Title 17 ZONING AMENDMENTS

See May 2017 Draft Evaluation of Municipal Code Amendments and Staff Report to City Council August 2017 for a description of proposed changes.

Text changes represent Planning Commission Recommendations of 2017. Staff suggestions to ensure clear interpretation and consistency are shaded.

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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).

17.04.025 Definitions.
Words and phrases appearing in this chapter shall have the meanings set out in Section 19.10.040. (Ord. 1411 § 6(d), 2010).

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).

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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~~A. R-~~1~~ L – Single-Family Residential District. The R-L district is intended to preserve existing housing stock and provide residential development opportunities for predominantly single-family detached dwelling units. The R-L designation promotes standards that preserve the natural landscape of hillsides and ravines and other critical areas, reduce the risk of geologic and fire hazards, and conserve designated public views. This designation is intended to be applied in areas suitable and desirable for residential use, which are or will become developed by single-family dwellings. Lands should be adequately served at the time of development with roads, utility services and other public facilities commensurate with anticipated population and dwelling unit densities.~~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~~B. R-M – Multi-Family Residential District. The purpose of the R-M district is to provide for a mix of residential uses at a broad range of dwelling unit densities that appeal to a variety of income categories and lifestyles. R-M recognizes existing multifamily neighborhoods and offers opportunities for new housing. R-M is applied where access, topography, and adjacent land uses create conditions appropriate for a variety of attached and detached unit types, or where there is existing multi-family development. Such lands should be adequately served at the time of development with roads, utility services and other public facilities commensurate with anticipated population and dwelling unit densities.~~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. C-HS – Highway Service Commercial District. The C-HS district provides necessary commercial services to the traveling public and heavy commercial uses not oriented to walk-in convenience shopping. C-HS provides opportunities for vertical or horizontal mixed use housing opportunities which help to make a more vibrant commercial district. The C-HS designation is intended to be applied to lands along principal arterials outside the Downtown Master Plan area with a character of highway-oriented commercial uses.~~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~~D. C-W – Waterfront Commercial District. This designation provides areas on lakefront property for heavy waterfront commercial uses. This district is applied to properties along the Lake Chelan shoreline that function as a working waterfront with water-oriented commercial uses.~~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~~E. W-I – Warehousing and Industrial District. The W-I district provides appropriately located areas for various warehouse and industrial uses that enhance the city's economic base, and provide jobs for residents of the area,

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while at the same time ensuring a high quality of life free from excessive dust, noise, odors, smoke, heavy traffic congestion, and air and water pollution. The W-I district is applied in areas suitable for warehouse and industrial uses which are or will be developed by industries that are not detrimental to agriculture or recreation in the Lake Chelan area and that are located outside the Downtown Master Plan area. W-I is applied to larger land holdings that are topographically level, with arterial transportation access, and where such developments can be designed in a compatible manner. Primary uses include agricultural production, manufacturing enterprises, warehousing, industrial establishments, and compatible commercial services. Secondary uses include workforce housing that is accessory to principal uses. ~~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~~F. T-A – Tourist Accommodations District. The purpose of the T-A district is to promote lodging, resort, leisure, and hospitality uses that serve the traveling and recreation-oriented public. This designation is intended to be applied in areas near or adjacent to Lake Chelan or other natural or recreational resources which are uniquely suited for motels, hotels, lodges and similar uses in keeping with the importance of the recreation industry to the city. ~~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~~G. P-DD – Planned Development District. The purpose of this zoning overlay district is to: encourage a variety of mixture of housing types; compatible mixed uses; imaginative site and building design; usable open space for the enjoyment of the occupants and the general public; retention of significant features of the natural environment, including waterways and views; efficiency in the layout of streets and utility networks and other improvements; and "complete streets" that incorporate pedestrian, bicycling, and transit options.~~as set forth in Section 17.52.010 of this code~~. The overlay requires that the proposed development result in a significantly higher quality of design, generate more of a public benefit, and be more environmentally sensitive than would have been the case with the use of standard zoning and other development regulations, while ensuring substantial compliance with the goals and policies of the Chelan comprehensive plan.

~~K~~H. ~~Zone AP~~A ~~– Chelan Municipal~~ Airport District. The Airport (A) district allows for a variety of mixed airport type uses for the airport property including: providing the leasing of lots at the airport for hangers, helipads and possibly some light manufacturing, assembly or for business uses. Airport designation regulations discourage the siting of incompatible uses adjacent to the airport.~~This zone applies to the property within the boundary of the Chelan Municipal Airport.~~

~~L~~I. SUD – Special Use District. The SUD district is designed to: 1) support and enhance agricultural operations and their essential pastoral setting, 2) allow low impact tourist commercial and educational uses at a scale that is complementary to agricultural pursuits, and 3) provide an opportunity for lower density residential housing. Densities allowed serve as a transition from the rural area to the urban area and reinforce an urban separator character. The SUD permits clustering and planned residential developments to conserve valuable resource and environmentally sensitive lands such as agricultural lands, steep slopes, streams and ravines, and others, while allowing for appropriate development. Where clustering is allowed, structures are concentrated on a portion of the site with the majority area conserved for resource or open space uses. SUD includes standards that minimize farm/non-farm development conflicts, and ensures building heights and forms are visually compatible with surrounding uses.~~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~~J. P – Public Lands and Facilities. The PLF district promotes both passive and active recreation, and provides suitable locations for public facilities. The district applies to lands and facilities under public ownership and use or private institutions. The PLF is not applicable to commercial amusement parks and other such activities.~~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.~~

~~N~~K. DT – Downtown Planning Area. This designation applies to property within the downtown planning area, and intends to implement the goals, objectives, and policies of the Chelan downtown master plan. (Ord. 1410 § 5, 2010; 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.
A. Small livestock are permitted on less than an acre and shall be housed within an enclosed structure that is set back ten feet from side yard property lines and are prohibited within the front yard setback area. No setback is required from the rear property line or an alley.

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

1. 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:

a. 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;

b. One-quarter acre per each sheep, goat or other similar size animal, with additional such animals under the age of one year not included;

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c. 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;

d. 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;

e. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Potentially dangerous wild animals, as defined in RCW 16.30.010, are prohibited.

8. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.

9. Violations of this section shall constitute a nuisance, and shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1512 § 2 (Exh. A) (part), 2016: Ord. 1502 § 4 (Exh. O), 2015: 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 slope of the front fifty feet of the lot, measured from the flowline of curb (or the ditch bottom) at the midpoint of the proposed building frontage ~~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 slope of the front fifty feet of the lot, measured from the flowline of curb (or the ditch bottom) at the midpoint of the proposed building frontage ~~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.

Commented [LG1]: Changes respond to comments from Dusty Jones, 5/18/17.

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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 slope of the front fifty feet of the lot, measured from the flowline of curb (or the ditch bottom) at the midpoint of the proposed building frontage ~~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 slope of the front fifty feet of the lot, measured from the flowline of curb (or the ditch bottom) at the midpoint of the proposed building frontage ~~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.

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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 ~~form~~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 parks 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.

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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~~L, R-M, T-A, or C-HS ~~or C-W~~ district.

Commented [LG2]: Purpose of Edit: Do not allow new stand-alone residential dwellings in C-W, even if moved from another part of town. Help preserve the zone for its primary intent of waterfront commercial uses.

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~~ L 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

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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;

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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;

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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).

17.04.160 Collective gardens.
Collective gardens, as authorized by Washington law and federal law, shall be permitted in all zoning districts. (Ord. 1437 § 3, 2012).

17.04.170 Marijuana license businesses.
The following provisions apply to marijuana license businesses licensed by the Washington State Liquor Control Board.

A. Marijuana licensed businesses shall be subject to all applicable standards of city development regulations.

B. Marijuana licensed businesses shall not be permitted within one thousand feet of the perimeter grounds of the following entities:

1. Elementary or secondary schools;

2. Playground;

3. Recreation center or facility;

4. Child-care center;

5. Public park;

6. Public transit center;

7. Library;

8. Game arcade (where admission is not restricted to persons age twenty-one or older);

9. Any parcel where a marijuana retail outlet is located; or

10. Religious assemblies.

The city shall rely upon the definitions set forth in Chapter 314-55 WAC when identifying the entities listed above.

C. Outdoor Advertising.

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1. Signs shall comply with Chapter 17.58;

2. One sign not exceeding one thousand six hundred square inches (11.1 square feet) that is visible to the general public from a public right-of-way shall be permitted for exterior advertising purposes. Such sign shall be subject to the standards of the Washington State Liquor Control Board and Chapter 17.58;

3. "Minors restricted signs" shall be posted at all marijuana licensed premises.

D. Federal Government Authorization. No application for a marijuana licensed business shall be approved by the city until such time as marijuana is removed from Schedule I of Controlled Substances Act, 21 U.S.C. Section 812, as evidenced by a slip law available from the Library of Congress.

E. Marijuana Retail Outlets.

1. A marijuana retail outlet shall be permitted through a conditional use permit in Highway Service Commercial (C-HS), Commercial Waterfront (C-W), Downtown Mixed Use (DMU) and Tourist Mixed Use (TMU) Districts.

2. Marijuana retail outlets shall be permitted in the Warehouse and Industrial (W-I) District.

3. A marijuana retail outlet may sell usable marijuana, marijuana-infused products, and marijuana paraphernalia between the hours of eight a.m. and twelve a.m.

4. A marijuana retail outlet shall sell usable marijuana, marijuana-infused products, and marijuana paraphernalia in a detached building containing no additional business activities.

F. Marijuana Processors.

1. Marijuana processors shall be permitted in the Warehouse and Industrial (W-I) District.

2. Marijuana production shall take place within a fully enclosed secure indoor facility with an adequately filtered exhaust to avoid noxious odors.

G. Marijuana Producers.

1. Marijuana producers shall be permitted in the Warehouse and Industrial (W-I) District.

2. Marijuana producers shall be permitted through a conditional use permit in the Special Use (SUD) and Tourist Accommodation (T-A) Districts.

3. Marijuana production shall take place within a fully enclosed secure indoor facility or greenhouse with an adequately filtered exhaust to avoid noxious odors.

4. Marijuana producer indoor facilities shall not exceed:

a. Warehouse Industrial (W-I) District: ten thousand square feet of production space.

b. Special Use District (SUD) and Tourist Accommodation (T-A) District: three thousand square feet of production space.

H. Nuisance Abatement. Violation of the provisions of this section shall constitute a nuisance, and is subject to the enforcement provisions of Chapter 8.26 of the Chelan Municipal Code or state law. (Ord. 1474 § 1 (Exh. A), 2014).

17.04.180 Right to farm.

A. Intent

The intent of the Right-to-Farm regulations in the Chelan Municipal Code is to:

Commented [LG3]: Purpose of proposal: See May 2017 Code Amendment Report, Section 7.2 and July 2017 Planning Commission Recommendations. This is a blend of Benton County and Stanwood WA right to farm provisions as well as SUD landscape buffer standards.

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1. Grant the same degree of protection to agricultural activities as Chapter 7.48 RCW;

2. Encourage the preservation of farms;

3. Limit the encroachment of incompatible development

B. Applicability

This shall apply to agricultural activities on farmland in the Chelan city limits and unincorporated Urban Growth Area

C. Definitions

Consistent with RCW 7.48.310, the following definitions are applied in this section:

"Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of agricultural or apicultural products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.

"Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

"Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other farm products.

"Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries and apiary products, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

D. Permitted Uses

The following uses may be permitted on farms established consistent with federal, state, and local laws:

1. Agricultural activities;

2. One single-family detached dwelling unit per parcel, together with one accessory unit or other structures accessory to a dwelling unit subject to the standards of the zone applicable to the farm; and.

3. Agi-tourism activities when allowed in the zone applicable to the farm.

E. Standards

1. Agricultural activities conducted on farmland and forest practices, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety.

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2. Agricultural activities undertaken in conformity with all applicable laws and rules are presumed to be good agricultural practices not adversely affecting the public health and safety for purposes of this section 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.

Commented [LG4]: See Section 12 of the May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Allow homesteading to allow properties to be subdivided for heirs while allowing for future urban development patterns when urban services are available.
In the SUD allow for up to four lots with building placement 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.

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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.

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 up to 10 feet greater than the standard zone allowance 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 consistent with heights allowed under 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.

Commented [LG5]: Included here if not part of interim sewer or water standards in CMC 25.05.

Commented [LG6]: Included here if not part of interim sewer or water standards in CMC 25.05.

Commented [LG7]: Part of July 2017 Planning Commission Recommendations to address small town character and protection of public views.

Commented [LG8]: Modified to match intent of Planning Commission direction on heights in C-W and other zones.

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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.
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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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 violations, penalties and enforcement.
17.12.040 Permits and authorization to conform.
17.12.050 *Repealed.*
17.12.060 *Repealed.*

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 ~~he~~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 violations, penalties and enforcement.
The planning and community development director shall administer the provisions of this title, may appoint officers and deputize such employees as may be authorized to assist him or her in its administration, and 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. Except as otherwise expressly provided, any violation of this title shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 4 (Exh. P), 2015: Ord. 314 § 18A, 1962).

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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.
Repealed by Ord. 1502. (Ord. 314 § 18C, 1962).

17.12.060 Enforcement.
Repealed by Ord. 1502. (Ord. 314 § 22, 1962).

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Chapter 17.13
EMERGENCY AND TRANSITIONAL HOUSING

Sections:

17.13.010 Emergency housing intent.
17.13.020 Transitional housing intent.
17.13.030 Definitions.
17.13.040 Districts where emergency housing and transitional housing are permitted.
17.13.050 Recreational vehicles and park models.
17.13.060 Minimum conditions.

17.13.010 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. (Ord. 1426 § 5 (Exh. E) (part), 2011).

17.13.020 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. (Ord. 1426 § 5 (Exh. E) (part), 2011).

17.13.030 Definitions.
A. "Emergency housing" means temporary housing provided to transitional persons for a period of up to thirty days, provided by nonprofit 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.

B. "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.

C. "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 four hundred 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.

D. "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 this chapter, this definition does not include "park models," which are considered separately.

E. "Transitional housing" means temporary housing provided to transitional persons for a period of thirty-one days to twenty-four months by nonprofit 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.

F. "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. (Ord. 1426 § 5 (Exh. E) (part), 2011).

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17.13.040 Districts where emergency housing and transitional housing are permitted.

A. Single-Family Residential (R-~~1~~L) District.

1. 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;

2. Recreational vehicles and park models shall not be used for emergency housing or transitional housing in R-~~1~~L districts, except by conditional use permit, and then only on property owned by nonprofit 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;

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

1. Single-Family Dwellings.

a. 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;

b. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;

2. Multi-Family Dwellings.

a. In multi-family dwellings, emergency or transitional housing is only allowed in owner-occupied buildings or apartment complexes;

b. 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;

c. Emergency housing or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;

d. 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;

3. Nonresidential Sites. Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by nonprofit 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;

C. Tourist Accommodations (T-A) District.

1. Single-Family Dwellings.

a. 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

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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;

b. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;

2. Multi-Family Dwellings.

a. In multi-family dwellings, emergency housing or transitional housing is only allowed in owner-occupied buildings or apartment complexes;

b. 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;

c. Emergency housing or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;

d. 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;

3. Nonresidential Sites. Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by nonprofit 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;

D. Downtown Mixed Residential Zone.

1. Single-Family Dwellings.

a. Emergency housing or transitional housing for up to ten transitional persons (adults and children) is an allowed use in a single-family dwelling;

b. Emergency housing or transitional housing for more than ten transitional persons requires a conditional use permit;

c. 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;

2. Multi-Family Dwellings.

a. In multi-family dwellings, emergency housing or transitional housing is only allowed in owner-occupied buildings or apartment complexes;

b. 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;

c. Emergency or transitional housing for more than ten transitional persons not related to the owner requires a conditional use permit;

d. 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;

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3. Nonresidential Sites. Recreational vehicles or park models may be used for emergency housing or transitional housing on properties owned by nonprofit 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;

E. Downtown Single-Family Residential Zone and Downtown Mixed Use Zone.

1. Emergency housing is not allowed;

2. Transitional housing is not allowed. (Ord. 1426 § 5 (Exh. E) (part), 2011).

17.13.050 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 (Section 17.13.060):

A. 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;

1. No recreational vehicle or park model so permitted may be used for rental or vacation housing, and such use shall constitute a violation per subsection J of this section;

2. 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;

3. 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;

4. Owner authorization shall be required for all conditional use applications for emergency housing and transitional housing;

B. 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;

C. CMC Code Exceptions. Portions of the CMC prohibiting or limiting habitation of recreational vehicles (including but not limited to Sections 17.04.080 and 17.20.010(D)) shall not apply to conditionally permitted recreational vehicles or park models used for emergency housing or transitional housing;

D. 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):

1. 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”;

2. All units shall comply with ANSI A119.2 and NFPA 1192 standards;

3. All units shall include facilities for living, cooking, bathing, and sleeping;

4. Tent trailers may not be used for emergency housing;

5. All units shall be fully insulated for year-round use;

E. 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):

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1. 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";

2. All units shall comply with 2009 ANSI A119.5 standards or as amended;

3. All units shall be fully insulated for year round use;

4. All unit roofs shall have adequate snow load capacity;

5. All units shall have built-in mechanical air exchange systems in the kitchen and bathroom;

6. All units shall be equipped with standard household flush toilets. Mechanical seal toilets are not permitted;

F. 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;

G. Siting Requirements. The following shall apply to all recreational vehicles and park models used for emergency housing or transitional housing:

1. Units shall not be located in the front yard;

2. Units shall not be located in any right-of-way or easement;

3. Unit location shall conform to all building setback requirements;

4. Units shall be located a minimum of fifteen feet from the main dwelling or structure;

5. Units shall be located a minimum of ten feet from any detached accessory structure;

6. 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;

7. Park models are not allowed in parking lots;

8. A maximum of two park models or recreational vehicles may be allowed on the property of establishments of religion or other facilities defined in Section 17.13.040(A)(2). Units (including any steps, awnings, or porches) must be spaced a minimum of ten feet apart;

9. 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 ten feet apart;

10. Location of any unit must comply with lot coverage requirements;

H. Installation Requirements. The following shall apply to all recreational vehicles and park models used for emergency housing or transitional housing:

1. 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;

2. All units shall be installed on a pad no smaller than the entire footprint of the unit. Pads shall be level concrete, asphalt, or three inches minimum compacted gravel. Drainage shall be directed away from the pad;

3. Tarps or other nonstandard protection shall not be used on roofs, walls or windows of units;

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4. Recreational vehicles must be sheltered under a snow shed with a pitched roof for winter occupancy. Snow sheds must be permitted structures;

5. 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;

6. 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;

7. Park models must be set on wheels with stabilization jacks under all four corners of the unit. Tie-downs or anchoring straps are required;

I. Inspections and Checklists.

1. 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;

2. 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;

3. Inspections shall ensure that all requirements of this code are met for each installation;

4. Annual inspection by the building official is required for each unit to ensure continued compliance with all the requirements of this code. The building official shall provide the permittee with twenty-one days' notice prior to inspection;

5. 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 ensure compliance;

6. The permittee shall complete a safety checklist, provided by the planning director, based upon Section 17.13.060, 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 fourteen days of notice of annual inspection (subsection (I)(4) of this section);

J. Violations, Penalties and Enforcement.

1. It is a violation of this chapter to use 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.

2. 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 therefor shall constitute a separate violation.

3. Violations and penalties shall be applied to the permittee or any person allowing a recreational vehicle or park model for emergency housing or transitional housing, not to any transitional person.

4. Except as otherwise expressly provided, any violation of this chapter shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 4 (Exh. Q), 2015; Ord. 1426 § 5 (Exh. E) (part), 2011).

17.13.060 Minimum conditions.

All emergency housing and transitional housing are subject to the following minimum conditions:

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A. 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;

B. 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;

C. 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 six persons for up to thirty days, and limited to a maximum of five persons for thirty-one days to twenty-four 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;

D. Licensing. A business license is required for all emergency housing facility permittees and for all transitional housing facility permittees;

E. Living Requirements.

1. 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 two hundred square feet of living space per person. Confirmation by the building official that the residence complies with 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;

2. 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;

3. Bathrooms. One full bathroom or one three-quarter bathroom must be provided for each three bedrooms;

4. 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;

5. 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;

6. Safety and Maintenance. Emergency housing and transitional housing permittees must:

a. Keep the facility both internally and externally in good repair and condition with a safe, sanitary environment that is free of hazards;

b. Ensure that there is outdoor space that is safe and usable for residents;

c. Provide safe and functioning systems for:

i. Heating;

ii. Cooling (which may include circulating fans);

iii. Hot and cold water;

iv. Electricity;

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v. Plumbing;

vi. Garbage disposal;

vii. Sewage;

viii. Artificial and natural light;

ix. Ventilation; and

x. Any other feature of the facility;

d. Ensure water temperature does not exceed one hundred twenty degrees Fahrenheit at all fixtures used by or accessible to residents;

e. Provide storage for toxic substances, poisons, and other hazardous materials that is only accessible to residents under direct supervision;

f. Provide rapid access for all staff to any bedroom, toilet room, shower room, closet, or other room occupied by each resident;

g. Keep the facility free from rodents, flies, cockroaches and other vermin;

7. Telephones. Emergency and transitional housing permittees must provide at least one working nonpay telephone in the facility, and must ensure residents have reasonable access to the telephone;

8. 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;

9. Water Supply.

a. Emergency housing and transitional housing permittees must provide a clean and healthy drinking water supply for the facility.

b. If not using public water supplies, emergency housing and transitional housing permittees must obtain local health authority approval to use a private water supply.

c. Emergency housing and transitional housing permittees must label any nonpotable water to avoid use as a drinking water source;

10. Bedroom Windows.

a. Emergency housing and transitional housing bedroom windows must not be more than forty-four inches above the floor;

b. The bedroom window must have the following:

i. A minimum opening area of 5.7 square feet, except that grade level floor window openings may have a minimum clear opening of five square feet;

ii. A minimum opening height of twenty-four inches and a minimum opening width of twenty inches;

iii. Emergency housing and transitional housing permittees must ensure that bedroom windows can be opened from inside the room without keys or tools;

c. 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;

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d. 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;

11. Automatic Smoke Detectors. Emergency housing and transitional housing permittees must ensure approved automatic smoke detectors are:

a. 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;

b. Installed in a manner so that the fire warning is heard in all parts of the facility upon activation of a single detector; and

c. Kept in working condition at all times;

12. Fire Extinguishers.

a. 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;

b. 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;

c. 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 (E)(12)(a) of this section;

13. Space Heaters and Stoves.

a. 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

b. 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;

F. Site Access. Emergency housing and transitional housing must have a road accessible at all times to emergency vehicles;

G. 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;

I. 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;

J. Emergency Preparedness.

1. 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.

2. Emergency and Disaster Plan Requirements. Transitional housing and emergency housing permittees must ensure the emergency and disaster plan includes:

a. Plans for responding to natural and man-made emergencies and disasters that may reasonably occur at the facility;

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b. Actions to be taken by staff and residents when an emergency or disaster strikes; and

c. The fire drill plan for evacuation of the facility.

3. Fire Drill Plan and Procedures for Emergency Evacuation – Required.

a. Emergency housing and transitional housing permittees must:

i. Have an emergency evacuation plan, including a fire drill plan and procedures, for evacuating all residents from the facility; and

ii. Not admit or keep residents who cannot safely be evacuated.

4. Elements of Emergency Evacuation Floor Plan. Emergency and transitional housing permittees must prepare and maintain an emergency evacuation floor plan that includes:

a. An accurate floor plan of the facility, including rooms, hallways, and exits (such as doorways and windows) to the outside of the facility;

b. Emergency evacuation routes showing the paths to take to exit the facility; and

c. The location for the residents to meet outside the facility.

5. Posting the Emergency Evacuation Floor Plan – Required.

a. Emergency housing and transitional housing permittees must display an emergency evacuation floor plan on each floor of the facility in:

i. A visible location in the facility; and

ii. Common areas normally used by residents, staff and visitors.

6. Emergency Evacuation Drills – Required.

a. Frequency and Participation. Emergency and transitional housing permittees must ensure emergency evacuation drills occur at least every two months;

b. Documentation of Emergency Evacuation Drills – Required.

i. Emergency and transitional housing permittees must document in writing the emergency evacuation drills, which must include:

(A) Names of each resident and staff member involved in the drill;

(B) Name of the person conducting the drill;

(C) Date and time of the drill; and

(D) The length of time it took to evacuate all residents.

7. Emergency Evacuation – Notification Required.

a. Emergency and transitional housing permittees must notify the planning director immediately by telephone, and in writing within ten days, of:

i. Any fire; or

ii. Emergency evacuation from the facility;

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J. 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;

K. Traffic. Traffic mitigation measures may be established for dwellings that are permitted as emergency housing or transitional housing for fifteen or more residents (adults and children) plus managers and other service providers;

L. Managers and Other Service Providers.

1. Any emergency or transitional housing facility that is not owner occupied must have a live-in manager;

2. 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;

M. Drugs and Alcohol. Use of alcohol and controlled substances, except by prescription, is strictly prohibited on emergency or transitional housing premises;

N. 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;

O. 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;

P. 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;

Q. 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;

R. 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. (Ord. 1426 § 5 (Exh. E) (part), 2011).

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Chapter 17.14
CHELAN DOWNTOWN LAND USE AND DEVELOPMENT CODE

Sections:

17.14.010 Administration.
17.14.020 Regulating plan – Land use districts and site orientation standards.
17.14.030 Site planning and design elements.
17.14.040 Building design.
17.14.050 Housing type standards.
17.14.060 Definitions.

17.14.010 Administration.

A. Purpose. The downtown code was authorized by the city council as a major implementation tool of Chelan's downtown master plan. Overall, the code intends to:

1. Provide clear objectives for those embarking on the planning and design of projects in downtown Chelan.

2. To preserve and enhance downtown's historic resources and character.

3. To ensure that new mixed-use and commercial development is of high quality and appropriate to downtown's character.

4. To retain the generally small scale residential quality of residential areas.

5. To upgrade the visual appearance of downtown's principal vehicular corridors.

6. To promote increased pedestrian, bicycling, and transit use downtown.

7. To increase awareness of design considerations among the citizens of Chelan.

8. To maintain and enhance property values within Chelan.

B. Applicability and Compliance. The downtown code provisions herein are intended to supplement 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.

Unless otherwise noted, code provisions in this chapter apply to all construction within the downtown planning area (see Figure 1). This includes master plans, planned unit developments, subdivisions, and new construction. Different sections within this chapter often apply only to specific types of development (such as commercial or multi-family development) and are thus clearly noted. New construction must comply with the code provisions in this chapter.

For additions and remodels, three different thresholds have been established to gauge how the standards herein are applied to such projects:

1. Level I remodels/additions include all exterior remodels and additions commenced within a three-year period that affect the exterior appearance of the building and/or increase the building's footprint by up to fifty percent. The requirement for such remodels/additions is only that the proposed addition and improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building facade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building articulation would not be required.

2. Level II additions include all building additions commenced within a three-year period that increase the building's footprint by more than fifty percent, but not greater than one hundred percent. All standards that do not involve repositioning the building or reconfiguring site development, as determined by the director, shall apply to Level II additions. For example, if a property owner of an existing home on Chelan Avenue wants to

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convert the home to a business and build an addition equaling seventy-five percent of the current building's footprint, then the following elements shall apply:

a. The location and design of the addition/remodel shall be consistent with landscape street frontages per Section 17.14.020(D): Provide a landscaped setback, locate parking to side or rear of building addition, provide weather protection over the building entry, and meet minimum facade transparency requirement.

b. Provide clear access to the sidewalk from the building entry and meet other applicable pedestrian access provisions per Section 17.14.030(D).

c. Comply with applicable service area and mechanical equipment, lighting, and parking lot design standards per Sections 17.14.030(F) through (H).

d. Comply with applicable architectural character standards in Section 17.14.040(B).

e. The building addition shall comply with architectural scale provisions of Section 17.14.040(C).

f. The entire building shall comply with building elements/details, materials, and blank wall treatment standards of Sections 17.14.040(D) through (F).

3. Level III additions include all building additions commenced within a three-year period that increase the building's footprint by more than one hundred percent. Such additions shall conform to all standards.

Figure 1. Downtown planning area.

