and nightclubs;
- N. Radio and TV studios;

- O. Transient businesses;
- P. Grocery stores.

Q. Clinic.

17.36.020 Accessory uses.

Accessory uses are as follows:

- A. Signs. Any sign which does not conflict with traffic control devices or the visibility of traffic control devices and is installed in conformance with the sign ordinance of the city;
- B. On-site hazardous waste facilities;
- C. Fences permitted under the same conditions as listed in Section 17.32.020D. (Ord. 886 § 5, 1989; Ord. 868 § 4, 1989; Ord. 314 § 10B, 1962).

17.36.030 Conditional uses.

Conditional uses are as follows:

- A. Clinics, hospitals and sanitariums under conditions set forth in Chapter 17.56;
- B. Telephone exchanges, electric substations and similar uses of public service corporations; provided such buildings or installations conform to or harmonize with the surrounding area;
- C. Municipal buildings under conditions set forth in Chapter 17.56;
- D. Parks and playgrounds, including park buildings;
- E. Historical site or structure under conditions set forth in Section 17.56.200;
- F. Gasoline service stations under conditions set forth in Section 17.56.220;
- G. Day care centers under conditions set forth in Chapter 17.56;
- H. Bed and breakfast, under conditions set forth in Section 17.56.230;
- I. Churches, under conditions set forth in Section 17.56.110. (Ord. 1176 § 1, 2000; Ord. 800 § 5, 1987; Ord. 763 § 1, 1985; Ord. 730 § 3, 1984; Ord. 625 § 1 (part), 1979; Ord. 314 § 10C, 1962).

17.36.040 Dimensional standards and development requirements.

Minimum dimensional standards and development requirements are as follows:

- A. Minimum lot area: Five thousand square feet;
- B. Minimum width of lot at building line: Fifty feet;
- C. Minimum lot depth: One hundred feet;
- D. Maximum lot coverage: Sixty-five percent;
- E. Maximum height of buildings: Fifty feet;
- F. Minimum setback distances:

Front yard: Zero feet,

Rear yard: Five feet,

Side yard: Zero feet.

Buildings on corner lots shall provide at least one rear yard setback.

- G. Any nonresidential development of property directly abutting property used for residential purposes or abutting an alley the other side of which abuts property used for residential purposes shall include the placement of a view-obscuring hedge or fence between the property being developed and the residential use property for the length of the interface between the nonresidential and residential uses. (Ord. 957 § 1, 1992; Ord. 665 § 5, 1980; Ord. 314 § 10D, 1962).

Chapter 17.40
ZONE C-W – WATERFRONT COMMERCIAL DISTRICT

Sections:

17.40.010 Permitted uses.

17.40.020 Accessory uses.

17.40.030 Conditional uses.

17.40.040 Dimensional standards.

17.40.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-1 Residential District, the R-M Residential District, and the C-L Commercial District;
- B. Boat building;
- C. Service stations with appertaining uses, provided that no vehicle shall be repaired, painted, rented, built or sold upon or from the premises;
- D. Commercial water transportation facilities, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section 17.40.020D;
- E. Industrial docks with appertaining machinery, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section 17.40.020D; provided, that no product is manufactured on the premises;
- F. Boat servicing and fueling facilities which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section 17.40.020D;
- G. Radio and TV studios;
- H. Transient businesses;
- I. Marina facilities, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section 17.40.020D;
- J. Adult entertainment facilities subject to the provisions of Section 17.04.125;
- K. Boat sales, including the display and sale of not more than three motor vehicles at any time as an accessory use to the principal permitted use of boat sales under the following minimum conditions:
 1. The display and sale of motor vehicles is permitted only when operated as an accessory use to the principal permitted use of the premises when that principal use is boat sales;
 2. No more than three motor vehicles shall be displayed for sale on the subject premises at any time;
 3. All motor vehicles for sale shall be maintained in an operable condition at all times that such motor vehicles are located on the subject premises;
 4. Motor vehicles for sale shall be licensed and registered with the state at all times that such motor vehicles are located on the subject premises;
 5. Motor vehicles and motor vehicle parts shall not be stored, painted, repaired, dismantled, built, restored, or modified in any way on the subject premises;
 6. The renting and leasing of motor vehicles is not permitted;
 7. The motor vehicle sales activities shall be owned and operated by the owner of the boat sales business located on the subject premises and shall not be delegated or otherwise conveyed to other individuals or entities; and
 8. Termination of the boat sales activities located on the subject premises shall terminate any motor vehicle sales business operated on the premises. (Ord. 1204 §§ 1, 2, 2001; Ord. 1189 § 4, 2000; Ord. 1104 § 2, 1998; Ord. 911 § 1, 1991;

Ord. 837 § 3, 1988; Ord. 724 § 4, 1983; Ord. 355 § 2, 1966; Ord. 314 § 11A, 1962).

17.40.020 Accessory uses.

Accessory uses are as follows:

- A. Repealed by Ord. 1022;
- B. On-site hazardous waste facilities;
- C. Fences permitted under the same conditions as listed in Section 17.32.020D;
- D. Protected aboveground tank for fuel or other flammable products; provided the tank is in conformance with the current edition of the Uniform Fire Code (UFC) as now exists or as may be hereafter amended, and is no larger than two thousand gallons in size. A tank of two thousand one gallons or more and in excess of six feet from existing grade shall require a conditional use permit. The tank shall be enclosed by view-obscuring landscaping or a fence when its location is visible to adjacent residential property. The tank shall have a secondary containment system as defined by the current edition of the UFC, as now exists or as may be hereafter amended. (Ord. 1104 § 3, 1998; Ord. 1022 § 7, 1995; Ord. 886 § 6, 1989; Ord. 868 § 5, 1989; Ord. 314 § 11B, 1962).

17.40.030 Conditional uses.

Conditional uses are as follows:

- A. Telephone exchanges, electric substations and similar uses of public service corporations, provided such buildings or installations shall conform or harmonize with the surrounding area;
- B. Municipal buildings under conditions set forth in Chapter 17.56;
- C. Motels under conditions set forth in Chapter 17.56;
- D. Trailer plazas under conditions set forth in Chapter 17.56;
- E. Home occupations, not otherwise permitted pursuant to Section 17.40.010, under conditions set forth in Chapter 17.56;
- F. Historical site or structure under conditions set forth in Section 17.56.200;
- G. Repealed by Ord. 1204. (Ord. 1205 § 5, 2001; Ord. 1204 § 3, 2001; Ord. 625 § 1 (part), 1979; Ord. 314 § 11C, 1962).

17.40.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: Five thousand square feet;
- B. Minimum width of lot at building line: Fifty feet;
- C. Minimum lot depth: One hundred feet;
- D. Maximum lot coverage: Sixty-five percent;
- E. Maximum height of buildings: Thirty-five feet;
- F. Minimum setback distances:

Front yard: Twenty-five feet,

Rear yard: Zero feet,

Side yard: Five feet.

Buildings on corner lots shall observe the minimum front yard setback on both streets and shall provide at least one rear yard setback. (Ord. 665 § 6, 1980; Ord. 314 § 11D, 1962).

Chapter 17.44
ZONE W-I – WAREHOUSING AND INDUSTRIAL DISTRICT

~~July 11~~August 22, 2014 DRAFT

Chapter 17.44

Sections:

17.44.010 Permitted uses.

17.44.020 Accessory uses.

17.44.030 Conditional uses.

17.44.040 Dimensional standards.

17.44.010 Permitted uses.

Permitted uses are as follows:

- A. Retail Sales and Wholesaling. Manufacturing, assembling, storing, repairing, fabricating or other handling of products and equipment conducted entirely within a building or solid fence six feet high. The operation of which use is normally such that at no time will such use cause:
 1. Dissemination of dust, smoke, visible gas, or noxious gases, fumes, noise, vibrations, or odors beyond the boundaries of the site in which such use is conducted;
 2. Hazard of fire, explosion, or other physical damage to any adjacent buildings or plant growth;
- B. Dwelling units only to accommodate watchmen, or caretakers on the premises;
- C. Telephone exchanges, electric substations and similar uses of public service corporations;
- D. Off-site hazardous waste facilities; provided, that such facilities meet the siting criteria adopted in Chapter 70.105 RCW. (Ord. 1411 § 3 (Exh. B) (part), 2010; Ord. 1283 § 5(A), 2004; Ord. 1164 § 1, 2000; Ord. 868 § 6, 1989; Ord. 314 § 12A, 1962).

E. Distilleries

F. Small-scale craft beverage production, provided: small-scale craft beverage production uses not defined in the Chelan Municipal Code may be subject to limits on production and the nature and size of accessory uses to ensure that the impacts of the use remain moderate.

17.44.020 Accessory uses.

Accessory uses are as follows:

- A. Repealed by Ord. 1022;
- B. On-site hazardous waste facilities;

- C. Fences permitted under the same conditions as listed in Section 17.32.020(D). (Ord. 1411 § 3 (Exh. B) (part), 2010; Ord. 1022 § 8, 1995; Ord. 886 § 7, 1989; Ord. 868 § 7, 1989; Ord. 314 § 12B, 1962).

D. Low- and moderate-impact agricultural tourism uses, subject to standards in Chapter 17.XX.

17.44.030 Conditional uses.

Conditional uses are as follows:

- A. Sanitary landfill provided such use shall meet all of the requirements of the State Board of Public Health;
- B. Municipal buildings under conditions set forth in Chapter 17.56;
- C. Historical site or structure under conditions set out in Section 17.56.200;
- D. Gasoline service stations under conditions set forth in Section 17.56.220; and
- E. Single-family, agricultural uses (includes “truck farms”), nurseries, vineyards and wineries. (Ord. 1411 § 3 (Exh. B) (part), 2010; Ord. 1283 § 5(B), 2004; Ord. 730 § 4, 1984; Ord. 625 § 1 (part), 1979; Ord. 314 § 12C, 1962).

F. High-impact agricultural tourism uses, subject to standards in Chapter 17.XX. ^{17.47}

G. Campground or recreation vehicle parks

17.44.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: Ten thousand square feet;
- B. Minimum width of lot at building line: Sixty-five feet. (Ord. 1411 § 3 (Exh. B) (part), 2010; Ord. 314 § 12D, 1962).

Chapter 17.46
ZONE SUD – SPECIAL USE DISTRICT

Sections:

17.46.010 Permitted uses.

17.46.020 Accessory uses.

17.46.030 Conditional uses.

17.46.040 Dimensional standards.

17.46.010 Permitted uses.

Permitted uses are as follows:

- A. One-family dwellings, but not to exceed one dwelling on any one lot; provided, that the lot abuts on a public street or private road;
- B. Crop and tree farming, truck farming, nurseries, and vineyards;
- C. Home occupations that involve:
 1. Customers or other business-related visitors on an appointment basis to the home business;
 2. Home occupation signs shall meet the residential real estate sign requirements of Section 17.58.050(A)(19);
 3. No outward appearance that a business exists in the home;
 4. No more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation;
 5. The home occupation shall not generate traffic in excess of normal residential traffic. The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds; such as normal residential postal/delivery trucks;
 6. Compliance with the conditions for home occupation set forth in Section 17.56.060 of this code; and
 7. Obtain an administrative conditional use permit. This permit shall be reviewed every year with the business license application. The planning director may hold the business license and may require a full conditional use permit if the home occupation receives complaints or code violations;
- D. Expanded home occupations meeting the minimum conditions set forth in Section 17.56.320.
- E. Small-scale craft beverage production, subject to those General Standards in Chapter 17.XX of the Chelan Municipal Code that may reasonably apply, provided: small-scale craft beverage production uses not defined in the Chelan Municipal Code may be subject

to limits on production and the nature and size of accessory uses to ensure that the impacts of the use remain moderate.

17.46.020 Accessory uses.

Allowed accessory uses are as follows:

- A. Fences as allowed under Section 17.32.020(D) and as required pursuant to Section 17.46.050;
- B. Cold storage warehouses for produce grown on the premises only;
- C. Employee residences located on the property where the resident is employed; provided, that the structures meet the minimum setbacks prescribed in this district;
- D. Single-family and joint use docks and boat launches for private, recreational use as accessory to single-family residences;
- E. Crop and tree farming, truck farming, nursery buildings;
- F. Attached or freestanding private garage, carport or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.20.030. Detached garages or carports must be set back twenty-five feet from the front property line.
- G. Low- and moderate-intensity agricultural tourism uses, subject to standards in Chapter 17.XX.

17.46.030 Conditional uses.

Conditional uses are as follows:

- A. Places of public or private assembly;
- B. Home occupations not meeting the permitted use criteria set forth in Section 17.20.010(F) under conditions set forth in Section 17.56.060;
- C. Parks;
- D. Community waterfront parks;
- E. Bed and breakfast, pursuant to Section 17.56.230;
- F. Accessory dwelling unit.
- G. High-intensity agricultural tourism uses, subject to standards in Chapter 17.XX.

H. Campground or recreation vehicle parks.

17.46.040 Dimensional standards.

Dimensional standards are as follows:

- A. Maximum density of six residential units per net acre;
- B. Minimum residential open space: Twenty percent. Density bonus allowed to equal additional percentages of open space. Example: twenty-five percent open space equates to a five percent density bonus;

- C. Minimum lot width at the building line: Fifty feet;
- D. Maximum lot coverage: Thirty-five percent.
- E. Maximum height: Thirty-five feet.
- F. Minimum setback distances:
 - a. Front yard:
 - i. Residential: Twenty feet. Setback averaging may be allowed within a new development as appropriate to the project and the site:
 - 1. Contingent on city review and approval of detailed site plan.
 - 2. The minimum setback in any averaged development must be ten feet.
 - 3. An average setback of twenty feet must be achieved.
 - ii. New agricultural tourism and small-scale craft beverage production structures: Twenty-five feet.
 - b. Side yard:
 - i. Residential: Five feet;
 - ii. New agricultural tourism and small-scale craft beverage production structures: Ten feet;
 - c. Rear yard:
 - i. Residential: Fifteen feet; ten feet adjoining open space.
 - ii. New agricultural tourism and small-scale craft beverage production structures: Twenty feet.
- G. Buffers between noncompatible uses:
 - 1. Buffers to include physical spacing and visual screening will be required between adjacent, noncompatible uses. Fences shall be placed on the dividing property line. Plantings shall be placed on property owned and maintained by the property owner(s); the distance from the property line shall be adequate to allow for the anticipated size of the mature plant;
 - 2. Buffers shall be created for all new development including residential, with the following exceptions:
 - a. An individual single-family residence shall not be required to place a buffer on any lot line abutting or facing another single-family residence.
 - b. Buffering requirements for agricultural tourism uses shall be determined by the Administrator based on the nature and anticipated impacts of the new use.
 - 3. Buffers are specifically required in the following instances:
 - a. For all new nonagricultural development, including agricultural tourism uses, adjacent to any residential or agricultural use;

- b. For new agricultural development adjacent to any nonagricultural use;
4. New development adjacent to existing, unlike development (as defined above), shall provide visual and trespass-inhibiting screening to include the following:
- a. A minimum six-foot, sight-obscuring, trespass-resistant fence;
 - b. Plantings to include a minimum single row of evergreen shrubs or trees which will achieve a height of no less than six feet at maturity; spaced at appropriate intervals to provide a solid screen at maturity. (Plantings should be drought-tolerant and hardy to winter conditions typical to the area. Nuisance shrubs and trees, or those with root systems likely to damage fencing or adjacent lawn or properties, are prohibited.) In case of tree/crop farming, the planning director may consider the use as the buffer;
 - c. A minimum planting width of ten feet;
 - d. A planting plan prepared and stamped by a landscape architect registered in the state of Washington. The plan must identify plantings that will achieve the visual screening, trespass inhibiting, and long-term sustainability goals of this section. (The planting plan must be submitted prior to project approval, and must comply with all other planting requirements of this code.);
 - e. An irrigation system sufficient to serve the entire planting strip. (An irrigation plan must be submitted prior to project approval.);
5. Maintenance of landscaped buffers shall be the responsibility of the property developer or future owner(s) of subject property. The long-term maintenance plan must be submitted with the landscape plan and approved by the responsible city official. A note on the deed will specify a responsibility for the long-term maintenance of the buffer to run with the land;
- a. All plantings must be weeded and maintained regularly;
 - b. Diseased or dying shrubs or trees must be replaced with similar plants projected to achieve the desired screening effect;
 - c. Fences must be maintained in good order at all times. (Ord. 1377 § 4 (App. B) (part), 2009; Ord. 1114 § 6 (part), 1998).

Chapter 17.XX
AGRICULTURAL TOURISM

August 22, 2014 DRAFT

17.47.010

17.XX.010 Purpose statement. The purpose of the agricultural tourism regulations is:

1. To implement the goals and policies of the City of Chelan's Comprehensive Plan, which include maintaining and enhancing natural resource-based industry; identifying and implementing programs, projects and/or regulatory changes that remove barriers and improve viability of agricultural industries; promoting and supporting efforts to diversify the agricultural industry through agri-tourism, wineries and other value-added agricultural products, and produce stands; and enhancing and expanding tourism in the Chelan Valley.
2. To preserve Chelan's agricultural identity in a way that supports the local economy, retains neighborhood character and the high quality of the environment, and is consistent with state and local goals for the Chelan Urban Growth Area.
3. To enable the development of supplemental sources of on-farm income that support, promote, and sustain agricultural operations.
4. To provide clear authority for agricultural landowners to develop and expand agricultural tourism in zoning districts where it will enhance economic development without impeding urban growth.

17.47.020

17.XX.020 Conflicts with other regulations. Where there is a conflict between the provisions of this chapter and any other code provisions, the conflict shall be resolved by the Administrator based on the purpose and intent of each chapter, the goals expressed in the City's Comprehensive Plan and the Growth Management Act, and any relevant health or safety considerations.

17.47.030

17.XX.030 General standards. General standards for all agricultural tourism uses shall be as follows:

1. New agricultural tourism structures shall be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site.
2. New agricultural tourism uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site.
3. Agricultural tourism development, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than two acres of agricultural land to nonagricultural uses or non-resource use.
4. Impervious surface limits, signage and parking standards shall be the same as those of the zoning district in which the agricultural tourism use is located.
5. Agricultural tourism uses shall comply with all applicable federal, state, and local standards and requirements, including those of the City's Public Works Department, the Chelan-Douglas Health District, and the Washington State Department of Health.

6. Safe vehicular access and customer parking shall be provided on site. Vehicles must not be required to back onto public roads. Structures and parking shall be located outside of public rights-of-way.
7. Outdoor lighting shall comply with Chapter 17.62 CMC, "Outdoor Lighting on Public and Private Property."
8. Hours of operation may be limited as deemed necessary to minimize adverse impacts to neighboring properties.
9. Agricultural tourism activities or events allowed pursuant to this section shall not involve motorized off-road vehicle (ORV) racing or similar motor vehicle activities.
10. Parcel-size standards.
 - a. Unless otherwise specified, the minimum parcel size for new agricultural tourism uses is ten acres, with the following exception: multiple contiguous parcels equaling at least ten acres and held under common ownership, or under separate ownership but operated jointly as an agricultural tourism enterprise, may be combined to meet the parcel-size standards, provided:
 - i. All property owners must sign an agreement to operate the subject parcels as an agricultural tourism enterprise. Said agreement shall describe the property and shall be recorded with the Chelan County auditor's office.
 - ii. In the case of multiple parcels held under common ownership, the use must cease if sale of one or more parcels reduces the size of the agricultural tourism site below ten acres, unless all new owners enter into an agreement as described above.
 - iii. In the case of multiple contiguous parcels under separate ownership, the use must cease if either:
 1. The agreement to operate the site jointly as an agricultural tourism enterprise ends; or
 2. If sale of one or more parcels reduces the size of the agricultural tourism site below ten acres, unless all new owners enter into an agreement as described above.
 - b. Other exceptions to the ten-acre minimum parcel size may be considered through a variance process in accordance with Chapter 17.64 CMC.
11. Maximum structure size. Unless otherwise specified, the maximum size for new structures related to an agricultural tourism use is ten thousand square feet. Existing buildings may be used for agricultural tourism uses regardless of size.
12. The Administrator shall determine whether an unlisted use is low-, moderate-, or high intensity or prohibited based on similarity to a listed use and likely impacts of the unlisted use.

17.47.040

17.XX.040 Low-intensity uses.

Low-intensity uses that support, promote, or sustain agricultural operations are permitted as accessory uses in zoning districts in which Agricultural Tourism Uses are allowed. Building, food handling, or other permits may be required.

1. The following low-intensity uses are allowed accessory to any permitted use in zoning districts in which Agricultural Tourism Uses are allowed, with no minimum parcel size:
 - a. Cottage food operations meeting the standards of Chapter 69.22 RCW and Chapter 16-149 WAC, as amended, and direct sale of cottage food products not involving new structures.
 - b. Sales of produce specifically exempted from local licensing requirements by 36.71.090 RCW.
2. The following low-intensity uses are allowed accessory to a permitted agricultural use in zoning districts in which Agricultural Tourism Uses are allowed:
 - a. Agriculture-related experiences not involving a building or structure, and support services that facilitate those experiences. Examples include manned and unmanned seasonal uses related to crop harvest (such as you-pick vegetable and berry picking, pumpkin patches, corn mazes, Christmas tree sales, and hay rides), sleigh rides, and organized group activities such as farm tours and agricultural clinics with no overnight accommodations.
 - b. Food and beverage service incidental to allowed agriculture-related experiences. This provision is not intended to classify restaurants or other stand-alone food and beverage establishments as low-intensity uses.
 - c. Farm stands for direct sale of agricultural products grown and/or produced on-site.

17.47.050

17.XX.050 Moderate-intensity uses.

1. Moderate-intensity uses are subject to a Type IIB permitting process (or, for sites in the unincorporated UGA, a full administrative review).
2. Moderate-intensity uses shall be located on a working farm or any agricultural, horticultural or agribusiness operation where agriculture is the primary use of the property. Such uses include:
 - a. Production of value-added products from produce grown locally on or off site, for sale on site.
 - b. Sales of regional agricultural products (including value-added products from one or more producers) involving facilities up to one thousand five hundred (1,500) square feet of floor area. At least seventy-five percent of the merchandise offered for sale shall be regional agricultural products as defined in the CMC. Up to twenty-five percent of the merchandise may be ancillary products.
 - c. Agriculture-related experiences involving a building or structure, and support services that facilitate those experiences. Examples include seminars or classes, zip lines, and tours of production facilities.

- d. Home-stay establishments offering up to four guest units, subject to the following:
 - i. Minimum parcel size is ten acres.
 - ii. The Administrator may reduce the number of units allowed based on parcel size, the presence of critical areas, the amount of farm-worker housing (if any), and other factors that affect the impacts of the home-stay establishment on the neighborhood and the environment, including impacts on the circulation system.
 - iii. The maximum size of each guest unit shall be six hundred square feet of floor area.
 - iv. Each guest unit may contain a kitchen.
 - v. The maximum length of stay is thirty days per visit.
 - vi. The maximum number of guests is sixteen overnight guests per day.
 - vii. Guest units shall be contained within an existing building or home, or in one or more new buildings located within a single one-acre, non-agricultural area to reduce impacts to agricultural lands.
 - viii. All applicable local, state and federal permits and licenses shall be obtained prior to establishing a home stay establishment, including any required Washington State Department of Health licenses.
- e. Off-site tasting rooms as defined in the Chelan Municipal Code (CMC).
- f. Short-term events up to ten (10) days per year, such as catered functions, wedding services, concerts for which an admission fee is charged, and wine, beer, or harvest festivals, subject to the standards in Section 17.XX.070.

