

# Supplemental Hearing Packet

Chelan Comprehensive Plan Update | May 17, 2017

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## Introduction

This document summarizes some themes from the May 9, 2017 Joint Planning Commission and City Council meeting, and associated proposed changes to the May 2, 2017 Comprehensive Plan and Municipal Code Amendments that are the subject of the upcoming May 17, 2017 Planning Commission Hearing.

This document also proposes some clarifications in the Municipal Code Amendments based on property owner questions and comments.

## JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING THEMES

At the Joint Meeting held May 9, 2017, Planning Commissioners and City Council members reviewed draft Plan and Code materials, and comment letters at that time. Based on the overall input, some themes included:

- The Plan and Code Update were on the right track overall.
- More could be done in the code with respect to promoting Chelan's small town character such as by reducing heights in Downtown and other zones where views to the lake and hills could be affected. The use of a 3-D model by future applicants was discussed to help provide information useful to the permit review process.
  - Based on the discussion at the joint meeting, the Downtown blocks identified for up to 50 feet were amended to 45 feet and a fifth story not allowed. Additionally, some code amendments are proposed to lower heights in several zones from 50 to 40 feet with the possibility of achieving 50 feet if the 3-D model is provided and criteria are met.
- The T-A Overlay changes made in the May 2017 draft documents improves the balance of allowing development to similar levels as today's plan/code with incentives to cluster and result in improved environmental and view protection.
- Protection of the W-I for employment uses was important. Additional R-M zoning east of Apple Blossom would change W-I intent and potential viability. Allowing accessory workforce housing or live-work options in W-I is a way to promote affordable housing but not lose the overall intent of the district for employment purposes. Apple Blossom itself to the west is an area that is appropriate for additional multifamily housing.
  - Based on the discussion, the proposed May 2017 Future Land Use/Zoning Map is amended to show the overlay regarding potential R-M uses as a Live-Work Overlay instead better matching the proposed code which would allow live-work options.

## Comprehensive Plan Overlay



Apple Blossom Center



The Lookout



T-A Cluster Overlay



~~Live-Work Overlay~~

~~Potential R-M Zone~~

May 2017 Map Overlay Amendment

- Hillside grading and dust control were discussed; there was a request to ensure that weed control was addressed as part of those plans.
  - Code language was clarified to require weed barriers during top soil stockpiling, and enforcement of weed control during construction and prior to occupancy.

## PUBLIC COMMENTS

Several public comments were received since the original compilation of letters for the May 2, 2017 packet. Some of the comments asked questions about standards or zones. The comments are compiled separately.

- Some of the comments about treatment of townhomes in R-M and T-A promoted some clarifications in the supplemental code edits.
- Correspondingly with some of the edits, the T-A description in the Land Use Element would also change to reflect that there's a single-family density and a multifamily density.

### *Attachment*

Supplemental Code Amendments – May 17, 2017

Text modified since May 2, 2017 shown in yellow shading.

and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

3. Normal farm machinery and animal noise emanating from a farm operating consistent with the standards in E.1 and E.2 shall be exempt from Chapter 8.31 Public Disturbance Noises.

4. At the sole discretion of the Administrator, new land divisions that may be incompatible with an adjacent existing agricultural use, may be required to implement the following measures:

- a. A minimum six-foot, sight-obscuring, trespass-resistant fence.
- b. A minimum planting width of ten feet.
- c. 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.
- d. An irrigation system sufficient to serve the entire planting strip. An irrigation plan must be submitted prior to project approval.
- e. Maintenance of landscaped buffers shall be the responsibility of the property developer or future owner(s) of subject non-agricultural 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.

- 1) All plantings must be weeded and maintained regularly;
- 2) Diseased or dying shrubs or trees must be replaced with similar plants projected to achieve the desired screening effect;
- 3) Fences must be maintained in good order at all times.

5. At the sole discretion of the Administrator, new farms locating adjacent to existing residentially developed properties shall provide the appropriate fence and landscaped buffer as defined in subsection E.4 if there is a potential for incompatibility.