C. How the Code Is Applied. Most sections contain a list of "Intent" statements followed by "Standards" and/or "Guidelines" specifically:

1. Intent statements are overarching objectives. For example, one of the intent statements for the section on building location and orientation is to "Create an active and safe pedestrian environment."

2. Standards use words such as "shall," "must," and "is/are required" signifying required actions.

3. Guidelines use words such as "should" or "is/are recommended" signifying voluntary measures.

4. Departures are provided for some standards. They allow alternative designs subject to administrative approval by the director provided they meet the intent of the standards and guidelines. The director shall document reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city.

Furthermore, the document contains some specific standards that are easily quantifiable, while others provide a level of discretion in how they are complied with. In the latter case, the applicant must demonstrate to the director, in writing, how the project meets the intent of the standard.

D. Review Process.

1. Development review processes shall be as set forth in Title 19, except that any building permit applicants seeking departures to the provisions in this chapter shall be reviewed as a Type IIA permit approved by the director. The director may request assistance by the planning commission, Historic Downtown Chelan Association (or other similar organization), or design professionals in determining whether projects comply with the standards herein.

2. Verification of Historic Downtown Chelan Association Review.

a. To provide the Historic Downtown Association (HDCA) the opportunity to provide input to the administrator for projects located on storefront streets as identified on the regulating map at Section 17.14.020(B), the developer shall submit the proposed project to the HDCA design committee to verify conformance with this chapter.

b. As a condition to the administrator accepting a project permit application for projects described in subsection (D)(2)(a) of this section, the application shall include (i) HDCA's verification of its review, (ii) proof that thirty days elapsed after submitting the project to HDCA and that no verification was provided, or (iii) proof the design committee is inactive.

c. Verification of the project permit application by HDCA shall not be determinative of the project's compliance with this chapter, but is limited to ensuring HDCA has had an opportunity to review a project permit application to provide input to the director regarding a proposed project.

d. For purposes of this chapter, a building permit application shall include applications for exterior remodels, departures, additions and new building(s).

E. How to Use This Downtown Code.

1. First, review Section 17.14.020, Regulating plan – Land use districts and site orientation standards, and map (Figure 2) to determine which land use district your property is within and what type of street your property fronts onto. Then review the standards that apply to the applicable land use district and street type designation within this section. The land use district standards (Sections 17.14.020(C)(2) and (3)) identify permitted uses, maximum building heights, setback requirements, and minimum open space requirements. Site orientation standards (Section 17.14.020(D)) identify what types of building frontages are allowed and where off-street parking is allowed.

2. Next steps depend on what type of development is proposed.

a. Nonresidential and multi-family developments must comply with the following sections unless otherwise noted:

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17.14.030	Site Planning and Design Elements (which address design of side and rear yards, open space, walkways, large site development, service areas and mechanical equipment, lighting, parking lot design, and pedestrian amenities)
17.14.040	Building Design (which address design of buildings, including character, scale, details, materials, etc.)

b. Single-family, duplexes and triplexes, accessory dwelling units, cottage housing, and townhouses shall comply with the applicable subsection of Section 17.14.050.

Townhouses are considered a type of multi-family use, and thus are subject to Sections 17.14.030 and 17.14.040 unless otherwise noted and applicable provisions of Section 17.14.050. (Ord. 1410 § 3 (Exh. B) (part), 2010).

17.14.020 Regulating plan – Land use districts and site orientation standards.

A. Purpose. This section establishes land use districts and street type designations together with standards for each district and street type to guide the development of downtown Chelan properties consistent with the vision of the downtown master plan.

B. Regulating Map.

1. The regulating map (Figure 2) designates the locations for five downtown land use districts, indicates applicable height limits, and designates the locations of four different street types.

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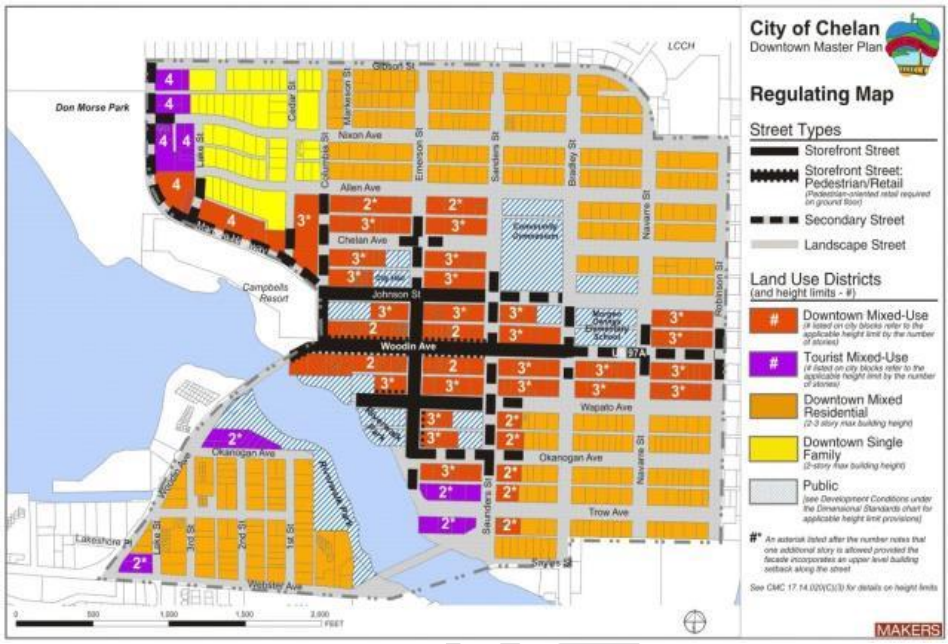

Figure 2. Regulating Map.

2. DMR Properties Not Included in Regulating Map. The DMR designated lands on the Official Zoning Map and not included on the Regulating Map shall be regulated consistent with the DMR district regulations in this chapter.

C. Overlay District Uses and Dimensional Standards.

1. Land Use Districts Defined.

a. Downtown Mixed-Use (DMU). The purpose of the DMU district is to provide for a pedestrian-oriented mix of commercial, mixed-uses, and residential uses.

b. Tourist Mixed-Use (TMU). The purpose of the TMU district is to provide for residential uses and tourist-oriented uses in a pedestrian-friendly setting.

c. Downtown Mixed Residential (DMR). The purpose of the DMR district is to provide for a mix of residential uses that build on the established historical development patterns within the downtown area.

d. Downtown Single-Family (DSF). The purpose of the DSF district is to maintain the established single-family character of these areas.

e. Public. The purpose of the public district is to provide for public uses within the downtown planning area.

2. Permitted Uses.

a. Interpretation of Permitted Use Table (Table 1).

i. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

ii. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Title 19 and the general requirements of the code.

iii. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Title 19, the conditional use standards in Chapter 17.56, and the general requirements of the code.

iv. If a number appears in the box at the intersection of the column and the row, the use is subject to the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

v. The director shall determine whether a proposed land use not specifically listed in a land use table is allowed in a district. The director's determination shall be based on whether or not permitting the proposed use in a particular district is consistent with the purposes of this title and the district's purpose as set forth above, by considering the following factors:

(A) The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;

(B) Whether or not the use complements or is compatible with other uses permitted in the district; and

(C) The use is similar to a permitted use, as listed in the use table.

b. Permitted Use Table.

Table 1. Permitted use table.

	Land Use Districts				
	DMU	**TMU**	**DMR**	**DSF**	**Public**
RESIDENTIAL USES					
Dwelling, single-family	P(16)	P	P	P	
Dwelling, two-family (Duplex)		P	P	P_5	
Dwelling, three-family (Triplex)		P	P		
Cottage housing			P		
Townhouse	P_7	P	P		
Dwelling, multi-family	P_7	P	P		
Fractional ownership condominiums and seasonal rentals	P_7	P			
Accessory dwelling unit (ADU)	P_7	P	P	P	
Senior assisted living facility or nursing home	P_7	P	P		
Family day care homes$_1$	P_7	P	P	P	
Mini day care centers$_3$	P_7	P	P	P	
Day care centers	P_7	P	P_3	P_3	

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	Land Use Districts				
	DMU	**TMU**	**DMR**	**DSF**	**Public**
Home occupation	P	P	$P_{2, 3}$	$P_{2, 3}$	
Bed and breakfast	P_7	P	C_3	C_3	
Hotel/motel, condotel, and other transient accommodations	P	P			
COMMERCIAL USES					
Retail, small scale (< 2,000 sf building footprint)	P_{10}	P_{10}			P_6
Retail, medium scale (2,000 – 20,000 sf building footprint)	$P_{10, 13}$				
Retail, large scale (20,001 – 50,000 sf building footprint)	C				
Retail, regional (> 50,000 sf floor area)					
Restaurants, bars, tasting rooms, and brewpubs$_3$	P_{10}	P_{10}			P_6
Professional office	P_8	P			
Real estate office	P_{14}	P			
Banks	P				
Personal service establishments	P	P_{11}			P_6
General services establishments	P				
Gasoline station and auto service$_3$	P_7				
Mini-storage and warehouse facility					
Commercial use providing drive-through service	P_{15}	P			
General industrial$_4$	$P_{7, 12}$				
Heavy industrial					
Marijuana retail outlet	C	C			
SPECIAL USES					
Parks and playgrounds including park buildings	C	C	C	C	P
Community recreational facility	C	C	C	C	P
Conference center	P_8				
Private sports club	P_8	P			
Government office/structure$_3$	P	C	C	C	P
Medical clinic/office, ~~sanitarium,~~medical facilities	P_7		C		
Hospital$_3$	C		C		C
Mortuary	P_7		C		
Veterinary clinic or hospital$_3$	P_7				
Church$_3$	P	C	C	C	P
Places of public or private assembly (including theaters)	P				P

Commented [LG9]: Purpose of amendment: Allow use similar to other listed uses.

Commented [LG10]: Purpose of amendment: avoid archaic terms.

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	Land Use Districts				
	DMU	**TMU**	**DMR**	**DSF**	**Public**
School	C[7]	C	C	C	P
Museum	P	P			P
Boat launching facilities, marinas and similar facilities	P	P			P
Parking lot or structure	P[7]	P	P[3]		P
Public utility facility[9]	C	C	C	C	C

Table 1 development conditions:
(1) 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.
(2) 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 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.
(3) Subject use is permitted under applicable conditions set forth in Chapter 17.56.
(4) General industrial uses are permitted provided there are no anticipated external impacts and limited truck traffic as determined by the director.
(5) Two-family dwelling units are allowed in the DSF district on corner lots provided there is no more than one dwelling unit entry, driveway, and garage facing each street.
(6) Commercial leases and concessions as authorized by the public entity that is the owner of the land.
(7) Except for lobbies or similar entrances, the subject use is prohibited within thirty feet of the sidewalk on the ground floor of designated storefront streets.
(8) Except for lobbies or similar entrances, the subject use is prohibited within thirty feet of the sidewalk on the ground floor of "pedestrian/retail" designated storefront streets.
(9) Specified conditions with respect to emissions of light, glare, smoke, odor, dust, particulate matters, and vibrations, community design, and hours of operation may be prescribed to ensure compatibility with surrounding uses and other applicable state and federal standards. Conditions may include required use/building enclosures, compatible architectural design, setbacks, and landscaping/screening techniques.
(10) Restaurants, bars, and liquor stores shall not be located on sites directly across from the DMR or the DSF districts.
(11) Subject use is limited to two thousand square feet in building footprint.
(12) Subject use is limited to five thousand square feet in building footprint.
(13) Single use retail uses adjacent to Woodin Avenue, where designated as a pedestrian/retail storefront street per Figure 2, are limited to a ten-thousand-square-foot building footprint.
(14) Real estate offices shall be limited to two hundred fifty lineal feet of street frontage along the portion of Woodin Avenue that is designated as pedestrian/retail storefront street per Figure 2.
(15) Commercial uses providing drive-through service are permitted under the following conditions:

(a) Subject use is not permitted on a designated pedestrian/retail storefront street per Figure 2.

(b) Proposal utilizes an existing building (constructed as of November 23, 2010).

(c) No new driveways are proposed.

(d) The use and proposed design minimizes pedestrian and vehicular safety impacts as determined by the city.

(16) Existing legal single-family dwellings are permitted uses. They may expand cumulatively up to 25% until such time as the building converts to a non-single family use.

c. Accessory Uses and Structures.

i. Attached or freestanding private garage, carport or combination thereof not to exceed fifty percent of the floor area of principal residential structures, 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. For other standards related to garages associated with residential uses, see Section

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17.14.030 for multi-family structures and Section 17.14.050 for single-family, duplexes, triplexes, accessory dwelling units, and townhouses.

ii. Other accessory buildings collectively shall be no greater than twenty-five percent of the floor area of principal residential structures, 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.

iii. 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.

iv. Fences.

(A) Front yard and between a street and any building: 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;

(B) Side yard: six feet maximum height;

(C) Rear yard: six feet maximum height; and

(D) 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.

v. Covered Patios.

(A) 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;

(B) 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; and

(C) Area of limit must not exceed provisions of Section 17.16.020.

vi. Swimming Pools. 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.

vii. Temporary Construction Buildings, Travel Trailers, and Recreational Vehicles. Temporary structures or vehicles for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such structures/vehicles are:

(A) Allowed only during periods of active construction;

(B) The owner shall obtain a permit from the city after the purchasing of a building permit. The permit shall be prominently displayed on such vehicle so as to be visible on the abutting street;

(C) All such vehicles shall have operable self-contained sanitary facilities or be connected to the city sewer system; and

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(D) Removed within thirty days of project completion or cessation of work.

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**
DEVELOPMENT INTENSITY					
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[2]	2 – 4 stories[2]	2 – 3 stories[3]	2 stories[4]	2 – 4 stories[5]
Maximum land coverage for all buildings	NA	NA	NA	30%	NA
BUILDING PLACEMENT					
Front yard[6]	0 – 15' min.	0 – 15' min.	15' min.[7]	25' min.[7]	8
Side yard	0 – 5' min.[13]	0 – 5' min.[13]	0' min.[9] 5' min.[12]	5' min.	10
Rear yard	0' min.	0' min.	20' min.[11]	20' min.[11]	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.

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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 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	~~50'~~45'	A 5th floor is not permitted.
All blocks	Heights 3 stories or 35' and above	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. 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.

Commented [LG11]: Purpose of Proposed Amendment: See May 2017 Code Amendment Report Section 7.1 and July 2017 Planning Commission Recommendations.

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.

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Figure 3. Downtown building height limits per district and block by the number of stories.

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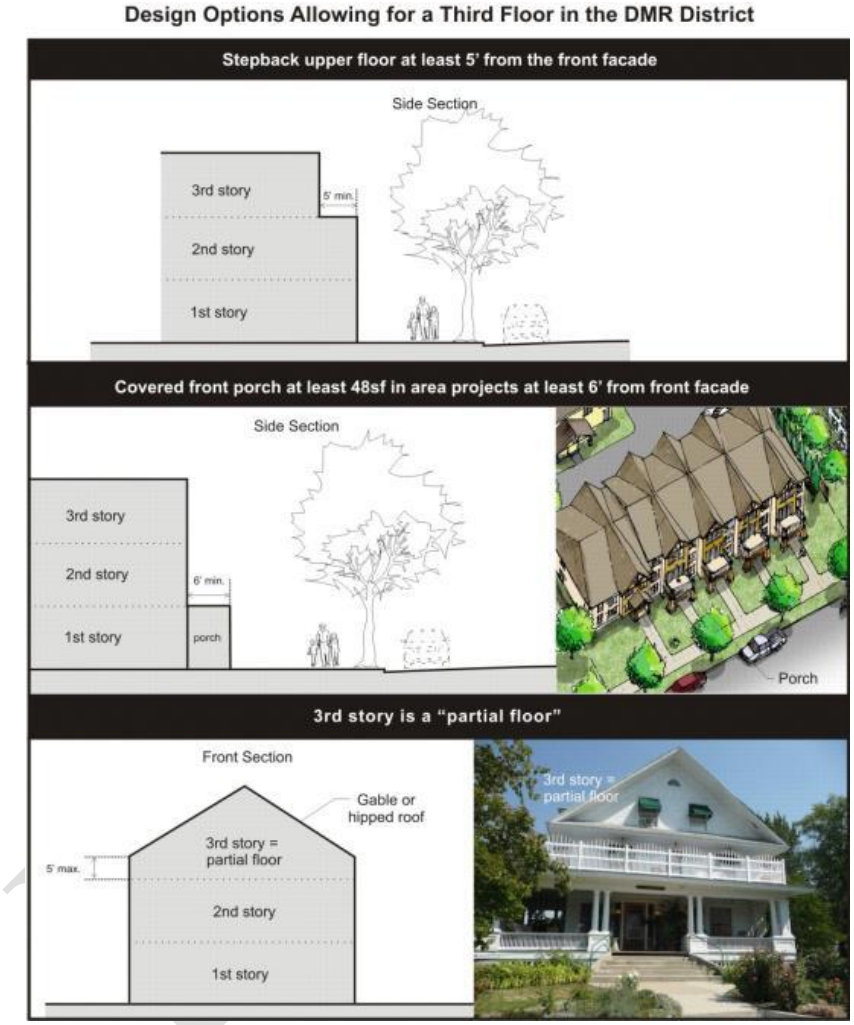

Figure 4. Design options providing for a third floor in the DMR district.

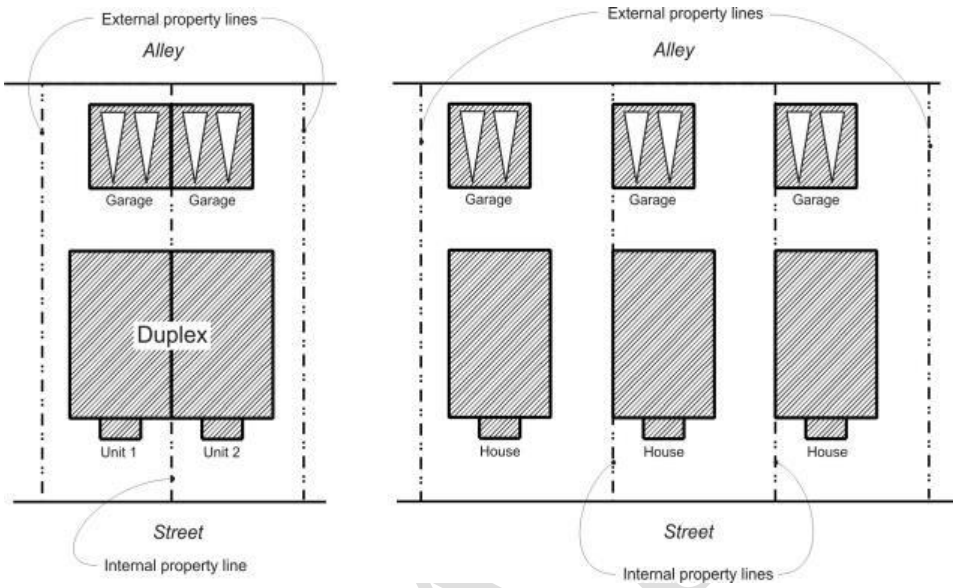

Figure 5. Examples where no internal side yard setbacks are required for duplexes (left example) and zero lot line homes (right example).

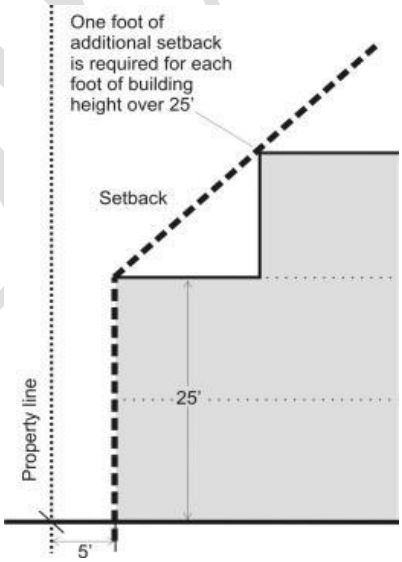

Figure 6. Side yard setbacks in the DMR district.

D. Site Orientation Standards.

1. Intent.

a. To reinforce the historic storefront character of Chelan's downtown core area.

b. To enhance the pedestrian environment in downtown Chelan.

c. To minimize potential negative impacts of parking lots and garages on the streetscape.

d. To promote "eyes on the street" for security for pedestrians and to create a more welcoming and interesting streetscape.

e. To reinforce the historic streetscape character of downtown's residential areas.

2. Storefront Street. The intent is to emphasize and/or reinforce a "Main Street" setting with storefronts placed adjacent to sidewalks. For all designated storefront streets (see Figure 2), the following standards apply:

a. Permitted Ground Floor Use along Street Frontages. Nonresidential uses are required on the ground floor, except lobbies for residential uses are acceptable. For "pedestrian/retail" designated storefront streets defined in Figure 2, pedestrian-oriented uses are required on the ground floor (for example, no professional offices on the ground floor). See the permitted use chart in subsection C of this section for details.

b. Permitted Building Frontages and Transparency.

i. Storefronts meeting the design requirements set forth below:

(A) Building entries shall face the sidewalk;

(B) Weather protection at least six feet deep is required along at least seventy percent of the facades on the north sides of the street. Weather protection is not required on the south sides of the street; and

(C) Transparent window area along at least seventy percent of the ground floor facade between thirty inches and eight feet above grade is required. Display windows may count for up to fifty percent of the transparency requirements provided they are at least sixteen inches of depth to allow for changeable displays. Tack on display cases shall not qualify as transparent window area. Departures to the transparency requirement will be considered by the director provided the design treatment meets the intent of the standards.

ii. Building setbacks from the public right-of-way may be permitted provided the space between the front property line and the building:

(A) Is a widened sidewalk area; or

(B) Is a pedestrian-oriented space, as defined in Section 17.14.030.

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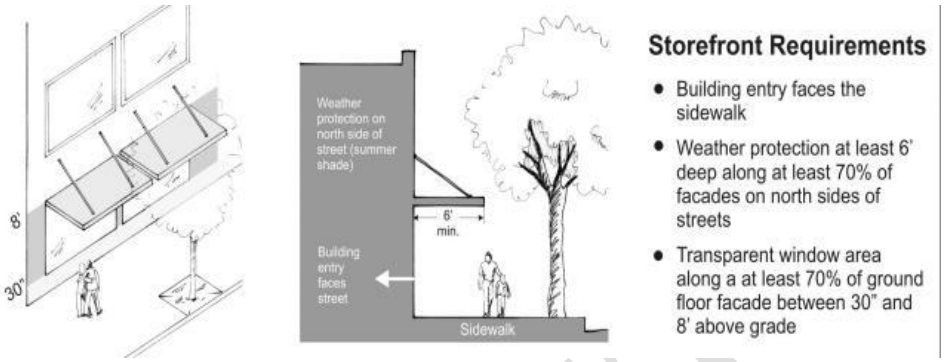

Figure 7. Storefront requirements.

c. Parking Location. Parking shall be located to the rear, below, or above storefronts. Where some off-street parking (both surface and structured) adjacent to the street is unavoidable, as determined by the director, no more than sixty feet of frontage shall be occupied by parking and vehicular access.

i. Departure. For proposed parking structures along Johnson Street or Wapato Avenue east of Emerson Street, the city will consider departures to this standard provided nonresidential floor area with minimum thirteen-foot floor to ceiling heights and thirty-foot depths are provided on street corners and design treatments are provided along the facade to add visual interest to the pedestrian.

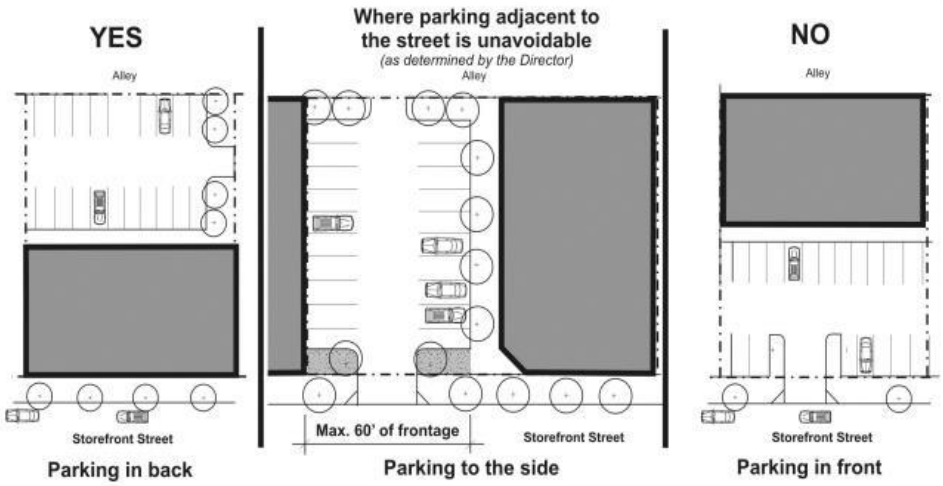

Figure 8. Parking location requirements for storefront streets.

3. Secondary Street. The intent is to provide for the option of storefronts or landscaped frontages. For all designated secondary streets (see Figure 2), the following standards apply:

a. Permitted Ground Floor Use along Street Frontages. All permitted uses permitted by the applicable land use district are acceptable on the ground floor, except where otherwise noted herein.

b. Permitted Frontages.

i. Storefronts as defined above (see Figure 7).

ii. Stoops, which are elevated platform entryways situated close to the sidewalk (see Figure 9). Stoops shall meet the requirements set forth below:

(A) Building entries shall be visible and accessible from the sidewalk;

(B) Maximum average stoop height shall be three feet;

(C) Minimum front yard building setback shall be six feet. Stoops meeting the requirements above will not count as a building;

(D) Weather protection at least three feet deep is required at building entries;

(E) Transparent windows/doors shall occupy a minimum of fifteen percent of the facade. For the purpose of this requirement, the facade is all vertical surfaces of the structure generally facing the street. Where a portion or portions of the structure are set back fifteen feet or more from the front facade, such areas shall not be included in the transparency calculations; and

(F) Ramps may be integrated into the stoop design where needed for accessibility requirements.

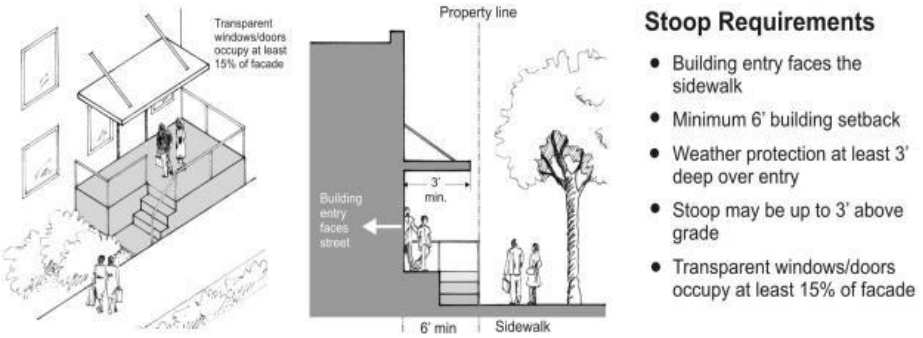

Figure 9. Stoop requirements. Note that stoops are permitted on designated secondary streets, but not on storefront streets.

iii. Landscaped front yards meeting the requirements below:

(A) At least one building entry shall be visible from the sidewalk. Exception: Entries that face onto a courtyard that is oriented towards the street are permitted;

(B) Weather protection at least three feet deep is required at building entries; and

(C) Transparent windows/doors shall occupy a minimum of fifteen percent of the facade. For the purpose of this requirement, the facade is all vertical surfaces of the structure generally facing the street. Where a portion or portions of the structure are set back fifteen feet or more from the front facade, such areas shall not be included in the transparency calculations. Exception: Where the

building is within ten feet of the front property line, at least fifty percent of the ground floor facade between thirty inches and eight feet above grade shall be transparent.

See Figure 10 below for illustrations.