- 3. Food and beverage service is allowed accessory to a working farm or any agricultural, horticultural or agribusiness operation where agriculture is the primary use of the property, or to a small-scale craft beverage production use, provided: lounge/bar area is limited to 25% of the floor area of the restaurant.

17.47.060

17.XX.060 High-intensity uses. The following conditional uses are subject to the General Standards in this chapter and to Chapter 17.56 CMC:

- 1. Wineries, whether located on a site where agriculture is the primary use of the property or not. Wineries permitted under this section may include production space in excess of 10,000 square feet.
- 2. Sales of regional agricultural products (including value-added products from one or more producers) involving facilities over one thousand five hundred (1,500) square feet of floor area. At least seventy-five percent of the merchandise offered for sale shall be regional agricultural products as defined in the CMC. Up to twenty-five percent of the merchandise may be ancillary products.
- 3. Home-stay establishments offering up to seven guest units overnight guests per day, subject to the following:
 - a. Requirements (i) through (v), (vii), and (viii) for moderate-intensity home-stay establishments listed in Section 17.XX.050(2)(d), above.

- b. Minimum parcel size is four acres.
 - c. The maximum number of overnight guests per day shall be no more than four times the number of guest units.
4. Short-term events up to twenty-one (21) days per year, such as catered functions, wedding services, concerts for which an admission fee is charged, and wine, beer, or harvest festivals, subject to the standards in Section 17.XX.070.

^{17.47.070}

17.XX.070 Short-term events.

- 1. The following standards apply to short-term events permitted under sections 17.XX.050 and 060 of this chapter:
 - a. The primary use of the property shall be agriculture, with the exception of sites with an approved beverage production use.
 - b. Events shall be limited to three consecutive days per event, with a minimum of ten days between events unless otherwise approved by the Planning and Building Department.
 - c. On-site parking shall be provided in accordance with Title 25 CMC, Section 9, Parking Standards
 - d. The on-site manager or owner shall provide the City with written notification of the date, time, duration and description of any short-term event at least ten business days prior to the beginning of the event. The Administrator may impose additional requirements, including notification requirements, based on the anticipated impacts of the event.
 - e. For short-term events lasting two or more days and with an expected daily attendance exceeding two hundred individuals, the on-site manager or owner shall provide written notification of the date, time, duration and description of the event to all landowners adjacent to the event site, any landowners within three hundred feet (300') of the site, and any landowners likely to be impacted by event traffic. Notification shall occur at least five business days prior to the beginning of the event.
- 2. Short-term events permitted in this chapter are not considered special events and are not subject to Chapter 5.50 CMC, Special Event License.

Chapter 17.48
ZONE T-A – TOURIST ACCOMMODATIONS DISTRICT

Sections:

- 17.48.010 Permitted uses.**
- 17.48.020 Accessory uses.**
- 17.48.030 Conditional uses.**
- 17.48.040 Dimensional standards.**
- 17.48.050 Fence screening provisions.**

17.48.010 Permitted uses.

Permitted uses are as follows:

- A. Single-family, two-family, three-family and multi-family dwellings, including townhouses, subject to the relevant provisions of Chapter 17.24;
- B. Motels, hotels, lodges and similar resort operations;
- C. Restaurants, exclusive of drive-ins;
- D. Barber or beauty shops;
- E. Travel agencies and tourist bureaus;
- F. Souvenir and gift shops;
- G. Bookstores and newsstands;
- H. Boat launching facilities, marinas and similar facilities;
- I. Professional offices;
- J. Special event as defined in and pursuant to the provisions of Chapter 5.50 of the Chelan Municipal Code, as the same exists now or may hereafter be amended. (Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 1245 § 3, 2002; Ord. 1114 § 3, 1998; Ord. 670 § 1, 1980; Ord. 338 § 2 (part), 1965; Ord. 314 § 13A, 1962).

17.48.020 Accessory uses.

Accessory uses are as follows:

- A. Repealed by Ord. 1022;
- B. Fences permitted under the same conditions listed in Section 17.32.020D. (Ord. 1022 § 9, 1995; Ord. 886 § 8 (part), 1989; Ord. 670 § 2, 1980; Ord. 338 § 2 (part), 1965; Ord. 314 § 13B, 1962).

17.48.030 Conditional uses.

Conditional uses are as follows:

- A. Municipal buildings and facilities;
- B. Places of public or private assembly;
- C. Campgrounds or Recreational vehicle park;
- D. Recreation and amusement facilities;
- E. Restaurants with cocktail lounges exclusive of taverns and bars, but not within one hundred fifty feet of any residential zone;
- F. Self-service laundry;
- G. Drive-ins;
- H. Bed and breakfast, under conditions set forth in Section 17.56.230;
- I. Restaurants with brewpubs as an accessory use where the brewpub activity does not utilize more than forty-nine percent of the structure, excluding office space and shared storage. Restaurants with brewpubs are subject to conditions set forth in Section 17.56.270.
- J. (not adopted by County Resolution)
- K. Community waterfront parks.

17.48.040 Dimensional standards.

Dimensional standards are as follows:

- A. Minimum lot area: Five thousand square feet;
- B. Minimum lot width at the building line: Fifty feet;
- C. Maximum lot coverage: Seventy-five percent;
- D. Maximum height: Fifty feet;
- E. Minimum setback distance:
 - 1. All structures shall be set back at least twenty-five feet from the front property line. The setback for commercial structures may be reduced to ten feet upon compliance with the following:
 - a. A minimum landscaped buffer of at least ten feet in width is located between the building and the property line.
 - b. An agreement in a form acceptable to the city guaranteeing the property owner will maintain the landscaped buffer is executed by the property owner and filed with the city.
 - c. The landscaped buffer shall be designed so as not to impair site distance requirements and other traffic safety concerns of the city.
 - d. A detailed site plan shall be submitted to the city administrator for review and approval prior to the issuance of a building permit.
 - e. The property owner shall improve the city right-of-way adjacent to the property, which may include the construction of a sidewalk conforming to city standards if required by the city administrator or the execution of a waiver of protest for a local improvement district to construct street and sidewalk improvements.
 - 2. Side yard minimum: Five feet.
 - 3. Year yard minimum: Twenty feet. (Ord. 935 § 2, 1992; Ord. 670 § 4, 1980; Ord. 338 § 2 (part), 1965; Ord. 314 § 13D, 1962).

17.48.050 Fence screening provisions.

A continuous fence supplemented with landscaped plantings or a continuous wall, evergreen hedge or combination thereof, must be provided so as to effectively screen the use which it encloses, along each property line which abuts or faces across an alley any lot in a residential zone. Such screening is to be maintained in good condition. (Ord. 886 § 8 (part), 1989; Ord. 670 § 5, 1980; Ord. 314 § 13E, 1962).

Chapter 17.50
ZONE P – PUBLIC LANDS AND FACILITIES DISTRICT

Sections:

17.50.010 Permitted uses.

17.50.020 Accessory uses.

17.50.030 Conditional uses.

17.50.040 Dimensional standards.

17.50.010 Permitted uses.

Permitted uses are as follows:

- 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 studies and research in an academic field of learning;
- D. Public museums, art galleries, community center, or governmental buildings;
- E. Churches, convents, or monasteries;
- F. Public marinas and accessory uses necessary to the operation of a marina;
- G. Commercial leases and concessions as authorized by the public entity that is the owner of the land;
- H. Special event as defined in and pursuant to the provisions of Chapter 5.50 of the Chelan Municipal Code, as the same exists now or may hereafter be amended. (Ord. 1245 § 4, 2002; Ord. 1193 § 1, 2000; Ord. 1114 § 7 (part), 1998).

17.50.020 Accessory uses.

Accessory uses are as follows:

- A. Restaurant;
- B. Fences: Fences may be constructed in compliance with Section 17.20.020G. (Ord. 1114 § 7 (part), 1998).

17.50.030 Conditional uses.

Conditional uses are as follows:

- A. Public utility structures that are not an accessory use to a permitted use;
- B. Hospital;
- C. Private recreational vehicle parks;
- D. Recreational campgrounds; (Ord. 1114 § 7 (part), 1998).

17.50.040 Dimensional standards.

Dimensional standards are as follows:

- A. Building Height. The building height shall not exceed a height of thirty-five feet;
- B. Lot Coverage. Buildings/structures shall not occupy more than thirty-five percent of the buildable lot area;
- C. Setbacks – Abutting Residential. For a parcel zoned P public lands and facilities district abutting any property zoned residential, including property zoned: A agricultural district; R-1 single-family residential district; or R-M multi-family residential district, the setbacks shall be:
 - 1. Front yard: twenty-five feet;

2. Side yard: five feet;
 3. Rear yard: twenty feet;
- D. Setbacks – Other. For a parcel zoned P public lands and facilities district abutting only property zoned commercial, property zoned P public lands and facilities district, or city right-of-way, the setbacks shall be:
1. Front yard: zero feet;
 2. Side yard: zero feet;
 3. Rear yard: five feet. (Ord. 1193 § 2, 2000: Ord. 1114 § 7 (part), 1998).

Chapter 17.52
ZONE P-D – PLANNED DEVELOPMENT DISTRICT '1

Sections:

- 17.52.010 Purpose.
- 17.52.020 Zoning district – Reversion.
- 17.52.030 Initiation of project – Application – Fee.
- 17.52.040 Phased development.
- 17.52.050 Combined applications.
- 17.52.060 Application – Supporting documentation.
- 17.52.070 Preliminary development plan – Staff recommendations to hearing examiner.
- 17.52.080 Preliminary development plan – Review by hearing examiner.
- 17.52.090 Project densities.
- 17.52.100 Preliminary development plan – Council review.
- 17.52.110 Minor changes to preliminary development plan.
- 17.52.120 Final development plan – Filing requirements.
- 17.52.130 Common open space requirements.
- 17.52.140 Retention and maintenance of common open space.
- 17.52.150 Final development plan – Failure to file – Termination.
- 17.52.160 Final development plan – Extension of time for filing.
- 17.52.170 Final development plan – Staff recommendations to city council – Public meeting.
- 17.52.180 Repealed.
- 17.52.190 Final development plan – City council decision.
- 17.52.200 Repealed.
- 17.52.210 Final development plan – Bond required.
- 17.52.220 Final development plan – Effect.
- 17.52.230 Undergrounding of utilities.
- 17.52.240 Zoning map revision.
- 17.52.250 Building permits.
- 17.52.260 Subdivision/binding site plan requirements.
- 17.52.270 Sale of lots.
- 17.52.280 Lots subject to final development plan.
- 17.52.290 Plan modifications and amendments.
- 17.52.300 Repealed.
- 17.52.310 Repealed.
- 17.52.320 Applicability of provisions.
- 17.52.330 Repealed.
- 17.52.340 Reconstruction of buildings or improvements.

17.52.010 Purpose.

The planned development district (“PDD”) is a separate zoning classification that is intended to allow new development which is consistent with the comprehensive plan but would not be permitted in other zoning districts due to limitations in the dimensional standards, permitted uses or accessory uses. More specifically, the purposes of this chapter are to:

- A. Permit flexibility in development design and/or combination of uses that will result in more efficient and desirable uses of land;
- B. Encourage creativity in design to produce a development that would be better than possible under one of the other zoning classifications;

- C. Facilitate development adaptations to meet anticipated market demands and/or better utilize sites with special features such as environmentally sensitive areas or unusual shape or size;
- D. Increase the amount of open space, preserve scenic view corridors and protect natural areas including environmentally sensitive areas;
- E. Produce innovative developments that implement the policies, spirit and intent of the comprehensive plan, shoreline management plan, zoning code, subdivision code, standards ordinance and other applicable city land use regulations. (Ord. 983 § 1 (part), 1994).

17.52.020 Zoning district – Reversion.

A PDD, approved in accordance with the procedures of this chapter, shall be a separate zoning district and the uses within the PDD shall be limited to those which are specifically approved in that PDD development plan including recreational and open spaces. PDDs may specifically permit all proposed uses and developments which can be shown to be in conformance with the policies of the comprehensive plan. PDDs are permitted at any location in the city subject to the provisions of this chapter. Approval of a PDD shall modify and supersede all regulations of the underlying zoning district. If an approved PDD ceases to exist for whatever reason, the area covered by such PDD shall revert back to its previous city zoning district classification provided that areas zoned PDD at the time of annexation into the city shall be zoned R-L single-family residential and the uses within such area shall be limited to those uses then allowed in the original zoning district or the R-L single-family residential zone as applicable. (Ord. 983 § 1 (part), 1994).

17.52.030 Initiation of project – Application – Fee.

An application for the approval of a proposed PDD shall be made on forms provided by the city. A completed application must include all supporting documentation required pursuant to Section 17.52.060 and a nonrefundable filing fee together with a written commitment to pay all fees associated with the project as established by resolution of the city council. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit, or his or their duly authorized agent or agents. The ownership of all the parcels to be included must join in or be represented in the application. PDD projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as an agent for an owner or group of owners. The term “applicant” as used in this chapter shall mean and include all present and future owners of parcels included within the PDD. (Ord. 983 § 1 (part), 1994).

17.52.040 Phased development.

Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the applicant which is contiguous to the initial development site together with a description of said properties’ possible eventual development through all potential phases, shall be submitted with the application for the first phase. The described plan shall conform to the purposes of this chapter. The city’s comprehensive plan shall be used by the city in reviewing all phases of the development. (Ord. 983 § 1 (part), 1994).

17.52.050 Combined applications.

- A. The preliminary development plan and final development plan may be combined and processed together through the review process as a final development plan.
- B. In addition, the applicant may file a concurrent subdivision or binding site plan application meeting the applicable requirements of Title 16 of the Chelan Municipal

- Code which shall be processed concurrently with the PDD application.
- C. In case of conflict between the time limits set forth in this chapter and in other provisions of the Chelan Municipal Code or applicable state law, those provisions requiring public notice to be given the furthest in advance of the pending action shall prevail over conflicting provisions specifying that notice shall be given within a shorter time prior to the action. (Ord. 1247 § 1, 2002; Ord. 983 § 1 (part), 1994).

17.52.060 Application – Supporting documentation.

An application for a PDD shall be accompanied by the following:

- A. A legal description and site location map of the property showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as lakes, streams, shorelines, schools, parks and other prominent features;
- B. A scaled map or maps of the site at a scale not smaller than one hundred feet equals one inch, or other scale approved by the city planning department showing at a minimum the following items:
1. Site boundaries;
 2. Streets abounding or abutting the site;
 3. Existing topographic contours at intervals of not more than five feet, together with all proposed grading, drainage, landscaping, lighting and fencing;
 4. Special features, including all existing environmentally sensitive areas as defined in Title 14 of the Chelan Municipal Code accompanied with a text describing conditions or features which cannot be accurately displayed on maps or drawings;
 5. Existing buildings and indication of future use or disposition;
 6. Proposed land uses and densities;
 7. Proposed buildings, including dimensions, identification of types, the number of dwelling units in each residential type and the number of square feet in each commercial type;
 8. Proposed location, dimension and design of off-street parking facilities showing points of ingress to and egress from the site;
 9. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities;
 10. Proposed location and dimension of all common open spaces;
 11. Proposed location of utilities including water, sewer, storm drainage, solid waste collection, power and communications;
 12. Proposed public dedications, including proposed streets and associated improvements and parks and open spaces;
 13. Preliminary description of plans for covenants, uses and continuous maintenance provisions for the project;
 14. Any other specific information requested by the city planning department or any other applicable provisions of the Chelan Municipal Code.
- C. A preliminary development plan consisting of a written statement for development setting out detailed information concerning the following subjects as they may be involved in the development, including, but not limited to the following items:
1. Market analysis of proposed use;
 2. Proposed ownership method;
 3. Proposed operation and maintenance of development and landscaping;
 4. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other

- means acceptable to the city;
5. General timetable for development, including future phases;
 6. Impact on community facilities and services including but not limited to streets, schools, parks, medical, fire, police, water, sewer, storm drainage, solid waste and public transportation;
 7. Compatibility with surrounding land uses; and
 8. An assessment of how the project is consistent with the purpose of the PDD zone and where the project differs from existing standards for similar uses or facilities outside of the PDD zone. (Ord. 983 § 1 (part), 1994).

17.52.070 Preliminary development plan – Staff recommendations to hearing examiner.

After receiving the preliminary development plan, the city planning department shall route the same to all appropriate city departments, and each department shall submit to the city planning department comments and recommendations. After receiving such information from the other city departments, the city planning department shall present recommendations and conclusions to the hearing examiner at a public hearing on the preliminary development plan after notice is given in the manner required by Section 19.03.030. (Ord. 1319 § 4 (Exh. C), 2006; Ord. 983 § 1 (part), 1994).

17.52.080 Preliminary development plan – Review by hearing examiner.

- A. The PDD application shall be considered at a public hearing before the hearing examiner after notices given in the manner required by Title 19 of the Chelan Municipal Code as the same exists now or may hereafter be amended. The hearing examiner shall hold a public hearing to consider the proposed PDD application after receiving the completed PDD application. Following the public hearing, the hearing examiner may recommend approval of the preliminary development plan as proposed, recommend approval with changes and/or conditions, or recommend disapproval of the application.
- B. The hearing examiner's decision to approve or deny the application shall at a minimum be based on an analysis of the following criteria:
 1. The proposal's harmony with the surrounding area;
 2. The adequacy of the size of the area to be included in the proposed overlay zone to accommodate the contemplated developments;
 3. Whether the land use proposed could be achieved without the proposed PDD;
 4. The ability to ensure that the land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible;
 5. A determination whether utility services and other improvements, existing and proposed, are adequate for the development and are to be completed by the estimated completion date of the PDD;
 6. A determination whether each phase of the proposed development, as it is planned to be completed, contains adequate parking spaces, recreation spaces, open spaces, and landscaping necessary for creating and sustaining a desired and stable environment; and
 7. The project substantially conforms with the purposes and standards prescribed in this chapter and the city's comprehensive plan, along with any other applicable plans and standards that have been adopted by the city pursuant to ordinance or resolution. (Ord. 1319 § 4 (Exh. D), 2006; Ord. 1247 § 2, 2002; Ord. 983 § 1 (part), 1994).

17.52.090 Project densities.

The hearing examiner may recommend approval of a population density for a PDD, even though such density may be greater than that specified in the general plan for the city for the area containing the PDD if, in the opinion of the hearing examiner, the design of the PDD will not result in inconvenience or unsafe access to the PDD, traffic congestion in the private or public streets which adjoin the PDD or excessive burden on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the PDD. (Ord. 1319 § 4 (Exh. E), 2006: Ord. 1061 § 29, 1997: Ord. 983 § 1 (part), 1994).

17.52.100 Preliminary development plan – Council review.

- A. Following the public hearing and any continuance thereof, the hearing examiner shall prepare written findings, conclusions, and a recommended decision and provide the same to the city council.
- B. The city council shall, after receiving the hearing examiner’s findings, conclusions and recommendations, consider the proposed PDD at a public meeting and shall either:
 - 1. Adopt the findings, conclusions and recommendations of the hearing examiner as the decision of the council;
 - 2. Based upon the record of the public hearing before the hearing examiner, modify the findings and conclusions of the hearing examiner without changing the hearing examiner’s recommendation, and adopt the same as the decision of the council;
 - 3. Reject the findings, conclusions and/or recommendations of the hearing examiner and adopt findings and conclusions of its own, based on the record from the hearing examiner’s public hearing, and enter its own decision; or
 - 4. Remand the matter back to the hearing examiner with written instructions to make further recommendations on specific issues identified by the city council.
- C. The decision of the city council approving or disapproving any proposed preliminary development plan for a PDD shall be final. Any appeal of the decision of the council concerning the preliminary development plan must be filed in Chelan County superior court and served on the city within twenty-one days after the decision of the city council.
- D. The cost of the transcription of all records ordered certified by the court for such appeal shall be borne by the appellant at the rate prescribed by the administrator of this title. Such cost shall not exceed the amount necessary to reimburse the city for its expenses actually incurred. (Ord. 1319 § 4 (Exh. F), 2006: Ord. 1247 § 3, 2002: Ord. 983 § 1 (part), 1994).

17.52.110 Minor changes to preliminary development plan.

- A. The applicant or the city may propose minor changes to an approved preliminary development plan. These changes shall be reviewed by the city council at a public meeting, after written notice to each person who has notified the city in writing of his/her desire to receive notification of future public meetings or hearings regarding the PDD under consideration. After such public meeting, the city council may either approve the proposed minor changes, with or without conditions, or may disapprove said changes.
- B. It is the intention of this section to allow minor changes requested by either the city or the applicants so long as the revised preliminary development plan will involve the same land and otherwise substantially conform to the approved preliminary development plan.
- C. Major changes or amendments to a previously approved preliminary development plan shall be processed in the same manner and shall be subject to the same requirements as any new proposed preliminary development plan. (Ord. 1247 § 4, 2002; Ord. 983 § 1 (part), 1994).

17.52.120 Final development plan – Filing requirements.

Following the council approval of the preliminary development plan and prior to actual development, the applicant(s) shall file, with the city planning department, a final development plan conforming to the approved preliminary development plan. In addition to the information required under Section 17.52.060 for the preliminary development plan, the final development plan shall include the following:

- A. A survey of the property showing site boundaries, existing features for all areas to be developed or disturbed, including contours, buildings, structures, streets, utility easements, rights-of-way, and existing land uses;
- B. Elevation and perspective drawings of project structures and improvements;
- C. Agreements, covenants, or other provisions which will govern the use, maintenance, and insure continued protection of the PDD and all of its open areas and recreational facilities;
- D. A development schedule indicating stages of development and a development time table;
- E. Scale plans and diagrams showing the following:
 - 1. Location, with names, of all existing and proposed parks or other open spaces, as provided by Sections 17.52.130 and 17.52.140, and all land uses within the boundaries of the development;
 - 2. A circulation diagram indicating the proposed location and dimensions and names if applicable, of roads, walks, trails or easement to accommodate movement of vehicles and pedestrians within the PDD, along with any special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern;
 - 3. An off-street parking plan showing location, arrangement, number and dimension of auto garages and parking spaces, width of aisles, bays and angle of parking; and location, arrangement, number and dimension of truck loading and unloading spaces and docks;
 - 4. Landscaping (including tree planting plan, if applicable), lighting and site grading; and
 - 5. A topographic map or model of the site and surrounding vicinity;
 - 6. Existing sewers, water mains, storm drains and other underground facilities including power and communications within and adjacent to the development and their certified capacity;
 - 7. Proposed sewer, storm drains, water mains, power, communications and other underground facilities;
- F. If applicable, a preliminary subdivision plan or general binding site plan in the form required in Title 16 of the Chelan Municipal Code;
- G. Preliminary plans, elevation of typical building and structures, indicating general height, bulk, number of dwelling units and square footage of commercial buildings; and
- H. Approximate location, height and material of all walls, fences and screen plantings. (Ord. 1247 § 5, 2002; Ord. 983 § 1 (part), 1994).