**17.04.190 Rural to Urban Transition Standards.**

A. Intent. The intents of the rural to urban transition standards are to:

- 1. Phase growth and demand for urban services while allowing reasonable interim uses of property; and
- 2. Prevent establishment of uses and lot patterns which may foreclose future alternatives and impede efficient later development at urban densities.

B. Applicability. These regulations apply to lands with the following zones: A, R-L, R-M, PLF, T-A, SUD, and W-I.

C. Interim Lot Standards. Until urban sewer and water service is available, a property owner may subdivide their property as follows

- 1. If zoned A, R-L, R-M, PLF, T-A, or W-I, the parcel is to be divided into no more than two lots consistent with:
  - a. Interim Water Systems: See CMC Chapter 25.05, Development Standards, Chapter 1, Standards and Conditions, Subsection U Interim Water Systems.
  - b. Interim On-Site Septic Systems: See CMC Chapter 25.05, Development Standards, Chapter 3, Sewer Standards, Subsection P Interim On-Site Septic Systems.

2. If zoned SUD, the parcel is to be divided into no more than four lots subject to:

a. Interim Water Systems: See CMC Chapter 25.05, Development Standards, Chapter 1, Standards and Conditions, Subsection U Interim Water Systems.

b. Interim On-Site Septic Systems: See CMC Chapter 25.05, Development Standards, Chapter 3, Sewer Standards, Subsection P Interim On-Site Septic Systems.

c. Building Placement Requirements: Identify maximum development areas on recorded plats consistent with the following:

i. ensure development and building areas are located and arranged to provide the maximum protection of existing or potential agricultural production areas located both on and off-site, or provide for recreation areas open to the public, or protect sensitive areas not otherwise protected by critical areas regulations.

1) Potential agricultural production is defined based on:

a) Previous history of agricultural production or the location of prime farmland soils; and

b) water availability if irrigation is required for production.

ii. consolidate the area of existing or planned buildings, accessory uses, drainfields, wells, wellhead protection area(s), established landscaped areas, structures, and required setbacks to an area that is no greater than 1 acre or 20 percent of total lot area, whichever is less;

iii. where the proposed lot is vacant, locate buildings and development in a corner of the property adjacent to public roads or public rights of way to maximize the area of current or potential agricultural uses onsite and offsite or to allow for recreation areas open to the public, or to protect sensitive areas not otherwise protected by critical areas regulations; and

iv. achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

d. Develop a management plan to the satisfaction of the Planning and Building Director for agricultural, recreation, or open space uses including conservation practices to address water, habitat, and soil conditions, and responsible parties for maintenance, such as homeowner's associations or property owners.

**Commented [LG3]:** Included here if not part of interim sewer or water standards in CMC 25.05.

**17.04.200 Requests for Additional Height.** Where a zone district allows for an applicant to request greater height, the following procedures and criteria apply:

**A.** The applicant shall prepare a request identifying the rationale for a height greater than forty feet up to fifty feet based on the criteria in subsection C below.

**B.** The applicant shall provide an axonometric or other three-dimensional drawing or model illustrating the massing of the proposed project and the surrounding area (within 500 feet of the site), to examine how the proposed development fits within the existing and planned context of surrounding development, relationship to the public views documented in the Comprehensive Plan, and complies with the Municipal Code. The illustration or model shall depict the exterior massing of the shell of the building and not detailed engineering models of the structure or interior.

**C.** The Administrator shall consider a request for a height up to 10 feet greater than the zone maximum height based on demonstrated compliance with all of the following criteria:

1. The property is located outside of the Shoreline Master Program jurisdiction;
2. The property would not obstruct public views to Lake Chelan or hillside vistas from Downtown, Don Morse Park or Lakeside Park as depicted in the Comprehensive Plan;
3. The applicant has located and oriented structures on the subject property in a manner that diminishes the potential public view impacts and reduces incompatibilities with abutting residential or public properties, if any;
4. The applicant has demonstrated the purpose and need for additional height.