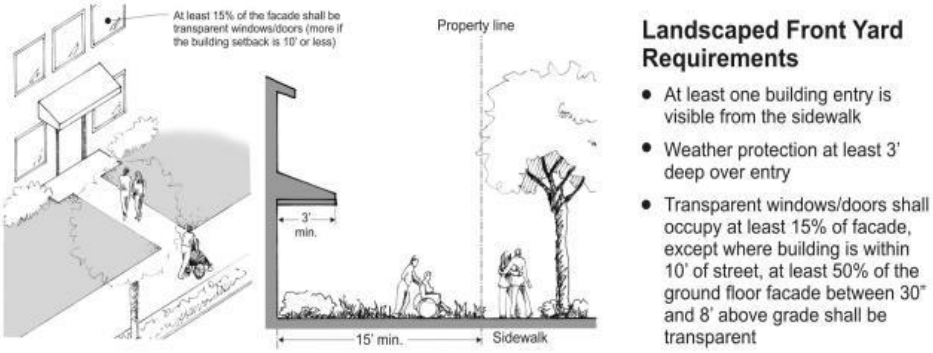

Figure 10. Landscaped frontage requirements.

iv. Any combination of the above frontages.

c. Parking Location. Parking shall be located to the side, rear, under, or above buildings. No more than fifty percent of the frontage shall be occupied by parking and vehicular access uses, regardless of the frontage type used. Garages and carports, both attached and detached, shall be set back at least twenty feet from the front property line and no closer to the property line than other parts of the facade. See Figure 11 for acceptable and unacceptable examples.

i. Departure. The city will consider departures to this standard provided the director determines that the use, building, and site design features contribute to the visual character and pedestrian environment downtown. In this instance, design features to mitigate visual impacts of any parking lots shall go above and beyond minimum requirements in order to effectively define the street edge and provide continuous interest to the pedestrian along the sidewalk. The director shall determine the parking lot mitigation necessary for approval.

Departures for corner lots are not permitted.

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Figure 11. Parking location requirements for secondary and landscaped streets.

4. Landscape Street. The intent is to provide landscaped front yards. For all designated landscaped streets (see Figure 2), the following standards apply:

a. Permitted Ground Floor Use along Street Frontages. All uses permitted by applicable land use district;

b. Permitted Frontages. Landscaped front yards as defined above (see Figure 10); and

c. Parking Location. Parking shall be located to the side or rear of buildings. No more than fifty percent of the frontage shall be occupied by parking and vehicular access uses, regardless of the frontage type used. Garages and carports, both attached and detached, shall be set back at least twenty feet from the front property line and no closer to the property line than other parts of the facade. Departures to the garage setback will be considered by the director provided design treatments are included to minimize safety and visual impacts of garage on the streetscape. (Ord. 1513 § 2 (Exh. A) (part), 2016; Ord. 1474 § 3 (Exh. B), 2014; Ord. 1410 § 3 (Exh. B) (part), 2010).

17.14.030 Site planning and design elements.

A. Purpose and Applicability.

1. Purpose. This section provides direction for the layout of buildings, open spaces, circulation elements, and large site development and the design of site elements consistent with the goals and policies of the Chelan downtown master plan.

2. Applicability. Unless otherwise noted, the provisions in this section apply to all new nonresidential and multi-family construction within the downtown planning area (see Section 17.14.010(B) for clarification).

B. Side/Rear Yard and Alley Design.

1. Intent.

a. To provide for compatibility between developments.

b. To provide side and rear yard design options that enhance downtown's pedestrian environment and the setting for development.

c. To provide flexible standards that allow property owners to maximize on-site development while meeting community design goals.

2. Solar Access and Privacy along Side/Rear Yards.

a. Buildings or portions thereof containing multi-family dwelling units whose only solar access is from the applicable side of the building (facing towards the side property line) shall be set back from the applicable side or rear property lines at least fifteen feet. See Figure 12.

b. Balconies or rooftop decks within fifteen horizontal feet of a side property line must utilize opaque guard rails to minimize privacy impacts to adjacent properties.

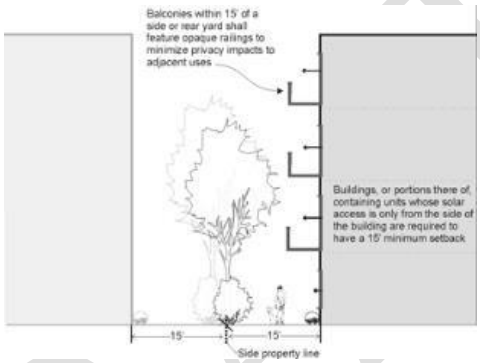

Figure 12. Solar access and privacy standards for multi-family residential buildings along side/rear yards.

3. Alley Design Standards – Historic Core. Alleys directly north and south of Woodin Avenue between Columbia and Sanders Streets are subject to supplemental alley design standards set forth in Section 5 of the City of Chelan Development Standards Manual.

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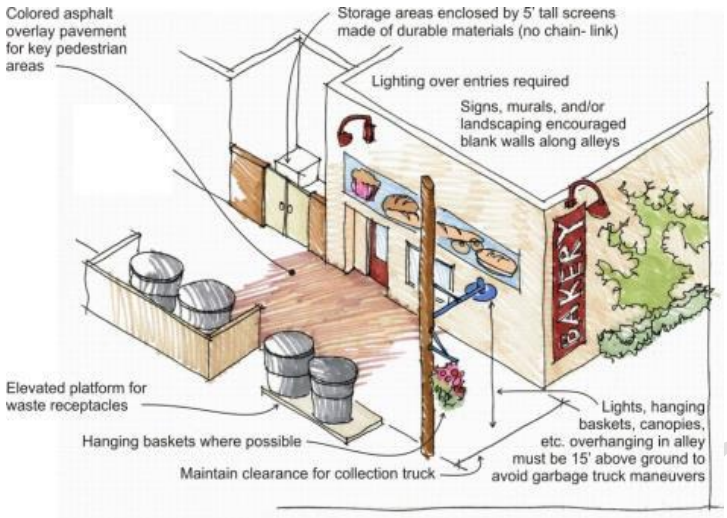

Figure 13. Design guidelines for alley improvements in the historic core.

C. Open Space.

1. Intent.

a. To enrich the pedestrian environment in downtown Chelan.

b. To provide accessible, safe, convenient, and usable on-site open space for residential uses.

c. To create open spaces that enhance the residential setting.

d. To provide for pedestrian-oriented open space in conjunction with large scale commercial development.

2. Open Space Requirements for Nonresidential Uses. All nonresidential development on sites more than one acre in size, including commercial portions of mixed-use development, shall provide pedestrian-oriented open space equal to at least one percent of the net project area plus one percent of the gross nonresidential building floor area, exclusive of structured parking. The intent is to mitigate the impacts of large scale commercial development and to contribute to the pedestrian-oriented character of downtown. Pedestrian-oriented space shall comply with the design provisions of subsection (C)(1) of this section. See Figure 14 for an example.

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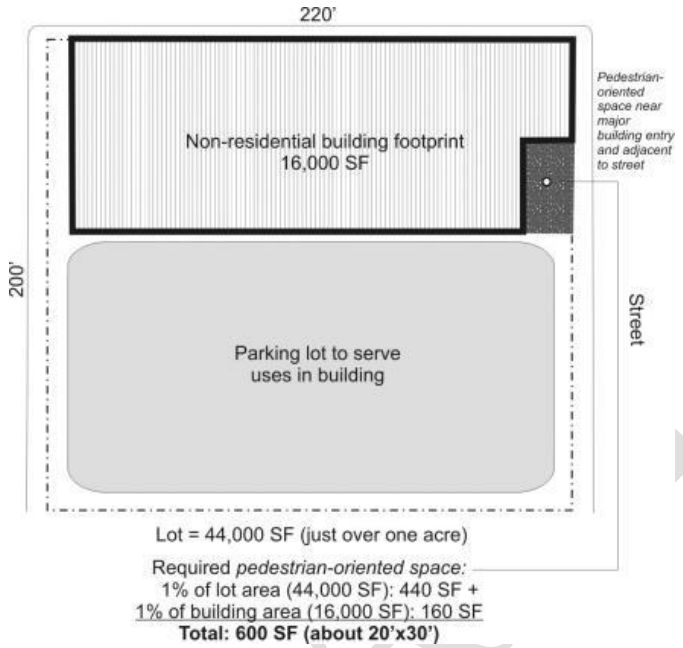

Figure 14. Illustrating the amount of open space required for nonresidential development.

3. Pedestrian-Oriented Open Space Design Criteria. These spaces, as required per Section 17.14.020(C)(2), are intended to be publicly accessible spaces that enliven the pedestrian environment by providing (1) opportunities for outdoor dining, socializing, relaxing and (2) visual amenities that contribute to the unique character of downtown. Design criteria for pedestrian open space:

a. Sidewalk area, where widened beyond minimum requirements, shall count as pedestrian-oriented open space. The additional sidewalk area may be used for outdoor dining and temporary display of retail goods. The standards in subsections (C)(3)(b) and (c) of this section shall not apply to sidewalks, where used as usable open space;

b. The following design elements are required for pedestrian-oriented open space:

i. Spaces shall be physically and visually accessible from the adjacent street or major internal vehicle or pedestrian route. Spaces shall be in locations that the intended user can easily access and use, rather than simply leftover or undevelopable spaces where very little pedestrian traffic is anticipated;

ii. Paved walking surfaces of either concrete or approved unit paving;

iii. Pedestrian-scaled lighting (no more than fourteen feet in height) at a level averaging at least two foot-candles throughout the space. Lighting may be on site or building-mounted lighting;

iv. At least three feet of seating area (bench, ledge, etc.) or one individual seat per sixty square feet of plaza area or open space. This provision may be relaxed or waived where there are provisions for movable seating that meet the intent of the standard as determined by the director;

v. Spaces shall be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry; and

vi. Landscaping that adds visual or seasonal interest to the space.

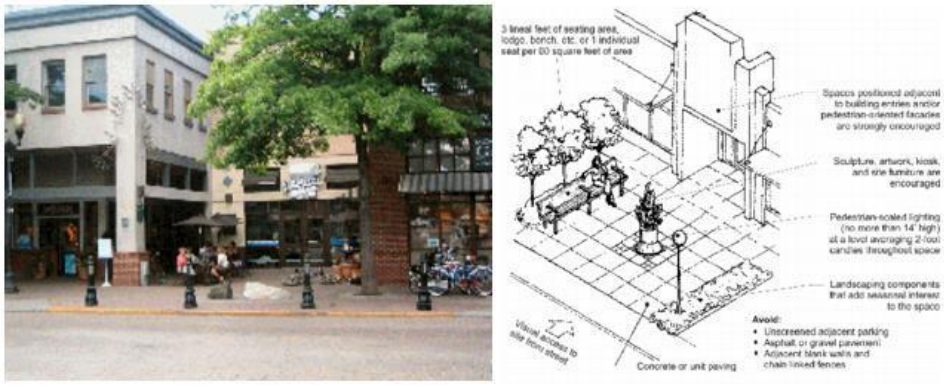

Figure 15. Examples of pedestrian-oriented open spaces.

c. The following features are encouraged in pedestrian-oriented space:

i. Pedestrian amenities such as a water feature, drinking fountain, and/or distinctive paving or artwork;

ii. Provide pedestrian-oriented facades on some or all buildings facing the space;

iii. Consideration of the sun angle at noon and the wind pattern in the design of the space;

iv. Transitional zones along building edges to allow for outdoor eating areas and a planted buffer;

v. Movable seating;

vi. Incorporation of water treatment features such as rain gardens or the use of an area over a vault as a pedestrian-oriented space; and

vii. Weather protection, especially weather protection that can be moved or altered to accommodate conditions.

d. The following features are prohibited within pedestrian-oriented space:

i. Asphalt or gravel pavement, except where continuous gravel or asphalt paths intersect with the space;

ii. Adjacent chain link fences;

iii. Adjacent blank walls; and

iv. Adjacent dumpsters or service areas.

4. Open Space Requirements for Multi-Family Uses. All multi-family development, including multi-family portions of mixed-use development, shall provide open space at least equal to ten percent of the building living space, not counting corridors, lobbies, etc. For example, for an eight-unit development where the units average one thousand square feet, the minimum required open space shall be eight hundred square feet. The required open space may be provided in a combination of the following ways:

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a. One hundred percent of the required open space may be in the form of common open space available to all residents and meeting the requirements of subsection (C)(2)(a) of this section. Common open space may be in the form of courtyards, front porches, patios, play areas, gardens or similar spaces;

b. Up to one hundred percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements of subsection (C)(2)(b) of this section; and/or

c. Up to fifty percent of the required open space may be provided by private or common balconies meeting the requirements of subsection (C)(2)(c) of this section;

d. Up to fifty percent of the required open space may be provided by common indoor recreation areas meeting the requirements of subsection (C)(2)(d) of this section.

e. Up to twenty-five percent of the required open space may be provided by pea patch areas meeting the requirements of subsection (C)(2)(e) of this section.

5. Multi-Family Open Space Design Criteria.

a. Common open space includes landscaped courtyards or decks, front porches, gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following:

i. Required setback areas shall not count towards the open space requirement unless they are portions of a space that meets the dimensional and design requirements and guidelines herein as determined by the director;

ii. Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than fifteen feet in width (except for front porches);

iii. Spaces (particularly children's play areas) shall be visible from at least some dwelling units and positioned near pedestrian activity;

iv. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable;

v. Individual entries may be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space. Low walls or hedges (less than three feet in height) are encouraged to provide clear definition of semi-private and common spaces;

vi. Separate common space from ground floor windows, automobile circulation, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the director that enhance safety and privacy (both for common open space and dwelling units);

vii. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;

viii. Stairways, stair landings, above grade walkways, balconies and decks shall not encroach into the common open space. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard. Front porches are an exception; and

ix. Shared front porches qualify as common open space provided:

(A) No dimension is less than eight feet; and

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(B) The porches are accessible to all residents.

Figure 16. Examples of common open space.

b. Shared Rooftop Decks. Such spaces shall meet the following requirements:

i. Space shall be ADA accessible to all dwelling units;

ii. Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use as determined by the director;

iii. Space shall feature hard surfacing appropriate to encourage resident use; and

iv. Space shall incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.

c. Private Balconies and Decks. Such spaces shall be at least thirty-five square feet, with no dimension less than four feet, to provide a space usable for human activity. The space shall meet ADA standards. This standard also applies to individual front porches if counted toward townhouse open space requirements.

d. Indoor Recreational Areas. Such spaces shall meet the following conditions:

i. The space shall meet ADA standards and shall be located in a visible area, such as near an entrance, lobby, or high traffic corridors; and

ii. Space shall be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents as determined by the director.

e. Pea Patches. Such spaces shall meet the following conditions:

i. All spaces shall be located to receive at least six hours of natural sunlight per day in summer months;

ii. All spaces shall have access to irrigation;

iii. All spaces shall have tillable soil to a depth of one foot, minimum;

iv. Spaces may be provided in shared or private yard areas, at ground level, on balconies, or on rooftop decks;

v. Where some or all of the food production space is within shared common open space or off site, a management program shall be required setting forth the following provisions:

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(A) Access to interested residents meeting minimum space requirements set forth herein;

(B) Provisions for space management and maintenance; and

(C) No additional fees shall be assessed to space users beyond standard homeowners' association or resident maintenance fees; and

vi. Design standards where food production space is provided within shared common open spaces:

(A) Walkways between planting beds shall be at least two feet wide; and

(B) Planting beds shall be raised above surface level. For ground-level spaces, planting beds shall be raised at least six inches. For rooftop spaces, planting beds shall be raised by at least eighteen inches.

Figure 17. Pea patch example.

D. Internal Pedestrian Access and Design.

1. Intent. To improve the pedestrian environment by providing safe and clear connections between the sidewalk and adjacent uses, between businesses, and through parking lots.

2. Access to Sidewalk. All buildings shall have clear pedestrian access to the sidewalk. Where a use fronts two streets, access shall be provided from the road closest to the main entrance, preferably from both streets. Buildings with entries not facing the street shall have a clear and obvious pedestrian access way from the street to the entry.

3. Sites with Multiple Businesses or Buildings. Pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site shall be provided.

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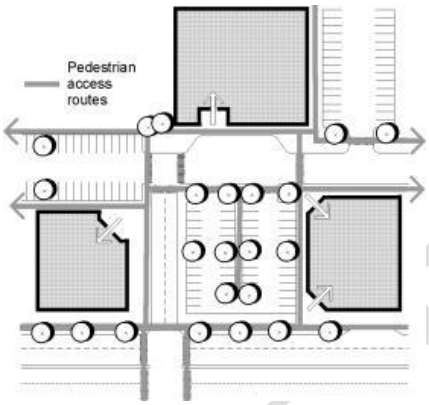

Figure 18. Good internal pedestrian circulation. Note connections from the street, between buildings and through parking lots.

4. Parking Lot Pathways. A paved walkway or sidewalk with eight feet of unobstructed width shall be provided for safe walking areas through parking lots greater than one hundred fifty feet long (measured either parallel or perpendicular to the street front). Walkways shall be provided for at least every three parking aisles or a distance of less than one hundred fifty feet shall be maintained between paths. Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material, which may be raised above the vehicular pavement. Speed bumps may not be used to satisfy this requirement. Trees and pedestrian-scaled lighting (maximum fifteen feet in height) shall be used to clearly define pedestrian walkways or other pedestrian areas within the parking area.

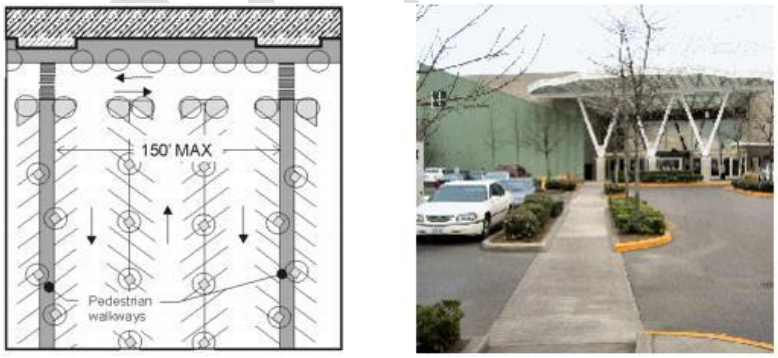

Figure 19. Parking lot pathway standards and example.

5. Internal Walkway Widths and Design.

a. Pathways along the front facade of mixed-use and retail buildings one hundred feet or more in length (measured along the facade) that are not located adjacent to a street must be at least twelve feet wide with eight feet minimum unobstructed width and include the following:

i. Street trees, as approved by the director, shall be placed at an average of thirty feet on center and placed in grates (except where trees are placed in planting strips). Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, no less than one tree per sixty lineal feet of building facade must be provided;

ii. Planting strips may be used between any vehicular access or parking area and the pathway; provided, that the required trees are included and the pathway is at least eight feet in width and the combined pathway and planting strip is at least fourteen feet in width; and

iii. Pedestrian-scaled lighting may be used as a substitute to the required street trees subject to director approval, provided they are used at the same intervals.

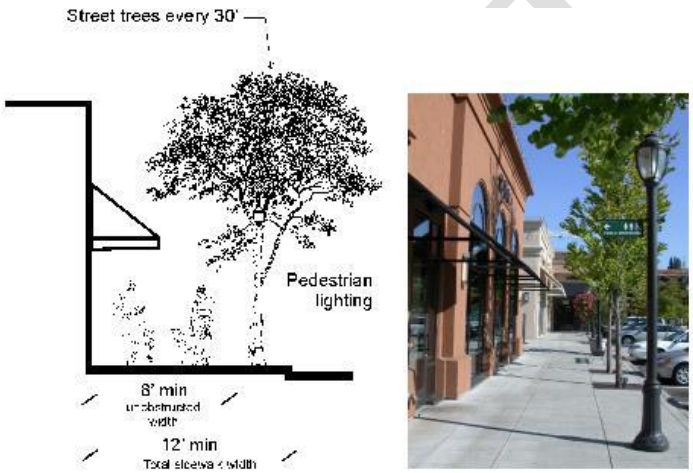

Figure 20. Internal walkway standards and an example along retail or mixed-use buildings.

b. For all other interior pathways, the applicant shall successfully demonstrate that the proposed walkway is of sufficient width to accommodate the anticipated number of users. See Figure 21 for considerations.

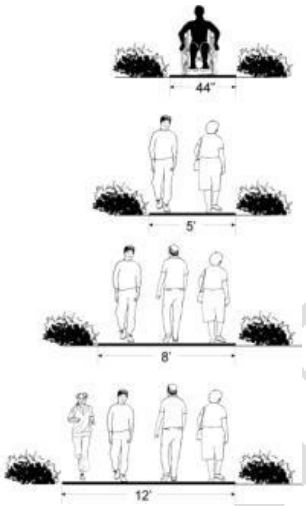

Figure 21. Considerations for pathway walking widths.

6. Pedestrian Crossings.

a. Crosswalks are required when a walkway crosses a paved area accessible to vehicles; and

b. Applicants must continue the sidewalk pattern and material across driveways.

E. Large Site Development Standards. All development permit applications for sites over one acre or with multiple buildings, except for single-family development, shall demonstrate that the project is based on a unifying site planning concept that meets the following criteria:

1. Incorporates open space and landscaping as a unifying element;

2. Where possible, incorporates screening, utilities, and drainage as positive elements;

3. Provides pedestrian paths or walkways connecting all businesses and the entries of multiple buildings; and

4. Building entrances shall not be focused around a central parking lot but be connected by a sidewalk/pathway system and/or open space(s).

F. Service Areas and Mechanical Equipment.

1. Intent.

a. To minimize the potential negative impacts of service elements.

b. To encourage thoughtful siting of service elements that balance functional needs with the desire to screen negative impacts.

2. Service Element Location and Design. All developments shall provide a designated spot for service elements (refuse and disposal). Such elements shall meet the following requirements:

a. Service elements shall be located to minimize the negative visual, noise, odor, and physical impacts to the street environment, adjacent (on- and off-site) residents or other uses, and pedestrian areas;

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b. The designated spot for service elements shall be paved with concrete;

Figure 22. Appropriate service area location and enclosure example.

c. Appropriate enclosure of the common trash and recycling elements shall be required, as determined by the director. Requirements and considerations:

i. Service areas visible from the street, pathway, pedestrian-oriented space or public parking area (alleys are exempt) shall be enclosed and screened around their perimeter by a durable wall or fence at least six feet high. Developments shall use materials and detailing consistent with primary structures on site. Acceptable materials include brick, concrete block or stone;

ii. The sides and rear of the enclosure must be screened with Type A, B, or C landscaping at least five feet deep in visible locations as determined by the director to soften the views of the screening element and add visual interest;

iii. Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way;

iv. Proximity to adjacent residential units will be a key factor in determining appropriate service element treatment; and

v. Preferably, service enclosures are integrated into the building itself.

3. Utility Meters, Electrical Conduit, and Other Service Utility Apparatus. These elements shall be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

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Figure 23. Good and bad utility meter configurations. The examples on the left are consolidated and somewhat screened by landscaping elements, whereas the right examples are exposed and degrade the character of these townhomes.

4. Rooftop Mechanical Equipment. All rooftop mechanical equipment shall be organized, proportioned, detailed, screened, landscaped (with decks or terraces) and/or colored to be an integral element of the building and minimize visual impacts from the ground level of adjacent streets and properties. For example, screening features should utilize similar building materials and forms to blend with the architectural character of the building.

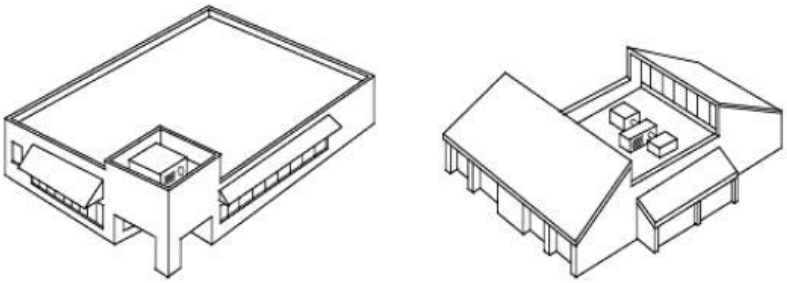

Figure 24. Screening examples of rooftop mechanical equipment.

G. Lighting.

1. Intent.

a. To encourage the judicious use of lighting in conjunction with other security methods to increase site safety.

b. To encourage the use of lighting as an integral design component to enhance buildings, landscaping, and other site features.

c. To encourage night sky visibility and to reduce the general illumination of the sky in Chelan.

d. To reduce the horizontal glare and vertical light trespass from a development onto adjacent parcels and natural features.

e. To discourage the use of lighting for advertising purposes.

2. Lighting Standards and Guidelines. Provide appropriate lighting levels in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space areas. Specifically:

a. All public areas shall be lighted with average minimum and maximum levels as follows:

i. Minimum (for low or nonpedestrian and vehicular traffic areas) of one-half foot-candle;

ii. Moderate (for moderate or high volume pedestrian areas) of one to two foot-candles; and

iii. Maximum (for high volume pedestrian areas and building entries) of four foot-candles;

b. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided;

c. Parking lot lighting fixtures shall be nonglare and mounted no more than twenty-five feet above the ground, with lower fixtures preferable so as to maintain a human scale. Requests for higher lighting fixtures may be considered with the approval of the director. All fixtures over fifteen feet in height shall be fitted with a full cut-off shield;

d. Pedestrian-scaled lighting (light fixtures no taller than fifteen feet) is encouraged in areas with high anticipated pedestrian activity. Lighting shall enable pedestrians to identify a face forty-five feet away in order to promote safety;

e. Lighting should not be permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. Light fixtures other than traditional cobra heads are encouraged; and

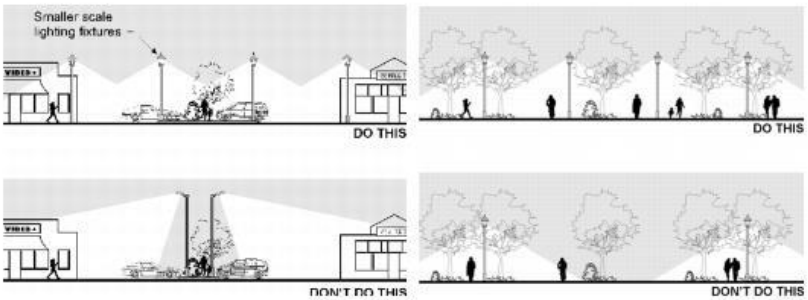

Figure 25. Lighting guidelines.

f. All outdoor lighting on public and private property shall comply with the dark sky provisions of Chapter 17.62. Exceptions may be allowed by the director for pedestrian-oriented lighting associated with commercial uses and/or mixed-use buildings.

H. Parking Lot Design.

1. Intent. To minimize potential negative impacts of parking lots on downtown's visual character, pedestrian environment, local water quality conditions, and adjacent uses.

2. Surface Parking Lot Screening Standards.

a. Where new surface parking lots or parking lots associated with Level III additions are adjacent to streets, one of the following buffer options between the sidewalk and the parking lot shall be incorporated:

i. Provide a five-foot-wide planting bed that incorporates a continuous low wall (approximately three feet tall). The planting bed shall be in front of the wall and feature Type C landscaping. Alternative landscaping schemes will be considered by the director provided they meet the intent of the guidelines. The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge as determined by the director. See Figure 26 for an example;

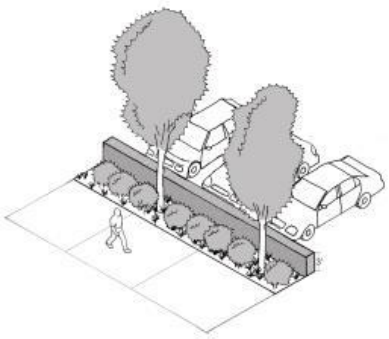

Figure 26. Parking lot planting buffer with low wall.

ii. Provide an elevated planter which is a minimum of five feet wide and between two and three feet in height. Ledges that are approximately twelve inches in width are encouraged as they can double as a seating area. The planter must be constructed of masonry, concrete or other permanent material that effectively contrasts with the color of the sidewalk and combines ground cover and annuals, perennials, ornamental grasses, low shrubs, and/or small trees that provide seasonal interest as determined by the director. See Figure 27 as an example; or

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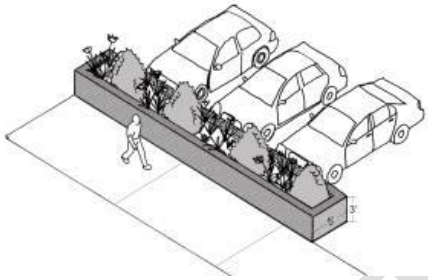

Figure 27. Elevated parking lot planting buffer.

iii. Provide at least ten feet of Type C landscaping.