17.52.130 Common open space requirements.

- A. In residential PDDs there shall be a minimum of ten percent of the total area of the PDD dedicated or reserved as usable common open space land. Common open space in a PDD shall meet the following requirements:
 - 1. The location, shape, size and character of the open space must be suitable for the PDD and consistent with the purposes of this chapter as set forth in Section 17.52.010;
 - 2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the PDD, considering its size, density, expected population,

- topography and number and type of dwelling units to be provided;
3. Common open space must be suitably improved for its intended use, but common open space containing natural features may be left unimproved. The buildings, structures and improvements are permitted in the common open space as long as they conserve and enhance the amenities of the common open space in regard to its topography and unimproved condition.
- B. The development time table, which is part of the final development plan, must coordinate improvement of common open space, construction of buildings, structures and improvements in the common open space and the construction of residential dwellings in the PDD. (Ord. 983 § 1 (part), 1994).

17.52.140 Retention and maintenance of common open space.

- A. The final development plan shall include provisions, approved by the city council, to assure permanent retention and maintenance of the common open space including environmentally sensitive areas and view corridors in the PDD. Such assurance may be in the form of restrictive covenants, dedication of open space to the public where such dedication is accepted by the city council, an undertaking by an association of owners of property within the PDD or in any other form or by any other method approved by the city council as being practical and legally sufficient to assure the permanent retention and maintenance of the common open space. All legal documents to carry out the plan in this regard shall be filed by the applicant with the final development plan and shall be subject to approval as to form by the city attorney. All such plans shall contain provisions whereby the city will be vested with the right to enforce the permanent retention and maintenance of the common open space and further that in the event the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, then in such event the city may, at its option, cause necessary maintenance to be performed and assess the costs thereof to the owners of the property within the PDD.
- B. No common open space may be put to any use other than as specified in the approved final development plan unless the final development plan has been modified to permit such other use pursuant to Section 17.52.190. No such modification of use shall be deemed to be a waiver of any of the provisions of the approved final development plan assuring the permanent retention and maintenance of the common open space. (Ord. 983 § 1 (part), 1994).

17.52.150 Final development plan – Failure to file – Termination.

- A. In the event the final development plan or any required supporting documents are not filed with the city planning department within twelve months following approval of a preliminary development plan, the approval of the preliminary development plan shall lapse and shall be deemed null and void and without force or effect.
- B. The time period for filing of final development plans shall not include periods of time during which progress on the final development plan was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary development plan, whether due to the pendency of litigation, city approved extensions of time for filing, or otherwise, the applicant shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final development plan. (Ord. 983 § 1 (part), 1994).

17.52.160 Final development plan – Extension of time for filing.

For good cause shown, the city council in its discretion, may grant one extension of up to six months of additional time for filing the final development plan and required supporting documents; provided, however, the city shall have the right to reexamine and update any conditions made to mitigate development impact. (Ord. 983 § 1 (part), 1994).

17.52.170 Final development plan – Staff recommendations to city council – Public meeting.

After receiving the final development plan, the city planning department shall route the same to all appropriate city departments, and each department shall submit to the city planning department comments and recommendations. After receiving such information from the other city departments, the city planning department shall present its recommendations and conclusions to the city council at a public meeting on the final development plan. (Ord. 1247 § 6, 2002: Ord. 983 § 1 (part), 1994).

17.52.180 Final development plan – Public hearing.

Repealed by Ord. 1247. (Ord. 983 § 1 (part), 1994).

17.52.190 Final development plan – City council decision.

- A. Following the public meeting to consider the final development plan, the city council if it determines that the final development plan substantially conforms to the approved preliminary development plan, including minor changes approved pursuant to Section 17.52.110, shall approve the final development plan. For purposes of this section, “substantially conforms” means that as compared to the preliminary development plan, the final development plan contains no significant revisions in density, uses, design or development standards, or in the site plan, and that there is not such a quantity of insignificant revisions that the cumulative effect thereof constitutes, in the city council’s opinion, a significant revision.
- B. If the city council determines that the final development plan for the PDD does not substantially conform to the preliminary development plan, the city council shall disapprove the final development plan for the PDD.
- C. Approval of a final development plan and the PDD shall be by city ordinance.
- D. Any decision of the city council approving or disapproving the final development plan shall be final. Any appeal of the decision of the city council must be filed in Chelan County superior court and served on the city council within twenty-one days after the decision of the city council.
- E. The cost of transcription of all records ordered certified by the court for such appeals shall be borne by the appellant at the rate prescribed by the administrator of this title. Such costs shall not exceed the amount necessary to reimburse the city for its expenses actually incurred. (Ord. 1247 § 8, 2002: Ord. 983 § 1 (part), 1994).

17.52.200 Final development plan – Council review.

Repealed by Ord. 1247. (Ord. 983 § 1 (part), 1994).

17.52.210 Final development plan – Bond required.

No final development plan shall be implemented until the applicant files with the city treasurer a bond approved by the city, executed by a surety company authorized to do business in the state or other security approved by the city administrator, in an amount equal to the estimate of the cost of all public improvements, utilities, and all landscaping portions of the final development plan, conditioned upon the applicant’s completion of such portions of the project according to the

submitted final development plan and the provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on the bond. Said bond, or any additional bond or other equivalent security, shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the city administrator, it will better serve the public health, welfare and safety to restore the site rather than to require completion of public improvements, utilities and landscaping. (Ord. 983 § 1 (part), 1994).

17.52.220 Final development plan – Effect.

Approval by the city council of the final development for a PDD and filing of the bond as provided in Section 17.52.210 shall authorize the owner or owners of the parcel or parcels to be developed as a unit to proceed with the project, acting in concert, and shall bind such owner or owners to the implementation of such final development plan and to the construction and maintenance of the PDD in strict accordance with such approved plan and the provisions of this chapter and all other applicable city ordinances and regulations. (Ord. 983 § 1 (part), 1994).

17.52.230 Undergrounding of utilities.

In any PDD which is primarily designed for or occupied by dwellings, all electric lines, telephone facilities, television cable, fire alarm conduits, street light wiring and other wiring conduits and other similar facilities shall be placed underground by the developer, unless this requirement is waived by the city council. (Ord. 983 § 1 (part), 1994).

17.52.240 Zoning map revision.

Upon approval of the final development plan for a PDD, the city official zoning map shall be revised to indicate the approval of a PDD thereon including the date of such approval. (Ord. 1247 § 10, 2002: Ord. 983 § 1 (part), 1994).

17.52.250 Building permits.

Building permits shall be issued for construction of buildings and structures in accordance with the approved final development plan for the PDD and in accordance with all other applicable city ordinances and regulations. (Ord. 983 § 1 (part), 1994).

17.52.260 Subdivision/binding site plan requirements.

The approval of a subdivision or binding site plan shall be required of all projects which involve or contemplate the subdivision of land. The procedures and requirements of Title 16 of the Chelan Municipal Code, as the same exists now or as it may hereafter be amended, shall be followed concurrently herewith. (Ord. 1247 § 11, 2002: Ord. 983 § 1 (part), 1994).

17.52.270 Sale of lots.

Lots in a platted PDD may be sold to separate owners and according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as provided in Section 17.52.290. (Ord. 983 § 1 (part), 1994).

17.52.280 Lots subject to final development plan.

All lots or other divisions of a subdivided or binding site plan PDD shall remain subject to compliance with the final development plan regardless of the fact the subdivision or binding site plan may be in compliance with Title 16 of the Chelan Municipal Code. (Ord. 1247 § 12, 2002:

17.52.290 Plan modifications and amendments.

- A. The city planning department is authorized to allow minor modifications and amendments in the final development plan in accordance with subsection B of this section. The city planning department shall allow only such adjustments as are consistent with guidelines established in subsection B of this section, and in no case shall an adjustment be deemed minor if it will increase the project density, total amount of floor space authorized in the approved final development plan, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site. The determination of the city planning department as to whether a proposed modification or adjustment is a major or minor change shall be final.
- B. The following criteria are set forth to establish and allow for minor modifications and amendments:
 - 1. The modification or amendment maintains the design intent and quality of the original approval; and
 - 2. The amount of landscaping, buffering and open space will not be reduced; and
 - 3. The number of dwelling units in residential developments and the square footage of nonresidential structures will not increase; and
 - 4. The height of buildings and other structures will not increase; and
 - 5. Views from both structures onsite and offsite will not be substantially reduced; and
 - 6. Traffic volumes will not increase and traffic patterns will not change; and
 - 7. Changes in colors, plant material and parking lot configurations are minor; and
 - 8. The modification or amendment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original SEPA documents; and
 - 9. The city planning department determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.
- C. No major modifications and amendments to the approved final development plan, such as changes in land area covered by the proposed PDD, or other major changes, may be made subsequent to final development plan approval, except upon application to the planning commission and approval by the city council pursuant to the procedure for approval of a preliminary development plan and final development plan as set forth in Sections 17.52.080 through 17.52.160.
- D. Minor and major modifications and amendments may be initiated upon application to the city planning department and shall include a nonrefundable fee as established by resolution of the city council. (Ord. 1249 § 1, 2002; Ord. 983 § 1 (part), 1994).

17.52.300 Termination of planned development district – Failure to commence or continue construction.

Repealed by Ord. 1247. (Ord. 983 § 1 (part), 1994).

17.52.310 Extension of time for construction.

Repealed by Ord. 1247. (Ord. 983 § 1 (part), 1994).

17.52.320 Applicability of provisions.

The provisions of this chapter shall apply to all PDD projects for which applications are filed

after the effective date of the passage of the ordinance codified in this chapter. (Ord. 983 § 1 (part), 1994).

17.52.330 Notice of public hearing.

Repealed by Ord. 1247. (Ord. 983 § 1 (part), 1994).

17.52.340 Reconstruction of buildings or improvements.

Replacement or reconstruction of any buildings or improvements damaged or destroyed shall conform to the approved final development plan as the same existed at the time of the damage or destruction. (Ord. 983 § 1 (part), 1994).

Chapter 17.54
MANUFACTURED HOUSING PARKS

A. Districts where manufactured housing parks are permitted. Manufactured housing parks are permitted only in the Single-Family Residential (R-1), Multi-Family Residential (R-M) districts, Special Use District (SUD) and Tourist Accommodation (may not be used as vacation rental).

B. Siting requirements for manufactured housing parks

1. Any parcel of property being considered for a manufactured housing park must front on and have direct access to a public road at a minimum of one location. The Director of Public Works may require more than one direct access to a public road where it is determined to be in the best interest of the community;
2. No manufactured housing park shall be developed on any tract of land less than one acre in size.

C. Design standards for manufactured housing parks

1. In any manufactured housing park with more than three manufactured and or mobile homes, no more than fifty percent of the area of the park shall be covered by structures.
2. No manufactured housing park shall include more than 50 manufactured and or mobile homes;
3. No manufactured housing park shall allow recreational vehicles to be used for seasonal, permanent, or year-round habitation;
4. A manufactured housing park may include one or more community buildings for the use of park residents or to house park administrative offices;
5. Interior road system
 - a. Interior roads within a manufactured housing park shall be privately owned, constructed, and maintained; provided, that the City may require roads that are located such that they could or should be an integral part of the overall circulation pattern to be constructed as public roads meeting City street standards;
 - b. The Director of Public Works may also require either construction of additional public roads or reservation of public rights-of-way for future roads where necessary to provide adequate circulation;
 - c. The layout and general development plan for the private road system and associated parking within the manufactured housing park, together with the location and dimension of access intersections with public road rights-of-way shall be approved by the Director of Public Works and the Chelan County Fire District 7 Fire Chief;
 - d. All public roads within a manufactured housing park shall be constructed in accordance with the City's street standards;

- e. Interior road width. Interior roads shall comply with one of the following standards:
 - i. A minimum width of 28 feet, including an eight-foot (8') wide parking lane on one side, OR;
 - ii. A minimum width of 20 feet, supplemented with parking bays providing head-in parking spaces adequate to meet the minimum parking requirements of the manufactured housing park and spaced no more than 150 feet apart.
 - f. Streets designed to have one end permanently closed shall be no longer than 150 feet and shall otherwise conform to the City standards for such streets.
6. Parking. Two spaces per unit shall be required.
- a. Each manufactured and or mobile home space shall include at least one off-street parking space for the exclusive use of the residents of that manufactured and or mobile home space.
 - b. Additional required parking spaces shall be directly accessible from the interior roads.
7. All roads, parking lots, and walkways shall be adequately lighted at night. All outdoor lighting shall conform to the City's standards for Outdoor Lighting on Public and Private Property, 17.62 CMC or as amended.
8. All manufactured housing park proposals shall be reviewed by the Chelan County Fire District 7 Fire Chief to assure adequate ingress and egress, internal circulation for emergency vehicles, and the location of fire hydrants.
9. Utilities. All manufactured housing parks shall install domestic water and sanitary sewer systems and fire hydrants, and shall provide for storm and surface water drainage. All such installations shall comply with City standards.
10. Waste collection and disposal
- a. Garbage collection is compulsory in the City of Chelan. All manufactured housing parks shall comply with 8.20 CMC and any other applicable city and state garbage and refuse regulations.
 - b. The storage, collection and disposal of refuse in the manufactured housing park shall be conducted so as to prevent health hazards, rodent harborage, insect breeding areas, accidents, fire hazards and air pollution;
 - c. Garbage containers shall be adequate in size and number to serve the needs of the manufactured housing park, and no manufactured and or mobile home space shall be located more than one hundred fifty feet from a garbage container;
 - d. Garbage containers shall be screened with a view-obscuring fence or hedge.
11. Spacing of manufactured and or mobile homes and accessory structures shall be as follows:
- a. There shall be a minimum distance of 10 feet between manufactured/mobile homes, including any attached structures, such as decks, steps, porches or awnings;

- b. There shall be a minimum distance of 10 feet between any manufactured and or mobile home and a detached accessory structure, with the following exception: carports built of non-flammable materials may be located five feet from a manufactured and or mobile home.
12. Minimum setback distances for manufactured and or mobile homes and accessory structures shall be as follows:
- a. Manufactured and or mobile homes with direct access to a public road shall meet the setback requirements of the zoning district in which the manufactured housing park is located;
 - b. Front setback from manufactured housing park interior road: 25 feet;
 - c. Side setback from manufactured housing park interior road: 10 feet;
 - d. Setback from any required perimeter buffer: five feet (5’);
 - e. There shall be a minimum of five feet (5’) between the front, sides and back of a manufactured and or mobile home (including any attached structures, such as decks, steps, porches or awnings) or accessory structure and the boundary of the manufactured and or mobile home space.
13. Landscape and buffer requirements
- a. A minimum ten-foot Type B (“filtered screen”) landscaped buffer shall be required around the perimeter of the park.
 - b. A minimum ten-foot Type C (“landscaping screen”) landscaped buffer shall be required along the edges of all interior roads, and shall be included in the required 25 foot front setback.
 - c. A permanent irrigation system shall be installed to insure adequate health of the landscaping in all required buffers.
 - d. Suitable ground cover shall be required in all areas except those covered by structures, by paved or surfaced areas and by planting beds, and except any undisturbed natural areas, such as ravines and streams that are preserved in their natural state. Low-water-use ground covers are encouraged.
14. Common open space
- a. No less than ten percent (10%) of the total area of a manufactured housing park shall be dedicated to common open space for the use of park residents;
 - b. Every manufactured housing park shall contain at least 2,500 square feet of continuous open space per acre of park size;
 - c. The minimum common open space must be accessible to all residents;
 - d. Common open space shall be planted with lawn, landscaped, or surfaced for recreational use (e.g., paths, walkways, play areas);
 - e. Common open space shall be suitable for active or passive recreational use;
 - f. Common open space shall not include natural areas protected by ordinance;

- g. Not more than 50% of common open space may include landscaped buffers;
- h. Not more than 50% of common open space may be paved;

15. Storage.

- a. Manufactured housing parks are subject to the City of Chelan’s Nuisance regulations, 8.26 CMC or as amended, and all other applicable regulations regarding outdoor storage.
- b. One or more storage areas may be provided for residents’ use. Any outdoor storage area must be surfaced and enclosed by a six-foot fence or Type A landscaping.
- c. Any boat, boat trailer, or recreational vehicle parked within the manufactured housing park shall be placed in a storage area;

D. Installation requirements for manufactured and or mobile homes within a manufactured housing park

- 1. Installation of a manufactured and or mobile home in a manufactured housing park requires a City of Chelan Manufactured Home Installation Permit.
- 2. Manufactured homes. Each manufactured home placed within a manufactured housing park shall:
 - a. Be certified as approved as a manufactured home by the State Department of Labor and Industries as evidenced by the attachment of the department’s “gold” seal. Single-wide manufactured homes are allowed in manufactured housing parks;
 - b. Be no more than three years old, with the following exceptions
 - i. No age limitation shall apply to manufactured homes placed in manufactured housing parks that were legally in existence before June 12, 2008.
 - ii. A manufactured home may be moved to any manufactured housing park if the park in which said manufactured home was located is closed or converted to another use, or as may otherwise be provided by state law.
 - c. Be placed on and securely attached to a permanent, HUD-compliant foundation as specified by the manufacturer of the manufactured home, and otherwise meet all manufacturers’ specifications for support. The gap from the bottom of the home to the ground, around the entire perimeter of the house, shall be enclosed. The design and construction of the foundation and any other enclosure must be approved by the Chelan building official and meet applicable Building Code requirements;
 - d. Be thermally equivalent to the state energy code;
 - e. Have all appropriate seals affixed to the outer skin as required by the State Department of Labor and Industries;
 - f. Be installed in accordance Chapter 43.22A RCW, Mobile and manufactured home installation;

3. Mobile homes.
 - a. Mobile homes may be placed only in manufactured housing parks that were legally in existence before June 12, 2008, with the following exception: a mobile home may be moved to any manufactured housing park if the park in which said mobile home was located is closed or converted to another use, or as otherwise provided by state law.
 - b. Each mobile home placed within a manufactured housing park shall:
 - i. Be secured to the ground in a manner approved by the Chelan building official, and skirted with weather-resistant, non-combustible material compatible with the exterior finish of the mobile home.
 - ii. Maintain a minimum of eighteen inches crawl space under the entire mobile home;
 - iii. Have permanent steps for all exits. Attached steps must meet Washington State Department of Labor and Industries standards; detached steps must meet Chelan building department standards.
 - iv. Have all appropriate seals affixed to the outer skin as required by the State Department of Labor and Industries.
4. In addition to the specific requirements for manufactured homes and for mobile homes, above, each manufactured and or mobile home placed in a manufactured housing park shall:
 - a. Be placed on a manufactured and or mobile home space according to a pre-submitted and approved plot plan as described on the permit;
 - b. Be provided with a manufactured and or mobile home pad of sufficient size to accommodate the manufactured and or mobile home and any attached accessory structure(s). Manufactured and or mobile home pad surfacing shall be approved by the Chelan building official as appropriate for the specific unit and the manner in which it is secured.
 - c. Be served by a water supply and sewer disposal system meeting the established city requirements;
 - d. Have all running gear including axles removed, if any;
 - e. Have the tongue removed, if applicable;
5. Each manufactured and or mobile home placed on a manufactured and or mobile home space in a manufactured housing park may:
 - a. Have accessory structures normal for manufactured and or mobile homes, such as an awning, carport, deck or porch, steps, and storage facilities, provided that:
 - i. All detached structures must be permitted and inspected by the City building official per 17.54.G.3; and
 - ii. All attached and/or structural modifications to any unit must be certified and provided with the appropriate Washington State Department of Labor and Industries “seal” per 17.54.G.3; and

- iii. No more than one (1) carport and one (1) storage facility will be allowed on any space.

E. Occupancy restrictions. A manufactured and or mobile home shall not be occupied for dwelling purposes unless it and the manufactured housing park meet all applicable city and state requirements.

F. Manufactured housing park permits

- 1. Plan submittal requirements
 - a. All applications for manufactured housing parks shall be accompanied by scale drawings at a scale of not less than one hundred feet to the inch, including, at a minimum:
 - i. A detailed site plan;
 - ii. A grading, drainage, utility, and lighting plan, including topographic contours with an interval of not less than two feet (2’);
 - iii. A landscape buffer plan;
 - b. The city shall reserve the right to refuse to examine any incomplete, unintelligible, or indefinite drawings;
 - c. The required scale drawings shall include the location and, where applicable, dimensions of all buildings, manufactured and or mobile home spaces, water, electric, and sewage lines; community trash containers, fire hydrants, roads, entrances, and exits; proposed drainage, lighting, signs, boundary of the site, perimeter buffer, common open space; storage areas; and any proposed public dedications;
- 2. Permits for the installation of manufactured and or mobile homes within a manufactured housing park shall be issued by the city building official upon submittal of an application form prescribed by the department together with appropriate supporting documents demonstrating compliance with this chapter.
- 3. Alterations. All alterations of and additions to a manufactured and or mobile home require:
 - a. A City of Chelan building permit be obtained, as administered by the building official;
 - b. Written evidence of approval of the alteration/addition from the State Department of Labor and Industries, as required by Chapter 43.22 RCW and Chapter 296-150M WAC, now and hereafter amended.

G. Inspections

- 1. Each manufactured and or mobile home approved for placement in an established manufactured housing park shall be subject to the following inspections:
 - a. Footings and foundations prior to placement of the manufactured and or mobile home;

- b. Tie-downs, if any, prior to installation of outer covering between manufactured/mobile home and ground;
 - c. Steps and the outer covering between the manufactured and or mobile home and the ground.
2. The permittee shall give the Chelan building official notice when the premises are ready for inspection and shall not proceed further until approval has been given by the official pursuant to each inspection.

H. Manufactured housing park management.

1. The landlord, as defined in RCW 59.20, shall comply with all sections of RCW 59.20.
2. The landlord must designate a local agent who resides in Chelan County to act as property manager if the owner's primary residence is outside of Chelan County.

I. Uninhabitable manufactured and or mobile homes within a manufactured housing park. The City may require removal of any manufactured/mobile home for which a court or arbitrator has authorized the termination of the tenancy under RCW 59.20.230, or any that has sustained fire, flood, or other damage rendering it uninhabitable.

J. Violations

1. Placement of a manufactured and or mobile home without all applicable permits or contrary to the provisions of a permit or in violation of this chapter shall constitute a misdemeanor;
2. Each day's occupancy of a manufactured and or mobile home placed without all applicable permits or contrary to the provisions of a permit shall constitute a separate misdemeanor, enforceable against the owner of the manufactured/mobile home.

**Chapter 17.56
CONDITIONAL USES**

Sections:

- 17.56.010 Defined – Approval required.
- 17.56.015 Signs.
- 17.56.020 Permit – Restrictions or conditions stipulated.
- 17.56.030 Permit – Duration.
- 17.56.040 Enforcement authority.
- 17.56.050 Minimum dimensional standards and conditions required.
- 17.56.060 Home occupations.
- 17.56.070 Public schools and private schools offering curricula similar to public schools.
- 17.56.080 Mini day care centers and day care centers.
- 17.56.090 Schools and studios for group instruction.
- 17.56.100 Clinics, hospitals, and sanitariums.
- 17.56.110 Churches.
- 17.56.120 Municipal buildings/structures
- 17.56.130 Places of public or private assembly.
- 17.56.150 Motels
- 17.56.160 Public and commercial parking lots.
- 17.56.170 Mortuaries.
- 17.56.180 Public dance halls.
- 17.56.200 Historical site or structure.
- 17.56.220 Gasoline service stations.
- 17.56.230 Bed and breakfast.
- 17.56.240 *Repealed.*
- 17.56.250 Security fencing.
- 17.56.260 Veterinary hospitals.
- 17.56.270 Brewpubs.
- 17.56.280 Large satellite dish antennas and broadcast and relay towers.
- 17.56.290 Parks.
- 17.56.300 Community waterfront parks. new regulations at end of chapter
- 17.56.310 Single-family residences.
- 17.56.320 Expanded home occupation
- 17.56.330 Campground or Recreational Vehicle Parks

17.56.010 Defined – Approval required.

Uses designated in this chapter as conditional property uses shall be permitted, enlarged, or altered upon approval of the hearing examiner, except as specified in 17.56.020, in accordance with the standards and procedures of this chapter and Chapter 2.15. Conditional property 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 the creation of traffic hazards or parking problems may be injurious to the public health, safety, welfare, comfort, and convenience unless

appropriate conditions are imposed. (Ord. 1411 § 4 (Exh. C (part, 2010: Ord. 1206 § 2 (part, 2001: Ord. 314 § 14 (part, 1962.