**Commented [LG4]:** Included here if not part of interim sewer or water standards in CMC 25.05.

5. The applicant has identified at least one public benefit, which may include but is not limited to:

a. long-term contribution to the City's economy;

b. provision of affordable housing for those earning up to 110% of the area median income guaranteed to be affordable for 50 years through a recorded instrument acceptable to the Administrator and City Attorney;

c. provision of public recreation facilities;

d. undergrounding of power and telecommunication lines not otherwise required, or

e. other features that provide overriding considerations and public benefit.

D. As a result of the application review or model, the Administrator may condition the development to modify bulk, building spacing, height, setbacks, landscaping, or other design feature to protect public views or improve development compatibility.

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**Chapter 17.08 DEFINITIONS**  
**(Repealed by Ord. 1411)**

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3. Dimensional Standards. If a subscript number appears in the box at the intersection of the column and the row, developments are subject to the development condition with the corresponding number immediately following the dimensional standard table.

Table 2. Dimensional standards table.

	Land Use Districts				
	DMU	TMU	DMR	DSF	Public
<b>DEVELOPMENT INTENSITY</b>					
Minimum lot area	1	1	1	6,000 sf	NA
Minimum lot width at building line	1	1	1	60'	NA
Minimum lot depth	1	1	1	90'	NA
Maximum building height	2 – 4 stories <sub>2</sub>	2 – 4 stories <sub>2</sub>	2 – 3 stories <sub>3</sub>	2 stories <sub>4</sub>	2 – 4 stories <sub>5</sub>
Maximum land coverage for all buildings	NA	NA	NA	30%	NA
<b>BUILDING PLACEMENT</b>					
Front yard <sub>6</sub>	0 – 15' min.	0 – 15' min.	15' min. <sub>7</sub>	25' min. <sub>7</sub>	8
Side yard	0 – 5' min. <sub>13</sub>	0 – 5' min. <sub>13</sub>	0' min. <sub>9</sub> 5' min. <sub>12</sub>	5' min.	10
Rear yard	0' min.	0' min.	20' min. <sub>11</sub>	20' min. <sub>11</sub>	10

Table 2 development conditions:

- (1) Applicants shall successfully demonstrate to the city how lot sizes and shapes are sufficient to accommodate permitted uses.
- (2) See Table 3 and Figure 3 for the maximum number of stories for applicable city blocks in the DMU and TMU districts. The table below sets forth the maximum building height in feet per the maximum designated number of stories, plus any special conditions that apply.
- (3) The maximum building height in the DMR district is two stories or thirty-five feet, whichever is less, except that a third floor is allowed under the following conditions:
  - i. The third floor shall be set back horizontally from the front facade by at least five feet, regardless of the facade setback. Covered porches that extend at least six feet in front of the facade and cover an area at least forty-eight square feet shall qualify as the front facade for the purposes of this standard; and
  - ii. The maximum width of the third floor visible from the street shall be sixty feet; or
  - iii. The third floor must be a partial floor under a gable roof (see Figure 4 for clarification).
- (4) The maximum height in the DSF district shall be two stories or thirty feet, whichever is less.
- (5) The height limit in the public district shall be the same as the adjacent land use district. Where the site is adjacent to more than one land use district, the height limit of the district closest to the proposed building shall apply.
- (6) See subsection D of this section, Site Orientation Standards, for front yard setback standards.
- (7) Covered porches may project into the front yard by up to six feet.
- (8) Front yard setback requirements in the public district shall be the same as the district located across the street. Where the public district occupies land on both sides of the street, front yard setback provisions of the nearest other land use district shall apply as determined by the director.
- (9) No internal side yard setbacks are required for two- or three-family dwellings, townhouses or multi-family dwellings, or for subdivisions where zero lot line homes are proposed. See Figure 5 for examples.
- (10) For public district sites adjacent to DMU district properties, there is no minimum side or rear yard setback requirement. For public district sites adjacent to all other districts, the minimum side and rear yards shall be the same as those in the adjacent district.
- (11) For lots with alleys, garages, detached accessory dwelling units, and other accessory buildings may be placed up to alley easement or property line.
- (12) One foot of additional setback is required for each foot of building height over twenty-five feet. See Figure 6 for an example.
- (13) No setbacks are required for window-less fire walls, otherwise the minimum building setback is five feet.