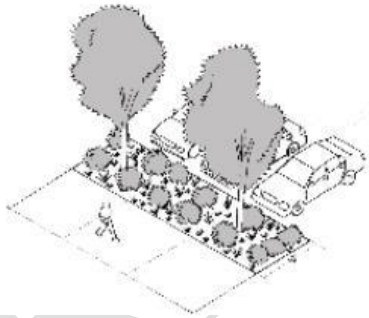

Figure 28. Ten-foot parking lot buffer with Type C landscaping.

All options above should choose and maintain plantings to maintain eye level visibility between the street/sidewalk and parking area for safety. This means that shrubs and other low plantings should be maintained below three feet in height while trees (once they achieve taller heights) should generally be trimmed to up to the eight-foot level. See Figure 29.

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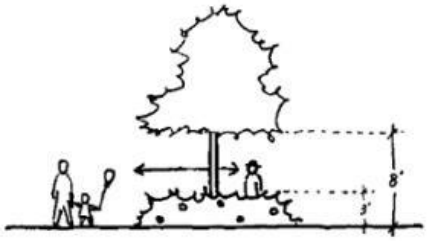

Figure 29. Parking lot planting buffers shall emphasize the 3:8 rule for visibility and safety.

b. Where new surface parking lots or parking lots associated with Level III additions are located along side property lines, a six-foot screen fence shall be required on the property line with at least five feet of Type A, B, or C landscaping in front of the fence. Breaks in the fence/landscaping are permitted for internal pedestrian and vehicular connections between properties. Properties fronting on designated storefront streets and/or those with shared parking agreements with applicable neighbors are exempt from this requirement. Departures will be considered by the director provided they meet the intent of the standards (see Section 17.14.020(B)(2) for considerations).

3. Other Relevant Code Sections.

a. Section 9 (Parking Standards) of the City of Chelan Development Standards Manual.

b. Parking lot pathway standards set forth in Section 17.14.020(D)(4).

c. Internal parking lot landscaping standards set forth in Section 17.60.040(B)(3).

I. Special Features and Amenities.

1. Intent.

a. To create attractive and comfortable pedestrian environments.

b. To enhance the unique character and identity of downtown Chelan.

2. Durable Pedestrian Furniture. Pedestrian furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not retain rainwater and can be reasonably maintained over an extended period of time.

3. Streetscape Amenities. Streetscape amenities must be integrated into the design of sidewalks in conjunction with new construction along all designated storefront and secondary streets. Level I and II additions and project sites adjacent to sidewalks that were recently constructed or upgraded by the city (as determined by the director) shall be exempt from these standards. For each one hundred cumulative lineal feet of storefront street frontage, at least two of the desired amenity elements listed below shall be included. Along designated secondary streets, at least one amenity element shall be included. The type, location, and design of chosen amenities shall contribute to a well-balanced mix of features on the street, as determined by the director. Desired amenities include:

a. Seating. Each six feet of seating area or four individual seats count as one amenity element. Seating areas should generally be located in areas that provide views of pedestrian activity. Seating ledges must be at least twelve inches wide to qualify;

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b. Trash Receptacles. To qualify as an amenity, at least one trash receptacle is needed per one hundred linear feet of sidewalk. For designated pedestrian-oriented streets, this shall be required;

c. Permanent landscaping elements including planting beds and other landscaping elements that add visual interest to the sidewalk as determined by the director;

d. Special pavement patterns and/or tree grates;

e. Bicycle racks;

f. Informational kiosks (may count as two amenity elements at the discretion of the director);

g. Decorative clocks (may count as two amenity elements at the discretion of the director);

h. Artwork as approved by the arts council (may count as two amenity elements at the discretion of the arts council);

i. Special lighting; and

j. Other amenities that meet the intent as determined by the director.

Features above that are publicly funded, already required by code, and/or obstruct pedestrian movement shall not qualify as an amenity to meet this standard.

All features are subject to city approval.

Figure 30. Examples of desirable streetscape amenities for downtown Chelan.

(Ord. 1410 § 3 (Exh. B) (part), 2010).

17.14.040 Building design.

A. Purpose and Applicability.

1. Purpose. This section provides direction for the design of buildings consistent with the goals and policies of the Chelan downtown master plan.

2. Applicability. Unless otherwise noted, the provisions in this section apply to all nonresidential and multi-family development types within the downtown planning area.

B. Architectural Character.

1. Intent. To promote architectural design that reinforces and strengthens downtown Chelan's unique small town/historic character/distinct setting. The focus is to encourage architecture with a strong sense of human scale, fine detailing, quality materials, sensitive to the environment, oriented to pedestrians, and designed appropriate to the site's unique context. This approach is intended to allow for a diversity of architectural styles provided they meet the design standards of this chapter.

2. Architectural Character Standards and Guidelines.

a. Historic Core (Woodin Avenue between the River and Sanders Street).

i. Historic Buildings. Property owners of buildings constructed prior to 1950 are strongly encouraged to use the Secretary of the Interior's Standards for the Treatment of Historic Properties (web: http://www.nps.gov/hps/tps/standguide/) (hard copy also available at City Hall) as a guide to preserve, rehabilitate, restore, reconstruct, or add to historic properties. These standards provide detailed recommendations on restoration, maintenance, repair, replacement, design, alterations, building materials, roofs, interiors, etc. Also, the state of Washington's website provides contacts and technical assistance related to historic preservation at: http://cted.wa.gov/site/411/default.aspx. Applicants are also encouraged to consult with the Historic Downtown Chelan Association and/or other local resources for design guidance involving planned remodels/additions to pre-1950s buildings.

Historic photographs are extremely useful in determining historic precedent. Contact the city or Chelan Historical Society regarding historical photographs of downtown Chelan.

Supplemental standards and guidelines:

(A) Covering over original windows or design details on identified historic buildings is prohibited.

(B) Alterations to historic materials should be minimized.

(C) Original architectural features should be repaired rather than replaced. If replacement is necessary, replacements should match the original in design, construction, color, and texture as close as possible.

(D) Missing architectural features should be replaced with an accurate duplication of the original features. However, a second acceptable option for the replacement feature is a new design that is compatible with the remaining character-defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and, most importantly, should be clearly differentiated so that a false historical appearance is not created. See Figures 32 and 33 for example facade enhancements/renovations.

(E) Unique features and examples of skilled craftsmanship should be maintained and protected.

(F) For facade additions to historic buildings, such additions should either extend the facade through use of consistent articulation, materials, and roofline treatment or design the addition to look like a separate building and comply with the guidelines for new buildings referenced in subsection (B)(2)(a)(iii) of this section.

The director may allow alterations to the side or rear facades that are not character defining; provided, that the alterations do not interfere with existing building features or alter the historic character of the building. The director may allow alterations to the original primary facades in order to accommodate a desired use, provided deviation from historic conditions is minimized.

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Figure 31. Illustrating how simple facade enhancements can upgrade the historic character of downtown.

Figure 32. Illustrating a desirable facade renovation to an existing Woodin Avenue building. Use of original facade materials is encouraged, if possible. Otherwise, use durable materials compatible with the facade and historic character of downtown.

ii. Nonperiod Architecture. Existing architecture which is not consistent with the early 1900 style and represents later periods is also encouraged to celebrate distinctive design features, except where such features conflict with other standards and guidelines herein, as determined by the director. Renovations of these structures should facilitate pedestrian access. Unique signage and design elements which are not inconsistent with the remainder of the guidelines are to be encouraged.

iii. New Buildings. Applicants for new buildings shall successfully demonstrate how they have based the building facade's design on the form and elements common to early twentieth century downtown structures. This can be done through comparable facade massing and articulation, careful handling of the storefront and building top, and compatibility of materials and colors. Figure 34 below identifies desirable characteristics of existing buildings. Applicants may consider modern interpretations of these building elements and components in a way that meets the guidelines herein and complements the surrounding context.

Figure 33. Historic core design guidelines draw from desirable characteristics of existing buildings.

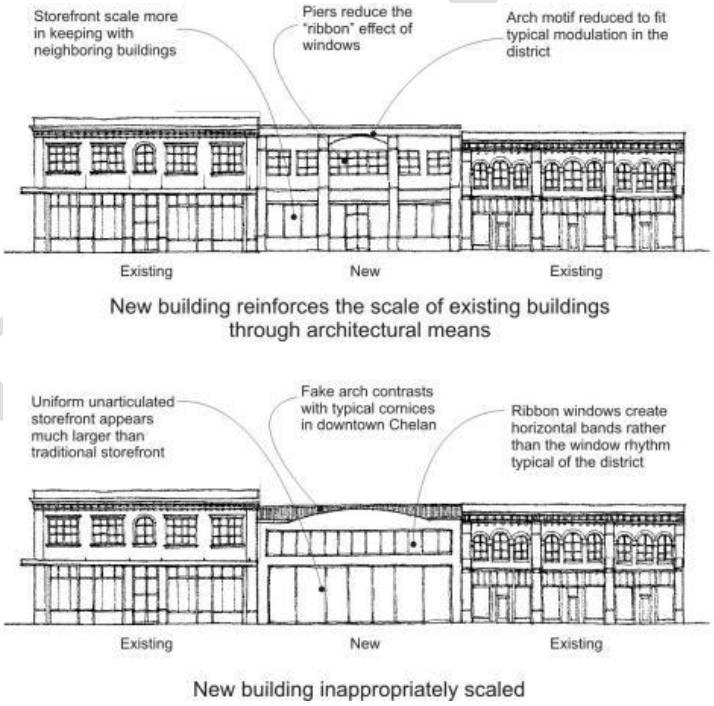

Figure 34. Appropriate and inappropriate infill building examples.

b. Other Sites within the DMU and TMU Districts.

i. Encourage architecture that emphasizes a human sense of scale, prominent rooflines, fine detailing, and an inviting appearance. The "Northwest" themed architectural style (popular in recent downtown construction – see Figure 35 below) emphasizing the use of natural wood (including heavy timbers), prominent rooflines, accent stonework, and detailed window trimming is encouraged.

Figure 35. Newer commercial buildings emphasize the use of wood and heavy timbers, prominent rooflines, and accent stonework.

ii. No franchise/corporate architecture. Architecture that is defined predominately by corporate identity features (and difficult to adapt to other uses) is prohibited. For example, some fast food franchises have very specific architectural features that reinforce their identity.

iii. Unusual design themes or architectural styles that have no history with Chelan are discouraged.

c. Sites within the DMR and DSF Districts. Encourage architectural styles that are compatible with the generally two-story and vernacular twentieth century architecture.

C. Architectural Scale.

1. Intent.

a. To reduce the scale of large buildings and add visual interest.

b. To enhance the visual character of downtown Chelan.

2. Building Articulation – Storefronts. All buildings adjacent to storefront streets or featuring a pedestrian-oriented facade built up to the sidewalk edge: Buildings must include articulation features no more than every forty feet to create a pattern of small storefronts. Buildings less than sixty feet wide are exempt from this standard. At least two of the following methods must be employed:

a. Use of window and/or entries that reinforce the pattern of forty-foot storefront spaces.

b. Use of weather protection features that reinforce forty-foot storefronts. For example, for a business that occupies one hundred twenty feet of frontage, use three separate awnings to break down the scale of the storefronts. Alternating colors of the awnings may be useful as well.

c. Change of roofline per subsection (C)(6) of this section.

d. Use of vertical piers that reinforce storefront pattern.

e. Change in building material or siding style.

f. Other methods that meet the intent of the standards as approved by the director.

Figure 36. Storefront articulation examples.

Departures will be considered by the city provided the design meets the intent of the standards. For example, the proposed articulation may be longer, but if the building features attractive detailing, materials, interesting roofline treatments, and interesting storefront design helps the design fit into the site's context and contributes to the pedestrian environment and existing/desired character, then perhaps it should be an approved departure.

3. Building Articulation – Other Nonresidential/Mixed-Use Buildings. All other buildings featuring nonresidential uses on the ground floor (not covered in subsection (C)(2) of this section) shall include at least three of the following articulation features along all facades containing the public building entries (alley facades are exempt) at intervals of no more than sixty feet:

a. Providing vertical building modulation of at least two feet in depth and four feet in width if combined with a change in siding materials and/or roofline modulation per subsection (C)(6) of this section. Otherwise, the vertical modulation shall be at least ten feet deep and fifteen feet wide, to qualify.

b. Providing horizontal modulation (upper level step backs). To qualify for this measure, the minimum upper level step back shall be at least five feet and the treatment shall be used consistently with other articulation elements or utilized along at least seventy-five percent of the facade.

c. Repeating distinctive window patterns at intervals less than the articulation interval.

d. Providing a covered entry or separate weather protection feature for each articulation interval.

e. Use of vertical piers that reinforce storefront pattern. To qualify for this measure, the piers must project at least two inches from the facade and extend from the ground to the roofline.

f. Change of roofline per subsection (C)(6) of this section.

g. Changing materials and/or color with a change in building plane.

h. Providing lighting fixtures, trellis, tree, or other landscape feature within each interval.

i. Other methods that meet the intent of the standards as approved by the director.

Departures will be considered by the city provided the design meets the intent of the standards. Elements to consider are the level of detailing, quality of building materials, design of storefronts, and integration with, or enhancement of, the surrounding context.

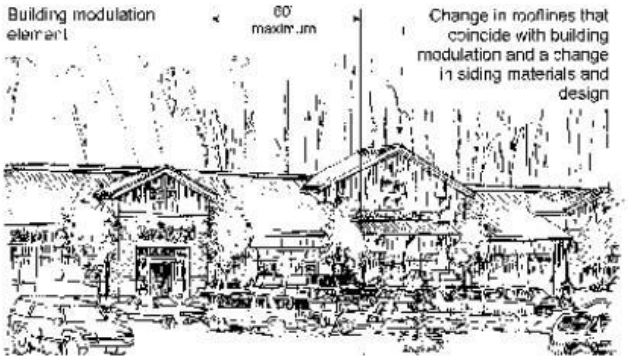

Figure 37. Building articulation example for other nonstorefront commercial facades.

4. Building Articulation – Multi-Family Buildings. All multi-family buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:

a. Repeating distinctive window patterns at intervals less than the required interval.

b. Providing vertical building modulation. Minimum depth and width of modulation is eighteen inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation as defined in subsection (C)(6) of this section. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet. Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the director. For example, "cave" balconies or other balconies that appear to be "tacked on" to the facade will not qualify for this option.

c. Change of roofline per subsection (C)(6) of this section.

d. Providing horizontal modulation (upper level step backs). To qualify for this measure, the minimum upper level step back shall be at least five feet and the treatment shall be used consistently with other articulation elements or utilized along at least fifty percent of the facade.

e. Articulating of the building's top, middle, and bottom. This includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

Departures will be considered by the city provided the design meets the intent of the standards. Elements to consider are the level of detailing, quality of building materials, types of articulated features, and integration with, or enhancement of, the surrounding context.

For articulation of townhouses, see Section 17.14.050(F)(5).

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Figure 38. Building articulation example for other nonstorefront commercial facades.

5. Roofline/Cornice Design Options. Rooflines visible from a public street, open space, or public parking area must meet one of the following design options:

a. Comply with roofline modulation provisions per subsection (C)(6) of this section.

b. Provide a cornice of two parts with the top projecting at least six inches from the face of the building and the bottom part featuring a concave design or projecting at least two inches from the facade, but extending no less than two inches from the facade than the top part (see Figure 39 for examples). The height of the cornice (both parts combined) shall be at least twelve inches for buildings twenty feet or less in height; eighteen inches for buildings greater than twenty feet and less than thirty feet in height; and twenty-four inches for buildings thirty feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way. The cornice line must extend along at least seventy-five percent of the facade.

c. Other decorative cornice line that meets the intent of the standards. See Figures 39 and 40 for examples.

d. Any combination of the options above.

Figure 39. Acceptable cornice examples.

Figure 40. Desirable (left) and undesirable (right) local cornice examples.

6. Roofline Modulation. In order to qualify as a roofline modulation treatment in the standards herein, rooflines shall be varied by emphasizing dormers, chimneys, stepped roofs, gables, or a broken or articulated roofline consistent with the required articulation interval. Modulation shall consist of either:

a. For flat roofs or facades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or one-tenth multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques described in subsections (C)(2) through (4) of this section. Otherwise, the minimum vertical dimension of roofline modulation is the greater of four feet or two-tenths multiplied by the wall height.

b. A sloped or gabled roofline segment of at least twenty feet in width and a minimum slope of 6:12. The roofline must include modulated segments at no more than the interval required per the applicable standard above.

c. A combination of the above.

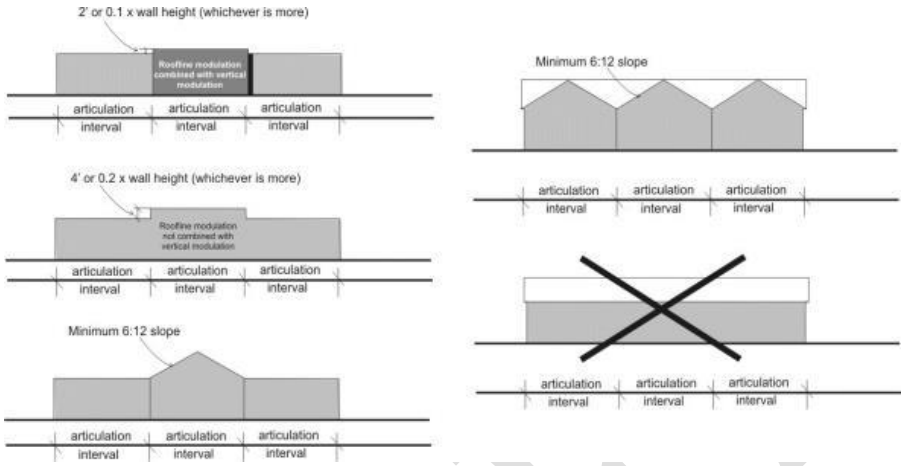

Figure 41. Roofline modulation standards.

7. Maximum Facade Width. The maximum facade width (facades facing the street or customer parking lot) is one hundred feet. Exceptions: Buildings exceeding one hundred feet in width shall incorporate significant modulation and/or articulation features that effectively break up the scale of the building and add visual interest from the street. Such buildings shall incorporate at least one of the following design elements:

a. Provide vertical building modulation at least ten feet deep and twenty feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors;

b. Use of a contrasting vertical modulated design component featuring all of the following:

i. Component extends through all floors above the first floor fronting on the street. Exception: upper floors that are stepped back more than ten feet from the facade are exempt;

ii. Utilizes a change in building materials that effectively contrast from the rest of the facade;

iii. Component is modulated vertically from the rest of the facade by an average of six inches. The director may exempt storefront buildings from this provision provided all other standards herein are met and the design effectively meets the intent of the standards; and

iv. Component is designed to provide roofline modulation per subsection (C)(6) of this section; or

c. Facade employs building walls with contrasting articulation that make it appear like two distinct buildings. To qualify for this option, these contrasting facades must employ both of the following:

i. Different building materials and/or configuration of building materials; and

ii. Contrasting window design (sizes or configurations).

Departures will be considered by the city provided the design meets the intent of the standards. Elements to consider are the level of detailing, quality of building materials, types of articulated features, and integration with, or enhancement of, the surrounding context (considering views from all publicly observable locations within downtown).

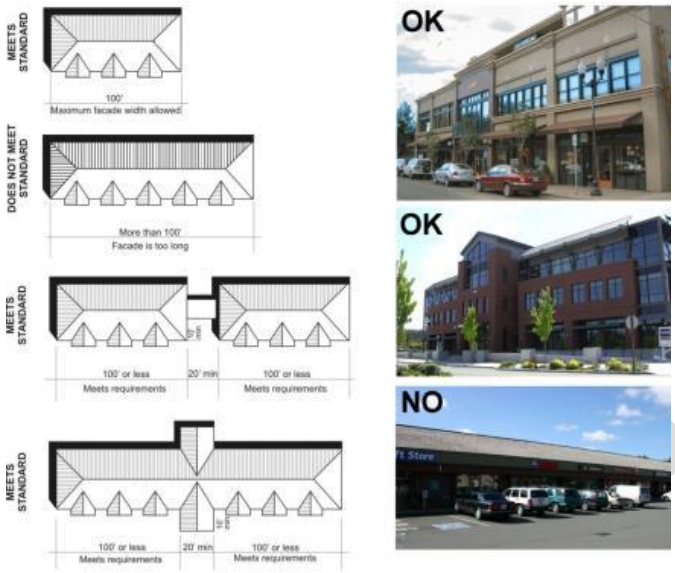

Figure 42. Maximum facade width standards and acceptable/unacceptable departure examples. The upper right examples use a change in materials, facade articulation (window styles), and roofline change. The middle right image uses substantial facade and roofline modulation. The lower right does not include any notable articulation or modulation.

D. Building Elements and Details.

1. Intent. To encourage the incorporation of design details and small scale elements into building facades that are attractive at a pedestrian scale.

2. Facade Details Toolbox. All nonresidential and mixed-use buildings shall be enhanced with appropriate details. All new buildings must employ at least one detail element from each of the three categories below for each facade facing a street or public space for each facade articulation interval (per subsections (C)(2) and (3) of this section). For example, a building with one hundred twenty feet of street frontage with a facade articulated at forty-foot intervals will need to meet the standards for each of the three facade segments.

a. Window and/or Entry Treatment.

i. Display windows divided into a grid of multiple panes;

ii. Transom windows;

iii. Roll-up windows/doors;

iv. Other distinctive window treatment that meets the intent of the standards;

v. Recessed entry;

vi. Decorative door;

vii. Arcade;

viii. Landscaped trellises or other decorative element that incorporates landscaping near the building entry; or

ix. Other decorative or specially designed entry treatment that meets the intent of the standards as determined by the director.

b. Building Elements and Facade Details.

i. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning;

ii. Decorative, custom hanging sign(s);

iii. Decorative building-mounted light fixtures;

iv. Bay windows, trellises, towers, and similar elements; or

v. Other details or elements that meet the intent of these standards, as determined by the director.

c. Building Materials and Other Facade Elements.

i. Decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;

ii. Artwork on building (such as a mural) or bas-relief sculpture;

iii. Decorative kick-plate, pier, beltcourse, or other similar feature;

iv. Hand-crafted material, such as special wrought iron or carved wood; or

v. Other details that meet the intent of the standards as determined by the director.

"Custom," "decorative," or "hand-crafted" elements referenced above must be distinctive or "one-of-a-kind" elements or unusual designs that require a high level of craftsmanship as determined by the director.

Departures to the standards above will be considered by the director provided the number, quality, and mix of details meet the intent of the standards.

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Figure 43. Good storefront detail examples for the Woodin Avenue historic core. The left image includes a decorative use of brick, decorative awning, and decorative kick-plate. The right image uses a steel canopy (Chelan Sports), decorative use of bricks, and decorative window treatments.

Figure 44. Acceptable facade detailing example for outside the historic core. This building uses decorative stone and shinglework, decorative windows, and a decorative entry feature.

3. Street Corner Buildings. Nonresidential or mixed-use buildings located within thirty feet of the street corner (see Figure 45 below) shall provide one or more of the elements listed below on the building corner:

a. A cropped building corner with corner pedestrian entry;

b. A bay window or turret;

c. A clock or bell tower;

d. Balconies above the ground floor;

e. Sculpture or artwork element; must be a one-of-a-kind design element;

f. Distinctive use of facade materials; and/or

g. Other special or unique corner building treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building as determined by the director.

All corner building design elements must be sized to be proportional to the building and the size of the applicable intersection, as determined by the director (for example, larger intersections warrant more substantial design treatments).

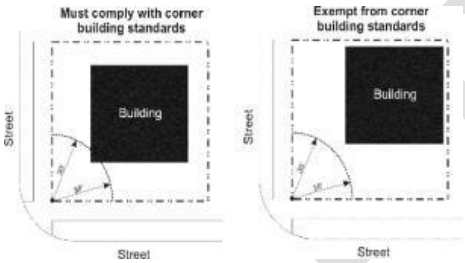

Figure 45. Clarifying which buildings shall comply with standards.

Figure 46. Desirable building corner examples.

4. Window Design. Buildings shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Departures will be considered by the director where buildings employ other distinctive window or facade treatment that adds a sense of depth to the facade and/or visual interest to the building.

Figure 47. Acceptable and unacceptable (far right image) window design on upper floors. Note that the two windows on the left are recessed from the facade and all three acceptable examples include trim. The image on the right includes no trim or recess/projection.

5. Year of Construction Plaque. All new commercial and mixed-use buildings must note the year of construction of a building by the installation of a plaque attached to the building. Numbers etched into stone, brick, or concrete may be used in lieu of a plaque. The year of construction is to be noted by numbers not less than six inches high. Other information associated with the building that may be of public interest may be included.

E. Building Materials and Colors.

1. Intent.

a. To encourage high quality building materials that reinforce the historic small town character of Chelan.

b. To discourage poor materials with high life-cycle costs.

c. To encourage the use of materials that reduce the visual bulk of large buildings.

2. Metal Siding Standards. Metal siding may be used if it is incorporated with other permitted materials and it complies with the following:

a. It features visible corner molding and trim and does not extend lower than two feet above grade. Masonry, concrete, or other durable material must be incorporated between the siding and the ground plane;

b. Metal siding shall be factory finished, with a matte, nonreflective surface; and

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Figure 48. Acceptable and unacceptable metal siding examples. Notice the corner and window trim and use of concrete block near the ground level on the left image. The circled area on the right includes metal siding all the way to the ground, which is prohibited.

c. The use of metal siding is prohibited on designated storefront streets.

3. Concrete Block Standards. Concrete block may be used if it is incorporated with other permitted materials and it complies with the following:

a. When used for the primary facade, buildings must incorporate a combination of textures and/or colors to add visual interest. For example, combining split or rock-facade units with smooth blocks can create distinctive patterns; and

b. Concrete block may comprise no more than fifty percent of a facade facing a public right-of-way or open space. Departures to this standard will be considered by the city provided design treatments are included to enhance the visual character of the building at all observable scales.

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Figure 49. Acceptable and unacceptable concrete block examples. The left example uses a mixture of split-faced colored concrete block and smooth-faced concrete block, together comprising just under fifty percent of the whole facade. The large expanse of smooth-faced concrete block on the right is not desirable for Chelan.

4. Standards for Stucco or Other Similar Troweled Finishes. Such material/finishes may be used if it is incorporated with other permitted materials and it complies with the following:

a. Stucco and similar troweled finishes (including exterior insulation and finish system or "EIFS") must be trimmed in wood, masonry, or other material and must be sheltered from extreme weather by roof overhangs or other methods and are limited to no more than fifty percent of the facade area facing a public right-of-way or open space. Departures to this standard will be considered by the city provided design treatments are included to enhance the visual character of the building at all observable scales;

b. Horizontal surfaces exposed to the weather must be avoided; and

c. Stucco, EIFS, and similar surfaces should not extend below two feet above the ground plane. Concrete, masonry, or other durable material must be used below the two-feet-above-grade line to provide a durable surface where damage is most likely.

Figure 50. Acceptable and unacceptable stucco examples. The left image uses concrete block near the sidewalk, while the Petco maintains stucco to the base of the facade.

5. Prohibited Materials.

a. Mirrored glass where used on more than ten percent of the facade;

b. T-111 siding and similar processed sheet products;

c. Chain link fencing (except for temporary fencing and for parks);

d. Fiberglass products and similar sheet products; and

e. Back-lit vinyl awnings used as signs.

6. Storefront Building Color. A storefront's palette should be no more than three colors; one base color, one trim color, and one accent color. Encourage trim and accent colors that contrast with the base color. Specifically, darker base colors with white trim work particularly well. However, lighter base colors can effectively be combined with dark trim colors. Applicants should consult with the Historic Chelan Downtown Association on appropriate facade colors.

F. Blank Wall Treatment.

1. Intent.

a. To avoid untreated blank walls.

b. To retain and enhance the character and identity of downtown Chelan.

2. Blank Wall Definition. A wall (including building facades and retaining walls) is considered a blank wall if:

a. A ground floor wall or portion of a ground floor wall over six feet in height has a horizontal length greater than fifteen feet and does not include a transparent window or door; or

b. Any portion of a ground floor wall having a surface area of four hundred square feet or greater does not include a transparent window or door.