17.56.015 Signs.

Signs for uses designated in this chapter as conditional property uses are subject to the requirements set forth in the sign code, Chapter 17.58 of the Chelan Municipal Code as it now exists or as it may be hereafter amended. (Ord. 1411 § 4 (Exh. C (part, 2010: Ord. 1022 § 11, 1995).

17.56.020 Permit – Restrictions or conditions stipulated.

A. Permits for conditional property uses shall be signed by the hearing examiner or planning director per Title 19 and shall stipulate restrictions or conditions which may include a definite time limit, provisions for a front, side or rear yard greater than the minimum requirements of the zoning ordinance, suitable landscaping, additional off-street parking, and any other reasonable restrictions, conditions or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate any adverse effect upon the neighborhood properties by reason of the use extension, construction, or alteration allowed. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1206 § 2 (part), 2001: Ord. 314 § 14 (part), 1962).

B. The following uses shall be approved administratively by the planning director:

1. Expansion of the floor area or ground area by twenty percent or less of a legally established conditional use.
2. Home occupations that generate customers on an appointment basis only, excluding barber and beauty shops.
3. Parking lots with twenty stalls or less.
4. Alteration of an existing permitted conditional use permit that does not result in an increase of twenty percent average daily trips and does not exceed fifty daily trips. A Traffic Impact Study may be required.
5. Accessory dwelling units in the Single Family (R-L) and Multi-Family (R-M) zones.

C. Process for administrative conditional use permits shall comply with Title 19

Type III, except the decision will be made by the Planning Director instead of the hearing examiner.

17.56.030 Permit – Duration.

If not otherwise specified by the hearing examiner or hearing examiner, conditional property use permits shall expire at the end of a period of one year from the time they are granted, if the use for which the permit is granted is not established by that time. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1206 § 2 (part), 2001: Ord. 314 § 14 (part), 1962).

17.56.040 Enforcement authority.

The officer having charge of the enforcement of this code shall have at any time the right and duty to investigate any complaints concerning the use of any structure or

property or the continuance of use of any structure or property in accordance with the provisions covering conditional property uses.

Upon his or her finding that the use or continued use of said premises is contrary to the provisions of this title establishing conditions for such use then he shall forthwith issue a cease and desist order prohibiting the use or continuance of use of said premises for said purpose and it shall be abated as a public nuisance. Any order of cease and desist issued by the officer having charge of the enforcement of this code as above provided shall be appealable in writing to the hearing examiner for a period of twenty days after the issuance of the order. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1206 § 2 (part), 2001: Ord. 314 § 14 (part), 1962).

17.56.050 Minimum dimensional standards and conditions required.

Any conditional property use shall meet the minimum dimensional standards of the zone in which it is to be located as well as the minimum conditions listed in this chapter. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14 (part), 1962).

17.56.060 Home occupations.

Minimum conditions are as follows:

A. District permitted: R-1 Residential District, R-M Residential District, C-W Commercial District;

B. Minimum conditions:

- 1. That the use of the premises as a home occupation will qualify as to the definition of a home occupation,
- 2. Not over twenty percent of the actual total floor area of one floor is to be used for the home occupation,
- 3. The home occupation is to be a secondary use of the dwelling,
- 4. No structural alteration or construction to accommodate the home occupation which would, upon the vacation of the home occupation, be of a character indicating a nonresidential use or which would not lend itself to the ordinary residential occupancy of this space formerly devoted to the home occupation, and no entrance to the space devoted to the home occupation from other than within the dwelling except when otherwise required by law will be allowed,
- 5. No person other than members of the immediate family and in no case more than two persons of the immediate family residing in a dwelling are to be engaged in said home occupation(s),
- 6. *Repealed by Ord. 1022,*
- 7. No window display and no sample commodities displayed outside the building,
- 8. No stock in trade stored nor commodity kept for sale which is not produced on the premises,
- 9. 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 reception or other factors,
- 10. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customers' vehicles in a manner or frequency as to cause

disturbance or inconvenience to nearby residents or so as to necessitate off-street parking,

11. The home occupation must be conducted entirely within the dwelling. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1071 § 6, 1997; Ord. 1022 § 12 (part), 1995; Ord. 314 § 14A, 1962).

17.56.070 Public schools and private schools offering curricula similar to public schools.

Minimum conditions are as follows:

A. District permitted: DSF Downtown Single Family, DMR Downtown Mixed Residential, TMU Tourist Mixed Use, DMU Downtown Mixed Use, R-1 Residential District, R-M Residential District;

B. Minimum conditions:

1. Fifty-foot setback on front, side and rear yard,
2. Off-street parking area equal to at least five times the floor area of the auditorium or two stalls per classroom, whichever is the greater,
3. Conformance with the neighborhood and comprehensive plan. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14B, 1962).

17.56.080 Mini day care centers and day care centers.

Minimum conditions are as follows:

A. Districts permitted:

1. Mini day care centers:

- a. R-1, Single-family Residential District,
- b. R-M, Multi-family Residential District,
- c. C-L, Low Density Commercial District,

2. Day care centers within churches and other semipublic buildings:

- a. A, Agricultural District,
- b. R-1, Single-family Residential District,
- c. R-M, Multi-family Residential District;

3. Day care centers not within churches and other semipublic buildings:

- a. C-L, Low Density Commercial District,
- b. C-H, High Density Commercial District,
- c. C-HS, Highway Service Commercial District;

B. Minimum conditions:

1. One temporary loading space (ten by twenty feet) for every six children (legal

curbside on-street parking spaces adjacent to the day care home or facility may be applied toward this requirement);

2. Licensing in accordance with DSHS requirements;
3. The facility shall comply with the requirements of adopted building codes.
4. The facility shall comply with the requirements of the International Fire Code.
5. Permit shall be subject to automatic review by the planning director or designee six months after approval, to allow for review of compliance and adequacy of conditions. At this review the board of adjustment may elect to issue permanent

approval, or require another review six months thereafter. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 840 § 1, 1988: Ord. 763 § 2, 1985: Ord. 712 § 6, 1983).

17.56.090 Schools and studios for group instruction.

Minimum conditions are as follows:

A. District permitted: R-M Residential District; DSF Downtown Single Family, DMR Downtown Mixed Residential, TMU Tourist Mixed Use, DMU Downtown Mixed Use

B. Minimum conditions: Same minimum conditions as specified for home occupations. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14D, 1962).

17.56.100 Clinics, hospitals, and sanitariums.

Minimum conditions are as follows:

A. District permitted: R-M Residential District, DMR Downtown Mixed Residential.

17.56.110 Churches.

Minimum conditions are as follows:

A. District permitted: R-1 Residential District, R-M Residential District, C-L Low Density Commercial District, C-HS Highway Service Commercial District; DSF Downtown Single Family, DMR Downtown Mixed Residential, TMU Tourist Mixed Use.

B. Minimum conditions:

1. Minimum lot area: Ten thousand square feet,
2. Minimum lot frontage: One hundred feet,
3. Site must be on or within one block of a major arterial or collector street,
4. The lot coverage shall be that of the zone in which the church is allowed as a conditional use except that in the case of a residential zone, the maximum lot coverage for a church structure shall be twenty-five percent,

5. Maximum height: Forty feet,

6. Minimum setback distances: Front yard same as required in district regulations, fifteen feet for side yard, and twenty feet for rear yard. Buildings on corner lots shall observe the minimum front yard setback on both streets,

7. *Repealed by Ord. 1022.* (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1183 § 1, 2000; Ord. 1176 § 2, 2000; Ord. 1022 § 12 (part), 1995; Ord. 314 § 14F, 1962).

17.56.120 Municipal building/structure.

Minimum conditions are as follows:

A. District permitted: R-1 Residential District, R-M Residential District, C-L Commercial District, C-HS Commercial District, C-W Waterfront Commercial District, W-I Warehouse and Industrial District, T-A Tourist Accommodations District; DSF Downtown Single Family, DMR Downtown Mixed Residential, TMU Tourist Mixed Use

B. Minimum conditions:

1. Maximum coverage: Sixty-five percent for all buildings within the residential zones; that of the district in which the structure is located within all other zones,

2. Minimum setback distances: Those of the district in which the structure is located,
3. Maximum height: That of the district in which the structure is located,
4. Parking requirements determined by City of Chelan Development Standards based on proposed use. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14G, 1962).

17.56.130 Places of public or private assembly.

Minimum conditions are as follows, not otherwise specifically provided for in this title:

A. District permitted: R-M Residential District, T-A Tourist Accommodations District;

B. Minimum conditions:

1. Other requirements of the district in which the structure is located. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14H, 1962).

17.56.150 Motels.

Minimum conditions are as follows:

A. District permitted: C-W Commercial District
Commercial District;

B. Minimum conditions:

1. *Repealed by Ord. 1022,*
2. Screening: Screening is to consist of a continuous fence supplemented by landscape planting or a continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the motel along each property line which abuts upon or faces across a street, alley or any lot in a residential zone. The screening is to be maintained in good condition and the same maximum heights shall apply as for fences in the R-1 Residential District. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995; Ord. 314 § 14J, 1962).

17.56.160 Public and commercial parking lots.

Minimum conditions are as follows:

A. District permitted: R-M Residential District;

B. Minimum conditions:

1. Development and screening: Parking areas in this district shall meet the requirements of the zoning code and development standards.

2. *Repealed by Ord. 1022.* (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995; Ord. 314 § 14K, 1962).

17.56.170 Mortuaries.

Minimum conditions are as follows:

A. District permitted: C-HS Commercial District, DMR Downtown Mixed Residential

B. Minimum conditions:

1. Side and rear yard must be one and one-half times the minimum requirements for the zone in which said enterprise is to be located,

2. There shall be fencing or a planting screen provided of at least forty-two inches in height and no more than six feet in height located on all abutting property lines. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14L, 1962).

17.56.180 Public dance halls.

Minimum conditions are as follows:

A. District permitted: C-L Commercial District, T-A Tourist Accommodations District;
B. Minimum conditions: Shall meet parking standards for places of public assembly as stated in the development standards;

C. Screening:

1. There shall be sight-obscuring fence or planting strip at least forty-two inches in height located on the setback line established for front yards and for side yards abutting a side street,

2. There shall be sight-obscuring fence or planting strip at least forty-two inches in height and no more than six feet in height located on rear property line and on side property line that does not abut a street,

3. The property shall be maintained and properly landscaped between the street and the setback line;

D. Lighting: Light shall comply with Chapter 17.62. Walkways, roadways and service facilities shall be well lighted. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 369 § 1, 1967: Ord. 314 § 14M, 1962).

17.56.200 Historical site or structure.

Such designation may be established by the hearing examiner upon the following conditions:

A. The site or structure is of historical significance to be identified and set aside for this purpose;

B. *Repealed by Ord. 1022;*

C. Hours of operation shall be limited to the hours of eight a.m. to six p.m. daily or as otherwise directed by the board of adjustment;

D. The hearing examiner has the authority to establish appropriate parking standards when the required standard substantially alters the historic site or structure. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995: Ord. 625 § 2, 1979.

17.56.220 Gasoline service stations.

Minimum conditions are as follows:

A. A complete and detailed site plan shall be submitted to the planning director with the application, including, but not limited to, building location, size and site improvements;

B. Painting, reconstruction, or sale of motor vehicles on site shall not be permitted in C-W Commercial Waterfront district;

C. All freestanding gasoline pumps and automobile service station pump islands may be located in a required yard; provided, that they are at least fifteen feet from all lot lines;

D. A gasoline service station shall be enclosed by a view-obscuring security fence or solid wall at least six feet high where it adjoins the rear or side of any residential or

residential planned development zone, or where it adjoins any public park, school, or church;

E. *Repealed by Ord. 1022;*

F. All gasoline storage tanks shall be installed underground;

G. No residential land uses shall be allowed upon any property containing a gasoline service station unit;

H. All gasoline service station driveways and parking areas shall be constructed with impervious paved surfaces designed to control drainage on site;

I. Display or storage of merchandise sold by the gasoline service station shall be allowed outside of any building in conformance with normal minimum setbacks of the districts in which the use is located;

J. Each gasoline service station shall be designed so that the attendants can maintain close surveillance on all pumps and islands the entire time the gasoline station is open for business;

K. Any lighting shall comply with Chapter 17.62;

L. Gasoline service stations shall conform to all applicable local, state, and federal fire and building code requirements. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995; Ord. 730 § 5, 1984).

Basis for issuing a conditional use permit for Bed and Breakfasts

17.56.230 Bed and breakfast. Minimum conditions are as follows:

A. Districts Permitted.

1. R-1 Single-Family Residential District;
2. R-M Multi-Family Residential District;
3. DMR Downtown Mixed Residential;
4. DSF Downtown Single-Family;
5. C-HS Highway Service Commercial District;
6. T-A Tourist Accommodations District; and
7. SUD Special Use District.

B. Minimum Conditions.

1. The owner of the premises shall be the applicant for the conditional use permit.
2. The bed and breakfast facilities shall be the principal residence of the owner. The owner must full time occupy the residence while the bed and breakfast is in operation. Owner occupancy is defined in Title 19.10.04.
3. 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.
4. *Repealed by Ord. 1022.*
5. Driveways accessing a bed and breakfast which are more than one hundred feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.
6. A minimum of three parking stalls shall be provided.
7. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.
8. Conditional use permits granted shall specify the number of rooms available for rental by the owner.

17.56.240 Motor vehicle sales.

Repealed by Ord. 1204. (Ord. 804 § 2, 1987).

17.56.250 Security fencing.

Minimum conditions are as follows:

A. District permitted: C-HS Highway Service Commercial District,
C-W – Commercial Waterfront District and Zone W-I – Warehousing and Industrial District;

B. Minimum conditions:

1. Fence height shall not exceed eight feet.

2. All portions of a security fence shall be comprised of similar materials and shall be painted a uniform color.

3. Fencing materials shall be solid and shall provide an effective sight screen from any adjacent residential properties.

4. The planning director may require landscaping to be placed in front of a security fence 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.

5. Setbacks:

a. Front yard: twenty feet;

b. Side yard: zero feet;

c. Rear yard: zero feet. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 886 § 9, 1989).

17.56.260 Veterinary hospitals.

A. Minimum conditions are as follows, unless otherwise specifically provided for in this title:

1. The “veterinary hospital facility” will not include outdoor animal holding pens.

2. The walls of the structure itself, or the area in which animals will be kept during

treatment, will be constructed with additional sound proof buffering as required and approved by the city building code administrator.

3. Screening and landscape buffering will be provided in accordance with Section 17.28.050.

4. Animal carcasses will be frozen and placed in the waste receptacles on pickup day only.

5. The housing of livestock overnight will not be permitted. The housing of small animals overnight will be minimized. (Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 925 § 2, 1991).

17.56.270 Brewpubs.

Minimum conditions are as follows:

A. District permitted: T-A Tourist Accommodation District.

B. Minimum conditions:

1. Confirmation by the public works director that the sewer and water systems

will not be required to provide services beyond their capacity with the addition of the proposed brewpub and other uses proposed at that time.

2. The public works director shall determine that the acidity and B.O.D. of all waste expected to be discharged to the sewer will not significantly impact the function of the sewer system. Any increase in the amount of beer proposed to be brewed in the original application will require another review and approval by the public works director.

3. The proposal shall be in compliance with the International Building Code and Uniform Plumbing Code.

4. The proposal shall have approval from Chelan-Douglas Health District prior to opening the business.

5. The conditional use file shall be reviewed by planning and community development staff after six months of operation by the brewpub to determine if any complaints have been received in regard to the smell created by the brewing process. If the department determines that the smell significantly affects the neighborhood, the brewpub will be further conditioned to brew only between the hours of ten p.m. and six

6. Restaurants with brewpubs in the Tourist Accommodation District shall not be located within one hundred fifty feet of any residential zone; provided, that if the structure to be used for the restaurant/brewpub was erected and used for a similar activity, and the residential development or designation went into effect after the structure was erected, this one-hundred-fifty-foot restriction shall not apply. (Ord. 1411 § 4 (Exh. C (part, 2010: Ord. 1120 §§ 2, 3, 1998; Ord. 1101 § 3, 1998.

17.56.280 Large satellite dish antennas and broadcast and relay towers.

A. Generally. As provided in Section 17.70.020, large satellite dish antennas and broadcast and relay towers located within the R-M and R-1 zoning districts require a conditional use permit. No such permit may be granted until a hearing has been held by the hearing examiner and written findings and conclusions have been entered.

B. The minimum standards for broadcast and relay towers located within the R-M and R-1 zoning districts shall be as follows:

1. The applicant shall demonstrate through technical evidence from a qualified radio frequency engineer that the proposed facilities are essential to meeting the wireless coverage and level of service requirements set forth in applicable federal statutes, regulations, or licenses; that no locations outside of the R-M and R-1 zoning district can be utilized to achieve the required level of coverage and service; and that the proposed facility is the smallest necessary to meet the required level of coverage and service;

2. The applicant shall demonstrate the proposed facility is designed in such a manner that it will be screened or camouflaged to the maximum extent possible through the use of existing buildings, structures, vegetation, trees, and other concealment technology;

3. The applicant shall demonstrate that the colors and finishing materials selected or proposed for the facility will blend into the natural and built environment surrounding the facility to the maximum extent possible;

4. The applicant shall demonstrate that the proposed facility and all of its ancillary equipment have been designed in such a manner that they shall comply with all applicable state and local noise regulations and that the use of site design and other built features, existing or proposed, result in the lowest possible noise impact upon existing residential uses; and

5. The applicant shall demonstrate that it has complied with all applicable federal, state, and local regulations related to the facility and that the proposed facility is consistent with the policies set forth in the comprehensive plan.

C. The minimum standards for large satellite dish antennas within the R-M and R-1 zoning districts shall be as follows:

1. The applicant shall demonstrate the proposed facility is designed in such a manner that it will be screened or camouflaged to the maximum extent possible through the use of existing buildings, structures, vegetation, trees, and other concealment technology;

2. The applicant shall demonstrate that the colors and finishing materials selected or proposed for the facility will blend into the natural and built environment surrounding the facility to the maximum extent possible;

3. The applicant shall demonstrate that the proposed facility and all of its ancillary equipment have been designed in such a manner that they shall comply with all applicable state and local noise regulations and that the use of site design and other built features, existing or proposed, result in the lowest possible noise impact upon existing residential uses;

4. The applicant shall demonstrate that it has complied with all applicable federal, state, and local regulations related to the facility and that the proposed facility is consistent with the policies set forth in the comprehensive plan; and

5. The applicant shall demonstrate that the proposed facility is essential to the communications needs of a business lawfully located within the R-M or R-1 zone and that reasonably comparable services cannot be obtained without use of a large satellite dish antenna. (Ord. 1411 § 4 (Exh. C) (part), 2010; Ord. 1214 § 2, 2001).

17.56.290 Parks.

A. Minimum conditions:

1. Compliance with parks and recreation design standards. (Ord. 1411 § 4 (Exh. C) (part), 2010; Ord. 1377 § 6 (App. D) (part), 2009).

17.56.300 Community waterfront parks.

- A. Purpose. The intent of this section is to provide provisions for public open spaces and water access.
- B. District permitted: all zoning districts.
- C. Minimum Conditions.
 - 1. Required lineal feet of shoreline:
 - a. Twenty contiguous lineal feet of shoreline for each residential unit, including multi-family, that is allowed access to the community waterfront area.
 - b. Any subdivision or multi-family development that provides contiguous shoreline greater than two hundred (200) feet in length would be excluded from this requirement.
- D. Buffers between Community Waterfront and Noncompatible Uses. Buffers to include physical spacing and visual screening will be required between parks and community waterfront and adjacent, noncompatible uses. Fences shall be placed on the dividing property line. Plantings shall be placed on property owned and maintained by the developer.
 - 1. Buffers shall be created for all community waterfront parks adjacent to single- family homes.
 - 2. New community waterfront parks adjacent to existing, unlike development shall provide visual and trespass-inhibiting screening to include the following:
 - a. A minimum six-foot (except for front yard fence requirements of the zoning district), sight-obscuring, trespass-resistant fence.
 - b. Plantings to include a minimum single row of evergreen shrubs or trees which will achieve a height of no less than six feet at maturity, spaced at appropriate intervals to provide a solid screen at maturity. (Plantings should be drought-tolerant and hardy to winter conditions typical to the area. Nuisance shrubs and trees, or those with root systems likely to damage pavement, utilities, fencing, adjacent lawns, or adjacent properties are prohibited.)
 - c. A minimum planting bed width of ten feet.
 - 3. A planting plan submitted by a certified landscape architect. The plan must identify plantings that will achieve the visual screening, trespass inhibiting, and long-term sustainability goals of this section. (The planting plan must be submitted prior to project approval, and must comply with all other planting requirements of this code.)
 - 4. An irrigation system sufficient to serve the entire planting strip. (An irrigation plan must be submitted prior to project approval.)
 - 5. Maintenance of landscaped buffers shall be the responsibility of the property developer or future owner(s) of subject property. The long-term maintenance plan must be submitted with the landscape plan and approved by the responsible city official. A note on the deed will specify a responsibility for the long-term maintenance of the buffer to run with the land.
 - a. All planting beds must be weeded and maintained regularly. Maintain ten-foot width of beds to prevent encroachment from adjacent lawns.
 - b. Diseased or dying shrubs or trees must be replaced with similar items projected to achieve the desired screening effect.

17.56.310 Single-family residences.

Minimum conditions are as follows:

A. Districts permitted: W-I – Warehouse Industrial.

B. Minimum conditions:

1. Single-family residences must be existing prior to September 1, 2010.

2. Dimensional standards:

a. Minimum lot area: ten thousand square feet;

b. Minimum width of lot at building line: sixty feet;

c. Minimum lot depth: ninety feet;

d. Maximum height: thirty feet;

e. Maximum land coverage: forty percent for all buildings;

f. Minimum setback distances are as follows:

i. Front yard: twenty-five feet;

ii. Rear yard: twenty feet;

iii. Side yard: five feet;

iv. Corner lot buildings: buildings on a corner lot shall observe the

minimum front yard setback on one side and a fifteen-foot setback on the second front yard except that in the case of a garage or carport shall be at least twenty feet. (Ord. 1411 § 4 (Exh. C) (part), 2010).

17.56.320 Expanded home occupation.¹

Conditions are:

A. Minimum lot size shall be one acre.

B. Allowed as an accessory use to the single-family dwelling and subject to conditional use review.

C. Conducted on site by the individuals residing in the home.

D. The number of nonresident employees will be determined by the hearing examiner with a maximum of five at one time.

E. Accessory buildings containing expanded home occupation uses shall be limited in area to not more than two thousand four hundred square feet.