Table 3. Maximum building height in the DMU and TMU districts.

Maximum no. of stories as indicated in Figure 3	Maximum height in feet	Special conditions/exceptions
2	25'	A 3rd floor is not permitted. For additions to existing buildings (as of

Maximum no. of stories as indicated in Figure 3	Maximum height in feet	Special conditions/exceptions
		November 9, 2010), the maximum height is 30 feet. Existing buildings over 30 feet in height may be rebuilt to existing height in the event of fire or natural disaster provided documentation on building height is provided, as determined by the director.
2*	35'	A 3rd floor is permitted under the following conditions: a) The upper floor or floors shall be set back horizontally from the facade by at least 5 feet, regardless of the facade setback. Covered porches that extend at least 6 feet in front of the facade and cover an area at least 48 square feet shall qualify as the front facade for the purposes of this standard; or b) The 3rd floor must be a partial floor, as defined, under a gabled or hipped roof. See Figure 3 for clarification.
3	40'	A 4th floor is not permitted.
3*	45'	A 4th floor is permitted under the following conditions: a) The 4th floor shall be set back horizontally from the facade by at least 5 feet, regardless of the facade setback; or b) The 4th floor must be a partial floor, as defined, under a gabled or hipped roof.
4	<del>50'</del> 45'	A 5th floor is not permitted.
All blocks	Heights 3 stories or 35' and above	<u>The developer shall prepare an axonometric or other three-dimensional drawing or model illustrating the massing of the proposed project and the surrounding area (within 500 feet of the site), to examine how the proposed development fits within the existing and planned context of surrounding development and complies with the Downtown design standards. The illustration or model shall depict the exterior massing of the shell of the building and not detailed engineering models of the structure or interior.</u>  <u>As a result of the application review or model, the City may condition the development to modify bulk, building spacing, or height to protect public views.</u>

**Commented [LG7]:** Purpose of Proposed Amendment; See Code Amendment Report Section 7.1.

The allowance for 45 feet achieves four stories similar to the row above for a mixed use development (15 foot ground floor and 10 foot stories above). 50 feet would have had the appearance of five stories even though five stories was not allowed.

## 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-~~L~~ 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-~~L~~ 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-~~L~~ 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-~~L~~ 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).

L. Low intensity agricultural tourism uses pursuant to Chapter 17.47 CMC.

**17.24.030 Conditional uses.**

Conditional uses are as follows:

- A. All conditional uses allowed in the R-~~L~~ Residential District subject to the same conditions which they must meet in that district;
- B. Clinics, hospitals and ~~sanitariums~~ medical facilities, 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).

M. Moderate intensity or high intensity agricultural tourism uses pursuant to Chapter 17.47 CMC.

**17.24.040 Dimensional standards.**

Dimensional standards are as follows:

A. Minimum lot area and maximum density:

1. Minimum Lot Area:

a. Five thousand (5,000) square feet for single family detached dwellings; and

~~or b. one thousand five hundred square feet per all other forms of dwelling unit, whichever is the greater, provided that there shall be a minimum parcel area of 8,500 square feet and maximum gross density shall not be exceeded;~~

2. Maximum Gross Density: The maximum gross density of a property shall not exceed eighteen (18) dwelling units per acre.

B. Minimum width of lot at building line:

- 1. Townhouses, seventeen feet;

2. All other uses, ~~forty~~ **forty** feet;

C. Minimum lot depth:

1. Townhouses: ~~Sixty (60) feet~~;

2. All other uses, ~~Eighty (80) 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, ~~forty~~ **forty** (40) feet, with the following exception:

**a.** 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;

**b.** An applicant may seek a maximum height of fifty feet consistent with CMC 17.04.200.

E. Maximum land coverage: Forty percent for all buildings, ~~except townhouses at sixty (60) percent~~;

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;

**Commented [LG14]:** Rationale for standard: A lesser depth is common in example codes, and could be applied particularly in areas with significant slope where clustering is desired.