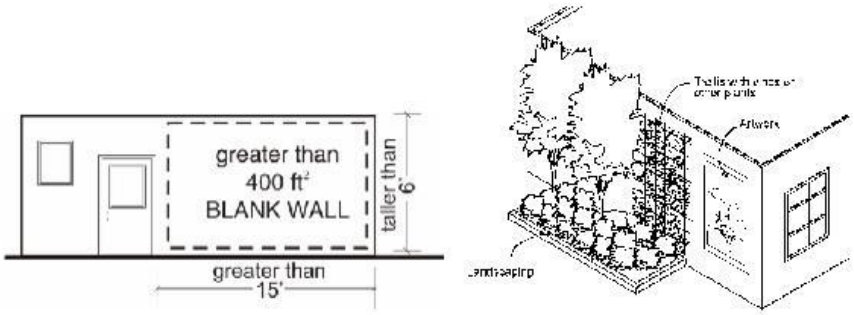

Figure 51. Blank wall definition and treatment examples.

3. Blank Wall Standards. Untreated blank walls visible from a public street or pedestrian pathway are prohibited. Methods to treat blank walls can include:

a. Display windows at least sixteen inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment;

b. Landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least sixty percent of the wall's surface within three years;

c. Installing a vertical trellis in front of the wall with climbing vines or plant materials;

d. Installing a mural reviewed by the arts council and approved by the director; and/or

e. Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the intent of the standards.

For large visible blank walls, a variety of treatments may be required to meet the intent of the standards.

4. Fire walls along property lines are exempt from the above standards, but where they are visible to the public, they shall include horizontal and/or vertical banding or other design treatments to add visual interest to the wall.

Figure 52. Acceptable and unacceptable fire wall treatments. Note the use of horizontal banding in the left image. Plain concrete block as in the right image is not allowed.

G. Energy Efficient Building Design. The following are voluntary provisions intended to encourage energy efficient building design within Chelan.

1. Intent.

a. To reduce greenhouse gas emissions resulting from buildings.

b. To encourage high quality energy efficient construction that reduces long-term maintenance costs.

c. To encourage the use of roof design and materials that maximize the energy efficiency of buildings.

2. Residential Buildings. New and remodeled buildings should be designed to meet the Northwest ENERGY STAR Homes Certification Requirements for Single-Family Homes or Multi-Family Homes (link: http://www.northwestenergystar.com/partner-resources/bopmulti/index.html).

3. Commercial or Mixed-Use Buildings. New and remodeled buildings should be designed to earn the ENERGY STAR rating by achieving the rating of seventy-five or higher using the EPA energy target finder tool (link: http://www.energystar.gov/index.cfm?c=new_bldg_design.bus_target_finder).

4. Roof Design. The solar reflectivity index for flat roofs should be a minimum of seventy-eight. The solar reflectivity index for sloped roofs should be a minimum of twenty-nine. (Ord. 1410 § 3 (Exh. B) (part), 2010).

17.14.050 Housing type standards.

A. Purpose and Applicability.

1. Purpose. This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the Chelan downtown master plan.

2. Applicability. Each subsection herein provides standards that apply to a particular type of housing within the downtown planning area. The provisions herein supplement the standards set forth in Section 17.14.020. Triplexes and townhouses are also subject to the provisions of Sections 17.14.030 and 17.14.040 unless otherwise noted.

B. Single-Family Design Standards.

1. Intent.

a. To enhance the character of the street;

b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape;

c. To deemphasize garages and driveways as major visual elements along the street; and

d. To provide usable yard space for residents.

2. Entries.

a. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new homes.

b. All new houses shall provide a covered entry with a minimum dimension of four feet by six feet. Covered entries may project up to six feet into the front yard per Section 17.14.020(C)(3).

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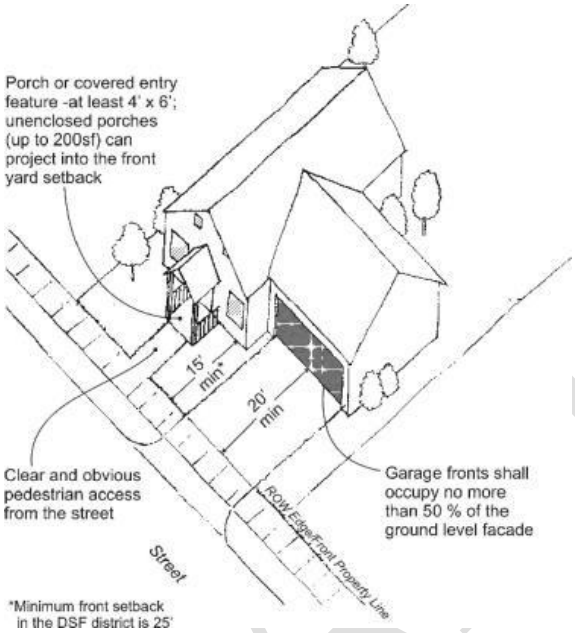

Figure 1. Single-family design requirements.

3. Garage Placement and Design.

a. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley.

b. The garage face shall occupy no more than fifty percent of the ground-level facade facing the street.

c. Garages shall be set back at least twenty feet from the front property line.

4. Driveway Standards. See Section 5 of the City of Chelan Development Standards Manual for applicable standards.

5. Minimum Usable Open Space. All new single-family residences shall provide a contiguous open space equivalent to ten percent of the lot size. Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of fifteen feet on all sides. For example, a six thousand square foot lot would require a contiguous open space of at least six hundred square feet, or twenty feet by thirty feet in area. For lots in the DMR district where there is more than one single-family residence on the lot, each residence shall have access to a usable open space with minimum dimensions of fifteen feet on all sides. Driveways shall not count in the calculations for usable open space.

All single-family additions shall not create or increase any nonconformity with this standard.

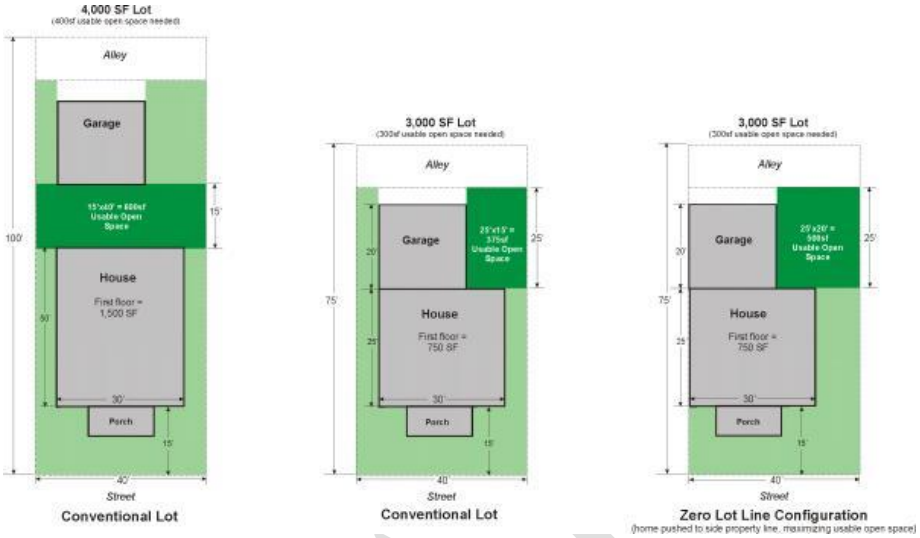

Figure 2. Open space requirements for alley-loaded lots.

C. Duplex and Triplex Design Standards.

1. Intent. Duplexes and triplexes should be designed similar in nature to single-family homes and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.

2. Design Standards. Specifically, duplexes and triplexes shall comply with the single-family design standards in subsection B of this section with the following exceptions and additional provisions:

a. Duplexes and triplexes may include a twenty-foot-wide shared driveway or two twelve-foot driveways on opposite ends of the lot;

b. Separate covered entries for each unit are required (applicable to new buildings only); and

c. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only).

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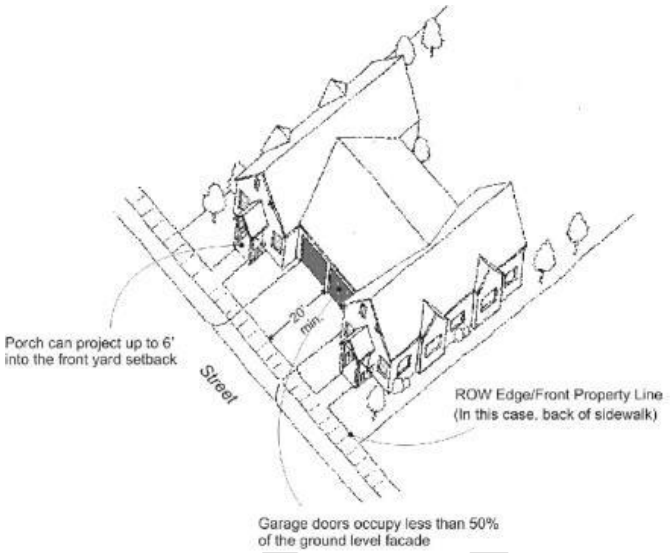

Figure 3. Diagram illustrating some duplex design standards.

D. Accessory Dwelling Units (ADU).

1. Intent.

a. To provide infill housing opportunities downtown.

b. To provide affordable housing options downtown.

c. To provide an opportunity for rental income for downtown property owners.

2. Standards for All ADUs. One accessory dwelling unit is permitted provided all of the following conditions are met:

a. ADU Entrance. The ADU entrance shall be subordinate to the principal dwelling unit entrance. The ADU entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit.

i. A pedestrian walkway shall be provided from the street or alley to the ADU entrance; and

ii. A stairway to access a second-story ADU shall be internal, or, if external, it must not be visible from the street;

b. No more than two bedrooms shall be provided in an accessory dwelling unit;

c. ADUs shall contain a minimum of three hundred square feet in floor area, exclusive of stairways or garage area;

d. One additional off-street parking space shall be required for an ADU;

e. ADUs must be screened from neighboring properties with a six-foot-high solid visual barrier where necessary to protect abutting property owners' privacy, as determined by the director;

f. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering; and

g. Privacy. The orientation of the ADU shall, to the maximum extent practical as determined by the director, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement. The director may require that windows, doors, and balconies be relocated to maintain the privacy of the new unit and/or adjacent residences.

3. Standards for an Attached ADU.

a. ADUs may not exceed forty percent of the floor area of a primary dwelling unit or one thousand square feet, whichever is less. Exception: The director may allow increased size for an attached ADU in order to efficiently use all floor area on one floor or a portion of an existing house (constructed as of November 9, 2010), as long as all other standards herein are met; and

b. Additions to Existing Homes. The ADU shall be architecturally consistent with the principal unit. Specific standards:

i. Exterior Materials. The exterior finish material must be the same or visually match in type, size and placement the exterior finish material of the primary dwelling;

ii. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling;

iii. Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling;

iv. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations; and

v. Front Facade. The front facade of the principal dwelling shall not be significantly altered to accommodate an ADU.

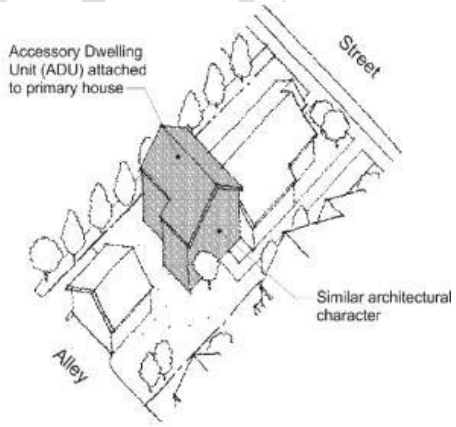

Figure 4. Attached ADU example/standards.

4. Standards for a Detached ADU (DADU).

a. DADUs may not exceed forty percent of the floor area of a primary dwelling unit or eight hundred square feet if within the DSF district and one thousand square feet if within the DMR district, whichever is less;

b. Detached DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage;

c. DADUs are subject to the building placement standards set forth for the applicable land use district in Section 17.14.020(C)(3);

d. The site coverage of the DADU and accessory buildings shall not exceed forty percent of the rear yard area;

e. There shall be a minimum separation of fifteen feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing garage; and

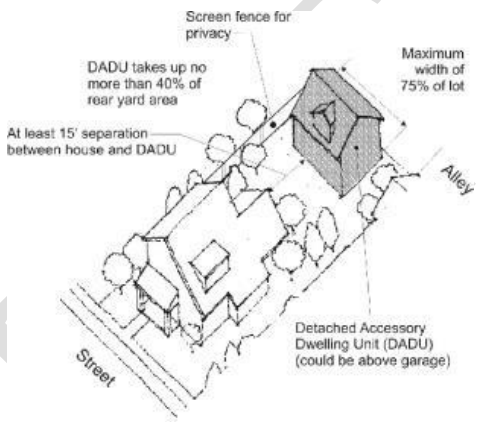

Figure 5. DADU example/standards.

f. The maximum width of the DADU shall be seventy-five percent of the width of the lot, including all projecting building elements such as bay windows and balconies.

E. Cottage Housing.

1. Intent.

a. To provide an opportunity for small, detached housing types clustered around a common open space.

b. To ensure that cottage developments contribute to the overall character of downtown residential areas.

c. To provide for centrally located and functional common open space that fosters a sense of community.

d. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership.

e. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development.

f. To promote conservation of resources by providing for clusters of small dwelling units on a property.

2. Description. Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.

3. Lot Configuration. Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

4. Density Bonus. Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.

5. Table of Dimensional Standards for Cottages.

Table 4. Dimensional standards for cottages

Standard	Requirement
Maximum Floor Area	1,200 SF
Maximum Floor Area/Ground or Main Floor	800 SF
Minimum Common Space (See Design Standards below for more info)	400 SF/unit
Minimum Private Open Space (See Design Standards below for more info)	200 SF/unit
Maximum Height for Cottages	25' (all parts of the roof above 18' shall be pitched with a minimum roof slope of 6:12)
Maximum Height for Cottages Accessory Structures	18'
Setbacks (to exterior property lines)	See Section 17.14.020(C)(3)
Minimum Distance between Structures (Including accessory structures)	10'
Minimum Parking Spaces per Cottage	1.5

6. Units in Each Cluster. Cottage housing developments shall contain a minimum of four and a maximum of twelve cottages located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage housing development.

7. Windows on the Street. Transparent windows and/or doors are required on at least fifteen percent of the facades (all vertical surfaces) of all cottages facing the street and common open space. Departures may be permitted for cottages where this standard applies to two or more facades, provided the design meets the intent of the standards.

8. Parking and Driveway Location and Design.

a. Parking shall be located on the same property as the cottage development;

b. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;

c. Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages. Parking is prohibited in the front and interior setback areas;

d. Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least ten feet of Type C landscaping shall be provided between the sidewalk and the parking area. For parking lots along adjacent

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residential uses, at least five feet of Type A, B, or C landscaping shall be required. The director will consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development;

e. Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley). Departures will be considered by the director provided alternative configurations improve the visual setting for development;

f. Garages may be attached to individual cottages provided all other standards herein are met and the footprint of the ground floor, including garage, does not exceed one thousand square feet. Such garages shall be located away from the common open spaces; and

g. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

9. Common Open Space Requirements.

a. Shall abut at least fifty percent of the cottages in a cottage housing development;

b. Shall have cottages abutting on at least two sides;

c. Cottages shall be oriented around and have the main entry from the common open space;

d. Cottages shall be within sixty-feet walking distance of the common open space; and

e. Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are fifteen feet by twenty feet.

10. Required Private Open Space. Required private open space shall be adjacent to each dwelling unit, for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than ten feet.

11. Porches. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least eighty square feet in size with a minimum dimension of eight feet on any side.

12. Covered Entry and Visual Interest. Cottages located facing a public street shall provide:

a. A covered entry feature (with a minimum dimension of six feet by six feet) visible from the street;

b. At least ten feet of landscaped open space between the residence and the street; and

c. At least two architectural details approved by the director, such as:

i. Decorative lighting;

ii. Decorative trim;

iii. Special door;

iv. Trellis or decorative building element; and/or

v. Bay window.

Alternative design treatments will be considered by the director provided the design treatments provide visual interest to the pedestrian.

13. Character and Diversity. Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. Examples of elements include:

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a. Similar building/roof form and pitch;

b. Similar siding materials;

c. Similar porch detailing; and/or

d. Similar window trim;

A diversity of cottages can be achieved within a "family" of styles by:

e. Alternating porch styles (such as roof forms);

f. Alternating siding details on facades and/or roof gables; and/or

g. Different siding color.

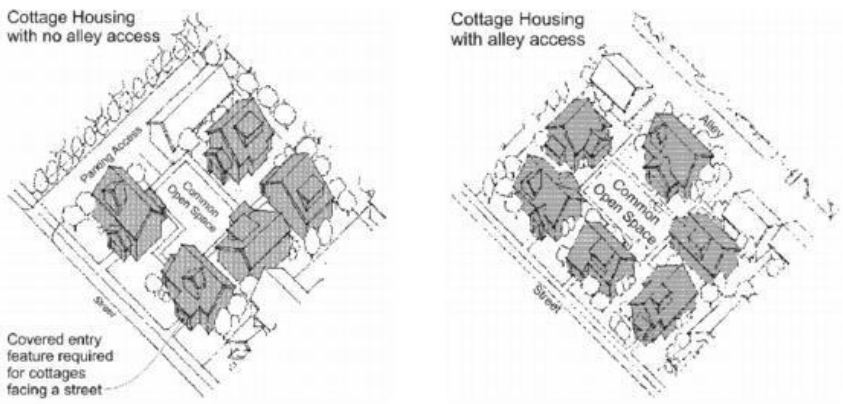

Figure 6. Typical cottage housing layouts.

Figure 7. Cottage housing examples.

F. Townhouses.

1. Intent.

a. To ensure that townhouse developments enhance the pedestrian-oriented character of downtown streets.

b. To provide adequate open space for townhouse developments.

c. To reduce the impact of garages and driveways on the pedestrian environment.

d. To reduce the apparent bulk and scale of townhouse buildings compatible with the established character of downtown Chelan.

e. To promote architectural variety that adds visual interest to the neighborhood.

Figure 8. Desirable townhouse example. With units fronting on the street and garages placed to the rear accessible from an alley or shared driveway.

2. Entries.

a. Townhouses fronting on a street must all have individual ground-related entries accessible from the street. Configurations where enclosed rear yards back up to a street are prohibited;

b. Separate covered entries at least three feet deep are required for all dwelling units;

c. For sites without alleys or other rear vehicular access, new buildings must emphasize individual pedestrian entrances over private garages to the extent possible by using both of the following measures:

i. Enhance entries with a trellis, small porch, or other architectural features that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling; and

ii. Provide a planted area in front of each pedestrian entry of at least twenty square feet in area, with no dimension less than four feet. Provide a combination of shrubs or ground cover and a street tree (refer to city arborist or street tree list if available); and

d. Planting strips with no dimension less than four feet are required adjacent to the primary entry of all dwelling units. This includes townhouses located to the rear of lots off an alley or private internal drive.

3. Garages and Driveways.

a. Where lots abut an alley, the garage or off-street parking area should take access from the alley;

b. For lots without alleys, individual driveways off of the street are prohibited (shared driveways are required);

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c. Garages facing a public street are prohibited;

d. Internal Drive Aisle Standards.

i. Must meet minimum fire code widths;

ii. Minimum building separation along uncovered internal drive aisles shall be twenty-five feet. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and provide adequate light and air on both sides of the dwelling units and drive aisles, which often function as usable open space for residents; and

iii. Upper level building projections over drive aisles are limited to three feet, and must comply with provisions in subsection (F)(3)(d)(ii) of this section.

Figure 9. Good and bad examples of garage/entry configurations. The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping is a glaring omission.

4. Open Space. Townhouse residential units shall provide open space at least equal to ten percent of the building living space, not counting automobile storage. The required open space may be provided by one or more of the following ways:

a. Usable private open space that is directly adjacent and accessible to dwelling units. Such space shall have minimum dimensions of at least twelve feet on all sides and is configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc.;

b. Common open space meeting the requirements of Section 17.14.030(C)(5)(a);

c. Balconies, decks and/or front porches meeting the requirements of Section 17.14.030(C)(5)(b); and/or

d. Pea patch space meeting the requirements of Section 17.14.030(C)(5)(e).

5. Building Design.

a. Townhouse Articulation. Townhouse buildings shall comply with multi-family building articulation standards as set forth in Section 17.14.040(C)(4), except that the articulation intervals shall be no wider than the width of units in the building. Thus, if individual units are fifteen feet wide, the building shall include at least three articulation features per Section 17.14.040(C)(4) for all facades facing a street, common open space, and common parking areas at intervals no greater than fifteen feet.

b. Repetition with Variety. Townhouse developments shall employ one or more of the following "repetition with variety" guidelines:

i. Reversing the elevation of two out of four dwellings for townhouses;

ii. Providing different building elevations for external townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns (see Figure 10);

iii. Adding a different dwelling design or different scale of the same design, where a one-story version of the basic dwelling design where two stories are typical (or a two-story design where three stories are typical); and/or

iv. Other design treatments that add variety or provide special visual interest. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the intent of the guidelines.

Figure 10. Acceptable townhouse configuration employing the repetition with variety concept.

Figure 11. An acceptable townhouse building. Note the landscaped front yards and individual walkways and entries. The internal units each have distinct but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and facade detailing.

(Ord. 1410 § 3 (Exh. B) (part), 2010).

17.14.060 Definitions.

Blank Wall. See Section 17.14.040(F) for the definition and desirable treatments of a "blank wall."

"Building articulation" means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See Section 17.14.040(C) for applicable standards.

Common Open Space. See Section 17.14.030(C)(2)(b) for the definition of "common open space."

"Condotel" refers to a building that is used both as a hotel and a condominium.

"Cottage housing" refers to clusters of small detached dwelling units arranged around a common open space.

"CPTED" refers to "crime prevention through environmental design," which is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts.

"Landscaped street" refers to a segment of a street envisioned to have or maintain landscaped building setbacks along the street. See Figure 2 for the location of designated landscaped streets and Section 17.14.020(D)(4) for the description and applicable standards for properties fronting on designated landscaped streets.

Multi-Family Open Space. See Section 17.14.030(C)(2)(d) for the definition of "multi-family open space."

"Partial floor" refers to the space under a gabled or hipped roof where a horizontal line intersecting the roof decking and the exterior wall is no more than five feet above the floor level of the top floor.

Pedestrian-Oriented Open Space (or Pedestrian-Oriented Space). See Section 17.14.030(C)(2)(a) for the definition of "pedestrian-oriented open space" and Section 17.14.030(C)(3) for applicable design criteria.

"Roofline modulation" means variation in roof form. See Section 17.14.040(C)(6) for provisions.

"Secondary street" refers to a segment of a street in a mixed-use district where there is an option for storefronts or landscaped setbacks along the street and ground floor residential or commercial uses. See Figure 2 for the location of designated secondary streets and Section 17.14.020(D)(3) for the description and applicable standards for properties fronting on designated secondary streets.

"Solar access" means the availability of (or access to) unobstructed, direct sunlight.

"Solar reflectance index (SRI)" is a measure of the roof's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100. For example, the standard black has a temperature rise of 90 degrees Fahrenheit (50 degrees Celsius) in full sun, and the standard white has a temperature rise of 14.6 degrees Fahrenheit (8.1 degrees Celsius). Once the maximum temperature rise of a given material has been computed, the SRI can be computed by interpolating between the values for white and black. Materials with the highest SRI values are the coolest choices for roofing. Due to the way SRI is defined, particularly hot materials can even take slightly negative values, and particularly cool materials can even exceed 100.

"Storefront street" refers to a street or segment of a street where envisioned to have storefronts placed up to the edge of the sidewalk. See Figure 2 for the location of designated storefront streets and Section 17.14.020(D)(2) for the description and applicable standards for properties fronting on designated storefront streets.

Usable Open Space. See Section 17.14.030(C)(2)(e) for the definition of "usable open space."

"Transparent window" refers to a window that is capable of transmitting light so that objects or images can be seen as if there were no intervening material variation in roof form. (Ord. 1410 §§ 3, 10 (Exh. B) (part), 2010).

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Chapter 17.15

~~CHELAN INFILL OVERLAY DISTRICT LAND USE AND DEVELOPMENT CODE~~RESERVED

Commented [LG13]: Purpose of Amendment: This code has not been implemented per City staff.

~~Sections:~~

~~17.15.010 General provisions.~~
~~17.15.020 Zero-lot-line and courthome development standards.~~

~~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.~~

~~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.~~

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~~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 Chapter 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 feet beyond the average front setback of established existing dwellings in the block. (Ord. 1426 § 4 (Exh. D) (part), 2011).~~

~~**17.15.020 Zero-lot-line and courthome development standards.**~~
~~A. Zero-Lot-Line Developments.~~

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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 feet in height.

b. Minimum lot size: three thousand six hundred square feet.

c. Minimum lot width at building line: forty feet.

d. Maximum lot coverage: fifty percent of lot.

e. Minimum setback distances for dwelling units and accessory structures are as follows:

i. Front: twelve feet. Adjacent front yard setbacks within zero-lot-line developments must be staggered or alternate by a minimum of three feet.

ii. Side:

(A) Zero-lot-line side: zero feet.

(B) Side opposite zero-lot-line side: ten feet.

(C) Corner lots: twenty feet.

iii. Rear: ten 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 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.

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~~h. Eaves may project a maximum of eighteen 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 feet in height.~~

~~b. Minimum lot size: four thousand five hundred square feet.~~

~~c. Minimum lot width at building line: forty feet.~~

~~d. Maximum lot coverage: forty-five percent of lot.~~

~~e. Minimum setback distances for dwelling units and accessory structures are as follows:~~

~~i. Front: twelve feet. Porches that are a minimum six feet deep may be set back ten feet.~~

~~ii. Side: five feet.~~

~~iii. Rear: fifteen feet.~~

~~iv. Corner lots: twenty 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.~~

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~~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 feet and a depth not to exceed one hundred and fifty 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 square feet per dwelling unit in the courthome development.~~

~~e. Landscaping.~~

~~i. An average of two hundred 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. (Ord. 1426 § 4 (Exh. D) (part), 2011).~~

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Chapter 17.16

~~ZONE A – AGRICULTURAL DISTRICT~~RESERVED

Commented [LG14]: Purpose of Amendment: Zone is not mapped any longer. Remove from code.

~~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;~~

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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).

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Chapter 17.18
ZONE A~~P~~ – ~~CHELAN MUNICIPAL~~ AIRPORT DISTRICT

Commented [LG15]: Purpose of Amendment: See section 7.5 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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 and abutting lands within the city limits and Chelan urban growth area (UGA) designated for future airport or airport related uses.

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.

3. To discourage the siting of incompatible uses within the Airport District.

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.

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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).

D. Private industrial and commercial uses that are consistent with the Airport Layout Plan and not conflicting with the long-term use of the Airport for aviation related uses.

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.

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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).

C. The following private, non-aviation, commercial and industrial uses if the size and nature of the proposed uses are determined by the Administrator to be compatible with the Airport Layout Plan and not conflicting with the long-term use of the Airport for aviation related uses:

1. Wholesale trade, warehouses, communication, transportation, and utilities;

2. Agricultural processing facility, and agriculturally related industry;

3. Retail trade serving industrial uses.

4. Research facilities;

5. Other uses in the W-I zone similar to those allowed above as determined by the Administrator and consistent with development and use standards in 17.18.050.

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:

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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).

H. Airport Land Use Compatibility.

1.The City shall manage the compatibility of land uses in the city limits and Urban Growth Area according to zones illustrated on Figure 17.18.050.H.1. For each zone, compatible land uses are identified in subsections 2 et seq.