F. Storage of equipment and materials outside of the buildings shall be limited to a specific area not exceeding one thousand two hundred square feet and shall be appropriately screened to be not visible from outside the property boundaries.

G. Off-street parking shall be provided for the residential and business use in accordance with the development standards.

H. The use shall not create additional pedestrian or automobile traffic in excess of normal amount typical for the area. A traffic study may be required by the public works director.

I. No activity shall be allowed that creates offensive noise, dust, smoke, odor, or glare that is noticeable from beyond the property boundaries.

J. A single freestanding or wall sign may be permitted that meets the definition and dimensions within Chapter 17.58.

K. The hours of operation may be limited as deemed necessary to minimize adverse impacts to neighboring properties.

L. On-site retail sales and services are limited to the sale of goods and services produced on the premises. The area used for retail sales shall be limited to four hundred square feet. (Ord. 1423 § 3, 2011).

17.56.310 [Conditional Uses] Expanded Home Occupation conditions are:

- a. Minimum lot size shall be one acre.
- b. Allowed as an accessory use to the Single Family dwelling and subject to conditional use review.
- c. Conducted on site by the individuals residing in the home.
- d. The number of nonresident employees will be determined by the hearing examiner with a maximum of (5) five at one time.
- e. Accessory buildings containing expanded home occupations uses shall be limited in area to not more than 2,400 square feet.
- f. Storage of equipment and materials outside of the buildings shall be limited to a specific [area] not exceeding 1,200 square feet and shall be appropriately screened to be not visible from outside the property boundaries.
- g. Off-street parking shall be provided for the residential and business use in accordance with the development standards.
- h. The use shall not create additional pedestrian or automobile traffic in excess of normal amount typical for the area. A traffic study may be required by the Public Works Director.
- i. No activity shall be allowed that creates offensive noise, dust, smoke, odor, glare that is noticeable from beyond the property boundaries.
- j. A single freestanding or wall sign may be permitted that meets the definition and dimensions within CMC 17.58.
- k. The hour of operations may be limited as deemed necessary to minimize adverse impacts to neighboring properties.
- l. On-site retail sales and services are limited to the sale of goods and services produced on the premises. The area used for retail sales shall be limited to 400 square feet.

17.56.330 Campground or Recreational vehicle parks.

A. Purpose: The city council finds that campground and recreation vehicle parks require regulations to assure compatibility with surrounding land uses, to avoid health and safety hazards, to prevent potential damage to the environment and pressure on public services, and for the general welfare of the citizens of the city; that certain regulations are necessary controlling the development, use, location and operation of campgrounds or recreational vehicle parks

B. Standards:

1. No recreational vehicle (RV) or tent within the campground or recreation vehicle park shall be used as a permanent place of habitation or dwelling for more than 180 days in any 12-month period. Occupying a different space or site shall be included in the 180 day calculation.
2. Tenant or residents stays within the park are limited to no more than 180 days in any 12 month period.
3. The applicant shall state the number and location of extend stay sites. The Hearing Examiner may reduce the number of days and sites within the 12 month period.
4. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, is hereby prohibited;
5. No built external appurtenances, such as carports, cabanas or patios, may be attached to any recreational vehicle except common recreation vehicle equipment such as an awning while it is in a park;
6. No space within a campground or recreational vehicle park shall be rented for any purpose other than recreation or vacation except the Hearing Examiner may approve a limited number of sites for seasonal worker housing not to exceed 180 days in any 12-month period;
7. The minimum site area of a campground or recreational vehicle park shall be 3 acres with a maximum of 10 acres;
8. Design Standards. The purpose of this section is to establish minimum design standards for campgrounds or recreational vehicle parks:
 - a. Density. The number of recreational vehicles permitted in a park shall not exceed a density of 15 units per gross acre;
 - b. Campsite Size. Each individual recreational vehicle site shall be not less than 1,500 square feet in size;
 - c. Access Points. Entrances and exits to the campground or recreation vehicle park shall be designed for safe and convenient movement of traffic into and out of the campground or recreation vehicle park and to minimize friction with free movement of traffic and adjacent streets. All traffic into and out of the campground or recreation vehicle park shall be through such entrances and exists. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersection 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 hand of the street.
- d. Parking.
 - i. At least one parking space shall be provided on each designated Recreational Vehicle or campsite;
 - ii. At least one parking space for each five sites shall be provided for visitor parking in the campground or recreation vehicle park;
 - iii. All parking shall be improved with regularly mowed all grass parking surface or gravel surface maintained with proper drainage and regular weed maintenance
 - e. Internal Park Roads. All internal park roads shall be privately owned and maintained. All Internal roads shall be regularly mowed grass surface, weed free and dustless gravel surface or asphalt surface;
 - f. Open Space/Recreational Facilities.
 - i. A minimum of 20 percent of the site shall be set aside and maintained as open space for the recreational use of park occupants;
 - ii. Open space shall be accessible and usable for passive or active recreation;
 - iii. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space;
 - g. Signs. Signs and advertising devices shall be prohibited in campground or recreation vehicle parks except:
 - i. One identification sign at each entrance of the campground or recreation vehicle park which may be indirectly lit, but not flashing, and not to exceed 16 square feet of copy area;
 - ii. Directional and information signs for the convenience of occupants of the campground or recreation vehicle park and located internally;
 - h. Utilities. Campgrounds or Recreation vehicle parks shall be connected to the City water and sewer for restroom facilities as required by (m) below. Septic systems are not permitted. Individual holding tanks may be used in lieu of individual sites connected to city sewer. A holding tank management plan shall be submitted with the application. All utility lines in the park shall be underground and shall be approved by the agency or jurisdiction providing the service;
 - i. Storm Drainage. Storm drainage control facilities shall be subject to approval by the Public Works Director;
 - j. Exterior Lighting. All exterior lighting shall comply with CMC 17.62;
 - k. Buffer Zones. Recreation vehicles shall be parked no closer than 30 feet from existing main road and no closer than 60 feet from existing driveways or alleys;
 - l. Pets. Service Animals are allowed.
 - m. Tenant Facilities. Campgrounds or Recreational vehicle parks shall provide the following tenant facilities:
 - i. Restroom facilities containing showers and toilets connected to the city's sewer utility, with the minimum number of which shall be one commode and one shower for each 20 sites;
 - ii. Refuse containers for solid waste in adequate quantity shall be provided and contracts shall be made with the service provider for regular pickup and disposal;
 - iii. Park garbage shall be picked up daily and the park shall be maintained free of any uncontrolled garbage;
 - iv. Each campground or recreation vehicle park shall have an on-site manager available 24 hours per day, seven days per week; and

- v. 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, and proposed methods to enforce occupancy limitations and other requirements of this section.
 - n. Storage Areas. Storage areas shall be properly screened through the use of landscaping, fences, hedges or other methods to reduce potentially negative impacts on adjacent use and / or neighboring property views.
- C. Review of conditional use permit. The conditional use permit shall run with the land and be reviewed after first & second year(s) of operation by the Planning Department and thereafter every five years or other timeframe specified in the conditional use permit. Any violations of a conditional use permit shall be enforced under the uniform code enforcement process.

17.56.300 Community waterfront parks.

- A. Purpose. The intent of this section is to provide provisions for public open spaces and water access.
- B. District permitted: all zoning districts.
- C. Minimum Conditions.
 - 1. Required lineal feet of shoreline:
 - a. Twenty contiguous lineal feet of shoreline for each residential unit, including multi-family, that is allowed access to the community waterfront area.
 - b. Any subdivision or multi-family development that provides contiguous shoreline greater than two hundred (200) feet in length would be excluded from this requirement.
- D. Buffers between Community Waterfront and Noncompatible Uses. Buffers to include physical spacing and visual screening will be required between parks and community waterfront and adjacent, noncompatible uses. Fences shall be placed on the dividing property line. Plantings shall be placed on property owned and maintained by the developer.
 - 1. Buffers shall be created for all community waterfront parks adjacent to single- family homes.
 - 2. New community waterfront parks adjacent to existing, unlike development shall provide visual and trespass-inhibiting screening to include the following:
 - a. A minimum six-foot (except for front yard fence requirements of the zoning district), sight-obscuring, trespass-resistant fence.
 - b. Plantings to include a minimum single row of evergreen shrubs or trees which will achieve a height of no less than six feet at maturity, spaced at appropriate intervals to provide a solid screen at maturity. (Plantings should be drought-tolerant and hardy to winter conditions typical to the area. Nuisance shrubs and trees, or those with root systems likely to damage pavement, utilities, fencing, adjacent lawns, or adjacent properties are prohibited.)
 - c. A minimum planting bed width of ten feet.
 - 3. A planting plan submitted by a certified landscape architect. The plan must identify plantings that will achieve the visual screening, trespass inhibiting, and long-term sustainability goals of this section. (The planting plan must be submitted prior to project approval, and must comply with all other planting requirements of this code.)
 - 4. An irrigation system sufficient to serve the entire planting strip. (An irrigation plan must be submitted prior to project approval.)
 - 5. Maintenance of landscaped buffers shall be the responsibility of the property developer or future owner(s) of subject property. The long-term maintenance plan must be submitted with the landscape plan and approved by the responsible city official. A note on the deed will specify a responsibility for the long-term maintenance of the buffer to run with the land.
 - a. All planting beds must be weeded and maintained regularly. Maintain ten-foot width of beds to prevent encroachment from adjacent lawns.
 - b. Diseased or dying shrubs or trees must be replaced with similar items projected to achieve the desired screening effect.

- c. Fences must be maintained in good order at all times.
- 6. Buffer planting, including plant materials, soil preparation, mulch, irrigation, and maintenance, shall be in accordance with the most current version of Standard Specifications for Road, Bridge and Municipal Construction, published by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association (WSDOT/APWA), and any special provisions developed by the project landscape architect. See Section 25.05.080(A).
- E. Lighting. Compliance with the Dark Sky Ordinance, Chapter 17.62, and the city park and recreation design standards.
- F. Other Requirements. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.

**Chapter 17.58
SIGNS**

Sections:

- 17.58.010 Short title.**
- 17.58.020 Statement of purpose.**
- 17.58.030 Interpretation.**
- 17.58.040 Definitions.**
- 17.58.050 Sign classification.**
- 17.58.060 Construction and design standards.**
- 17.58.070 Murals – Standards.**
- 17.58.080 Nonconforming signs – Provisions for amortization.**
- 17.58.090 Administration.**
- 17.58.100 Variances.**
- 17.58.110 Appeals.**
- 17.58.120 Enforcement and sign removal.**

17.58.010 Short title.

This chapter shall be known as the “sign code” of the city of Chelan. (Ord. 1022 § 13 (part), 1995).

17.58.020 Statement of purpose.

The purpose of this chapter is to promote the use of signs which are both functional and attractive in appearance, through a sign regulation and permit system governing all exterior signs. This system is also intended to permit such signs that will, by their size, location, design, construction, or manner of display, not endanger the public safety of individuals, obstruct vision necessary for traffic safety, or otherwise endanger the public health, safety, or general welfare. (Ord. 1022 § 13 (part), 1995).

17.58.030 Interpretation.

If any sections of the sign code conflict, the most restrictive shall govern. If there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. (Ord. 1022 § 13 (part), 1995).

17.58.040 Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivatives shall be construed as specified in this section:

- A. “Abandoned sign” is a sign which represents or displays any reference to a business or use which has been discontinued for more than six months or for which no valid business license is in effect in the city.
- B. “Alteration of sign” is any construction material, size, name or location change except for normal maintenance to an existing sign.
- C. “Area” or “sign area” is the total area of a sign excluding the sign support structure. The area is calculated by measuring from the outside edge of the frame. (For calculating the area of a double-faced sign, only one side of the sign is to be used.) Architectural embellishments and decorative features which contain no written or advertising copy, which are not illuminated and which contain no logos or trademarks shall not be included

in the sign area. Signs painted on or attached to a wall or awning are calculated by imaginary straight lines around the entire copy or grouping of letters, words, or symbols, using a maximum of eight lines.

- D. “Awning” is an overhead shelter, supported entirely from the exterior walls of a building composed of a rigid supporting framework and a flexible or nonrigid covering.
- E. “Building face” is the exposed building front or exposed exterior wall of a building from the grade of the building to the eave line or parapet and the entire width of the building elevation.
- F. “Building side” is a surface of a building that extends more or less perpendicularly from an observer standing in front or side of a building.
- G. “Canopy” is a freestanding permanent rooflike structure with support columns composed of rigid materials providing protection from the elements, such as a service station gas pump island. A portion of a canopy may be supported by an adjacent structure.
- H. “Commercial” is any activity carried on for financial gain.
- I. “Drive-in restaurant” or “refreshment stand” is any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages to customers in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.
- J. “Eave line” is the juncture of the roof and the perimeter wall of the structure.
- K. “Erect” is to build, construct, alter, display, relocate, attach, hang, place, suspend, affix any sign, and shall also include the painting of murals and wall signs.
- L. “Highway frontage” is property which abuts SR 150 or Highway 97A as designated by Washington State Department of Transportation.
- M. “Historical site or structure” is any structure, collection of structures and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal governmental jurisdiction. Included shall be structures on official national, state or local historic registers or official listings such as the National Register of Historic Places, the State Register of Historic Places, state points of historical interest, and registers or listings of historical or architecturally significant sites, places, historic districts, or landmarks as adopted by a certified local government.
- N. “Marquee” is a permanent rooflike structure composed of rigid materials providing protection from the elements, attached to and supported by the building and projecting over public or private property. This does not include a projecting roof.
- O. “Material” is any wood, metal, plastic, glass, cloth, fabric, or any other substance used to construct a sign.
- P. “Multiple building complex” is a group of structures housing two or more retail offices, or commercial uses sharing the same lot, access and/or parking facilities or coordinated site plan.
- Q. “Multiple tenant building” is a single structure housing two or more retail, office or commercial uses.
- R. “Normal maintenance” is an act of repair or other acts to prevent decline, lapse or cessation from original state or condition.
- S. “Public entity” is a state, county, district, public authority, or public agency.
- T. “Repair” is to renew, refresh or to restore to sound condition.
- U. “Sign”, in the singular or plural, 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.

The term “sign” includes, without limitation, the following types of signs:

- 1. “Accessory commercial sign” includes, but is not limited to, open/closed signs, bank card signs, credit card signs, travel club signs, welcome signs and

- vacancy/no vacancy signs; provided, that such signs are erected in accordance with the location requirements of this chapter, and that the sign does not advertise any business or product.
2. “Animated sign” means any sign which includes the optical illusion of action or motion or color changes of all or any part of the sign facing to show or give the appearance of video or television-type pictures that required electrical energy.
 3. “Awning sign” is a sign applied to or incorporated into the covering of an awning. An awning sign shall be considered a wall sign for the purposes of this chapter.
 4. “Banner sign” is a sign constructed of cloth, fabric or other nonrigid material hanging from a staff, pole or frame or wall mounted. A banner sign shall be considered a temporary sign.
 5. “Bench sign” is a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
 6. “Canopy sign” is a sign installed on the wall or side of a canopy that conceals the structural portion of the canopy roof.
 7. “Commemorative plaque” is a memorial plaque or plate, with engraved or cast lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.
 8. “Construction sign” is a sign on the site of a construction project that identifies the project, its character or purpose and/or the architects, engineers, planners, contractors, or other individuals or firms involved.
 9. “Directory sign” is a sign on which the names and locations of occupants or the use or uses of a building are given.
 10. “Electronically changeable message sign” is a sign upon which graphics, symbols or words can be varied upon the face or faces of the sign.
 11. “Flashing sign” is a sign or other advertising structure having lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature signs.
 12. “Freestanding sign” is a sign permanently supported from the ground in a fixed location by a structure of poles, uprights, braces or monumental base and not supported by nor attached to a building. The base of such sign shall be located on the business property.
 13. “Historically significant sign” is a sign which was installed or constructed prior to January 1, 1956, and which has been approved by the city council. Approved historical signs shall be restored and maintained in good condition.
 14. “Illuminated sign” is a sign internally illuminated in any manner by an artificial light source within which the light source is not exposed.
 15. “Indirectly illuminated sign” is a sign which by design is illuminated by reflection of a light source from the sign face. Such signs shall not project light from the light source across property lines, or directly towards traffic.
 16. “Integral sign” is a memorial sign or tablet or name of or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.
 17. “Logo sign” is a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.
 18. “Marquee sign” is a sign attached to fascia or on the roof of a marquee. For the purposes of this code, a sign located on the roof of a marquee shall be considered a projecting or freestanding sign and a sign located on the fascia or a marquee

- shall be considered a wall sign.
19. “Moving sign” is a sign or other advertising structure having visible moving, revolving or rotating parts or visible mechanical movement of any kind or other apparent visible movement achieved by electrical, electronics or mechanical means, except for street clocks and time and temperature signs.
 20. “Mural” is a painting applied directly to a wall or building.
 21. “Nonconforming sign” is a sign located within the city limits of Chelan that was in existence prior to the effective date of the ordinance codifying this chapter which does not conform with the provisions of this chapter. Abandoned signs shall not be considered a nonconforming sign.
 22. “Off-premises sign” is a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises where the sign is located as listed on the business license.
 23. “On-premises directional sign” is a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.
 24. “Pennants” or “streamers” are long tapering flags or strips of material used to attract attention to a business, place, or area.
 25. “Political sign” is a sign identifying or expressing a political candidate or viewpoint on public issues decided by ballot.
 26. “Portable sign” is a sign, excluding sandwich-board signs, that is capable of being moved easily and not permanently affixed to the ground, a structure, or a building.
 27. “Projecting sign” is a sign other than a wall sign that extends horizontally from and is supported by a wall of a building or structure.
 28. “Readerboard” is a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy. A readerboard shall be considered a wall sign.
 29. “Real estate sign” is a sign that advertises the real estate on which it is located for rent, lease, or sale.
 30. “Roof sign” is a sign painted, erected or constructed wholly upon or over the roof of any building and supported on the roof structure; however a sign located on a roof or a marquee shall be regarded as a projecting or freestanding sign.
 31. “Sandwich-board sign” is a sign no more than forty-two inches in height and thirty inches in width and weighted to prevent it from tipping over.
 32. “Suspended sign” is a sign which hangs below the permanent overhang, marquee or canopy extending over public or private sidewalks or rights-of-way.
 33. “Temporary sign” is a sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, or other light nondurable materials intended to be displayed for no more than thirty days per calendar year. Types of signs included in this category include but are not limited to: grand opening, special sales, special events, and garage sale signs.
 34. “Time and temperature” is that portion of a sign intended to display only the time of day and current temperature.
 35. “Wall graphic” is a wall design in which color and form are part of an overall design on the building.
 36. “Wall sign” is a sign painted, attached to or erected against and parallel to the wall plane of a building or structure. A wall sign shall be confined within the limits of said wall and shall not extend more than twelve inches from the face of the wall. Awning signs shall be considered wall signs for the purposes of this code.
 37. “Window sign” is a sign located on the interior of a window within one foot of

- the glass or located on the exterior of a window.
- V. “Sign height” is the vertical distance measured from the grade below the sign to the highest point of the sign.
- W. “Wall plane” is that portion of a building face which is contained on one general plane. If there is a shift in the facade forward or back, a new plane is created. A single wall plane may contain windows and doors. (Ord. 1220 § 1, 2001; Ord. 1185 §§ 1, 2, 3, 2000; Ord. 1022 § 13 (part), 1995).

17.58.050 Sign classification.

- A. Exempt Signs. The following types of signs and devices shall be exempt from the permit requirements of this chapter; provided, that all applicable standards or conditions specified are met:
1. Accessory commercial signs;
 2. Banner signs, decorative flags, pennants, or streamers; provided they are only displayed for one thirty-day period within a calendar year and must have the date of initial posting clearly written on the face of the banner, streamer or pennant;
 3. Barber poles;
 4. Billboard signs located on the outfield fence of the city of Chelan parks baseball fields;
 5. Commemorative plaques and integral signs;
 6. Community activity signs or banner signs; provided they are installed no sooner than thirty days prior to the event or activity and removed within fourteen days of the completion of the activity or event;
 7. Construction signs; provided, that there shall be only one such sign per street frontage of a building; and provided, that the area of each sign shall not exceed sixteen square feet in a residential district and thirty-two square feet in other zoning districts and that all such signs shall be removed within thirty days of completion of the building;
 8. Exterior holiday or festive decoration lights; provided they are removed within three weeks following the holiday;
 9. Flags and/or insignia of any government;
 10. Historically significant signs;
 11. Historical site or structure signs; provided they are approved by the city council. Such signs shall be a maximum of twelve square feet and nonilluminated unless allowed elsewhere in this code. Only the name of the site or structure, hours of visitation and admission charges if any shall be indicated on the sign;
 12. Integral decorative or architectural features of buildings including but not limited to building names, except when such features include commercial wording, moving parts, or moving lights;
 13. Menu signs for drive-in restaurants;
 14. Menu signs for other than drive-in restaurants; provided, that the menu displayed is the same as that given to customers and such sign shall have a maximum size of four square feet;
 15. Movie theater display cases; provided there are not more than two cases not to exceed twenty four square feet each;
 16. Murals, except any portion of a mural that meets the definition of a “sign” in Section 17.58.040U; and provided it is approved by the city council or its designee subject to those standards set forth in Section 17.58.070;
 17. Noncommercial signs bearing only property numbers, postal box numbers or names of occupants of premises;
 18. Political signs; provided all such signs shall be removed no later than one week

19. after the election to which the signs pertain;
Real estate signs; provided there shall be only one such sign per lot. Such signs shall not be placed where a vehicle driver's visibility including but not limited to intersections, alleys, or driveways might be obstructed. The maximum area of the sign in residential zones shall not exceed four square feet and the height shall not exceed forty-two inches. In nonresidential zoning districts, the area of the sign shall not exceed sixteen square feet and the height shall not exceed six feet. The sign must be removed within thirty days from the date of closing;
 20. Real estate sale signs for condominium projects and subdivisions; provided the maximum area of the sign shall not exceed thirty-two square feet, the height shall not exceed eight feet, and has the initial date of posting on the sign. Such signs shall be removed within five years of initial posting or sale of seventy-five percent of the total number of lots or condominium units, whichever occurs first. If there is no initial date of posting on such sign, said sign shall be a prohibited sign;
 21. Signs of a public entity, including, without limitation, community service informational signs, kiosk signs, public utility information signs, traffic control signs and all signs erected by a public officer in the performance of a public duty; provided, however, that such signs shall meet the location, size and structural requirements of this chapter;
 22. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter; provided, that such signs shall not exceed six square feet in area per sign;
 23. Temporary signs; provided, that such signs must be securely affixed to the surface of a building wall or window, or between existing structures, poles and/or other supports, must have the date of initial posting clearly written on the face of the sign and must be removed not later than thirty days after initial posting;
 24. Time and temperature signs; provided, that the sign conforms to the height restrictions for a freestanding sign for the zoning district in which it is located;
 25. Wall graphic, except that portion which contains letters, symbols, trademarks, logos, written copy, moving parts or moving lights;
 26. Window signs.
- B. Prohibited Signs. It is unlawful to erect or maintain:
1. Abandoned signs;
 2. Animated signs;
 3. Bench signs;
 4. Portable signs;
 5. Off-premises signs;
 6. Roof signs or marquee signs which are located on, project or extend above the eave or parapet line of any portion of the building;
 7. Signs in a dilapidated or hazardous condition;
 8. Signs on doors, windows or fire escapes that restrict free ingress or egress;
 9. Flashing signs;
 10. Moving signs;
 11. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal or which could cause confusion with any official sign, or which obstruct the visibility of any traffic/street sign, signal, or obstruct a vehicle driver's visibility at, including, but not limited to, intersections, alleys, and driveways;
 12. Signs attached to utility, street light and traffic control standard poles;
 13. Signs on any vehicle or trailer parked as a stationary display for advertising purposes on public or private property which are visible from public rights-of-

way. This provision shall not prohibit signs which are painted on or magnetically attached to any vehicle operating in the normal course of business;

14. Electronically changeable message sign.
- C. Permitted Signs. Except as otherwise provided in this title, all signs shall be permitted; provided they meet all conditions and requirements established in this chapter. (Ord. 1220 § 2, 2001; Ord. 1185 §§ 4 – 7, 2000; Ord. 1022 § 13 (part), 1995).