City of Renton: minimum depth 50 feet in RMF zone and 60 feet in R-14 a townhouse zone.

City of Spokane: RMF and RHD zones, minimum 70 feet.

City of Hillsboro, Oregon: 85 feet for townhouses in multifamily zones, but can be reduced if partitioning lot.

Many codes do not specify a lot depth for urban residential zones.

**Commented [LG15]:** Rationale for standard: Based on public comment during visioning and land use plan meetings.

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).

H. Hillside developments: See Chapter 17.59 CMC Hillside Development and Design Standards.

**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).

~~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. ~~Restaurants, and d~~Drive-in restaurants;

M. Liquor stores, taverns, cocktail lounges, and nightclubs;

N. Radio and TV studios;

O. Transient businesses;

P. Grocery stores;

Q. Clinic. (Ord. 1411 § 3 (Exh. A), 2010; Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 1118 § 1, 1998; Ord. 1061 § 28, 1997; Ord. 837 § 2, 1988; Ord. 724 § 3, 1983; Ord. 314 § 10A, 1962).

~~R. Barber or beauty shops;~~

~~S. Office, business or professional;~~

~~T. Bakery, candy store, or confectionery store, provided all products which are produced are sold only at retail on the premises;~~

~~U. Shoe sales or repair;~~

~~V. Radio, television and small appliance sales and service, provided all storage is contained within the structure;~~

~~W. Photographic and musical studio, sales and service;~~

~~X. Tailor and upholstery shop;~~

~~Y. Bank or other financial institution;~~

~~Z. Apparel;~~

~~AA. Parking lot;~~

~~AB. Locksmith;~~

~~AC. Newspaper, printing or lithography establishment;~~

~~AD. Florist;~~

~~AE. Self-service laundry;~~

~~AF. Arts and crafts;~~

~~AG. 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;~~

~~AH. Radio and TV studios;~~

~~AI. Private educational institutions;~~

~~AJ. 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.~~

**Commented [LG18]:** From defunct C-L zone

**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 17.32.020(D). (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~~ medical facilities 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;
- J. Marijuana retail outlets. (Ord. 1474 § 4, 2014; 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).

K. Mortuary;

L. Clinics, medical and dental; convalescent home and nursing home;

M. Public utility provided all equipment storage on the site is within an enclosed structure;

O. Parks and playgrounds, including park buildings;

N. Mobile home park;

O. Mini-storage within enclosed structure;

P. Museum;

Q. Antique shop;

R. Mini day care centers, and day care centers within churches and other semipublic buildings, under conditions set forth in Chapter 17.56;

S. Veterinary hospitals, under conditions set forth in Section 17.56.260.

**Commented [LG19]:** Duplicates "D" above.

**Commented [LG20]:** Pulled in from defunct C-L zone where the uses do not overlap others.

**17.36.040 Dimensional standards and development requirements.**

Minimum dimensional standards and development requirements are as follows:

A. Maximum gross density and minimum lot area:

1. Maximum gross density: 8.7 du/acre; and

2. 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-Forty~~ feet; provided that an applicant may seek a maximum height of fifty feet consistent with CMC 17.04.200.

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. ~~Mixed use developments that include water-dependent and water-oriented commercial uses together with single-family or multi-family uses while promoting public access for significant numbers of the public and/or providing an ecological restoration resulting in a public benefit. Existing legal residential developments as of the date of this subsection are permitted. 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 ~~or public~~ 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;

**Commented [LG21]:** Purpose of Amendment: See Section 7.3 of Code Amendment Report.

**Commented [LG22]:** Purpose of Amendment: Since new single-purpose residential uses would not be allowed remove cross reference. See Section 7.3 of Code Amendment Report.

C-L zone no longer is mapped and should be removed. See Section 7.7 of Code Amendment Report.

Show uses from these zones that are non-residential in edits below.