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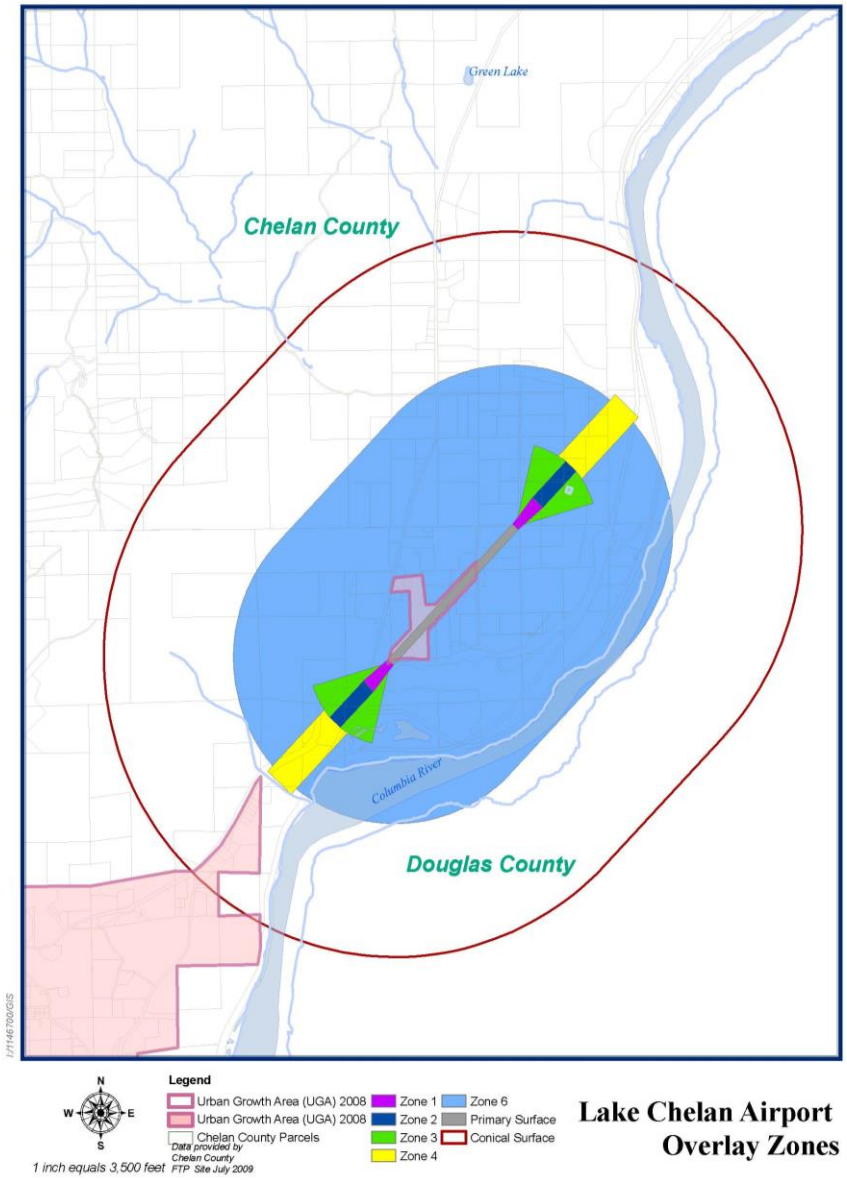
Figure 17.18.050.H.1 I. Lake Chelan Airport Overlay Zones



2. No use shall be made of the land within Runway Protection Zone 1, Inner Safety Zone 2, Inner Turning Zone 3, Outer Safety Zone 4 or Sideline Safety Zone 5 that promotes areas of standing water one-half acre or larger in size.

3. No use, building or structure shall be permitted within Runway Protection Zone 1, Inner Safety Zone 2, Inner Turning Zone 3, Outer Safety Zone 4 or Sideline Safety Zone 5 that promotes large concentrations or bulk storage of hazardous or flammable materials.

4. Land uses that promote large assemblies of people such as multifamily housing, hospitals, churches, schools, etc., shall be prohibited within Runway Protection Zone 1, Inner Safety Zone 2, Inner Turning Zone 3, Outer Safety Zone 4, Sideline Safety Zone 5, and Zone 6.

Commented [LG16]: Added beyond Chelan County example – County regulations do not address Zone 6. However, avoiding uses with congregations of residents or sensitive persons is part of WSDOT guidelines.

5. Other uses or activities determined to be incompatible with aviation and aviation safety as determined by the Administrator shall be prohibited.

6. Nonresidential Land Usage Intensity Standards: Nonresidential land uses shall not exceed the following intensity levels:

a. Zone 1: 5 people per gross acre

b. Zones 2 and 3: 25 people per acre

c. Zone 4: 60 people per acre

d. Zones 5 and 6: 150 people per acre

Commented [LG17]: Blend of Douglas County and WSDOT guidelines.

6. A note shall be recorded with the county auditor for each lot when subdivision, short subdivision, binding site plan, building permit or other development activity is located within the horizontal surface. Additionally, the note shall specifically state when the properties are located within the approach surfaces of airport runways. The statement shall essentially read as follows:

a. The subject property is located within a Lake Chelan Airport Overlay Zone in which a variety of aviation activities occur. Such activities may include but are not limited to noise, vibration, chemicals, odors, hours of operation and other associated activities.

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Chapter 17.20
ZONE R-~~1~~ L 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 except as allowed in 17.04.065;

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.

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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 per CMC 17.04.065;

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. (Ord. 1099 § 1, 1998; Ord. 1071 § 3, 1997; Ord. 1022 § 3, 1995; Ord. 897 § 2, 1990; Ord. 886 § 3, 1989; Ord. 333 § 3 (part), 1965: Ord. 314 § 6B, 1962).

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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 19.10.040;

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 floor area, so long as all the 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) of this section;

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.

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 17.20.010(F), 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.

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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~~ L 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 or recreation facilities. (Ord. 1502 § 3 (part), 2015; Ord. 1491 § 7 (Exh. H) (part), 2015: Ord. 1205 § 4, 2001; Ord. 1099 § 2, 1998; Ord. 1058 § 2, 1996; Ord. 1041 § 1, 1996; Ord. 742 § 1, 1984: Ord. 712 § 3 (part), 1983; Ord. 625 § 1 (part), 1979; Ord. 415 § 5, 1970; Ord. 314 § 6C, 1962).

17.20.040 Dimensional standards.
Dimensional standards are as follows:

A. Minimum lot area and maximum density:

1. Minimum Lot Area:

a. Eight thousand five hundred (8,500) square feet;

b. Six thousand (6,000) square feet if clustered consistent with CMC 16.36.130, Clustering Standards or if dedicated for affordable housing consistent with subsection 2b;

2. Maximum Gross Density:

a. Standard Density: The maximum gross density of a property shall not exceed four (4) dwelling units per acre except as allowed in 2b.

b. Density Bonus: A twenty percent density bonus may be allowed where affordable housing is provided at a rate of 1 affordable unit for every four market rate units. Units designated as affordable shall be designated for households earning one hundred ten (110%) percent or less of the County area median income. Affordable units shall be subject to minimum 50-year deed restrictions to ensure long-term use and affordability. 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. 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.

B. Minimum width of lot at building line:

1. On lots eight thousand five hundred (8,500) square feet in size or greater: seventy (70) feet;

Commented [LG18]: Purpose of amendment: See Section 7.1 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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2. On lots six thousand (6,000) square feet up to eight thousand four hundred ninety-nine (8,499) square feet in size: Sixty (60) feet;

C. Minimum lot depth: Ninety feet;

D. Maximum building height: Thirty feet;

E. Maximum land coverage:

1. On lots eight thousand five hundred (8,500) square feet in size or greater: Thirty (30) percent for all buildings;

2. On lots six thousand (6,000) square feet up to eight thousand four hundred ninety-nine (8,499) square feet in size: Thirty-five (35) 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-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).

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

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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~~ 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-~~1~~ 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-~~1~~ 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-~~1~~ 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;

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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-~~1~~ 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;

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2. All other uses, ~~fifty~~ 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, ~~fifty~~ 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 [LG19]: 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 [LG20]: Rationale for standard: Based on public comment during visioning and land use plan meetings.

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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).

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Chapter 17.28

ZONE C-L – LOW DENSITY COMMERCIAL DISTRICTRESERVED

Commented [LG21]: Purpose of Amendment: Zone is not mapped any longer. Remove from code.

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;

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~~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;~~

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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. Rear 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).

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Chapter 17.32

~~ZONE C-H – HIGH DENSITY COMMERCIAL DISTRICT~~RESERVED

Commented [LG22]: Purpose of Amendment: Zone is not mapped any longer. Remove from code.

~~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,~~

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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).

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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~~ L 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~~Manufactured home parks subject to CMC 17.54.~~:~~

~~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,~~

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~~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~~D~~rive-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 [LG23]: From defunct C-L zone

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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;

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 [LG24]: 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:

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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).

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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. Residential Uses:

1. 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.

2. 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;

Commented [LG25]: Purpose of Amendment: See Section 7.3 of Code Amendment Report.

Commented [LG26]: Purpose of Amendment: Since new single-purpose residential uses would not be allowed remove cross reference. See Section 7.3 of Code Amendment Report and July 2017 Planning Commission Recommendations.

C-L zone no longer is mapped and should be removed. See Section 7.7 of Code Amendment Report and July 2017 Planning Commission Recommendations.

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

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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).

L. Parks and playgrounds, including park buildings.

M. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;

N. 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;

O. 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.

P. Restaurants, exclusive of drive-ins;

Q. Office, business or professional;

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

S. 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;

T. When located outside of shoreline jurisdiction, or if considered part of a water-oriented development:

i. Barber or beauty shops;

ii. Shoe sales or repair;

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

iv. Photographic and musical studio, sales and service;

v. Tailor and upholstery shop;

vi. Bank or other financial institution;

vii. Apparel;

Commented [LG27]: Purpose of Amendment: Respond to public comment about having a park in this zone.

Commented [LG28]: R-L zone permitted use.
See Section 7.7 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG29]: R-L and C-L permitted use.
See Section 7.7 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG30]:
See Section 7.7 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG31]: C-L permitted use. Sorted by general preference of SMP.
See Section 7.7 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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viii. Parking lot;

ix. Locksmith;

x. Newspaper, printing or lithography establishment;

xi. Florist;

xii. Self-service laundry;

xiii. Arts and crafts; and

xiv. Private educational institutions.

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. Marijuana retail outlets. (Ord. 1474 § 5, 2014; 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;

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D. Maximum lot coverage: Sixty-five percent;

E. Maximum height of buildings: ~~Thirty~~Twenty-five feet; provided that an applicant may seek a maximum height of thirty-five feet consistent with CMC 17.04.200.

Commented [LG32]: Per Planning Commission recommendations

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).

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Chapter 17.44
ZONE W-I – WAREHOUSING AND INDUSTRIAL DISTRICT

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.

1. Dwelling units ~~only to accommodate~~for watchmen, or caretakers on the premises;

2. Existing legal single-family dwellings are permitted uses. They may expand cumulatively up to 25% until such time as the building converts to a non-single family use.

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;

E. Distilleries and wineries~~;~~

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. (Ord. 1477 § 5 (Exh. E) (part), 2014: Ord. 1474 § 6, 2014; Ord. 1411 § 3 (Exh. B) (part), 2010: Ord. 1283 § 5(A), 2004: Ord. 1164 § 1, 2000; Ord. 868 § 6, 1989; Ord. 314 § 12 A, 1962).

G. Wholesale trade.

H. Retail trade serving industrial uses.

I. Agricultural processing facility, agriculturally related industry, and agricultural support services~~;~~

J. The following uses when located on W-I zoned properties in the heavy commercial subarea~~:~~

1. Heavy Commercial Subarea: Lots fronting SR-150 and less than 2 acres in size as of effective date of this subsection.

2. Allowed uses in Heavy Commercial Subarea:

a. Appliance repair and rental;

b. Building materials, hardware, garden and farm supplies;

Commented [LG33]: Purpose of Amendment: See Section 7.2 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG34]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG35]: Purpose of Amendment: Uses already in zone, and allowed specifically in Apple Blossom.

Commented [LG36]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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c. Contractor's storage yards;

d. Fuel/chemical distribution and bulk storage;

e. Lumber, basic construction materials, fuels and feeds sales;

f. Machinery and equipment sales and service;

g. Motor vehicle and boat sales and repairs;

h. Personal and professional services;

i. Printers, publishers, newspapers;

j. Agriculturally support services;

k. Commercial uses determined by the Planning Director to be like the permitted uses that are oriented towards serving other commercial businesses.

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);

D. Low and moderate impact agricultural tourism uses, subject to standards in Chapter 17.47. ; (Ord. 1477 § 5 (Exh. E) (part), 2014: Ord. 1411 § 3 (Exh. B) (part), 2010: Ord. 1022 § 8, 1995; Ord. 886 § 7, 1989; Ord. 868 § 7, 1989; Ord. 314 § 12B, 1962).

E. Retail and wholesale sales of goods or products manufactured on site, or utilized in manufacturing, repairing, or servicing activities which are permitted in the zone;

F. Temporary and permanent worker housing.

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;

E. Single-family, agricultural uses (includes "truck farms"), nurseries, and vineyards and wineries;

F. High impact agricultural tourism uses, subject to standards in Chapter 17.47; and

G. Campground or recreational vehicle parks;. (Ord. 1491 § 5 (Exh. C) (part), 2015: Ord. 1477 § 5 (Exh. E) (part), 2014: 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).

H. Parks and playgrounds, including park buildings, and

I. Live-work developments subject to a master site plan and development standards in Section 17.44.040.E.

Commented [LG37]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG38]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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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. 1477 § 5 (Exh. E) (part), 2014: Ord. 1411 § 3 (Exh. B) (part), 2010: Ord. 314 § 12D, 1962).

C. Standards for multifamily housing in Apple Blossom Center: See PDD approval and Development Agreement. Density shall not exceed 18 units per acre. Where the Development Agreement is silent, the City may apply R-M standards to address dimensional and other performance standards.

D. Standards for accessory workforce housing:

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

2. Development Area. Minimum development area shall be at least 10,000 square feet.

3. Development Standards. Building height, coverage, setbacks shall be consistent with R-M zone at CMC 17.24.040.

4. Rents. Rents charged for any on-site residential unit produced to house temporary or permanent workers may not exceed 30% of the employee's gross wages;

5. Maintenance. All employee units shall be regularly maintained, and kept in a safe, sanitary, livable, and rentable condition.

6. Minimum Size. No employee-housing unit shall be less than 300 square feet.

7. The housing shall accommodate employees of the primary industrial use, whether those employees work onsite or offsite.

8. Deed Restrictions. All employee-housing units shall be subject to minimum 50-year deed restrictions to ensure long-term use and affordability to employees. 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. 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.

E. Standards for live/work:

1. Proposals for live-work shall include a conceptual plan addressing the following:

a. a project narrative demonstrating consistency with guiding principles and other provisions of the CMC; and
b. a scaled master conceptual site plan, identifying critical areas, proposed areas of development, proposed recreation and open space, conceptual grading and drainage, parking, roads, and access;
c. illustrations, architectural sketches, photos or drawings to assist in understanding and visualizing the design and use of the completed proposed development; and
d. illustration and calculation of general height, bulk, number of dwelling units and square footage of employment and residential-employment buildings.
e. Intended phasing.

2. Live-work plans shall meet guiding principles:

a. The site should be cohesively designed, mixed-use employment and residential villages designed to promote opportunities for entrepreneurial activities and new economy jobs, "missing middle" housing ownership and rental units, working lands such as agriculture, and recreation opportunities.

Commented [LG39]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Commented [LG40]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

Based on ADU standards. Jackson WY uses 400 sf/unit.

Commented [LG41]: Per Planning Commission recommendations.

Commented [LG42]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.
Consistent with RCW 36.70A.540

Commented [LG43]: Purpose of Amendment: See Section 7.4 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.
Consistent with RCW 36.70A.540

Commented [LG44]: Purpose of Amendment: Respond to variable site conditions in W-I zone. Standards are like Leavenworth, Portland and Tacoma.

Commented [LG45R44]: Revised to address comments of Naumes representative and Planning Commission Recommendations.

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b. Residential only development should be designed for townhouses, multiplex, or cottage style units. The share of the property designed for residential only use should equal about 25 percent of the site area.

c. Work-Live development should be designed to accommodate both business and residential uses in the same area. The resident owners or employee of the business shall be responsible for the business activity performed. The share of the property designed for work-live only use should equal about 25 percent of the site area.

d. Business-Agriculture development that advances wineries and distilleries, agricultural processing facility, agriculturally related industry, agricultural support services or agri-tourism uses. The share of the property designed for business-agriculture use should equal a minimum of 25 percent of the site area and may equal up to 50 percent of the site area.

e. Business uses include light industrial, office, retail, and commercial uses. The share of the property designed for business only use should equal about 25 percent of the site area. The share allowed may be less if Business-Agriculture uses are greater.

f. The conceptual plan should encourage use of open space such as by grape growers, orchardists, or other producers to use open space areas for agricultural activities as well as recreational trails open to the public.

g. Encourage future development to incorporate sustainable design principles in the design, construction and operation of the facilities.

h. Phasing may be allowed provided each phase is consistent with the overall conceptual site plan.

3. Development Area. Minimum development area shall be at least 10,000 square feet. Density shall not exceed 8.7 units per gross acre.

4. The business activity conducted shall be subject to a valid business license associated with the premises.

5. The most restrictive fire-rating requirements shall apply if multiple occupancies occupy same space.

6. Common areas may include: plazas, trails, recreation, loading areas, storage yards, main entrance, restrooms, and other shared rooms.

7. A goal is to integrate light industrial, commercial, and residential uses. The conceptual plan and site development shall evaluate and mitigate through design and placement of activities that may conflict with equipment/pedestrian or other travel, odors, noise, and vibration.

8. The conceptual site plan shall be reviewed and recorded as a binding site plan consistent with Chapter 16.24 CMC.

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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, 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 of 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 17.47 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. (Ord. 1477 § 5 (Exh. D) (part), 2014: Ord. 1423 § 2, 2011; Ord. 1377 § 4 (App. B) (part), 2009; Ord. 1257 § 3, 2002; Ord. 1114 § 6 (part), 1998).

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 17.46.040;

B. Cold storage warehouses for produce grown on the premises only;

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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 17.47. (Ord. 1477 § 5 (Exh. D) (part), 2014: Ord. 1377 § 4 (App. B) (part), 2009; Ord. 1114 § 6 (part), 1998).

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 or recreation facilities;

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 17.47; and

H. Campground or recreational vehicle parks. (Ord. 1491 § 5 (Exh. D) (part), 2015: Ord. 1477 § 5 (Exh. D) (part), 2014: Ord. 1474 § 7, 2014; Ord. 1377 § 4 (App. B) (part), 2009; Ord. 1257 § 4, 2002; Ord. 1114 § 6 (part), 1998).

I. Parks and playgrounds, including park buildings.

17.46.040 Dimensional standards.
Dimensional standards are as follows:

A. Minimum lot size and m~~M~~aximum gross density~~ of six residential units per net acre;~~:

1. Minimum lot size: twelve thousand (12,000) square feet, except where clustered consistent with open space standard 17.46.040.B.1 and cluster subdivision standards in Section 16.36.130, the minimum lot size can be eight thousand five hundred (8,500) square feet.

2. Maximum gross density:

a. SUD zones at the Chelan northwest gateway of the city limits (SR 150 west of Crystal Drive) and southwest gateway of the city limits (SR 97 west of S Millard Street):

i. one (1) dwelling unit per five (5) acres if development is not clustered subject to building placement standards of 17.04.190.C2c; or

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ii. one (1) dwelling unit per one (1) acre where the development is clustered consistent with open space standards of 17.46.040.B.1 and cluster subdivision standards CMC 16.36.130. A density bonus may be allowed per subsection 2.c.

b. SUD zone at Lord Acres (centered in vicinity of SR 150 and Dietrich Road):

i. one (1) dwelling unit per five (5) acres if development is not clustered; or

ii. three (3) dwelling units per one (1) acre where the development is clustered consistent with open space standard 17.46.040.B.2 and cluster subdivision standards in subsection 16.36.130. A density bonus may be allowed per subsection 2.c.

c. SUD Density Bonus: A twenty percent density bonus may be allowed where affordable housing is provided at a rate of 1 affordable unit for every four market rate units. Units designated as affordable shall be designated for households earning one hundred ten (110%) percent or less of the County area median income. Affordable units shall be subject to minimum 50-year deed restrictions to ensure long-term use and affordability. 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. 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.

B. Minimum ~~residential~~ open space:

1. SUD zone at Gateways: minimum 60 percent of land retained in agricultural and open space use.

2. SUD zone at Lord Acres (centered in vicinity of SR 150 and Dietrich Road): 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:

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.

D. Maximum lot coverage:

1. less than or equal to 8,500 square foot lot: thirty-five (35) 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

E. Maximum height:

1. Within public view corridor: twenty-five feet;

2. Outside of public view corridor: thirty-five feet;

F. Minimum Setback Distances.

1. Front Yard.

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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. New agricultural tourism and small-scale craft beverage production structures: twenty-five feet;

2. Side Yard.

a. Residential: five feet,

b. New agricultural tourism and small-scale craft beverage production structures: ten feet;

3. Rear Yard.

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

b. 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.

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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. 1477 § 5 (Exh. D) (part), 2014: Ord. 1377 § 4 (App. B) (part), 2009; Ord. 1114 § 6 (part), 1998).

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

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Chapter 17.47
AGRICULTURAL TOURISM

Sections:

17.47.010 Purpose statement.
17.47.020 Conflicts with other regulations.
17.47.030 General standards.
17.47.040 Low intensity uses.
17.47.050 Moderate intensity uses.
17.47.060 High intensity uses.
17.47.070 Short-term events.

17.47.010 Purpose statement.
The purpose of the agricultural tourism regulations is:

A. 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 agritourism, wineries and other value-added agricultural products, and produce stands; and enhancing and expanding tourism in the Chelan Valley.

B. 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.

C. To enable the development of supplemental sources of on-farm income that support, promote, and sustain agricultural operations.

D. 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. (Ord. 1477 § 5 (Exh. C) (part), 2014).

17.47.020 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. (Ord. 1477 § 5 (Exh. C) (part), 2014).

17.47.030 General standards.
General standards for all agricultural tourism uses shall be as follows:

A. 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.

B. New agricultural tourism uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site.

C. 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 nonresource use.

D. 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.

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E. 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.

F. 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.

G. Outdoor lighting shall comply with Chapter 17.62, Outdoor Lighting on Public and Private Property.

H. Hours of operation may be limited as deemed necessary to minimize adverse impacts to neighboring properties.

I. Agricultural tourism activities or events allowed pursuant to this section shall not involve motorized off-road vehicle (ORV) racing or similar motor vehicle activities.

J. Parcel-Size Standards.

1. 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:

a. 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.

b. 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.

c. In the case of multiple contiguous parcels under separate ownership, the use must cease if either:

i. The agreement to operate the site jointly as an agricultural tourism enterprise ends; or

ii. 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.

2. Other exceptions to the ten-acre minimum parcel size may be considered through a variance process in accordance with Chapter 17.64 CMC.

K. 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.

L. 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. (Ord. 1477 § 5 (Exh. C) (part), 2014).

17.47.040 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.

A. 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:

1. 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.

2. Sales of produce specifically exempted from local licensing requirements by RCW 36.71.090.

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B. The following low intensity uses are allowed accessory to a permitted agricultural use in zoning districts in which agricultural tourism uses are allowed:

1. 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.

2. 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.

3. Farm stands for direct sale of agricultural products grown and/or produced on site. (Ord. 1477 § 5 (Exh. C) (part), 2014).

17.47.050 Moderate intensity uses.

A. Moderate intensity uses are subject to a Type IIB permitting process (or, for sites in the unincorporated UGA, a full administrative review).

B. 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:

1. Production of value-added products from produce grown locally on or off site, for sale on site.

2. Sales of regional agricultural products (including value-added products from one or more producers) involving facilities up to one thousand five hundred 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. 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.

4. Home stay establishments offering up to four guest units, subject to the following:

a. Minimum parcel size is ten acres.

b. 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.

c. The maximum size of each guest unit shall be six hundred square feet of floor area.

d. Each guest unit may contain a kitchen.

e. The maximum length of stay is thirty days per visit.

f. The maximum number of guests is sixteen overnight guests per day.

g. Guest units shall be contained within an existing building or home, or in one or more new buildings located within a single one-acre, nonagricultural area to reduce impacts to agricultural lands.

h. 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.

5. Off-site tasting rooms as defined in the Chelan Municipal Code (CMC).

6. Short-term events up to ten 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 17.47.070.

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C. 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 twenty-five percent of the floor area of the restaurant. (Ord. 1477 § 5 (Exh. C) (part), 2014).

17.47.060 High intensity uses.
The following conditional uses are subject to the general standards in this chapter and to Chapter 17.56 CMC:

A. 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 building space in excess of ten thousand square feet.

B. Sales of regional agricultural products (including value-added products from one or more producers) involving facilities over one thousand five hundred 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. Home stay establishments offering up to ~~seven~~ twenty (20) guest units to overnight guests per day, subject to the following:

1. Requirements (~~a~~b) through (e), (g), and (h) for moderate intensity home stay establishments listed in Section 17.47.050(B)(4).

2. Minimum parcel size is four acres. Property area per home stay unit shall be approximately 0.5 acre per unit provided that buildings may be clustered centrally on the subject property.

3. The maximum number of overnight guests per day shall be no more than four times the number of guest units.

D. Short-term events up to twenty-one 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 17.47.070. (Ord. 1477 § 5 (Exh. C) (part), 2014).

E. Off-site tasting rooms as defined in the Chelan Municipal Code (CMC).

17.47.070 Short-term events.
A. The following standards apply to short-term events permitted under Sections 17.47.050 and 17.47.060:

1. The primary use of the property shall be agriculture, with the exception of sites with an approved beverage production use.

2. 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.

3. On-site parking shall be provided in accordance with Title 25, Section 9, Parking Standards.

4. 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.

5. 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 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.

B. Short-term events permitted in this chapter are not considered special events and are not subject to Chapter 5.50, Special Event License. (Ord. 1477 § 5 (Exh. C) (part), 2014).

Commented [LG46]: Adjust number of guess units based on property owner potential designs and other examples:

Current relationship is about 0.57 acres per homestay unit. The proposed parcel size is adjusted to a similar relationship of 0.5 per unit. This would mean a property size of up to 10 acres, similar to the minimum parcel size of Moderate Intensity uses.

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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 accommodation 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 [LG47]: Intent of this cross reference to R-M translated to 17.48.040 below.

Commented [LG48]: Staff suggests this wording addition may help with interpretation to distinguish from a resort plan. The other listed uses such as food, drink, spas, etc. are already considered as allowed uses.

Resorts are places or towns or commercial establishments that provide relaxation and recreation over and above the accommodation, meals and other basic amnesties. The characteristic of resort is that it combines a hotel and a variety of recreations; it serves food, drink, lodging, sports, entertainment, relaxation such as spa and shopping. Generally, hotels located inside resorts are known as resort hotels.
http://www.differencebetween.com/difference-between-resort-and-hotel/

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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 m~~M~~inimum 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. 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 [LG49]: Changes designed to match R-M – which was the intent of 17.48.010.A.

Commented [LG50]: Match R-M – which was the intent of 17.48.010.A.

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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.

Scenario	Gross Density Units Per Acre
Utilities, No Clustering	0.20
Utilities, Clustering	1.00
With Clustering and Density Bonuses	Up to 1.5 (maximum achievable if including one or more bonuses below)
Recreational trail system open to general public, or public amenities open to general public and offering scenic views or contributing to active lifestyle	Add 0.25
Increased open space or agricultural retention ten (10) percent above minimum required	Add 0.25
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.	Add 0.25
Resort Plan for property with minimum of 20 acres, subject to performance standards	4 to 8.7 by Conditional Use Permit

Commented [LG51]: 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 [LG52]: Per Planning Commission Recommendations and Recreational Use Immunity: http://mrsc.org/Home/Stay-Informed/MRSC-Insight/April-2014/Bike-Trails-for-Transportation-or-Recreation-mdash.aspx

Commented [LG53]: Match Comp Plan Text

Commented [LG54]: Match affordability language in other portions of the code.

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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.

Commented [LG55]: Townhouses are allowed but lot sizes didn't accommodate fee simple townhouses; this text allows appropriate development standards for them. 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 [LG56]: Allow for townhouses through Resort Plan.

Commented [LG57]: Allow for townhouses with similar coverages as R-M.

Commented [LG58]: 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.

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a. Residential: five feet,

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: 40 feet

Commented [LG59]: Per Planning Commission Recommendations.

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 CMC 17.56.340.

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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 [LG60]: Responds to comments. 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;

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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 [LG61]: Responds to comments. Addresses Senior Housing Initiative.

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Chapter 17.52
ZONE P-DD – PLANNED DEVELOPMENT DISTRICT[1]

Commented [LG62]: Purpose of Amendment: See Section 7.8 of May 2017 Code Amendment Report and July 2017 Planning Commission Recommendations.