17.58.060 Construction and design standards.

- A. General Requirements. All permitted signs must conform with the following sign location, size and design requirements, unless otherwise provided for in this chapter:

1. Building Coverage. Except as provided herein, signs attached to a building face including, but not limited to, wall and projecting signs shall not be located on more than two sides of any building. Exception: If the building contains an individual business or businesses with separate entrances on more than two sides of the building, signs may be located on three sides of the building. Businesses with the main entrance fronting on an alley may use the exception stated above.

2. Clearance. Clearance under the lowest point of any sign which projects out over a public walkway shall not be less than eight feet, except suspended signs which shall not be less than seven feet.

3. Lighting.
 - a. A sign illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic and shall not cause glare into any residential zoning district.
 - b. Wiring for indirectly illuminated signs shall be installed in accordance with the current edition of the National Electrical Code.

4. Multiple Tenant Buildings. In buildings with multiple tenants, it shall be the building owner's responsibility to assign the allowed sign size and location between tenants to comply with the sign code.

5. Signs with Opposing Faces. Signs with opposing faces one hundred thirty-five degrees or less shall be considered a two-sided sign and only one side of the sign shall be used in calculating sign size. If the opposing faces of a sign are more than one hundred thirty-five degrees, both opposing faces shall be used in calculating sign size.

6. Uniform Sign Code. All signs shall be constructed and erected in conformance with the current edition of the Uniform Sign Code, as the same now exists or as may be hereafter amended, which is hereby adopted and incorporated herein by this reference as if fully set forth.

- B. Design Requirements. Except as provided in subsection C of this section, the signs specified below shall comply with the requirements set forth herein.

1. Directory Signs. In addition to all other signs allowed in this chapter, each business shall be permitted one wall directory sign not to exceed four square feet per business or use attached flush with the wall. Individual signs within an approved directory sign may be added, moved or substituted with signs for new businesses or uses without going through the design review process; provided, that the design is consistent and the provisions of the original permit are met.

2. Freestanding Signs. For buildings which are located at least ten feet or more back from any street frontage, a single freestanding sign located in the area that the building is ten feet or more from the frontage and the otherwise allowable wall signage may be substituted for the otherwise allowable signs. Any such

freestanding sign shall be entirely within the yard area, shall not obstruct public walkways, and shall not be placed where a vehicle driver's visibility might be obscured including, but not limited to, intersections, alleys, and driveways. The maximum area of freestanding signs shall not exceed twenty-five square feet; provided, that parcels with more than fifty feet of frontage on any one street may increase the maximum size of the sign located on that street frontage by one square foot for each ten lineal feet of street frontage in excess of fifty feet, to a maximum size of fifty square feet. A freestanding sign may only be allowed on a lot that has at a minimum fifty feet of width at the street frontage. Corner lots and through lots shall only be allowed to calculate frontage on one street. Freestanding signs shall not exceed sixteen feet in height or the highest point of the structure, whichever is less. Flagpoles, crosses, etc. shall not be used in calculating structure height.

3. Projecting Signs. The total area of all projecting signs shall not exceed fifteen square feet or project more than five feet from the building face for an individual business. The structure around or supporting the sign, such as wrought iron work, shall not be included in the total sign area.
 4. Sandwich-Board. Sandwich-board signs may be placed in front of the business establishment the sign is advertising during business hours only. It shall be placed adjacent to the curb; provided, that such sign shall not be placed in any location which obstructs visibility or creates blind spots at intersections or obstructs pedestrian or vehicular travel. Sandwich-board signs shall be limited to one per business, shall not exceed forty-two inches in height and thirty inches in width, shall be painted or finished with a sealer, and shall be nonilluminated.
 5. Suspended Signs. One suspended sign may be substituted for a projecting sign; provided it does not exceed six square feet, twelve inches in height or six feet in length.
 6. Wall Signs. The maximum area for the total of all permitted wall signs for any single wall plane shall not exceed ten percent. This shall include all window and door areas and shall be measured from the sidewalk or ground line to the building eave line or parapet.
- C. Exceptions to Design Requirements. The following are exceptions to the design requirements set forth in Section 17.58.060B.
1. Gas Stations. Gas stations shall be limited to a maximum of two of these signs: canopy, wall, freestanding, or projecting. Gas station canopy signs are allowed a maximum area of fifty square feet per side on any two sides and a business symbol, not to exceed twelve square feet, may be allowed on a third side. For gas stations with highway frontage, freestanding signs shall not exceed twenty-five feet in height or the highest point of the structure, whichever is less. The maximum area shall be fifty square feet for all freestanding and projecting signs. For gas stations without highway frontage, freestanding signs shall not exceed sixteen feet in height or the highest point of the structure, whichever is less. The maximum area shall be twelve square feet. Only one freestanding sign shall be allowed per business property or parcel. The maximum area of projecting signs shall be fifteen square feet. Flagpoles, crosses, etc. shall not be used in calculating structure height.
 2. Highway Frontage. Only the following signs may be located within highway frontage and shall conform to the following standards:
 - a. Projecting and Freestanding Signs. Projecting and freestanding signs shall be allowed with a maximum area of fifty square feet for all projecting and freestanding signs. More than one freestanding sign shall

be allowed; provided freestanding signs are spaced a minimum of fifty feet apart. The maximum area for all projecting and freestanding signs shall be fifty square feet; provided, that parcels with more than one hundred feet of frontage on any one street may increase the maximum size of the sign(s) located on that street frontage by one square foot for each ten lineal feet of street frontage in excess of one hundred feet, to a maximum sign(s) size of seventy-five square feet.

Freestanding signs shall be spaced a minimum of fifty feet apart. Freestanding signs shall not exceed twenty-five feet in height or the highest point of the structure, whichever is less. Flagpoles, crosses, etc. shall not be used in calculating structure height.

- b. Directory Signs. The same requirements apply as set forth in Section 17.58.060(B)(1).
 - c. Sandwich-Board Signs. The same requirements apply as set forth in Section 17.58.060(B)(4).
 - d. Wall Signs. The same requirements apply as set forth in Section 17.58.060(B) (6).
3. Lake Frontage. For buildings with frontage on Lake Chelan, an additional freestanding or projecting sign shall be allowed on the lake frontage; provided, that the total area of all freestanding and projecting signs shall not exceed fifty square feet per business or use.
 4. Motels. For motels with more than one hundred feet of street frontage, an additional projecting sign, not to exceed thirty-two square feet, shall be allowed.
 5. Zoning Districts.
 - a. T-A District. In the T-A District, freestanding signs are allowed up to fifty square feet and not exceeding twenty-five feet in height or the highest point of the structure, whichever is less.
 6. Mobile Home Parks. Signs and advertising devices shall be prohibited in a mobile home park except as follows:
 - a. One identifying sign at the entrance of the mobile home park which may be indirectly lighted but shall be nonflashing and which shall not exceed thirty-two square feet in area and six feet in height.
 - b. 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 two square feet in area.
 - c. A sign within the buffer or the setback area along a public or private road shall be no more than forty-two inches in height.
 7. Residential Development, Residential Subdivision and Planned Development Identification Signs. Provided that such signs give only the name and street address of the development or subdivision, residential development, residential subdivisions and planned development signs shall be placed at the entrance to the development or subdivision and shall not obstruct visibility, create blind spots or obstruct pedestrian travel. Signs shall be a maximum of fifty square feet, and shall not exceed four feet in height. Signs shall be limited in number to one per development or subdivision entrance. If lighting is installed, said lighting shall be shielded and directional. The term residential development shall include condominium developments.
 8. Conditional Use Permit Requirements. For those zoning districts within this title wherein the following are specified as conditional uses, the following requirements shall be met:
 - a. Bed and Breakfast. Signs in residential districts shall not exceed twelve

square feet in area. Freestanding signs shall not exceed ten feet in height and shall be located within the property boundaries. Only one sign shall be allowed on any site or structure. Signs in all other districts are subject to the provisions of this chapter.

- b. Churches. Signs in residential districts shall not exceed a total of eighteen square feet in area. Freestanding signs shall not exceed ten feet in height and shall be located within the property boundaries. Signs in all other districts are subject to the provisions of this chapter.
 - c. Gas Stations. Gas station signs shall be limited to a maximum of two of these signs: canopy, wall, freestanding, or projecting. Gas station canopy signs are allowed a maximum area of fifty square feet per side on any two sides and a business symbol, not to exceed twelve square feet, may be allowed on a third side. Freestanding signs shall not exceed twenty-five feet in height or the highest point of the structure, whichever is less. Flagpoles, crosses, etc. shall not be used in calculating structure height.
 - d. Historical Sites or Structures. Historical site or structure signs in residential districts shall not exceed twelve square feet in area. Freestanding signs shall not exceed ten feet in height and shall be located within the property boundaries. The sign shall include only the name of the site or structure, hours of visitation and admission charges, if any. Only one sign shall be allowed on any site or structure. Signs in all other districts are subject to the provisions of this chapter.
 - e. Home Occupations. Home occupation signs in residential districts shall not exceed four square feet in area. Freestanding signs shall not exceed six feet in height and shall be located within the property boundaries. Only one sign shall be allowed and said sign shall be nonilluminated. Signs in all other districts shall be subject to the provisions of this chapter.
 - f. Motels. Motel signs in residential districts shall not exceed a total of twelve square feet in area. Freestanding signs shall not exceed fifteen feet in height and shall be located within the property boundaries. Signs in all other districts are subject to the provisions of this chapter.
 - g. Public and Commercial Parking Lots. Public and commercial parking lot signs in residential districts shall not exceed twelve square feet in area. Freestanding signs shall not exceed fifteen feet in height and shall be located within the property boundaries. Only one sign shall be allowed for each off-street parking area and said sign shall be nonilluminated. Signs in all other districts are subject to the provisions of this chapter.
9. Nonconforming Uses. For those zoning districts in which nonconforming uses have been permitted, there shall be no commercial advertising except one nonilluminated sign not exceeding four square feet in area or six feet in height and such sign shall be located within the property boundaries. (Ord. 1185 §§ 8, 9, 10, 2000; Ord. 1022 § 13 (part), 1995).

17.58.070 Murals – Standards.
(Reserved)

17.58.080 Nonconforming signs – Provisions for amortization.

- A. Purpose. The ultimate purpose of any zoning or land use regulation is to confine certain classes of buildings to certain localities and to restrict other uses. The continued existence of those which are nonconforming are inconsistent with these goals, and therefore

nonconforming buildings and uses should be reduced to conformity as completely and quickly as possible without causing substantial injustice.

The city council recognizes that, absent specific regulations, nonconforming uses may tend to flourish. It is not the city's intent that nonconforming signs continue in perpetuity. For this reason, the city has continued the amortization process which started with the adoption of a ten-year amortization period contained in Chelan Ordinance No. 789.

The city council finds there are reasonably priced alternatives to the maintenance of nonconforming signs and the periods for amortization listed below will provide owners of existing nonconforming signs with a reasonable opportunity to obtain other alternative signs and a period to amortize the reasonable economic life and use of any existing nonconforming signs.

- B. Nonconforming Signs Into Compliance. Any legally nonconforming sign shall be discontinued or brought into compliance no later than July 1, 1997. Any legally nonconforming portable signs and sandwich-board signs shall be discontinued or be brought into compliance no later than sixty calendar days from the effective date of the ordinance codified in this chapter.
- C. Notice. The city will provide written notice of the expiration of the amortization period, as noted above, to the person responsible for said sign(s) at their last known address and provide notice to the owner of the property on which the sign is located. The city will utilize the tax assessor's office to find the latest, updated address for the property owner. Said notice will be provided by mail, postmarked no later than thirty days prior to the cut-off date provided for in this section for request for consideration/extension (seven months prior to expiration of amortization period), unless extenuating circumstances as determined by the city require otherwise.
- D. Request for Consideration/Extension. The city has established the time periods stated in the above subsection with the understanding that these time periods, along with the ten-year period established pursuant to Chelan Ordinance No. 789, provide a reasonable time period to recover the life expectancy of most signs. However, the city recognizes there may be special, unusual circumstances that may fall outside of those parameters.
 - 1. Any person aggrieved by the imposition of the amortization clause may request a review of such application of the clause. The request for review shall be filed with the city not later than six months prior to the expiration of the amortization period. The review shall be heard by the board of adjustment pursuant to Chapter 2.15.
 - 2. The aggrieved applicant has the burden of establishing the unreasonableness of the amortization period and must provide evidence showing the particular period is unreasonable.
 - 3. The board of adjustment shall consider such things as lease obligations, life expectancy of the nonconformance, depreciation and the actual amount invested in the nonconforming sign. The board of adjustment shall also consider alternative uses available to the applicant to bring the design into compliance. The board of adjustment shall not consider replacement costs or fair market value in determining the value to the applicant.
 - 4. The board of adjustment shall also consider the benefit to the public that is derived from the termination of the nonconformance, including: the concern for safety of vehicular and pedestrian traffic; whether distracting signs may serve to break the concentration of those using the roads with the result of loss of life or property; or the location of the sign so as not to impair the safety of a moving vehicle by obscuring the driver's vision. In addition, the board of adjustment is to consider the promotion of public safety, the promotion of aesthetic values and the

- interest of the general welfare.
5. The board of adjustment shall consider the preservation and improvement of the city's physical environment, natural amenities and desirable characteristics of the city, as set forth in the city's land use regulations. The board of adjustment may consider any combination of these legitimate public concerns; however, the board of adjustment may not rely solely upon the promotion of the aesthetic values to the city in supporting the amortization period.
 6. The board of adjustment shall conduct a balancing of interest, considering the interest and hardship to the applicant, and whether the hardship to the applicant reasonably outweighs the benefit the public would derive from the termination of the nonconformance. If after careful consideration, the board of adjustment finds the amortization period as applied to the applicant's nonconformance would result in a greater hardship to the applicant than benefit to the public, the board of adjustment may extend the amortization period to a point in time, where the balancing of interests would support the termination of the nonconformance. In no event shall this amortization period be greater than three additional years.
- E. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming designation if:
1. The sign is altered in any way or moved;
 2. The business changes ownership;
 3. The sign is replaced; or
 4. Any new sign is erected or placed in connection with the enterprise using the nonconforming sign.

On the happening of any one of subparagraphs 1, 2, 3, or 4, of this subsection, the sign shall no longer be designated a nonconforming sign and the administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the designation and the sign shall immediately be brought into compliance with this chapter and a new sign permit secured therefor, or shall be removed within ten days of notification. (Ord. 1022 § 13 (part), 1995).

17.58.090 Administration.

- A. Permit Requirement. No sign governed by the provisions of this chapter shall be erected, altered or relocated from and after the effective date of the ordinance codified in this chapter without a permit issued by the city.
- B. Permit Applications. Application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent. Such application shall be made in writing on forms furnished by the city. Only fully completed applications shall be accepted.

The application for a sign permit shall be accompanied by the following plans and other information:

1. The name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
2. The location by street address of the proposed sign structure;
3. A drawing shall be submitted along with the sign permit application. This drawing shall be on paper capable of being folded for storage in an eight and one-half by eleven inch file, and shall become the property of the city. The drawing shall include the following:
 - a. An accurate drawing, to a scale appropriate for showing all detail, of the sign including all mounting structures and devices,
 - b. An accurately scaled drawing of all building faces to be signed, including

- the scaled outlines of all existing and proposed signs, in the case of wall and projecting signs,
- c. An accurately scaled site plan, showing the location of building(s), street(s), and sign(s) in the case of freestanding signs.
- C. Application Fees. An application fee shall be paid to the city and shall accompany an application for sign permit. The application fee shall be set by resolution of the city council.
- D. 1. Enforcement Authority. The sign code shall be administered and enforced by the city administrator or his/her designee.
2. Administration. All signs in the city requiring a permit shall be reviewed by the administrator who shall consider the proposed general design, arrangement, size, lighting, placement and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this chapter. The administrator shall approve or deny the permit. (Ord. 1022 § 13 (part), 1995).

17.58.100 Variances.

- A. Any person may apply to the board of adjustment for a variance from the requirements of this chapter. The sign variance shall be processed in the same manner as set forth in Chapter 17.64 as now exists or as may be hereafter amended. A fee will be charged based on processing costs as provided for city council resolution. In making any favorable decision on a variance application, the board of adjustment must adopt findings of fact and conclusions based on those findings shown to meet the criteria set forth in Chapter 17.64.
- B. Application for a variance on the same grounds shall not be heard within one year of the date of the board of adjustment's decision. (Ord. 1022 § 13 (part), 1995).

17.58.110 Appeals.

- A. Appeals shall be made to the city board of adjustment in accordance with the provisions of Chapter 2.15 as the same exist now or may be hereafter amended.
- B. Appeals from the decision of the board of adjustment shall be made to the Chelan County superior court within twenty-one days following the decision of the board of adjustment. (Ord. 1022 § 13 (part), 1995).

17.58.120 Enforcement and sign removal.

- A. Ordinance Violations and Enforcement. The remedies provided in this section for violations of or failure to comply with provisions of this chapter, or for sign removal, shall be cumulative and shall be in addition to any other penalty or remedy provided by this title or by law.
1. Civil Remedies. The violation of or failure to comply with any of the provisions of this chapter, or the erection, use or display of any sign not in compliance with all of the provisions of this chapter is declared to be unlawful.
- a. Injunction and Abatement. The city, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the Chelan municipal court, or the courts of this state, against any person who violates or fails to comply with any provision of this chapter, or against the erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this chapter and/or the erection, use or display of an unlawful sign.
 - b. Civil Penalty. Any person who violates or fails to comply with any of the provisions of this chapter or the erector, owner or user of an unlawful

sign if located shall be subject to a maximum civil penalty of two hundred fifty dollars for each day or portion thereof that the use or display of the unlawful sign has continued, except that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to the penalty only if demand for removal or alteration of the unlawful sign shall have been mailed to said owner at his last known address by registered mail, return receipt requested, and the demand has remained uncomplished with for more than thirty days.

- c. Attorney Fees. In any action brought by the city to enforce this chapter or in any action brought by any other person in which the city is joined as a party challenging this chapter, in the event the city is a prevailing party, then the nonprevailing party challenging the provisions of this chapter or the party against whom this chapter is enforced in such action shall pay in addition to the city's costs a reasonable attorney fee at trial and in any appeal incurred by the city.

B. Removal of Unlawful Sign.

- 1. Any unlawful sign which has not been removed within thirty days after imposition of civil penalty under this chapter may be removed by the city and the costs charged to the person violating this chapter. If removal costs have not been paid and the sign reclaimed within thirty days of its removal by the city, the city shall be entitled to file with the Chelan County auditor a lien against the real estate on which the sign is located to secure repayment of such costs and expenses of removal by the city and such lien may be foreclosed in the manner provided by Washington law for the foreclosure of labor and materialman liens. The city may sell or otherwise dispose of the sign so removed and apply the proceeds toward costs of removal. Any proceeds in excess of removal costs shall be paid to the owner of the sign.
- 2. Signs which the administrator finds upon public streets, sidewalks, rights-of-way or other public property, or which wheresoever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the administrator without prior notice.
- 3. Abandoned signs as defined in this chapter may be removed by the city and the cost of removal shall be paid by the owner of the sign and shall be a lien on the real estate from which the abandoned sign was removed subject to the same provisions for foreclosure of the lien as provided in subsection B of this section. (Ord. 1022 § 13 (part), 1995).

Chapter 17.62
OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY

Sections:

- 17.62.010 Purpose.**
- 17.62.020 Definitions.**
- 17.62.030 Applicability.**
- 17.62.040 Exemptions.**
- 17.62.050 General standards.**
- 17.62.060 Prohibited.**
- 17.62.070 Submittals.**
- 17.62.080 Penalties for violation.**
- 17.62.090 Figures of acceptable shielding and direction of outdoor light fixtures.**

17.62.010 Purpose.

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.020 Definitions.

The following terms have the following definitions for purposes of this chapter:

- A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. "Fixture" (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- D. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical sixty-watt incandescent lamp (eight hundred forty lumens) produces an illuminance of 0.1 foot-candles at a distance of about twenty-five feet.
- E. "Lamp" means the light-producing source installed in the socket portion of a luminaire.
- F. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- G. "Light trespass" means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line. This term includes light extending above a commercial building from a sky light.
- H. Luminaire. See definition for "fixture" (subsection C of this section).
- I. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

- J. "Shielding" means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.
- K. "Spotlight" means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.030 Applicability.

A. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, that if it is determined by the administrator that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter. Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

- 1. Buildings and structures including, but not limited to, overhangs and canopies;
 - 2. Parking lot lighting;
 - 3. Landscape lighting;
 - 4. Lighting on docks and piers;
 - 5. Street lighting.
- B. The city's departments of planning and building and public works shall administer and enforce this chapter.
- C. In the event of a conflict between the requirements of this chapter and any other requirement of the City of Chelan Municipal Code, the more restrictive requirement shall apply. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.040 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter;
- C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
- D. Moving vehicle lights;
- E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Chelan Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
- F. Public sports and recreational facilities;
- G. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;
- H. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction). (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.050 General standards.

The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

- A. All light trespass is prohibited.
- B. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. Examples of acceptable and

unacceptable light pollution control shielding are shown in Figures 1 through 4 in Section 17.62.090. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

- C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Figure 3).
- D. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.
- E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
- F. Spotighting on landscaping and foliage shall be limited to one hundred fifty watts incandescent (two thousand two hundred twenty lumens output). (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.060 Prohibited.

- A. The following fixtures (luminaires) are prohibited:
 - 1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license;
 - 2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane;
 - 3. Quartz lamps;
 - 4. Mercury vapor lamps.
- B. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this chapter. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.070 Submittals.

All building permit applications which include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.080 Penalties for violation.

Any violation of the provisions of this chapter shall constitute a nuisance, which shall be subject to the processes and penalties relating to nuisances set out in Chapter 8.26. (Ord. 1352 § 7 Exh. 6 (part), 2008).