## 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.
- [17.48.060 T-A Overlay District Standards](#)

#### **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 parks;
- D. Recreation and amusement facilities;

**Commented [LG40]:** Intent of this cross reference to R-M translated to 17.48.040 below.

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. Marijuana producers; ~~and~~

K. Community waterfront parks, ~~–parks and playgrounds, including park buildings; and~~ (Ord. 1491 §§ 5, 7 (Exh. E) (part), 2015; Ord. 1474 § 8, 2014; Ord. 1120 § 1, 1998; Ord. 800 § 6, 1987; Ord. 670 § 3, 1980; Ord. 625 § 1 (part), 1979; Ord. 338 § 2 (part), 1965; Ord. 314 § 13C, 1962).

L. Resort Plans in T-A Overlay.

**17.48.040 T-A Dimensional standards excluding T-A Overlay.**

Dimensional standards are as follows for the T-A zone except in the T-A Overlay, which is guided by 17.48.060:

A. Maximum density and mMinimum lot area: \_\_\_\_\_

1. Maximum gross density: 8.7 du/acre for single-family detached dwellings and eighteen (18) dwelling units per acre; for all other forms of dwellings; and

2. Minimum lot area: Five thousand (5,000) square feet for single-family detached dwellings;

3. Minimum development area: Ten thousand (10,000) square feet; one thousand five hundred square feet per all other forms of dwelling unit, provided that there shall be a minimum parcel area of 10,000 square feet and maximum density shall not be exceeded;

B. Minimum lot width at the building line: Fifty feet;

C. Maximum lot coverage: Seventy-five percent for non-residential development and sixty (60) percent for residential development;

D. Maximum height: ~~Fifty-Forty~~ feet; provided that an applicant may seek a maximum height of fifty feet consistent with CMC 17.04.200.

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.

**Commented [LG41]:** Changes designed to match R-M – which was the intent of 17.48.010.A.

**Commented [LG42]:** Match R-M – which was the intent of 17.48.010.A.

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. Rear yard minimum: Twenty feet. (Ord. 935 § 2, 1992; Ord. 670 § 4, 1980; Ord. 338 § 2 (part), 1965; Ord. 314 § 13D, 1962).

**F. Hillside developments: See Chapter 17.59 CMC Hillside Development and Design Standards.**

**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).

**17.48.060 T-A Overlay District Dimensional Standards**

A. Purpose: This overlay conserves valuable resources and environmentally sensitive lands such as steep slopes, erosion hazard areas, streams and ravines, and considers wildfire potential, yet allows for recreation and seasonal residential or hospitality development where appropriate to site conditions and designed to protect public views of the Butte’s natural landforms and vistas that are visible from Downtown and Don Morse Park. Structures are encouraged to concentrate on a portion of the site with the remaining reserved in open space or agricultural use such as vineyards, and traversed with sensitively designed recreational features such as trails.

B. Maximum Densities: Maximum densities are based on presence of utilities and clustering. If a Resort Plan is prepared a gross density of 4-8.7 units per acre is possible.

<u>Scenario</u>	<u>Gross Density Units Per Acre</u>
<u>Utilities, No Clustering</u>	<u>0.20</u>
<u>Utilities, Clustering</u>	<u>1.00</u>
<u>With Clustering and Density Bonuses</u>	<u>Up to 1.5 (maximum achievable if including one or more bonuses below)</u>
<u>Public trail system, public amenities open to general public</u>	<u>Add 0.25</u>
<u>Increased open space or agricultural retention ten (10) percent above minimum required</u>	<u>Add 0.25</u>
<u>Minimum 10 percent of dwellings consist of housing affordable to households earning 110 percent or less of the area median income, or consisting of workforce housing guaranteed for such purposes for the long-term subject to minimum 50-year deed restrictions to ensure long-term use and affordability. Such deed restrictions shall be in a form approved by the Administrator and City Attorney and recorded with the Chelan County Auditor prior to issuance of a certificate of occupancy for the subject property. Prior to the end of the 50-year deed restriction period, the City may approve a removal of the deed restriction provided there is a payment in lieu of continuing affordability.</u>	<u>Add 0.25</u>
<u>Resort Plan for property with minimum of 20 acres, subject to performance standards</u>	<u>4 to 8.7 by Conditional Use Permit</u>

**Commented [LG43]:** Clarification – density moves up from 1.0 to 1.5 depending on whether one or two bonus items are included. There are three options to choose from to earn the bonus.