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;

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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~~considered a zoning district overlay 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, and shall be consistent with the base zone. PDDs may specifically permit all proposed uses and developments which can be shown to be in conformance with the policies of the comprehensive plan and the uses allowed in the base zone. 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 without the PDD overlay, 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. A Preliminary PDD may be concurrently processed with a Comprehensive Plan Future Land Use Plan/Zoning district map amendment.

B. Except where processed with as part of a Comprehensive Plan Future Land Use Plan/Zoning district map amendment, ~~The~~ a preliminary development plan and final development plan may be combined and processed together through the review process as a final development plan.

~~B~~C. 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~~D. 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

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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 a project narrative and a conceptual master site plan that allows for analysis of overall project concepts and phasing as well as review of how the major project elements work together to implement City goals and policies. Master plan review allows for consideration and mitigation of cumulative impacts from large-scale development and allows for coordination with City capital improvement planning. Master plan review should occur at an early stage in the development of a project, when the scale, intensity and layout of a project are known. Specific application materials include 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 conceptual master site plan showing compatibility of development within the master plan area, and compatibility of anticipated uses in areas adjacent to and abutting the master plan area. The conceptual features shall be illustrated on 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. Unless waived in writing by the city planning department as inapplicable or unnecessary to the understanding of the preliminary PDD, the conceptual master site plan shall ~~showing~~ show 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~~conceptual grading, drainage, and landscaping~~, lighting and fencing~~ plans;

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 development areas including building footprints, including ~~dimensions~~conceptual elevations or illustrative photos of similar development, 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.

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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 Comprehensive Plan and base zone, as well as PDD ~~zone~~ criteria, and where the project differs from existing standards for similar uses or facilities outside ~~of the PDD zone~~without the PDD. (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;

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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~~ comprehensive plan for the city for the area containing the PDD if, in the opinion of the hearing examiner, the design of the PDD will offer public benefits not otherwise achievable under the current zoning standards, and if it is demonstrated that the PDD with the density bonus 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.

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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).

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17.52.130 Public Benefit Demonstration~~Common open space requirements.~~

A. **Common open space requirements.** In residential PDDs there shall be a minimum of ~~ten~~ twenty (20) percent of the total area of the PDD dedicated or reserved as usable common open space land consisting of land that is not otherwise protected from development such as critical areas. 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).

C. The development shall demonstrate that it will meet a community need or provide improvements or project features that exceed the requirements of the other chapters of this title, the other titles of the city code, and the city design and construction standards. A development shall provide a demonstrable public benefits, including at least two of the following:

1. Project includes senior or special needs housing, of at least 20 percent of total units, guaranteed to be dedicated to such use for a period of not less than 50 years through a deed restriction or other form acceptable to the Administrator or City Attorney.

2. Project provides two or more housing types that create greater housing variety and affordability that are not found or rare in the community.

3. Project involves the voluntary undergrounding of existing above ground utilities where such undergrounding would not otherwise be required.

4. The Administrator, in consultation with the city parks department, determines that the project creates a park or trail system improvement not otherwise required by city development regulations that furthers the goals and objectives of an adopted city parks, recreation, trails, and/or open space plan.

5. The project design demonstrates a superior level of protection and/or enhancement for elements of the environment, including: air quality, water quality, natural topography, native vegetation, etc. For purposes of this category, superior level of protection and/or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or restore critical functions and values of the environmental element.

6. Project design includes nonmotorized transportation features and amenities not otherwise required by the city code.

7. Project improves the public street(s) adjacent to the project site using a complete streets design to provide accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, where such improvements are not otherwise required by city development regulations.

8. The development provides public art and cultural amenities that reinforces the community's identity and character, and has a long-term maintenance plan and agreement acceptable to the City.

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9. Project demonstrates a high degree of innovation by providing one or more design features not listed elsewhere in this rating instrument or otherwise required by city development regulations that promote(s) sustainability, energy/water conservation or efficiency, community cohesion, neighborhood safety, adaptive reuse of existing development, or enhanced transportation circulation/mobility.

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

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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: Ord. 983 § 1 (part), 1994).

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 one type of dwelling unit is not converted to another type (e.g. single family to multi-family or multi-family to single-family); 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).

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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).

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[1] Prior legislation: Ord. 469 § 3.

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Chapter 17.54
MANUFACTURED HOUSING PARKS[1]

Sections:

17.54.010 Districts where manufactured housing parks are permitted.
17.54.020 Siting requirements for manufactured housing parks.
17.54.030 Design standards for manufactured housing parks.
17.54.040 Installation requirements for manufactured and/or mobile homes within a manufactured housing park.
17.54.050 Occupancy restrictions.
17.54.060 Manufactured housing park permits.
17.54.070 Inspections.
17.54.080 Manufactured housing park management.
17.54.090 Uninhabitable manufactured and/or mobile homes within a manufactured housing park.
17.54.100 Violations, penalties and enforcement.

17.54.010 Districts where manufactured housing parks are permitted.
Manufactured housing parks are permitted only in the Single-Family Residential (R-~~1~~L), Multi-Family Residential (R-M) Districts, Special Use District (SUD) and Tourist Accommodations (T-A) District (may not be used as vacation rental). (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.020 Siting requirements for manufactured housing parks.
A. 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;

B. No manufactured housing park shall be developed on any tract of land less than one acre in size. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.030 Design standards for manufactured housing parks.
A. 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;

B. No manufactured housing park shall include more than fifty manufactured and/or mobile homes;

C. No manufactured housing park shall allow recreational vehicles to be used for seasonal, permanent, or year-round habitation;

D. A manufactured housing park may include one or more community buildings for the use of park residents or to house park administrative offices;

E. Interior Road System.

1. 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;

2. 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;

3. 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;

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4. All public roads within a manufactured housing park shall be constructed in accordance with the city's street standards;

5. Interior Road Width. Interior roads shall comply with one of the following standards:

a. A minimum width of twenty-eight feet, including an eight-foot-wide parking lane on one side; or

b. A minimum width of twenty 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 one hundred fifty feet apart.

6. Streets designed to have one end permanently closed shall be no longer than one hundred fifty feet and shall otherwise conform to the city standards for such streets.

F. Parking. Two spaces per unit shall be required.

1. 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.

2. Additional required parking spaces shall be directly accessible from the interior roads.

G. 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, Chapter 17.62, or as amended.

H. 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.

I. 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.

J. Waste Collection and Disposal.

1. Garbage collection is compulsory in the city of Chelan. All manufactured housing parks shall comply with Chapter 8.20 and any other applicable city and state garbage and refuse regulations.

2. 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.

3. 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.

4. Garbage containers shall be screened with a view-obscuring fence or hedge.

K. Spacing of manufactured and/or mobile homes and accessory structures shall be as follows:

1. There shall be a minimum distance of ten feet between manufactured/mobile homes, including any attached structures, such as decks, steps, porches or awnings;

2. There shall be a minimum distance of ten feet between any manufactured and/or mobile home and a detached accessory structure, with the following exception: carports built of nonflammable materials may be located five feet from a manufactured and/or mobile home.

L. Minimum setback distances for manufactured and/or mobile homes and accessory structures shall be as follows:

1. 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;

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2. Front setback from manufactured housing park interior road: twenty-five feet;

3. Side setback from manufactured housing park interior road: ten feet;

4. Setback from any required perimeter buffer: five feet;

5. There shall be a minimum of five feet 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.

M. Landscape and Buffer Requirements.

1. A minimum ten-foot Type B ("filtered screen") landscaped buffer shall be required around the perimeter of the park.

2. 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 twenty-five-foot front setback.

3. A permanent irrigation system shall be installed to ensure adequate health of the landscaping in all required buffers.

4. 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.

N. Common Open Space.

1. No less than ten percent of the total area of a manufactured housing park shall be dedicated to common open space for the use of park residents;

2. Every manufactured housing park shall contain at least two thousand five hundred square feet of continuous open space per acre of park size;

3. The minimum common open space must be accessible to all residents;

4. Common open space shall be planted with lawn, landscaped, or surfaced for recreational use (e.g., paths, walkways, play areas);

5. Common open space shall be suitable for active or passive recreational use;

6. Common open space shall not include natural areas protected by ordinance;

7. Not more than fifty percent of common open space may include landscaped buffers;

8. Not more than fifty percent of common open space may be paved.

O. Storage.

1. Manufactured housing parks are subject to the city of Chelan's nuisance regulations, Chapter 8.26, or as amended, and all other applicable regulations regarding outdoor storage.

2. 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.

3. Any boat, boat trailer, or recreational vehicle parked within the manufactured housing park shall be placed in a storage area. (Ord. 1448 § 6 (Exh. F) (part), 2012).

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

A. Installation of a manufactured and/or mobile home in a manufactured housing park requires a city of Chelan manufactured home installation permit.

B. Manufactured Homes. Each manufactured home placed within a manufactured housing park shall:

1. 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;

2. Be no more than three years old, with the following exceptions:

a. No age limitation shall apply to manufactured homes placed in manufactured housing parks that were legally in existence before June 12, 2008.

b. 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;

3. 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;

4. Be thermally equivalent to the state energy code;

5. Have all appropriate seals affixed to the outer skin as required by the State Department of Labor and Industries;

6. Be installed in accordance with Chapter 43.22A RCW, Mobile and manufactured home installation.

C. Mobile Homes.

1. 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.

2. Each mobile home placed within a manufactured housing park shall:

a. Be secured to the ground in a manner approved by the Chelan building official, and skirted with weather-resistant, noncombustible material compatible with the exterior finish of the mobile home.

b. Maintain a minimum of eighteen inches crawl space under the entire mobile home.

c. 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.

d. Have all appropriate seals affixed to the outer skin as required by the State Department of Labor and Industries.

D. 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:

1. Be placed on a manufactured and/or mobile home space according to a pre-submitted and approved plot plan as described on the permit;

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2. 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;

3. Be served by a water supply and sewer disposal system meeting the established city requirements;

4. Have all running gear including axles removed, if any;

5. Have the tongue removed, if applicable.

E. Each manufactured and/or mobile home placed on a manufactured and/or mobile home space in a manufactured housing park may:

1. Have accessory structures normal for manufactured and/or mobile homes, such as an awning, carport, deck or porch, steps, and storage facilities; provided, that:

a. All detached structures must be permitted and inspected by the city building official; and

b. 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"; and

c. No more than one carport and one storage facility will be allowed on any space. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.050 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. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.060 Manufactured housing park permits.
A. Plan Submittal Requirements.

1. 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:

a. A detailed site plan;

b. A grading, drainage, utility, and lighting plan, including topographic contours with an interval of not less than two feet;

c. A landscape buffer plan;

2. The city shall reserve the right to refuse to examine any incomplete, unintelligible, or indefinite drawings;

3. 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.

B. 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.

C. Alterations. All alterations of and additions to a manufactured and/or mobile home require:

1. A city of Chelan building permit be obtained, as administered by the building official;

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2. 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. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.070 Inspections.
A. Each manufactured and/or mobile home approved for placement in an established manufactured housing park shall be subject to the following inspections:

1. Footings and foundations prior to placement of the manufactured and/or mobile home;

2. Tie-downs, if any, prior to installation of outer covering between manufactured/mobile home and ground;

3. Steps and the outer covering between the manufactured and/or mobile home and the ground.

B. 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. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.080 Manufactured housing park management.
A. The landlord, as defined in Chapter 59.20 RCW, shall comply with all sections of Chapter 59.20 RCW.

B. 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. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.090 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. (Ord. 1448 § 6 (Exh. F) (part), 2012).

17.54.100 Violations, penalties and enforcement.
A. 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.

B. 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 violation.

C. Except as otherwise expressly provided, any violation of this chapter shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 4 (Exh. R), 2015: Ord. 1448 § 6 (Exh. F) (part), 2012).

[1] Prior legislation: Ords. 314, 544 and 1061.

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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~~medical facilities.
17.56.110 Churches.
17.56.120 Municipal building/structure.
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 or recreation facilities.
17.56.310 Single-family residences.
17.56.320 Expanded home occupation.
17.56.330 Campground or recreational vehicle parks.
17.56.340 Resort Plans in T-A Overlay

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 Section 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. 1448 § 6 (Exh. G) (part), 2012: 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 11, 1995).

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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.

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-~~1~~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. (Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1206 § 2 (part), 2001: Ord. 314 § 14 (part), 1962).

17.56.030 Permit – Duration.
If not otherwise specified by the 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1206 § 2 (part), 2001: Ord. 314 § 14 (part), 1962).

17.56.040 Enforcement authority.
The planning and community development director 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. Except as otherwise expressly provided, any violation of this title regarding a conditional use shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 4 (Exh. S), 2015: Ord. 1448 § 6 (Exh. G) (part), 2012: 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14 (part), 1962).

17.56.060 Home occupations.
Minimum conditions are as follows:

A. Districts permitted: R-~~1~~ L 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;

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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. 1448 § 6 (Exh. G) (part), 2012: 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. Districts permitted: DSF Downtown Single-Family, DMR Downtown Mixed Residential, TMU Tourist Mixed-Use, DMU Downtown Mixed-Use, R-~~1~~ L 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. 1448 § 6 (Exh. G) (part), 2012: 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~~ L Single-Family Residential District;

b. R-M Multi-Family Residential District;

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

a. R-~~1~~ L Single-Family Residential District;

b. R-M Multi-Family Residential District;

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

a. 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. 1448 § 6 (Exh. G) (part), 2012: 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. Districts 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14D, 1962).

17.56.100 Clinics, hospitals, and ~~sanitariums~~medical facilities.
Minimum conditions are as follows:

A. Districts permitted: R-M Residential District, DMR Downtown Mixed Residential. (Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 998 § 1, 1994; Ord. 314 § 14E, 1962).

17.56.110 Churches.
Minimum conditions are as follows:

A. Districts permitted: R-~~1~~ L Residential District, R-M Residential 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1183 § 1, 2000; Ord. 1176 § 2, 2000; Ord. 1022 § 12 (part), 1995; Ord. 314 § 14F, 1962).

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17.56.120 Municipal building/structure.
Minimum conditions are as follows:

A. Districts permitted: R-~~1~~ L Residential District, R-M Residential 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. 1448 § 6 (Exh. G) (part), 2012: 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. Districts permitted: R-M Residential District, SUD Special Use District, T-A Tourist Accommodations District.

B. Minimum Conditions.

1. Other requirements of the district in which the structure is located. (Ord. 1477 § 5 (part), 2014: Ord. 1448 § 6 (Exh. G) (part), 2012: 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.

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~~ L Residential District. (Ord. 1448 § 6 (Exh. G) (part), 2012: 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995; Ord. 314 § 14K, 1962).

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17.56.170 Mortuaries.
Minimum conditions are as follows:

A. Districts 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 314 § 14L, 1962).

17.56.180 Public dance halls.
Minimum conditions are as follows:

A. Districts 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. 1448 § 6 (Exh. G) (part), 2012: 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. 1448 § 6 (Exh. G) (part), 2012: 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 Waterfront Commercial district;

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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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1022 § 12 (part), 1995; Ord. 730 § 5, 1984).

17.56.230 Bed and breakfast.
Minimum conditions are as follows:

A. Districts Permitted.

1. R-~~1~~ L 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 Section 19.10.040.

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.

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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. (Ord. 1491 § 6 (Exh. G), 2015: Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1114 § 8, 1998; Ord. 1040 § 1, 1996; Ord. 1022 § 12 (part), 1995; Ord. 800 § 7, 1987).

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. Districts permitted: C-HS Highway Service Commercial District, C-W Waterfront Commercial District and 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. 1448 § 6 (Exh. G) (part), 2012: 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 soundproof 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.

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5. The housing of livestock overnight will not be permitted. The housing of small animals overnight will be minimized. (Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 925 § 2, 1991).

17.56.270 Brewpubs.
Minimum conditions are as follows:

A. District permitted: the T-A Tourist Accommodations 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 a.m.

6. Restaurants with brewpubs in the Tourist Accommodations 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. 1448 § 6 (Exh. G) (part), 2012: 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~~ L 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~~ L 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~~ L zoning districts 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

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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~~ L 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~~ L zone and that reasonably comparable services cannot be obtained without use of a large satellite dish antenna. (Ord. 1448 § 6 (Exh. G) (part), 2012: 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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1377 § 6 (App. D) (part), 2009).

17.56.300 Community waterfront parks or recreation facility.
A. Purpose. The intent of this section is to provide provisions for public open spaces or recreation facilities 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~~one hundred seventy-five (175) feet in length would be excluded from this requirement.

Commented [LG63]: Note: SMP allows up to a maximum of 300 feet but does not have an exclusion at 175 feet (however it would not be in conflict since the maximum is 300 feet).

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 or recreation facility adjacent to single- family homes. Buffers are not applicable to stand-alone community docks.

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2. New community waterfront parks or recreation facility 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. (Ord. 1491 § 7 (Exh. I) (part), 2015: Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1377 § 6 (App. D) (part), 2009).

17.56.310 Single-family residences.
Minimum conditions are as follows:

A. District permitted: W-I Warehouse and Industrial District.

B. Minimum Conditions.

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

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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. 1448 § 6 (Exh. G) (part), 2012: 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.

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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. 1448 § 6 (Exh. G) (part), 2012: Ord. 1423 § 3, 2011).

17.56.330 Campground or recreational vehicle parks.

A. Purpose. The city council finds that campground and recreational 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 recreational vehicle park shall be used as a permanent place of habitation or dwelling for more than one hundred eighty days in any twelve-month period. Occupying a different space or site shall be included in the one-hundred-eighty-day calculation.

2. Tenant or resident stays within the park are limited to no more than one hundred eighty days in any twelve-month period.

3. The applicant shall state the number and location of extended stay sites. The hearing examiner may reduce the number of days and sites within the twelve-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 recreational 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 one hundred eighty days in any twelve-month period.

7. The minimum site area of a campground or recreational vehicle park shall be three acres with a maximum of ten 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 fifteen units per gross acre;

b. Campsite Size. Each individual recreational vehicle site shall be not less than one thousand five hundred square feet in size;

c. Access Points. Entrances and exits to the campground or recreational vehicle park shall be designed for safe and convenient movement of traffic into and out of the campground or recreational vehicle park and to minimize friction with free movement of traffic and adjacent streets. All traffic into and out of the campground or recreational vehicle park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street;

d. Parking.

i. At least one parking space shall be provided on each designated recreational vehicle or campsite;

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ii. At least one parking space for each five sites shall be provided for visitor parking in the campground or recreational 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 twenty 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 recreational vehicle parks except:

i. One identification sign at each entrance of the campground or recreational vehicle park which may be indirectly lit, but not flashing, and not to exceed sixteen square feet of copy area;

ii. Directional and information signs for the convenience of occupants of the campground or recreational vehicle park and located internally;

h. Utilities. Campgrounds or recreational vehicle parks shall be connected to the city water and sewer for restroom facilities as required by subsection (B)(8)(m) of this section. 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 Chapter 17.62;

k. Buffer Zones. Recreational vehicles shall be parked no closer than thirty feet from existing main road and no closer than sixty 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, the minimum number of which shall be one commode and one shower for each twenty 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 recreational vehicle park shall have an on-site manager available twenty-four hours per day, seven days per week; and

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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 and second year(s) of operation by the planning department and thereafter every five years or other time frame specified in the conditional use permit. Any violations of a conditional use permit shall be enforced under the uniform code enforcement process. (Ord. 1491 § 5 (Exh. F) (part), 2015).

[1] Code reviser's note: Ord. 1423 adds these provisions as Section 17.56.310. The section has been editorially renumbered to prevent duplication of numbering.

17.56.340 Resort Plans in T-A Overlay

A. Resort Plan Definition: A Resort Plan is a master plan offering tourist accommodations, recreational, and residential uses. The planned uses, circulation, and amenities are configured around a major recreational activity, agricultural uses, or open space. Supporting uses may include restaurant, retail, and personal services or other similar uses allowed in the T-A zone. The proportion of tourist accommodations and residential uses may be determined by a market study.

Commented [LG64]: Staff recommends including a definition of the Resort Plan for clarity.

B. Purpose and Intent: The purpose and Intent of considering conditional use permit applications for a Resort Plan include:

1. Encourage recreational activities that rely on natural attributes of the area, contribute to the community's character and economy and have had a long-standing, beneficial role in the community.
2. Design resort master plans that meet community goals and respond to the unique circumstances of the resort area;
3. Permit resort development that contributes to expanding the winter and shoulder economic seasons;
4. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area;
5. Encourage affordable housing;
6. Encourage a healthy, active lifestyle for residents and visitors;
7. Promote design that respects critical areas, wildlife risks, and public views; and
8. Promote the community's long-term health, welfare, and well-being.

C. Site Area: A Resort Plan shall be no less than 20 acres in size. All properties in contiguous ownership shall be considered in one application. Resort development may be undertaken in phases, but only following completion of review and approval of a full resort buildout plan.

D. Applications:

1. A Preliminary Resort Plan shall be processed with a concurrent preliminary subdivision plan or general binding site plan in the form required in Title 16 of the Chelan Municipal Code.
2. In addition to requirements of Title 16, a preliminary resort plan shall include:
   a. a project narrative demonstrating consistency with resort plan requirements and other provisions of the CMC; and
   b. a scaled master conceptual site plan, identifying critical areas, proposed areas of development, proposed recreation and open space, conceptual grading and drainage, parking, roads, and access;
   c. illustrations, architectural sketches, photos or drawings to assist in understanding and visualizing the design and use of the completed proposed development; and
   d. illustration and calculation of general height, bulk, number of dwelling units and square footage of

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commercial buildings.
Actual building permit plans or construction drawings are not required with a preliminary resort plan.

3. A final resort plan shall be combined with a final binding site plan and final subdivision.

E. Performance Standards:

1. Consistency with Comprehensive Plan. The resort plan is consistent with the goals and policies of the Chelan Comprehensive Plan.
2. Consistency with Purpose and Intent. The Planned Resort master plan is substantially consistent with the purpose and intent of this Section, as set forth in Subsection A.
3. Clustering and Open Space. The Resort provides a development plan with at least 60 percent of the land in recreation, critical area, and open space use.
4. Resort Amenities: The Resort shall include public access to a recreational amenity around which the resort development is oriented. Recreational amenities may include parks, trails, or other recreational facilities identified as a need in the City's Parks, Recreation, and Open Space Plan. The recreation amenity shall be a central organizing feature of the development.
5. Open Space: At least sixty-five (65) percent of resort is in open space, recreation, or agriculture use.
5. Affordable and Employee Housing. The Planned Resort master plan ensures a supply of affordable housing or employee housing that would otherwise not be available without the resort plan. A minimum of twenty (20) percent of dwellings are affordable to households earning eighty (80) percent or less of the county 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. 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. Affordable or workforce units shall remain affordable for a period of 50 years.
6. Design Guidelines. The resort plan contains design guidelines that:
a. Establish standards for buildings, public realm spaces, signs, street cross sections, and lighting
b. Promote the following design concepts:
i. Protection of critical areas and natural features including slopes
ii. Protection of designated public views as demonstrated through provision of a 3-D visual resources analysis
iii. Creation of a sense of arrival
iv. An attractive, safe, and direct multimodal streetscape
v. Integral public spaces for interaction and public events
vi. Site design allowing both privacy and opportunities for use of common space.
vii. Configuration of lots or units that is suitable when considering topography, emergency access and minimization of wildland fire risk, and other natural features.
viii. Compatibility with surrounding properties in terms of bulk, scale, structural mass, and character, including use of transitional features.
7. The Resort Plan promotes multimodal forms of transportation, manage the generation of resort related traffic consistent with City levels of service, and provide a fair share of transportation facilities consistent with City transportation plans, standards, and regulations.
8. The Resort Plan ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands.
9. The Resort Plan provides a phasing plan that ensures development of the resort, its amenities, and public facilities necessary to serve the resort, occur in logical sequence and that an adequate monitoring program is established for determining accomplishment of proposed conditions and mitigation measures for projected impacts on the community.
F. Conditions: The responsible official may impose mitigating conditions or limit the scope of some or all of the Resort Plan based on the environmental review and using authority provided pursuant to the State Environmental Policy Act and consistency with provisions of the Chelan Municipal Code.

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Chapter 17.58
SIGNS[1]

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 *Repealed.*
17.58.120 *Repealed.*

17.58.010 Short title.
This chapter shall be known as the "sign code" of the city of Chelan. (Ord. 1417 § 3 (Exh. B) (part), 2011: 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. 1417 § 3 (Exh. B) (part), 2011: 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. 1417 § 3 (Exh. B) (part), 2011: 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.

[1] Prior legislation: Ords. 768, 789 and 892.

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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:

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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, except within the downtown planning area.

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. “Easement sign” is an off-premises freestanding sign located within an ingress and egress easement providing access to the off-premises business and the easement specifically allows for signage. Easement signs shall obtain a conditional use permit and be limited to freestanding signs meeting the requirements of CMC 17.58.060.

12. “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.

13. “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.

14. “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.

15. “Illuminated sign” is a sign internally illuminated in any manner by an artificial light source within which the light source is not exposed.

16. “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.

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17. “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.

18. “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.

19. “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 sign shall be considered a wall sign.

20. “Monument sign” is a type of freestanding sign supported by an internal structural framework or integrated into the landscaping or other solid structural features other than support poles.

21. “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.

22. “Mural” is a painting applied directly to a wall or building.

23. “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.

24. “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.

25. “On-premises directional sign” is a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.

26. “Pennants” or “streamers” are long tapering flags or strips of material used to attract attention to a business, place, or area.

27. “Political sign” is a sign identifying or expressing a political candidate or viewpoint on public issues decided by ballot.

28. “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.

29. “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.

30. “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.

31. “Real estate sign” is a sign that advertises the real estate on which it is located for rent, lease, or sale.

32. “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.

33. “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.

34. “Shadow lighting” refers to sign composed of letters and/or images that are suspended and parallel to a wall or surface, where lighting projects from the back of the letters/images to the wall or surface, creating a shadow effect.

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35. “Standing sign” is a type of freestanding sign supported by a structural post that extends from the outside edge of one or both sides of the sign.

36. “Suspended sign” is a sign which hangs below the permanent overhang, marquee or canopy extending over public or private sidewalks or rights-of-way.

37. “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.

38. “Time and temperature” is that portion of a sign intended to display only the time of day and current temperature.

39. “Wall graphic” is a wall design in which color and form are part of an overall design on the building.

40. “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.

41. “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. 1417 § 3 (Exh. B) (part), 2011: 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;

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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 17.58.040(U); 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 after the election to which the signs pertain;

19. 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;

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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, except as allowed in CMC 17.58.060. B.7.

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. 1417 § 3 (Exh. B) (part), 2011: 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.

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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.

7. Electronically changeable message sign. Such signs may be permitted on properties zoned PLF subject to the sign size and location restrictions applicable to the sign type, e.g. wall, projecting, freestanding, directory, etc.

Commented [LG65]: Purpose of Amendment: Consistent with Comprehensive Plan policy (most relevant for schools).

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C. Exceptions to Design Requirements. The following are exceptions to the design requirements set forth in subsection B of this section.

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 located outside of the downtown planning area (see Figure 1 below) 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 subsection (B)(1) of this section.

c. Sandwich-Board Signs. The same requirements apply as set forth in subsection (B)(4) of this section.

d. Wall Signs. The same requirements apply as set forth in subsection (B)(6) of this section.

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.

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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.

10. Downtown Planning Area. Signs within the downtown planning area (see Figure 1 below) shall also comply with the following standards below:

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City of Chelan
Downtown Master Plan
Planning Area Boundary
Don Morse Park
Marina
Campbells Resort
Lakeside Trail
Riverside Park
Public lake access
City Hall
Community Gymnasium
Chelan
Wenatchee
Woodin
Wapato
Columbia
Emerson
Sanders
Bradley
Navarre
Manson
Alan
Nixon
Goode School
US 97A
Chelan
Chelan
Chelan

Freestanding Sign Requirements[1,2]	**Monument Sign**	**Standing Sign[3]**
Height Limit	42" to 6'	6'
Maximum Sign Area	20 – 40 sf[4]	16 sf
Minimum Setback	2' from back of existing or planned sidewalk	2' from back of existing or planned sidewalk
Landscaping[5]	1 sf landscaping per 1 sf of sign face	1 sf landscaping per 1 sf of sign face
Minimum Frontage	50'	50'

Notes:
1. A minimum lettering height of six inches for the primary business name and three inches for secondary business names is recommended for readability.
2. Buildings on corner lots may have one sign per street frontage provided the signs are separated by at least one hundred fifty feet (measured in a straight line). Corner lots may use different street frontages separately in terms of calculating maximum monument sign area.
3. Standing signs shall include a wood, metal, or other similar and durable material for framing and support. Standing signs shall utilize two support legs. No internal sign lighting is permitted.
4. The maximum area of freestanding signs shall not exceed twenty 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 forty square feet.
5. Landscaping includes a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The planning manager may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials.