17.62.090 Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the city:

Figure 1: Wall-Mounted Lighting Fixtures

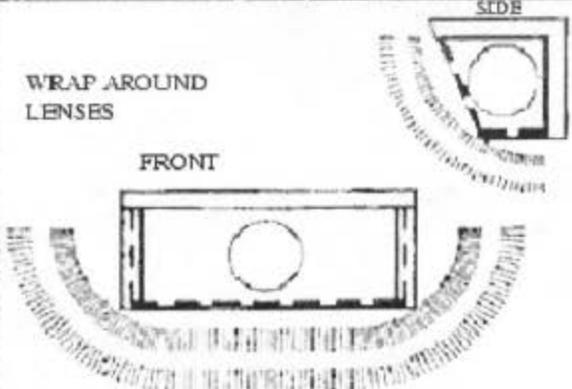
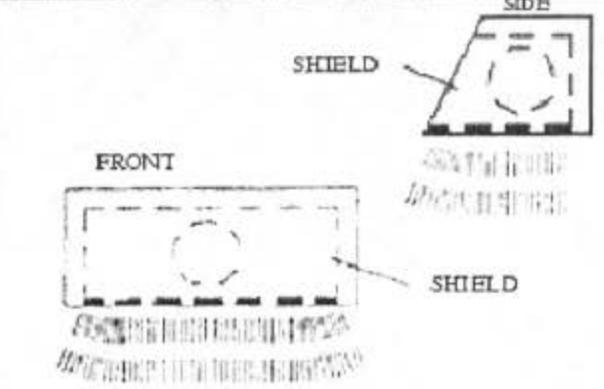
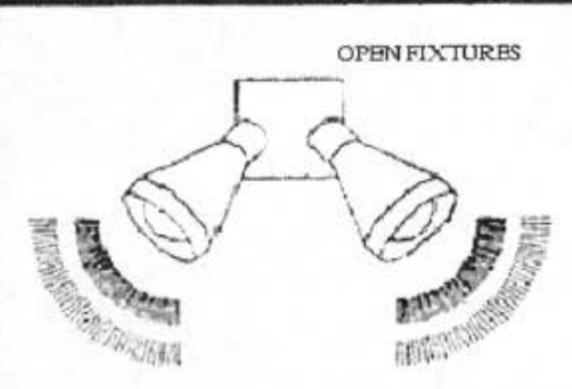
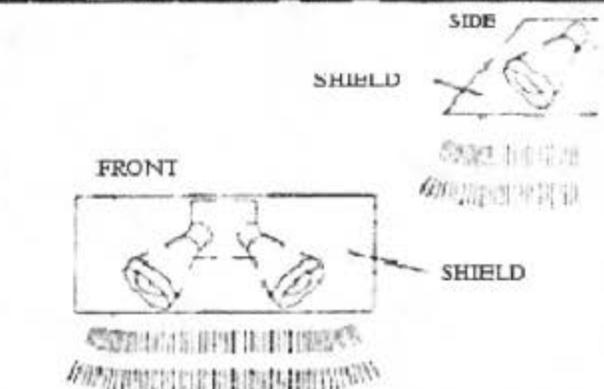
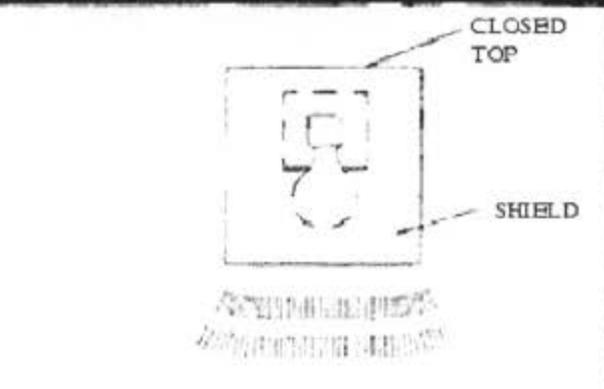
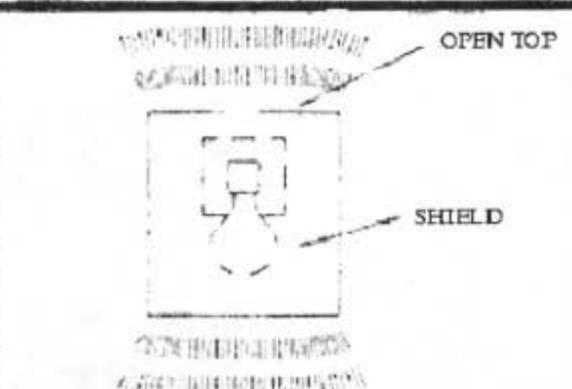
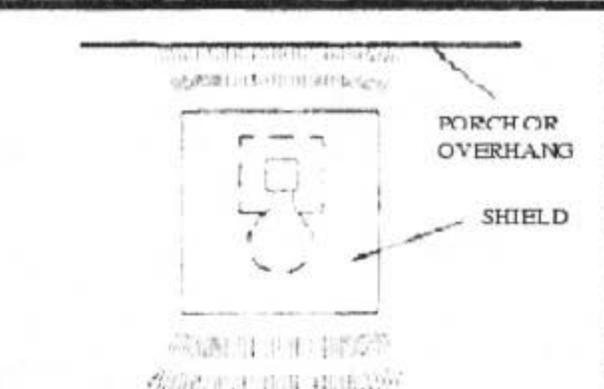
UNACCEPTABLE	ACCEPTABLE
<p data-bbox="305 373 493 428">WRAP AROUND LENSES</p>  <p data-bbox="418 457 506 483">FRONT</p> <p data-bbox="760 306 815 331">SIDE</p>	 <p data-bbox="987 457 1075 483">FRONT</p> <p data-bbox="1393 306 1448 331">SIDE</p> <p data-bbox="1187 359 1274 384">SHIELD</p> <p data-bbox="1328 573 1416 598">SHIELD</p>
<p data-bbox="618 768 807 793">OPEN FIXTURES</p> 	 <p data-bbox="987 884 1075 909">FRONT</p> <p data-bbox="1344 737 1399 762">SIDE</p> <p data-bbox="1203 793 1291 819">SHIELD</p> <p data-bbox="1333 982 1421 1008">SHIELD</p>
 <p data-bbox="618 1461 807 1486">EXPOSED BULBS</p>	 <p data-bbox="1365 1157 1469 1211">CLOSED TOP</p> <p data-bbox="1393 1346 1481 1371">SHIELD</p>
 <p data-bbox="716 1587 839 1612">OPEN TOP</p> <p data-bbox="695 1766 782 1791">SHIELD</p>	 <p data-bbox="1333 1682 1472 1736">PORCH OR OVERHANG</p> <p data-bbox="1377 1766 1464 1791">SHIELD</p>

Figure 2: Freestanding Outdoor Lighting Fixtures

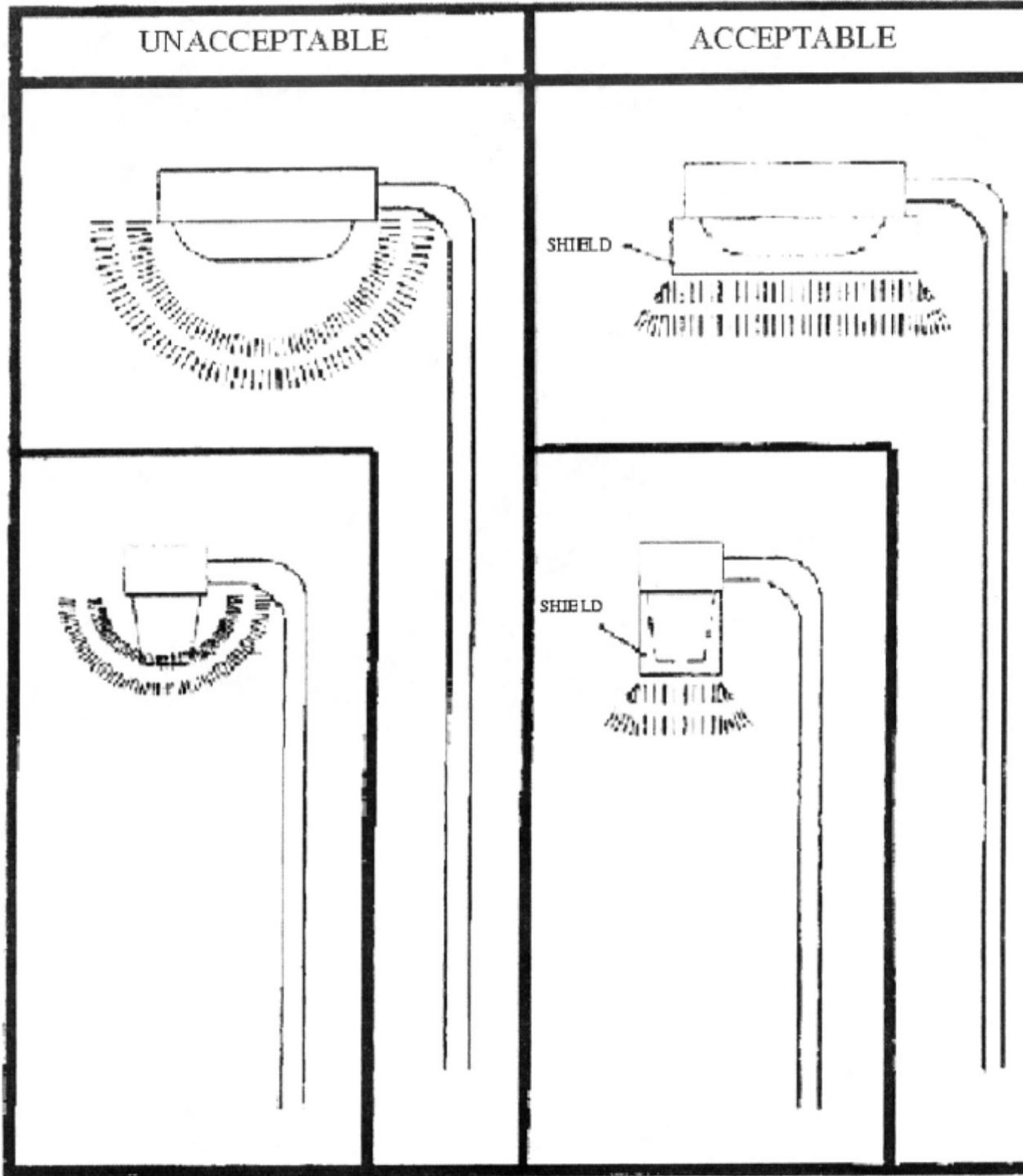
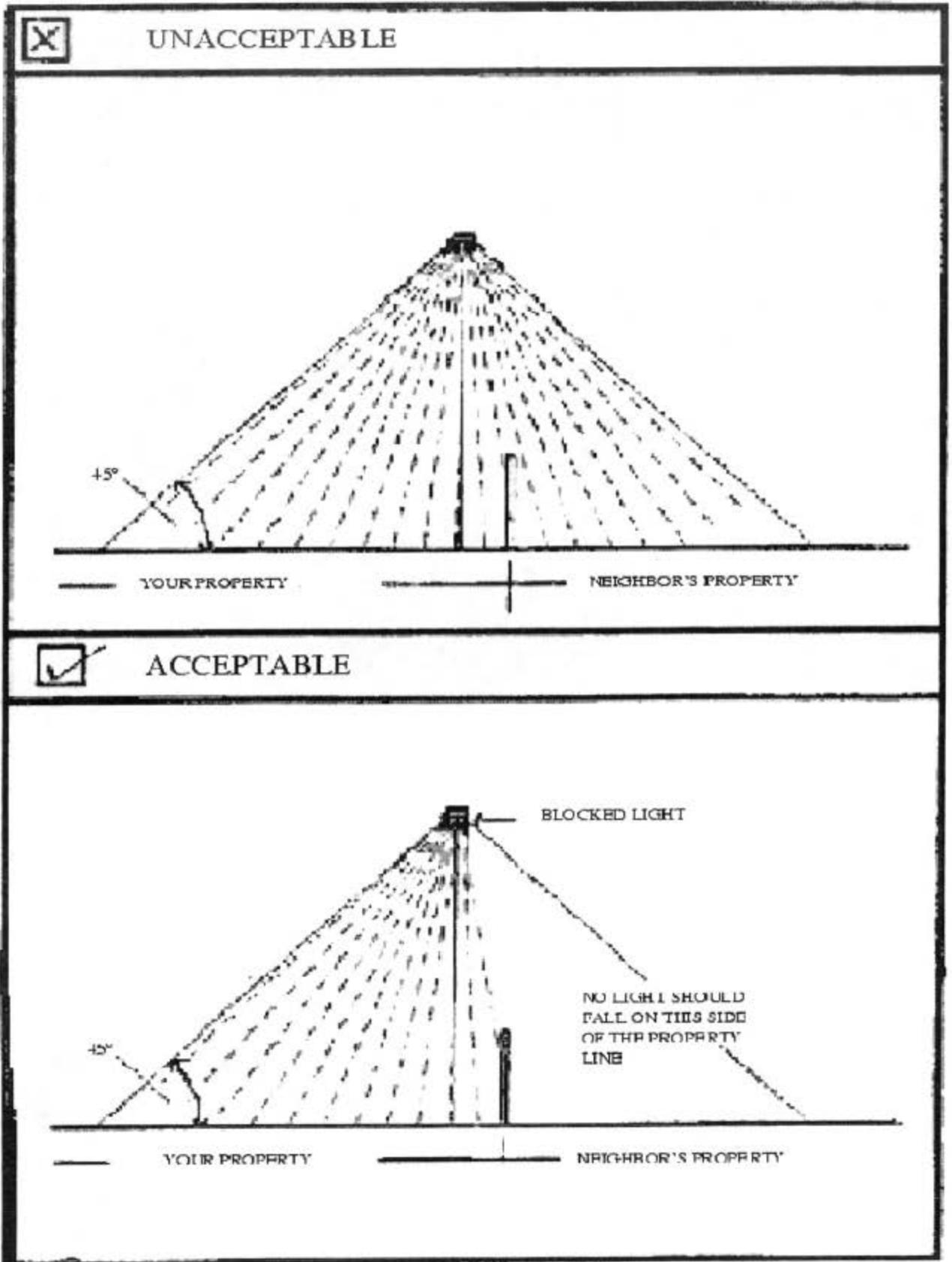
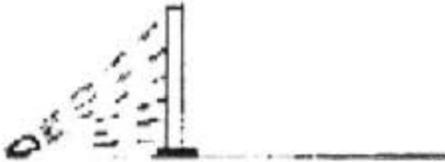
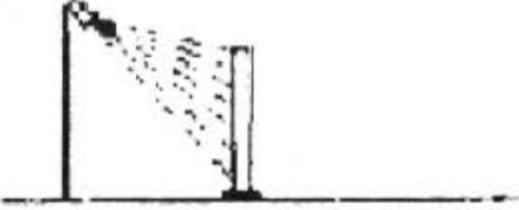


Figure 3: Outdoor Lighting Fixtures – Street and Lot Light Cut-Off at Property



UNACCEPTABLE	ACCEPTABLE
<p data-bbox="305 344 375 422"><input type="checkbox"/></p>  <p data-bbox="672 659 802 684">OFF-WALL</p>	<p data-bbox="987 344 1057 422"><input checked="" type="checkbox"/></p>  <p data-bbox="1386 659 1516 684">OFF-WALL</p>
<p data-bbox="305 745 375 823"><input type="checkbox"/></p>  <p data-bbox="704 1087 818 1113">BUILDING</p>	<p data-bbox="987 745 1057 823"><input checked="" type="checkbox"/></p>  <p data-bbox="1403 1087 1516 1113">BUILDING</p>
<p data-bbox="305 1146 375 1224"><input type="checkbox"/></p>  <p data-bbox="737 1493 834 1518">FOLIAGE</p>	<p data-bbox="987 1146 1057 1224"><input checked="" type="checkbox"/></p>  <p data-bbox="1419 1493 1516 1518">FOLIAGE</p>
<p data-bbox="305 1547 375 1625"><input type="checkbox"/></p>  <p data-bbox="672 1892 834 1917">ESCARPMENT</p>	<p data-bbox="987 1547 1057 1625"><input checked="" type="checkbox"/></p>  <p data-bbox="1451 1892 1614 1917">ESCARPMENT</p>

Insert New Section 17.63 Electric Vehicle Charging Stations – Effective January 3, 2012, Res. 2012-01

17.63.010 Purpose. The purpose of this Chapter is to ensure the effective installation of electrical vehicle charging stations. Where any other provisions of the Chelan Municipal Code directly conflict with this Chapter, this Chapter shall control.

17.63.020 Designation of Electrical vehicle Charging Stations. An electrical vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
2. Level 2 is considered medium charging and operated on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
3. Level 3 is considered a fast or rapid charging and operated on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as Rapid Charging Stations that are typically characterized by industrial grade electrical outlets that allows for faster recharging of electric vehicles.

17.63.030 Where Permitted.

1. Level 1 and 2 electrical vehicle charging stations are a permitted use in all zoning districts.
2. Level 3 electrical vehicle charging stations are a permitted use in the Warehouse Industrial (W-I), Highway Service Commercial (C-HS), and Public Lands & Facilities (PLF) zoning districts, but requires a conditional use permit in Downtown Mixed Use (DMU), Tourist Accommodation (TA), Special Use District (SUD) and Waterfront Commercial (C-W) zoning districts.
3. Battery Exchange Stations are permitted in the Warehouse Industrial (WI), Highway Service Commercial (C-HS), and Public Lands & Facilities (PLF) zoning districts.

17.63.040 Standards for Electric Vehicle Charging Stations. Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electrical vehicles, batteries and electrical vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electrical vehicles, the Planning Director may authorize variations from these standards, so long as the intent and goal of the standards and this Chapter are addressed.

1. Except when located in conjunction with single family residences, Electric Vehicle charging stations shall be reserved for parking and charging of electric vehicles only;
2. Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in section 17.63.040(6). Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the Planning Department.
3. Accessibility. The design and location of the electrical vehicle charging stations shall comply with the following barrier free accessibility requirements:
 - a. Accessible vehicle charging stations shall be provided based on the following table:

Number of EV Charging Stations	Minimum Accessible EV Charging Stations
3-50	1
51-100	2

- b. Accessible charging stations shall be located in proximity to the buildings or facility entrances and shall be connected to a barrier-free accessible route of travel.
- c. Accessible charging stations shall comply with the requirements of WAC 51-50-005.
- 4. Lighting. Adequate site lighting shall be provided, which shall also comply with CMC 17.62 Outdoor Lighting on Public or Private Property.
- 5. Equipment. Equipment for electrical vehicle charging stations shall comply with the following standards:
 - a. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
 - b. Charging station outlets and connector shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.
 - c. Equipment shall be protected by wheel stops or concrete-filled bollards.
- 6. Notification. The following information shall be posted at all electrical vehicle charging stations:
 - a. Voltage and amperage levels;
 - b. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
 - c. Usage fees;
 - d. Safety information;
 - e. Contact information for reporting when the equipment is not operating or other problems.

17.63.050 Minimum Parking Requirements. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to the Development Standards, Section Nine.

RELATED SECTION

19.040.010 Definitions

"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 19.2 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.

"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 (PREV); (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 3 different operating levels, as set out in Section 17.63.020.

**Chapter 17.64
VARIANCES**

Sections:

- 17.64.005 Applications and fee.
- 17.64.010 Granting – Conditions.
- 17.64.020 Assessment for parking variances.
- 17.64.030 Administrative adjustments.

17.64.005 Applications and fee.

- A. Applications for variances shall be submitted on forms provided by the city.
- B. Applications for variances pursuant to this chapter shall be accompanied by the administrative fees established by city council resolution. (Ord. 1206 § 4, 2001).

17.64.010 Granting – Conditions.

Applications for variances from the terms of the zoning ordinance, the official map ordinance, or other land use regulatory ordinances under procedures and conditions prescribed by this title or other provisions in this Chelan Municipal Code, except as provided in Section 17.64.030 relating to administrative adjustments, shall be granted only if the hearing examiner finds that all of the following conditions exist:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
- B. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated. (Ord. 1206 § 5, 2001: Ord. 445 § 3, 1972: Ord. 314 § 16G, 1962).
- D. Hardships of a financial nature, hardships which are self-created, and hardships which are personal to the owner and not to the property, shall not be grounds for a variance.
- E. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.

17.64.020 Assessment for parking variances.

In zones R-M, C-L, C-HS, C-W and T-A, whenever a variance is granted to any property allowing a reduction in required off-street parking as set forth in Chapter 17.76 of this code, there shall be added to the regular cost of the building permit for such property a public parking assessment for each parking space reduction allowed, which assessment shall be paid to the public parking fund. The amount of the public parking assessment for each parking space reduction allowed shall be set by resolution of the city council. (Ord. 1102 § 1, 1998: Ord. 775 § 1, 1986).

17.64.030 Administrative adjustments.

A. Administrative adjustments as set forth in this section may be made administratively by the planning director of planning and community development.

B. Administrative adjustments may be permitted if the criteria set forth in Section 17.64.010 can be met by the applicant in any of the following specific situations:

1. Relating to setbacks when the administrative adjustment request is for a variation of five feet or less from the applicable standard decrease of twenty percent or less of the required width of a side, front or rear yard setback, except in the case when the applicable standard is a five-foot setback, in which case a hearing on a variance before the hearing examiner would be required;

2. Relating to fence height requirements when the variation is twenty percent or less than the applicable standard and shall not exceed six feet in height;

2. Relating to lot coverage requirements when the variation in lot coverage is five percent or less than the applicable standard;

3. Relating to height restrictions when the variation is five feet or less from the applicable standard;

4. Relating to parking spaces required on site when the variation is twenty percent or less of the total parking spaces required pursuant to the applicable standard; and

56. Relating to signs when the variation relates to height and the variation will be five feet higher or less than the applicable standard would allow and with respect to the area of a sign when the variation would add five percent or less in area pursuant to the applicable standard.

C. Except as set forth in this section, all other exceptions to the standards and provisions of this title may not be permitted pursuant to administrative adjustments and are subject to the variance procedures set forth in Section 17.64.010.

D. These administrative adjustment provisions are alternative provisions to a variance application. Any applicant dissatisfied with the decision of the planning director with respect to a requested administrative adjustment, must file a variance application to obtain the requested relief.

E. The fee for an administrative adjustment application shall be the same fee established by city council resolution for a variance minus the hearing examiner-related fees. In the event an applicant is dissatisfied with the decision of the planning director of and files a variance application, the fee paid for the administrative adjustment shall be credited toward the variance fee. (Ord. 1206 § 6, 2001).

**Chapter 17.68
NONCONFORMING USES**

Sections:

- 17.68.010** Conformity required when.
- 17.68.020** Changing to conforming use.
- 17.68.030** Changing to nonconforming use prohibited.
- 17.68.040** Destruction – Rebuild or repair.
- 17.68.050** Extension – Maintenance.
- 17.68.060** Nonconforming buildings.

17.68.010 **Conformity required when.**

The lawful use of any land, premises or building existing at the time of passage of this title, although the use does not conform to the provisions thereof, may be continued; but if said nonconforming use ceases for a period of six months, or in the case of churches existing prior to June 2008 ceases for a period of eighteen months, any further use of such premises shall be in conformity with the provisions of this title. (Ord. 1364 § 1, 2008; Ord. 314 § 17A(1), 1962).

17.68.020 **Changing to conforming use.**

A nonconforming use shall not be changed to any other use unless changed to a conforming use. (Ord. 314 § 17A(2), 1962).

17.68.030 **Changing to nonconforming use prohibited.**

A nonconforming use if changed to a conforming use may not thereafter be changed back to a nonconforming use. (Ord. 314 § 17A(3), 1962).