**Commented [LG44]:** Match affordability language in other portions of the code.

**C. Minimum lot sizes in area.**

1. Unclustered: 1 unit per 5 acres
2. Clustered, No Bonus: 12,000 square feet.
3. Clustered, Bonus: 8,500 square feet
4. Clustered, Bonus, Townhouse: No townhouse lot shall contain an area of less than 2,500 square feet
5. Resort Plan: 5,000 square feet for single family detached dwellings and no less than 1,500 square feet in area for all other dwellings, subject to density limits.

D. Minimum lot width at the building line:

1. 8,500 square foot lot: fifty (50) feet;
2. 12,000 square foot lot: eighty (80) feet;
3. 1 acre or greater: one hundred (100) feet.
4. Townhouses: seventeen (17) feet

E. Maximum lot coverage:

1. less than or equal to 8,500 square foot lot:
  - a. Single family detached dwellings: thirty-five (35) percent;
  - b. Townhouses: sixty (60) percent;
  - c. All other uses: forty (40) percent;
2. greater than 8,500 or equal to 12,000 square feet: thirty (30) percent
3. greater than 12,000 square feet or equal to 1 acre: fifteen (15) percent
4. greater than 1 acre or equal to 5-acres: five (5) percent

F. Minimum open space for clustered development shall be fifty (50) percent of land retained in agricultural, recreation, or open space use. Density bonus allowed for provision of public trail, or public recreation facility, or if providing sixty (60) percent retention of agricultural, recreation, open space uses pursuant to subsection B.

G. Minimum Setback Distances.

1. Front Yard.

- a. Residential: twenty feet. Setback averaging may be allowed within a new development as appropriate to the project and the site:
  - i. Contingent on city review and approval of detailed site plan.
  - ii. The minimum setback in any averaged development must be ten feet.
  - iii. An average setback of twenty feet must be achieved.
- b. Non-residential uses: twenty-five feet;

2. Side Yard.

- a. Residential: five feet.

**Commented [LG45]:** Townhouses are allowed but lot sizes didn't accommodate fee simple townhouses. The density will limit the overall number and area of townhouses. Facilitating townhouses will help the overall approach towards clustering. It may also result in more affordability.

**Commented [LG46]:** Allow for townhouses through Resort Plan.

**Commented [LG47]:** Allow for townhouses with similar coverages as R-M.

**Commented [LG48]:** Allow for townhouses and other multifamily like R-M standards.

Note that all uses in hillside areas across the city are subject to the City's critical areas regulations limiting clearance site wide in erosion hazard areas.

b. Non-residential uses: ten feet;

3. Rear Yard.

a. Residential: fifteen feet; ten feet adjoining open space.

b. Non-residential uses: twenty feet;

4. Setback from Ridgeline: 20 feet from top of ridgeline.

H. Maximum height:

1. Within public view corridor as identified in the Comprehensive Plan: twenty-five feet;

2. Outside of public view corridor as identified in the Comprehensive Plan: thirty feet;

I. Clustered developments shall meet cluster subdivision standards CMC 16.36.130.

J. Hillside developments: See Chapter 17.59 CMC Hillside Development and Design Standards.

K. Resort Plan Performance Standards: See 17.56.340.

DRAFT

## Chapter 17.50 ZONE PLF – 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;

**E. Residential development directed to households with incomes less than 110% of the area median income or directed to special needs, including but not limited to, elderly or disabled.** - (Ord. 1114 § 7 (part), 1998).

**Commented [LG49]:** Addresses Senior Housing Initiative

#### **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~~L 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).

E. Hillside developments: See Chapter 17.59 CMC Hillside Development and Design Standards.

**F. Residential development:**

1. Shall be subject to height, coverage, setbacks, and other applicable development standards of the R-M zone, Chapter 17.24 CMC.

2. Shall be subject to deed restrictions to ensure long-term use by special needs populations households earning less than 110% of the area median income. All deed restrictions are subject to review and approval by the Administrator and City Attorney and shall be recorded with the Chelan County Auditor. Such deed restriction shall be recorded prior to issuance of a certificate of occupancy for the subject property. If units are provided to meet affordable housing needs, the term of affordability shall be 50 years. Prior to the end of the 50-year deed restriction period, the City may approve a removal of the deed restriction provided there is a payment in lieu of continuing affordability.

Commented [LG50]: Addresses Senior Housing Initiative

## Chapter 15.12 EXCAVATIONS, ~~DUST~~ ~~—AND~~ DANGEROUS CONDITIONS

Sections:

[15.12.010 Excavation to be guarded.](#)

[15.12.020 Building material, moving houses, explosives.](#)

[15.12.030 Referral of applications.](#)

[15.12.040 Granting of permits.](#)

[15.12.050 Dust control.](#)

### 15.12.010 Excavation to be guarded.

No person shall dig up, undermine, or in any way disturb or obstruct any street or alley or public place or cause the same to be done, or fill in or upon any such place any earth, offal or rock or any other matter or thing tending to disturb or obstruct the same without first obtaining permit from the street commissioner, nor leave any ditch or excavation in or upon any street, alley or public place open over night without providing the same with solid guard rails and a sufficient number of red lights at each end and along such ditch or excavation. (Ord. 69 § 37, 1913).

### 15.12.020 Building material, moving houses, explosives.

No person shall deposit any building material or other matter or erect or move any building in any street or public place so as to seriously or unnecessarily impede traffic or remove any part of any public sidewalk without express permission from the public works director, or leave any such material or building in any street or alley or any opening in any public sidewalk for any unnecessary length of time or during the nighttime without maintaining such lights or guards as to insure safety of travel, or explode any explosive without taking precautions as shall secure any person or property from injury. (Ord. 1061 § 18, 1997; Ord. 69 § 39, 1913).

### 15.12.030 Referral of applications.

All applications for grading permits shall be referred to the city planning ~~commission~~ and building department. The city planning ~~commission and building department director~~ shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated in the city of Chelan zoning ordinance or in the comprehensive plan for the city of Chelan. A civil engineer licensed to practice in the state of Washington appointed by the council shall determine the effect of the intended

grading upon public and private property. The ~~city planning commission and the~~ appointed civil engineer shall report their findings to the authorized administrator of this chapter. (Ord. 325 A § 7, 1963).

**15.12.040 Granting of permits.**

After the ~~planning commission~~planning and building director and the appointed civil engineer have submitted their reports to the authorized administrator of this chapter, the authorized administrator shall ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, the authorized administrator shall issue to said applicant a grading permit. A grading permit shall be valid for a period not to exceed one year. Upon approval of the application and issuance of the grading permit no work shall be done that is not provided for in the permit. The authorized administrator of this chapter is authorized to inspect the premises at any time to determine if the work is in accordance with the permit application and plans. (Ord. 325 A § 8, 1963).

**15.12.050 Dust control.**

As part of a grading permit application, building permit application, or construction permit application, an applicant shall provide a dust control plan. The plan shall demonstrate to the satisfaction of the Administrator:

A. Special precautions to control dust at all times throughout the entire construction project, including on weekends and holidays, when necessary. Watering, or other appropriate and approved dust control measures will be required whenever dust conditions are present on the roadway, on adjacent streets when dust results from construction activities, and on cut and fill slopes.

B. Topsoil that is removed from a development shall be temporarily stockpiled and replaced as soon as possible to stabilize disturbed areas and to support landscaping and re-establish native vegetation. Soils shall be covered with a woven weed barrier that sheds moisture yet allows air flow or equivalent technique.

C. Areas disturbed by construction and subsequently restored, and all landscaped areas shall be irrigated using permanent or temporary methods for a minimum of two growing seasons. The Administrator shall require weed control measures be implemented during the growing seasons as part of the dust control plan. The Administrator may enforce nuisance regulations to ensure noxious weeds are controlled during construction, or at any time prior to a certificate of occupancy.