17.68.040 **Destruction – Rebuild or repair.**

If a nonconforming use is destroyed by fire or other causes, to the extent that fifty percent of the total floor area exclusive of basement is unusable, it shall not be rebuilt, except in conformity to this title. (Ord. 314 § 17A(4), 1962).

17.68.050 **Extension – Maintenance.**

A nonconforming use of a structure shall not be extended. The extension of a nonconforming use to any other portion of the building which was arranged or designed for such nonconforming use shall not be deemed the extension of a nonconforming use. A structure containing a nonconforming use may be maintained in conformance with the standards of the city building code. (Ord. 314 § 17A(5), 1962).

17.68.060 **Nonconforming buildings.**

In cases of nonconforming buildings which contain conforming uses, the administrator of this title shall have within the framework of conditions established below the authority to allow an addition or extension to a nonconforming building when said addition or extension would be no less conforming as to setback distances than the existing structure, and provided that the nonconforming addition shall be no longer in lineal feet along the nonconforming setback than fifty percent of the lineal length of the existing nonconformity. The authority to grant permission for the addition or extension of a nonconforming building shall be authorized provided the addition or extension of this nonconforming building is not in conflict with the comprehensive

plan of development or character of the area in which the nonconforming building is located.
(Ord. 314 § 17B, 1962).

**Chapter 17.70
WIRELESS TELECOMMUNICATIONS FACILITIES**

Sections:

- 17.70.010 Purpose.**
- 17.70.015 Definitions.**
- 17.70.020 Permits and exemptions.**
- 17.70.030 General siting criteria.**
- 17.70.040 Large satellite dish antenna(s) – Development standards.**
- 17.70.050 Amateur radio towers – Development standards.**
- 17.70.060 Broadcast and relay towers – Development standards.**
- 17.70.070 Wireless communications facilities – Development standards.**
- 17.70.080 Special exceptions.**

17.70.010 Purpose.

In addition to implementing the general purposes of the comprehensive plan and development regulations, this chapter addresses the issues of appearance and safety associated with broadcast and relay towers, amateur radio towers, telecommunications monopoles, satellite dish antenna(s), and related equipment. It provides adequate siting opportunities at appropriate locations within the city to support existing communications technologies and to encourage new technologies as needed for businesses and institutions to stay competitive.

A wide range of locations and options for the provision of wireless technology which minimize safety hazards and visual impacts sometimes associated with wireless communications facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunications facilities on a single support structure, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.015 Definitions.

A. "Antennas" shall mean any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points; includes, but is not limited to, radio antennas, television antennas, satellite dish antennas, and cellular antennas. Types of antennas include:

1. Omni-directional (or "whip") antennas which transmit and receive radio frequency signals in a three-hundred-sixty-degree radial pattern. For the purpose of this chapter, omnidirectional antennas are up to fifteen feet in height and up to six inches in diameter;
 2. Directional (or "panel") antennas which transmit and receive radio frequency signals in a specific directional pattern of less than three hundred sixty degrees; and
 3. Parabolic (or "dish") antennas which are bowl-shaped devices for the reception and/or transmission of communications signals in a specific directional pattern.
- B. "Broadcast or relay tower" shall mean a freestanding support structure, attached antenna(s), and related equipment intended for transmitting, receiving or retransmitting commercial radio, television, telephone, cellular, or other communications services.
- C. "Cellular communications facility" shall mean any unstaffed facility for the transmission of radio frequency signals and includes antennas, equipment shelters, and other equipment necessary to provide wireless transmission and reception utilizing cellular

- technology for various wireless communications systems including cellular phones, personal communications systems (PCS), paging, and similar systems.
- D. "Collocation" shall mean the placement and arrangement of multiple antennas and equipment on a single support structure and equipment pad area.
 - E. "Equipment shelter" shall mean the structure associated with a cellular communications facility or wireless communications facility that is used to house electronic, radio, battery, and power supply systems or equipment.
 - F. "Large satellite dish" shall mean any satellite dish antenna(s) whose diameter is greater than one meter in residential zones or two meters in industrial or commercial zones.
 - G. "Reception window obstruction" shall mean a physical barrier which would block an electromagnetic signal.
 - H. "Satellite dish antenna(s)" shall mean a type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communications signals. Such an apparatus is typically in the shape of a shallow dish, cone, horn, or cornucopia.
 - I. "Small satellite dish" shall mean any satellite dish antenna(s) whose diameter is less than or equal to one meter located in any zoning district or two meters within industrial or commercial zones.
 - J. "Tower" shall mean any built structure, including any guy wires and anchors, constructed for the support of antennas that would raise the topmost point of the attached antennas more than twenty-five feet above the surrounding ground or building. This includes, but is not limited to, lattice towers, guy towers, wood or steel monopoles, and attached antennas.
 - K. "Wireless communications facility" shall mean any unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communication. A wireless communications facility provides services which include cellular telephone, personal communications services (PCS), other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). A wireless communications facility may be attached to an existing structure or a freestanding tower. A wireless communications facility consists of antenna(s) and related equipment and may include an equipment enclosure, screening, or a support structure. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.020 Permits and exemptions.

A. Permits Required.

- 1. Building Permits. A building permit is required for all telecommunications facilities unless specifically exempted under subsection B of this section, Exemptions.
- 2. Telecommunications Facility Permits. A telecommunications facility permit (Type IA) is required for all telecommunications facilities which are not reviewed under special development permit (Type IVA) or general development permit (Type II) processes, except for wireless communications facilities which collocate on an existing broadcast and relay tower, where adequate provisions for antennas and ground-mounted equipment exist (building permit only).
- 3. Combined Review. Telecommunications facilities regulated under this section which are proposed in conjunction with a site plan approval application for commercial or residential development shall not be required to obtain separate building permit approval or separate telecommunications facility permit approval. However, communications facilities will be reviewed according to the same criteria outlined in this section.

4. Summary of Required Permits. The appropriate permit procedure is delineated in the permitted land uses charts and summarized as follows:
 - a. Small Satellite Dish Antenna(s). Small satellite dish antenna(s) require no permits and are exempt under this section.
 - b. Large Satellite Dish Antenna(s). Large satellite dish antenna(s) require a building permit and a telecommunications facility permit (Type IA). In the R-M and R-1 zoning districts, large satellite dish antennas shall require a conditional use permit.
 - c. Amateur Radio Towers. Amateur radio towers require a building permit and telecommunications facility permit (Type IA).
 - d. Broadcast and Relay Towers. Broadcast and relay towers and other freestanding support structures require a building permit and a special development permit (Type IVA) in all zoning districts where allowed, except the Warehousing and Industrial District (W-I) zone where a general development permit (Type IIA) is required. In the R-M and R-1 zoning districts, broadcast and relay towers shall require a conditional use permit.
 - e. Wireless Communications Facilities. Wireless communications facilities collocated on an existing broadcast and relay tower, where adequate provisions for antennas and ground-mounted equipment exist, require a building permit only. Wireless communications facilities attached to nonresidential structures within commercial and industrial zoning districts require a building permit and a telecommunications facility permit (Type IA). Wireless communications facilities attached to nonresidential structures within all other zoning districts require a building permit and a general development permit (Type IIA). Wireless communications facilities not attached to an existing structure and not mounted on a broadcast or relay tower (i.e., stand-alone or ground-mounted facilities with antenna(s)) require a building permit and telecommunications facility permit (Type IA). Wireless communications facilities attached to a residential structure require a special development permit (Type IVA). Wireless monopoles, lattice, and guy towers, and existing antenna support structures extended in height, are regulated by the subsections that govern broadcast and relay towers.
- B. Exemptions. The following antenna(s) shall be exempt from this chapter as follows:
 1. VHF and UHF Receive-Only Television Antenna(s). VHF and UHF receive-only antenna(s) shall not be required to obtain site plan approval nor shall they be required to obtain building permit approval. VHF/UHF antenna(s) shall be restricted to a height limit of no more than fifteen feet above the existing or proposed roof.
 2. Small Satellite Dish Antenna(s). Small dish antenna(s) in all zones shall be exempt from obtaining site plan approval and shall not be required to obtain building permit approval. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.030 General siting criteria.

A. The permitted land uses charts identify zoning districts and the review process for telecommunications facilities. The development standards in this section address setback and other site-specific location factors. Siting criteria for broadcast and relay towers and wireless communications facilities are necessary to encourage the siting of those facilities in locations

most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations. No general siting criteria are necessary for satellite dishes or amateur radio towers because these facilities are allowed within all zoning districts.

- B. Generally, collocation on existing broadcast and relay towers is encouraged by fewer standards and less complex permit procedures (refer to permitted land uses charts). Further, attachment of antenna(s) to existing nonresidential structures and buildings primarily within industrial, manufacturing, business park, and commercial zoning districts is preferable to broadcast and relay towers or monopoles. Feasibility studies prepared by qualified radio frequency engineers are required for applications for telecommunications facilities to demonstrate that locations on existing structures and/or higher ranked preferred siting locations have been explored by the permit applicant.
- C. When a broadcast and relay tower is proposed, preferred locations are within the Warehouse and Industrial District (W-I) zone by utilizing Type IIA (i.e., general development permit) permit procedures.
 - 1. Broadcast and Relay Towers. Broadcast and relay towers including monopoles shall be minimized by collocating wireless facilities on existing towers. New broadcast and relay towers are most appropriately located in the W-I zoning district followed in order of preference by C-L, C-W, C-HS, T-A, P, C-H, R-M, and R-1 zoning districts. The site considered shall be a minimum three hundred feet from residential structures unless locating at an existing wireless communications facility or Section 17.70.080, Special exceptions, criteria have been satisfied.
 - 2. Wireless Communications Facilities. The following sites shall be considered by applicants as the preferred order for location of proposed wireless facilities including antenna(s), equipment, and equipment shelters. As determined feasible, and in order of preference, the sites are:
 - a. Existing Broadcast and Relay Towers. On any existing site or tower where a legal wireless telecommunications facility is currently located regardless of underlying zoning.
 - b. Industrial, Manufacturing. Structures or sites used exclusively for industrial and manufacturing park uses within the Warehousing And Industrial District (W-I) zone. These are areas of more intensive land uses where a full range of public facilities are expected.
 - c. Publicly Used Structures. Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within all zoning districts not utilized primarily for recreational uses. (Refer to rules and regulations specific to facilities located on city-owned land, buildings, or public right-of-way, Chapter 15.22 of this code.)
 - d. Business, Commercial and Public Facilities Sites. Structures or sites used for retail, commercial, and office uses. These are areas of more intensive land uses where a full range of public facilities is expected. These zones in order of priority are C-L, C-W, C-HS, T-A, P and C-H.
 - e. Structures or sites which are not used wholly for residential use, including residential accessory structures (e.g., detached garage). Where the installation complies with all FCC regulations and standards, institutional structures, places of worship, and other nonresidential sites may be considered.
 - f. Residential Structures. Wireless communications facilities attached to residential structures are not permitted in the R-1 zoning district. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.040 Large satellite dish antenna(s) – Development standards.

A. Standards for All Zoning Districts. The following standards shall be applied to all proposed large satellite dish antenna(s):

1. Satellite dish antenna(s) reviewed under this section shall not be located within any front yard or side yard building setback areas.
2. Mountings and satellite dishes should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
3. To the extent technically feasible, specific paint colors may be required to allow the large satellite dish and mounting structures to blend better with their setting.
4. Screening of all large satellite dish antenna(s) shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna(s) as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet. Screening may be located anywhere between the antenna(s) and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in healthy condition.
5. No satellite dish antenna(s) shall be used for the purposes of signage or message display of any kind.
6. Construction plans and final construction of the mounting bases of all large satellite dish antenna(s) shall be approved by the city building department.
7. Aluminum mesh dishes should be used whenever possible instead of a solid fiberglass type.

B. Additional Standards in Residential Zones – Large Satellite Dish Antenna(s).

1. Only one large dish satellite antenna shall be allowed on each property.
2. Large satellite dish antenna(s) shall not be mounted on roofs.
3. Large satellite dish antenna(s) shall not exceed twelve feet in diameter and fifteen feet in height, including their bases. Height shall be measured from existing grade.
4. A solid visual screen (ninety percent solid or more) pursuant to landscaping standards shall be provided as high as the center of the dish when viewed from off the site. Above the center of the dish, the screening should be fifty percent or more to the top of the antenna(s) when viewed from off the site. Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.

C. Additional Standards in Nonresidential Zones – Large Satellite Dish Antenna(s).

1. Antenna(s) may be either roof-mounted or ground-mounted.
2. Ground-Mounted.
 - a. Ground-mounted antenna(s) shall not exceed twelve feet in diameter and fifteen feet in height. Height shall be measured from existing grade.
 - b. Ground-mounted antenna(s) shall be located outside of any required setback and required landscaped area and preferably located in service areas or other less visible locations.
 - c. From the time of installation, ground-mounted antenna(s) shall be solidly screened (ninety percent or more) as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.
3. Roof-Mounted.
 - a. Roof-mounted large satellite antenna(s) shall not exceed twelve feet in diameter and fifteen feet in height, including their bases. Height shall be

- measured from the roof line.
- b. Roof-mounted antenna(s) should be placed as close to the center of the roof as possible. If the dish is still visible from any point within approximately five hundred feet as viewed from ground level, additional screening shall be required to supplement the screening provided by the roof itself. If the dish is not visible from five hundred feet or less, no additional screening will be necessary.
 - c. Roof-mounted antenna(s) 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, and can include penthouse screening, parapet walls, or other similar screening. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.050 Amateur radio towers – Development standards.

A. Development Standards for All Zoning Districts.

1. Amateur radio towers reviewed under this section shall not be located within any easements, the front yard or side or rear yard building setback areas.
2. Mountings and amateur radio towers should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
3. To the extent technically feasible, and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
4. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna(s) as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet. Screening may be located anywhere between the base and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet in height.
5. Amateur radio towers shall not be used for the purposes of signage and shall not display a message of any kind.
6. Construction plans and final construction of the mounting bases of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be approved by the city building department.
7. Amateur radio towers may be ground- or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible.

B. Additional Standards in Residential Zones – Amateur Radio Towers.

1. Towers shall not be constructed or used for commercial use.
2. The height of a ground-mounted tower may not exceed sixty-five feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the sixty-five-foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna(s) shall not exceed a height of twenty-five feet above the existing roofline.
3. Towers shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
4. In residential zones, the base of a ground-mounted tower shall be screened with

fencing, walls, landscaping, or other means such that the view of the antenna(s) base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antenna(s) and the above-mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

5. Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.060 Broadcast and relay towers – Development standards.

A. Development Standards for All Zoning Districts.

1. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of Section 17.70.030 of this chapter. Placement of a broadcast and relay tower shall be denied if an alternative placement of the antenna(s) on a building or other existing structure can accommodate the communications needs. Applications shall be required to provide documentation that reasonable efforts to identify alternative locations were made.
2. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the collocation of other antenna(s) and related equipment. If feasible, provision for future collocation may be required.
3. Broadcast and relay towers reviewed under this section shall not be located within any required building setback areas.
4. Broadcast and relay towers shall not be used for the purposes of signage to display a message of any kind.
5. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting. The broadcast and relay tower shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Before and after photos or drawings shall be submitted demonstrating the camouflaging or screening techniques used.
6. Any fencing required for security shall meet general fencing requirements of the city.
7. A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the broadcast and relay radio towers are designed to reasonably withstand wind and seismic loads as established by the International Building Code.
8. All broadcast and relay towers shall be removed by the facility owner within twelve months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. The broadcast and relay tower to be removed includes the freestanding support structure, attached antenna(s), and related equipment, including the concrete pad on which the support structure is located, if applicable.
9. Broadcast and relay towers may be conditioned to allow review for continued use at five-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of broadcast and relay towers and monopoles.

B. Additional Standards in Residential Zones – Broadcast and Relay Towers.

1. Commercial broadcast and relay towers shall not be allowed in the residential (R-

- 1 and R-M) zones unless they meet the special exception criteria of Section 17.70.080 of this chapter.
 2. The combined broadcast and relay tower and antenna(s) shall not extend more than fifteen feet above the maximum height of the zone for which it is proposed to a maximum of sixty feet. A height bonus of fifteen feet may be allowed by the approval authority when collocation is specifically provided for on the broadcast and relay tower.
 3. The attached antenna(s) shall not dominate the appearance of the structure.
 4. Broadcast and relay towers shall be located at a point farthest from lot lines as feasible.
 5. The base of a ground-mounted broadcast and relay tower shall be screened with fencing, walls, landscaping, or other means such that the view of the antenna(s) base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. Before and after photos or drawings shall be submitted demonstrating the camouflaging or screening techniques used. The screening may be located anywhere between the antenna(s) and the above-mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.
- C. Additional Standards in Nonresidential Zones – Broadcast and Relay Towers. The combined height of a broadcast and relay tower and antenna(s) located in nonresidential zones shall not exceed eighty-five feet except when collocation is specifically provided for, then the broadcast and relay tower shall not exceed one hundred feet. Extensions, antennas, and arms attached to broadcast and relay towers and/or antennas shall not exceed eight feet in length horizontally. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.070 Wireless communications facilities – Development standards.

A. Development Standards for All Zoning Districts. The following standards shall be applied to all wireless equipment, such as antenna(s) and equipment shelters, exclusive of the broadcast and relay tower. Wireless monopoles, lattice and guy towers, and existing pole structures extended in height are regulated by the provisions that govern broadcast and relay towers, Section 17.70.060 of this chapter.

1. Placement of a freestanding wireless communications facility shall be denied if placement of the antenna(s) on an existing structure can accommodate the operator's communications needs. The collocation of a proposed antenna(s) on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.
2. No wireless equipment reviewed under this section shall be located within required building setback areas.
3. The combined antenna(s) and supporting structure shall not extend more than fifteen feet above the existing or proposed roof structure.
4. No wireless equipment shall be used for the purposes of signage or message display of any kind.
5. Location of wireless communications antenna(s) on existing buildings or other structures shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antenna(s) as viewed from any street or residential property. Before and after photos or drawings shall be submitted demonstrating the camouflaging or screening techniques used. If within the downtown area

from Saunders to Columbia Avenue, evidence that downtown associations have been contacted and their input has been incorporated into the screening or camouflaging shall be provided with the application.

6. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna(s) and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet. Screening may be located anywhere between the base and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.
 7. Any fencing required for security shall meet general fencing requirements of the city.
 8. Construction plans and final construction of the mountings of wireless antenna(s) and equipment shelters shall be approved by the city building department. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.
 9. A wireless communications facility shall be removed by the facility owner within twelve months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. The wireless communications facility to be removed consists of antenna(s) and related equipment and may include equipment enclosure, screening, or support structure, including the concrete pad on which the support structure is located, if applicable.
- B. Additional Standards in Residential Zones – Wireless Communications Facilities.
1. Commercial telecommunications facilities shall be allowed in the residential zones only when attached to public facilities or when the special exception criteria in Section 17.70.080 of this chapter are satisfied and a conditional use permit is obtained pursuant to Section 17.56.280 of this code. For purposes of this provision, "public facilities" shall mean those facilities owned by a public entity.
 2. The antenna(s) shall not dominate the structure upon which it is attached and shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.
 3. Associated aboveground equipment shelters shall be minimized, and shall not exceed two hundred forty square feet (e.g., twelve by twenty feet) unless operators can demonstrate that more space is needed. Shelters shall be painted a color that matches existing structures or the surrounding landscape. The use of concrete or concrete aggregate shelters is not allowed. A solid visual screen (ninety percent solid or more) shall be created around the perimeter of the shelter. Operators shall consider undergrounding equipment if technically feasible or placing the equipment within existing structures.
- C. Additional Development Standards in Nonresidential Zones – Wireless Communications Facilities. Associated aboveground equipment shelters shall not exceed two hundred forty square feet (e.g., twelve by twenty feet) unless operators can demonstrate that more space is needed. A solid visual screen (ninety percent solid or more) shall be created around the perimeter of the shelter. Operators shall consider undergrounding equipment if technically feasible or placing the equipment within an existing structure. Aboveground equipment shelters for antenna(s) located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible. Screening of

exterior shelters shall provide colors and materials which blend with surrounding structures. (Ord. 1352 § 8 Exh. 8 (part), 2008; Ord. 1214 § 1 (part), 2001).

17.70.080 Special exceptions.

When adherence to all development standards of this chapter would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a special exception may be permitted, provided both criteria outlined below are met. Exceptions do not apply to variations from the International Building Code. A variance pursuant to Chapter 17.64 of this code is required for variations from applicable zoning regulations not described in this chapter.

The final approval authority for granting of the special exception shall be the same as that of the permit approving the antenna(s) location. A request for a special exception shall be processed in conjunction with the permit approving the antenna(s) location and shall not require any additional application or fees.

Upon review of special exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antenna(s) or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

A. Special Exception Criteria – General Criteria.

1. The applicant shall justify the request for a special exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the city that the special exception is necessary.
2. The applicant for a special exception shall demonstrate that the proposed materials, shape, and color of the antenna(s) will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

B. Large Satellite Dish Antenna(s) – Special Exceptions.

1. Residential Zones. Modifications to requirements for setbacks, size, screening and maximum height limit may be considered by special exception. If a special exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of eighteen feet.

Only if these modifications would still block an electromagnetic signal shall rooftop location be considered. If a special exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and maximum permitted height shall be fifteen feet above the roofline. The approval authority may require the applicant to place the antenna(s) in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal.

2. Nonresidential Zones.
 - a. Ground-Mounted Antenna(s). Exceptions to be first considered shall be from setback, landscape and service area requirements, and size and screening requirements. Only if these waived regulations would still block an electromagnetic signal shall a special exception from height

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requirements be considered. If a special exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of twenty feet.

b. Roof-mounted Antenna. The first exception to be considered shall be the center of roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal shall a special exception from height requirements be considered. A special exception from the height limit shall be allowed up to a maximum of twenty feet above the existing or proposed structure. The approval authority may require the applicant to place the antenna(s) in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

Definitions (Chapter 19.10.040)

August 22, 2014 DRAFT

Definitions to change

“Cottage winery” means a small-scale winery producing onsite less than ten thousand cases of wine per year. A cottage winery may include a tasting room and/or retail area of fifteen hundred (1,500) 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.

“Winery” means a winery not meeting the definition of a cottage winery. As authorized by the terms of a conditional use permit, a winery may produce more than ten thousand cases of wine per year; may include wine tasting, retail, meeting, and/or food and beverage facilities of 20,000 (twenty thousand) square feet or less; and may conduct concerts for which an admission fee is charged, wedding services, and catered functions.

New definitions to add

“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.

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

“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.

“Craft distillery” means a distillery that produces less than 25,000 gallons of spirits per year. A craft distillery may include a tasting room and/or retail area of fifteen hundred (1,500) 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.

“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.

“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.

“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.

“Microbrewery” means a brewery that produces less than 15,000 US barrels (1,800,000 L) of beer per year. A microbrewery may include a tasting room and/or retail area of fifteen hundred (1,500) 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.

“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.

“Short-term event”, as used in Chapter 17.XX, 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.XX; 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.

“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.

“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.

Other relevant definitions

The following definition is already part of Chelan’s code. It is included here to help readers understand the definitions above.

“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.

Related code adoptions

19.10.040 Definitions

“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 eliminates undesirable affects to surrounding uses.

Definition of “Campground or recreational vehicle park” in CMC 19.10.040

“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.

Definition of “recreational vehicle park” in CMC 19.10.040

“Recreational vehicle park” see ““Campground or recreational vehicle park”” .