Figure 3. Acceptable examples of monument and standing signs.

d. Projecting Signs. Projecting signs shall meet the standards set forth in subsection (B)(3) of this section plus: Projecting signs shall not cover or conflict with windows or other substantial architectural features of a building, as determined by the director.

e. Banner Signs. Banner signs shall comply with projecting sign requirements set forth in this section, except:

i. Projection. No more than four feet from the building facade.

ii. Number of Signs. Multiple banner signs are permitted on a facade provided they use consistent spacing/placement and bracket design and meet other applicable standards herein.

Figure 4. Banner sign examples.

f. Suspended Signs. One suspended sign is permitted for each business in a storefront building provided they meet all the following requirements:

i. Projection. Suspended signs shall have one foot minimum between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.

ii. Clearance. Suspended signs shall maintain a minimum clearance of eight feet between the walkway and the bottom of the sign.

iii. Vertical Dimension. Suspended signs shall not exceed one foot in height.

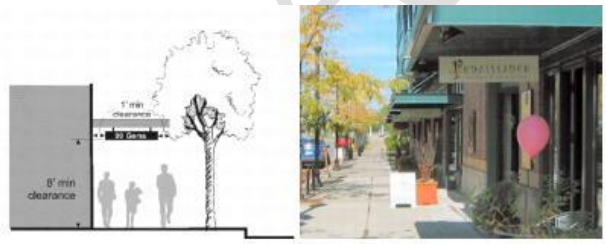

Figure 5. Suspended sign examples.

g. Wall Signs.

i. Size. 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.

ii. Location and Design.

(A) Location. Wall signs shall be centrally located per the architectural features on the facade. Wall signs shall extend no wider than eighty percent of the width of the facade or storefront space. For example, most buildings are designed with specific areas of the building intended for signage – applicants shall utilize these areas for signage. Signs shall not cover over windows or other significant architectural features, as determined by the director. Where there is more than one tenant on the facade, signs should be centered above the storefront space, where architectural features allow. For multi-story

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buildings with upper level commercial tenants, signs may be located on applicable upper levels provided they meet applicable standards herein.

(B) Shape/Design. Applicants are encouraged to design and shape signs consistent with the architectural features of the facade. For example, rounded signs can look out of place in rectangular spaces unless they are centered or proportioned to fit the space. See Figures 6 and 7 for good and bad examples, respectively.

(C) For buildings built prior to 1950, applicants are encouraged to find historical photos (prior to 1950) to find appropriate examples of signage for the subject building.

(D) Maximum Height. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building. Except for signs identifying the name of the building, wall signs shall not be placed above the second floor of any buildings featuring more than two stories.

(E) Mounting. Wall signs must be mounted plumb with the building, with a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices. The sign frame must be concealed or integrated into the building's architectural character in terms of form, color, and materials.

(F) Lettering. The maximum height for lettering is three feet. The maximum height for logos is four feet. Greater heights for lettering and logos may be approved by the director when designed proportional to the building facade.

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Figure 6. Examples of wall signs located, sized, and shaped compatible with the facade.

Figure 7. Unacceptable wall sign examples. These signs are out of scale with the facades and appear to cover over historical architectural features.

iii. Signs located on fire walls on the side of storefront buildings shall not include internal illumination.

Figure 8. Acceptable fire wall sign example.

(Ord. 1417 § 3 (Exh. B) (part), 2011: 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. 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.

C. Request for Consideration/Extension. The city has established the time periods stated in subsection B of this section 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.

D. 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 subsections (D)(1), (2), (3), or (4) of this section, 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. 1417 § 3 (Exh. B) (part), 2011: 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.

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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. 1417 § 3 (Exh. B) (part), 2011: 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. 1417 § 3 (Exh. B) (part), 2011: Ord. 1022 § 13 (part), 1995).

17.58.110 Appeals.
Repealed by Ord. 1502. (Ord. 1417 § 3 (Exh. B) (part), 2011: Ord. 1022 § 13 (part), 1995).

17.58.120 Enforcement and sign removal.
Repealed by Ord. 1502. (Ord. 1417 § 3 (Exh. B) (part), 2011: Ord. 1022 § 13 (part), 1995).

[1] Prior legislation: Ords. 768, 789 and 892.

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Chapter 17.59
HILLSIDE DEVELOPMENT AND DESIGN STANDARDS

17.59.010 Purpose and Definition.

A. Purpose: The steep hillsides surrounding Lake Chelan are a defining natural feature and source of community identity for the City of Chelan. Views of the hillsides from public places are a community asset and preserving the hillsides are important for maintaining water quality in Lake Chelan. Due to limited land within the City, the hillsides also provide significant opportunities for new development including housing, tourist accommodations, agriculture, and agri-tourism uses. It is in the interest of the City and community to balance these competing interests and support community goals such as the preservation of public views, minimizing environmental impacts from new development, maintaining the community character of Chelan, providing affordable housing, and maintaining a strong year-round economy. The hillside development and design standards are intended to further these community goals and implement the Comprehensive Plan.

B. Definitions:

1. Minimize: Where the word minimize is used in this code, it means to reduce to the smallest possible amount, extent, size, or degree consistent with the intent of the guiding principles of this code.

2. Other Definitions: See Chapter 19 CMC.

17.59.020 Guiding Principles.

The following guiding principles further define the intent and purpose of the Hillside Development and Design Standards and are not intended to be regulatory language.

A. Principle #1 – Where feasible locate hillside development in areas that are not visible or have less visual impact from public places while preserving open space

B. Principle #2 – Design streets, sites, and buildings to integrate with the natural topography and minimize the need for regrading

C. Principle #3 – Hillside development should avoid impacting streams, ravines, wildlife habitats, ridgelines, and other natural features

D. Principle #4 – Design sites and buildings to minimize visual impacts from major public viewing areas. Consider use of techniques such as:

1. Clustering of buildings

2. The use of vegetation to minimize the visual impact

3. Building massing and modulation to minimize bulk and scale and the overall visual impact

4. Use of façade materials that blend with natural environment

E. Principle #5 – Design sites and infrastructure to ensure public safety by minimizing impacts from erosion, dust, fires, floods, landslides, and other natural hazards both during and after construction

F. Principle #6 – Establish hillside development standards to maintain Chelan's character, promote high-quality hillside development, and support implementation of the guiding principles.

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G. Principle #7 – Phase land disturbance to the maximum degree practicable. Focus grading in initial phases to construct the infrastructure for the project. Avoid mass grading, and defer clearing and grading of individual lots to the building permit stage.

17.59.030 Applicability.

The Hillside Development and Design Standards apply to any development application that involves erosion hazard areas (slopes 30% greater) including subdivisions, site plan applications, conditional use permits, critical area permits, and building permits. These standards do not apply to permits and development agreements approved prior to the effective date of these standards.

17.59.040 Submittal Requirements

For all subdivisions involving erosion hazard areas the following items shall be submitted for the pre-application review and are in addition to the requirements for a preliminary plat application identified in CMC 16.04.090. In addition, the City may require third-party review from qualified professionals if necessary to determine compliance with the design and development standards. The applicant is required to pay all costs for third-party review. Modifications to site and building plans may be requested with a building permit application, but must be consistent with the approved subdivision.

A. A map identifying prominent natural features on the site and vicinity including vegetation and trees, streams, ravines, wildlife habitat, and others.

B. A map showing the conceptual street layout, typical street sections, grades, and access to developable properties.

C. A conceptual site plan showing the general layout of streets, parcels, buildings, driveways. The site plan and any supporting information shall show how natural features are protected and incorporated into the design of the subdivision.

D. Conceptual site plans for typical developable parcels including buildings, retaining walls, access, stormwater management, and landscaping.

E. Conceptual architectural renderings of typical buildings and sections from a licensed architect.

F. A summary of visual analysis for impacts on public views as designated in the City's Comprehensive Plan.

G. A written statement describing design measures to minimize erosion, environmental and public view impacts.

H. Slope cross-sections that show the extent of proposed grading where the most grading is proposed, where there is the most intense development, where the site is most visible from public viewing areas, and along major streets.

I. Photographs of the property documenting existing conditions.

17.59.050 Development and Design Standards.

To comply with the development and design standards and address potential impacts, the project shall be designed to first avoid the impact. When avoiding the impact is not feasible or reasonable the project shall be designed to minimize the impact.

A. Subdivisions

1. Streets

a. The layout of parcels and streets shall be designed to minimize the overall length of streets.

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b. Streets shall be located and designed to follow natural contours and minimize the need for regrading for both streets, parcel access, and buildings.

c. Subdivisions shall be designed to provide property access on both sides of the street wherever feasible to minimize the length and number of streets as well as the disruption to the hillside.

2. Clustering.

a. Clustering of parcels and buildings is strongly encouraged to minimize the disruption to steep slopes, to protect natural features, and minimize impacts on public views.

b. Residential cluster lot sizes shall be as specified in each zone. Where a cluster lot size is not specified in a residential zone, the Administrator may reduce minimum lot sizes by up to 15% to allow for clustering in order to minimize disruption to natural features and public views. Lot coverage shall be based on the minimum lots size in the district.

Exhibit 1. Clusters of buildings preserve open space and minimize visual impact

a. Mass regrading of parcels to create flat building sites and buildings designed for flat sites is prohibited.

b. Parcels shall be located and configured to minimize the amount of grading needed for site development and access.

c. Buildings shall be oriented parallel to the slope to minimize cut and fill unless a proposed orientation has greater likelihood of meeting the code requirements. Retaining walls and rockeries must comply with CMC 17.04.075 and shall only be permitted when necessary to support a structure and/or access road or driveway.

B. Building Location and Design

1. Buildings shall incorporate the slope into the design of the building (See Exhibit 2). Buildings on steep slopes may step down slopes (See Exhibit 4) to break up the scale and mass of the building. Pier supported structures may be allowed where an applicant can demonstrate to the Administrator's satisfaction that it is unobtrusive within designated view corridors and that the design avoids fire hazards consistent with Chapter 15.06 CMC. See Exhibit 3.

2. Setbacks from the street shall be the minimum distance needed for parking and access (See Exhibit 3). The City may approve a reduction in the front yard setback to 20' to minimize grading and disruption to the hillside.

3. Where feasible without significant regrading, the design of low-profile buildings (See Exhibit 5) should be utilized to minimize the visual impact downslope and from public views as identified in the Comprehensive Plan.

4. Avoid use of retaining walls to minimize the visual impact downslope unless necessary for slope stability.

5. Buildings and retaining wall facades shall use natural materials that blend with the surrounding natural environment and hillside.

6. Minimize cut and fill to the amount necessary to support the building and access while protecting native vegetation.

Exhibit 2. Building design that incorporates the slope

Exhibit 3. Building with minimal setback from the street to allow for access and parking; pier supported structures tend to jut from slopes rather than blend with slopes.

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Exhibit 4. Building design steps down the slope

Exhibit 5. Low-profile building minimizes the visual impact

Source: Tate Studio Architects, 2016

C. Landscaping and Vegetation

1. The use of native vegetation and drought tolerant landscaping is required. Species shall be those listed on the Washington Native Plant Society list of native vegetation for Eastern Washington or an equivalent resource as approved by the City.

2. To the extent feasible, native vegetation shall be preserved in the design of the site and locations of buildings.

3. Vegetation that is disturbed during site development shall be replaced with native vegetation.

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Chapter 17.60
LANDSCAPING

Sections:

17.60.010 Intent and applicability.
17.60.020 Plant materials standards.
17.60.030 Landscaping typology standards.
17.60.040 Landscape site design standards.
17.60.050 Irrigation, maintenance, and enforcement.

17.60.010 Intent and applicability.

A. Intent.

1. Promote well conceived and attractive landscaping that reinforces the architectural and site planning concepts in response to site conditions and context.

2. To enhance environmental conditions.

3. To maintain and enhance the character of the area.

4. To reduce negative potential impacts between adjacent and neighboring uses.

5. To encourage the use of attractive and drought-tolerant plant materials native to eastern Washington.

6. To ensure that plants will quickly achieve their intended visual objectives.

7. To promote tree retention and the protection of existing native vegetation.

8. To define, break up, and screen parking areas to reduce potentially negative impacts on adjacent uses.

9. To provide for the long-term establishment and health of new landscape plantings.

10. To ensure the long-term maintenance and attractiveness of landscape plantings.

B. Applicability. The standards herein apply to nonresidential and multi-family development unless otherwise noted herein. (Ord. 1410 § 4 (Exh. C) (part), 2010).

17.60.020 Plant materials standards.

A. Native and Naturalized Plant Species. New landscaping materials shall include species native to eastern Washington or noninvasive naturalized species that have adapted to the climatic conditions of eastern Washington. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, low flammability, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

B. Tree Standards and Guidelines. Unless otherwise noted herein, required trees shall meet the following standards at time of planting:

1. Required trees within parking areas shall be a minimum caliper of two inches (as measured six feet above the root ball) and a minimum height of ten feet at the time of planting.

2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches (as measured six feet above the root ball), and a minimum height of eight feet at the time of planting.

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3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.

4. If the director decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a licensed Washington landscape architect or Washington-certified professional horticulturist (CPH) certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.

C. Shrub Standard. Shrubs, except for ornamental grasses, shall be a minimum of two-gallon size at the time of planting.

D. Ground Cover Standards and Guidelines.

1. Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years, or as per recommendations by a licensed Washington landscape architect or Washington-certified professional horticulturist (CPH) as follows:

a. Four-inch pots at eighteen inches on center.

b. One-gallon or greater sized containers at twenty-four inches on center.

c. A bed of flowers approved by the director in place of ground cover plants. A reduction in the minimum size may be permitted by the director if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

2. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes. (Lawn areas designed as play areas are an exception.)

3. Ground cover areas shall contain at least two inches of composted organic material at finished grade.

E. Soil Augmentation and Mulching.

1. Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.

2. Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that is fully composted.

3. Berm/Mound Standards. Berms or mounds shall be no steeper than 3(H):1(V). Any slopes steeper than 3:1 (2:1 is maximum permitted by the city for fill slopes) need erosion control netting or other erosion control methods in planting areas not covered by grass (e.g., rockery).

4. Tree/Shrub Height and Location.

a. The landscape plan should plan for the mature size of trees and major shrubs to avoid interference with windows, decks or lighting. (Ord. 1410 § 4 (Exh. C) (part), 2010).

b. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, new development shall demonstrate the use of fire-resistive, and low-growing plants.

i. The first five feet from structure walls and attachment perimeters shall consist of a non-combustible surface (e.g., mineral soil, gravel, and paving stones).

ii. New development shall demonstrate planting plans ensure spacing between individual plants is dispersed and patchy as opposed to continuous to reduce the risk of horizontal fire spread.

iii. Trees shall be spaced, and plantings arranged, to meet requirements of Chapter 15.06 CMC Wildland and Urban Interface Code.

Commented [LG66]: Based on CPAW report.

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F. Noxious Weeds: Planting plans shall exclude plants identified on the Washington State Noxious Weed List contained in chapter 16-750 WAC.

Commented [LG67]: Chelan County publishes a list. The 2017 list is here: http://www.co.chelan.wa.us/files/noxious-weed/documents/county_selected_list.pdf.

17.60.030 Landscaping typology standards.
Below are described five landscaping types. These landscaping types may be required by different sections of code in this title.

A. Type A Landscaping.

1. Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views;

2. Type A landscaping shall minimally consist of:

a. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;

b. Between seventy and ninety percent evergreen trees;

c. Trees provided at the rate of one per one hundred square feet or one per ten linear feet, whichever is greater, of landscape strip;

d. Evergreen shrubs provided at the rate of one per twenty square feet of landscape strip;

e. Ground cover; and

f. Applicants shall demonstrate to the director's satisfaction that the selected plant materials and configuration will be able to completely screen eighty percent of the unwanted views within three years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate;

g. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, landscaping shall also comply with 17.60.035.

Figure 1. Type A landscaping standards.

B. Type B Landscaping.

1. Type B landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between differing types of residential development, and to screen unwanted views from the pedestrian environment;

2. Type B landscaping shall minimally consist of:

a. A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;

b. At least fifty percent deciduous trees and at least thirty percent evergreen trees;

c. Trees provided at the rate of one per two hundred square feet or one per twenty linear feet, whichever is greater, of landscape strip;

d. Shrubs provided at the rate of one per twenty square feet of landscape strip and spaced no more than eight feet apart on center;

e. Ground cover; and

f. Applicants shall demonstrate to the director's satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate;

g. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, landscaping shall also comply with 17.60.035.

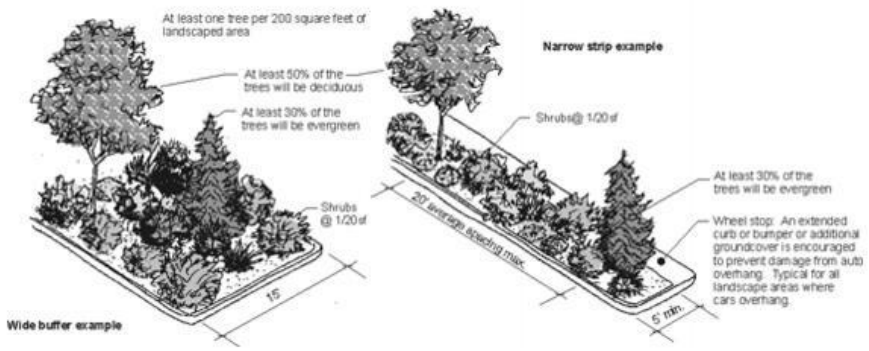

Figure 2. Type B landscaping standards.

C. Type C Landscaping Screen.

1. Type C landscaping is a "see-through screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between multi-family developments;

2. Type C landscaping shall minimally consist of:

a. Primarily deciduous trees generally spaced to create a continuous canopy that extends well beyond the landscaped area;

b. At least seventy percent deciduous trees;

c. Trees provided at the rate of one per two hundred fifty square feet or one per twenty-five linear feet, whichever is greater, of landscape strip and spaced no more than thirty feet apart on center;

d. Shrubs provided at the rate of one per twenty square feet of landscape strip and spaced no more than eight feet apart on center;

e. Ground cover;

f. Maintain trees and shrubs to maximize pedestrian visibility (generally between three and eight feet above grade); and

g. Applicants shall demonstrate to the director's satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate;

g. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, landscaping shall also comply with 17.60.035.

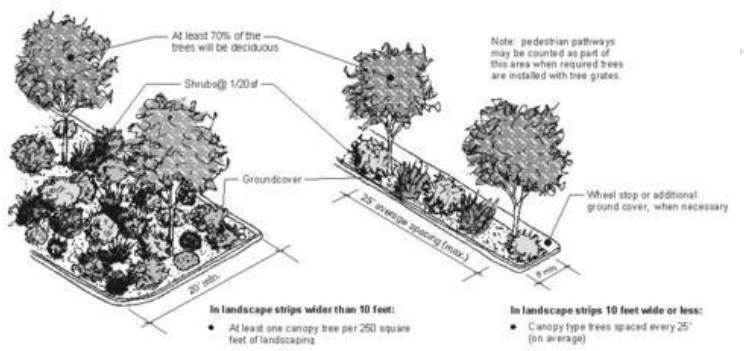

Figure 3. Type C landscaping standards.

D. Type D Landscaping.

1. Type D landscaping refers to enhanced woodland that functions as a buffer between different intensities of uses. These areas feature existing trees and vegetation, but often need supplemental planting to effectively function as an attractive buffer.

2. Type D landscaping shall minimally consist of:

a. Trees, shrubs, and ground covers that are native to eastern Washington and are appropriate to the conditions of the site;

b. Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in three growing seasons;

c. Minimum twenty feet in width if used as a screen; and

d. Applicants shall demonstrate to the director's satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate;

e. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, landscaping shall also comply with 17.60.035.

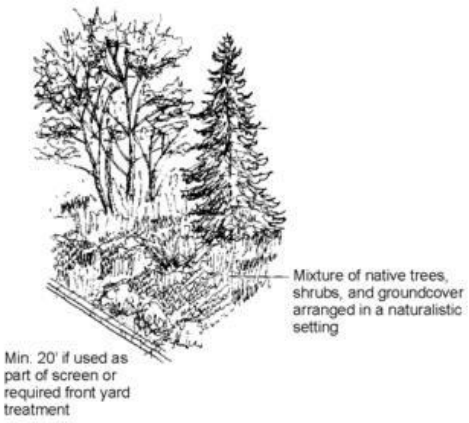

Figure 4. Type D landscaping standards.

E. Type E Landscaping.

1. Type E landscaping refers to all other landscaped areas that do not qualify as Type A through D landscaping. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas also could include flower beds and perennial beds.

2. Type E landscaping may include any combination of plant materials provided they comply with Section 17.60.020. (Ord. 1410 § 4 (Exh. C) (part), 2010).

3. Within the primary zone Wildland-Urban Interface Areas defined in Chapter 15.06 CMC, landscaping shall also comply with 17.60.035.

17.60.035 Landscaping in Wildland-Urban Interface Areas

A. Within the primary zone of Wildland-Urban Interface Areas, development shall provide defensible space consistent with the 2015 Wildland and Urban Interface Code as adopted in 15.06 CMC.

B. Landscaping within defensible space shall have the characteristics of fire-resistive vegetation described as follows:

Commented [LG68]: Based on Appendix F of 2015 WUI Code – an informational appendix not intended for adoption. However, Wenatchee adopted it into their code.

1. Growth with little or no accumulation of dead vegetation (either on the ground or standing upright. Although green, both juniper shrubs and arborvitae accumulate large amounts of dead material).

2. Nonresinous plants (willow, poplar or tulip trees).

3. Low volume of total vegetation (for example, a grass area as opposed to a forest or shrub-covered land).

4. Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).

5. Drought-tolerant plants (deeply rooted plants with thick, heavy leaves).

6. Stands without ladder fuels (plants without small, fine branches and limbs between the ground and the canopy of overtopping shrubs and trees).

7. Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).

8. Plants with woody stems and branches that require prolonged heating to ignite.

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9. Plants selected are consistent with either:

a. Individual or community wildfire protection plans created through Firewise or other programs; or

b. "Fire-Resistant Plants for Home Landscapes: Selecting plants that may reduce your risk from wildfire" prepared by Pacific Northwest Extension, Publication PNW 590, August 2006; or

c. Written Cascadia Conservation District Recommendations; or

d. Recommendations by a qualified landscape architect or arborist acceptable to the Administrator, with recommendations suited to Chelan County.

Commented [LG69]: Available: http://file.dnr.wa.gov/publications/rp_fire_resistantplants_in_nw.pdf

C. Within the primary zone of the Wildland-Urban Interface Areas, development shall employ non- combustible, fire rated, or ignition-resistant materials and less flammable vegetation when using landscaping and other barriers to separate uses.

D. For developments within high or very high fire risk as defined in 15.06 CMC, the City may require development to prepare a vegetation management plan consistent with Appendix B of the 2015 Wildland and Urban Interface Code as adopted in 15.06 CMC.

E. Prohibited Plants in Defensible Space in Wildland Interface Areas: Plantings within required defensible space shall avoid pyrophytic plants due to high resin or oil content or other characteristics. Such plants include, but are not limited to:

1. junipers, pines, firs, spruces, and arborvitae

3. cheatgrass

Where pyrophytic plants exist within the required defensible space or are unavoidable, they shall be managed in accordance with a vegetation management plan consistent with Appendix B of the 2015 Wildland and Urban Interface prepared by an applicant to the Administrator's satisfaction to reduce fire risk.

17.60.040 Landscape site design standards.

A. Landscape Plans.

1. Landscape plans for landscaping on private property and landscaping within the public right-of-way required by this title shall show all proposed landscape improvements necessary to ensure conformance with applicable requirements herein. This includes the location, number, types, and sizes of trees, shrubs, ground cover, and other planting materials, soil augmentation and mulching, installation schedule, and irrigation plan.

2. The required landscape plan shall be prepared by a licensed landscape architect or Washington-certified professional horticulturist (CPH). Development sites less than twenty thousand square feet in area (this includes the entire lot or parcel or applicable portion of site being developed including buildings, parking and storage areas, landscaping, etc.) are exempt from this requirement.

B. Surface Parking Lot Landscaping.

1. Intent. To minimize potential negative impacts of parking lots on downtown's visual character, pedestrian environment, local water quality conditions, and adjacent uses.

2. Parking Lot Perimeters.

a. For parking lots adjacent to public streets, use Type C landscaping at least six feet deep and no less than the minimum applicable building setback (whichever is more).

b. For parking lots along internal private roadways in commercial areas, provide a planting strip at least six feet wide with Type C landscaping.

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c. For parking lots along internal lot lines use Type A, B, or C landscaping at least ten feet deep. The treatment may be modified by the director pursuant to compliance with other applicable standards.

3. Internal Parking Lot Landscaping.

a. Twenty square feet of planting area utilizing Type C landscaping is required for each parking space. Parking lots containing less than forty spaces are exempt from this standard.

b. At least one tree is required for every planting island within a parking lot.

c. All parking spaces shall be within fifty feet of a planting island with a tree.

d. Planting islands must be at least six feet wide to be used in planting area calculations.

e. Trees along internal parking lot pathways may be placed in tree grates, but the planting area will not count towards minimum planting area requirements.

f. Wheel stops, curbs or walkways shall be used to protect planting islands from vehicles.

g. Canopy type trees shall be utilized.

h. Rain gardens and swales may be integrated into required planting areas.

i. The director may approve and condition alternative landscaping designs that meet the intent of the standards.

C. Foundation Planting. All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

1. The landscaped area must be at least three feet wide.

2. There must be at least one three-gallon shrub for every three lineal feet of foundation.

3. Ground cover plants must fully cover the remainder of the landscaped area. (Ord. 1410 § 4 (Exh. C) (part), 2010).

17.60.050 Irrigation, maintenance, and enforcement.

A. Timing of Installation. The applicant shall install landscaping and screening required by this section consistent with the approved site plan or an approved modification thereto before the city issues an occupancy permit or final inspection for the development in question; provided, the director may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if the director finds doing so increases the likely survival of plants.

B. Installation Standards. The applicant shall show and comply with the following:

1. Plant materials will be installed to current nursery industry standards.

2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.

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C. Verification of the Installation of Landscape. Required planting/irrigation shall be installed within six months of the date of final construction permit approval or the issuance of a certificate of occupancy, whichever is later. For development sites twenty thousand square feet in area (this includes the entire lot or parcel or applicable portion of site being developed including buildings, parking and storage areas, landscaping, etc.) or larger, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a Washington-licensed landscape architect or CPH certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. Any substituted plants shall be no smaller than those shown on the approved plan(s) and shall have similar characteristics in terms of height, drought tolerance and suitability for screening.

D. Maintenance Standards. All landscape areas shall be maintained in accordance with the following standards:

1. All landscaping shall be maintained with respect to pruning, trimming, mowing, watering, insect control, fertilizing, or other requirements to create a healthy growing condition and attractive appearance and to maintain the purpose of the landscape type. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.

2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months with the plants indicated on the approved landscape plan.

3. All landscaped areas shall be maintained reasonably free of weeds and trash.

4. All required landscaping that is located within public rights-of-way shall be maintained by the abutting property owner.

E. Irrigation Standards. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering.

All required landscaped areas in the city must comply with at least one of the following:

1. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question.

2. A temporary irrigation system will serve the landscape area in question; provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.

3. A permanent or temporary irrigation system will not serve the landscape area in question; provided:

a. The director finds the landscape area otherwise fulfills the requirements of this section; and

b. The applicant submits the following with the site plan application:

i. A statement from a Washington-licensed landscape architect or CPH certifying that the materials to be planted will survive without watering other than natural rainfall; and

ii. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the director; and

iii. A statement from the applicant agreeing to install an irrigation system if the director finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan. (Ord. 1410 § 4 (Exh. C) (part), 2010).

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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 *Repealed.*
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.

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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

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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. Spotlighting 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.
Repealed by Ord. 1502. (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

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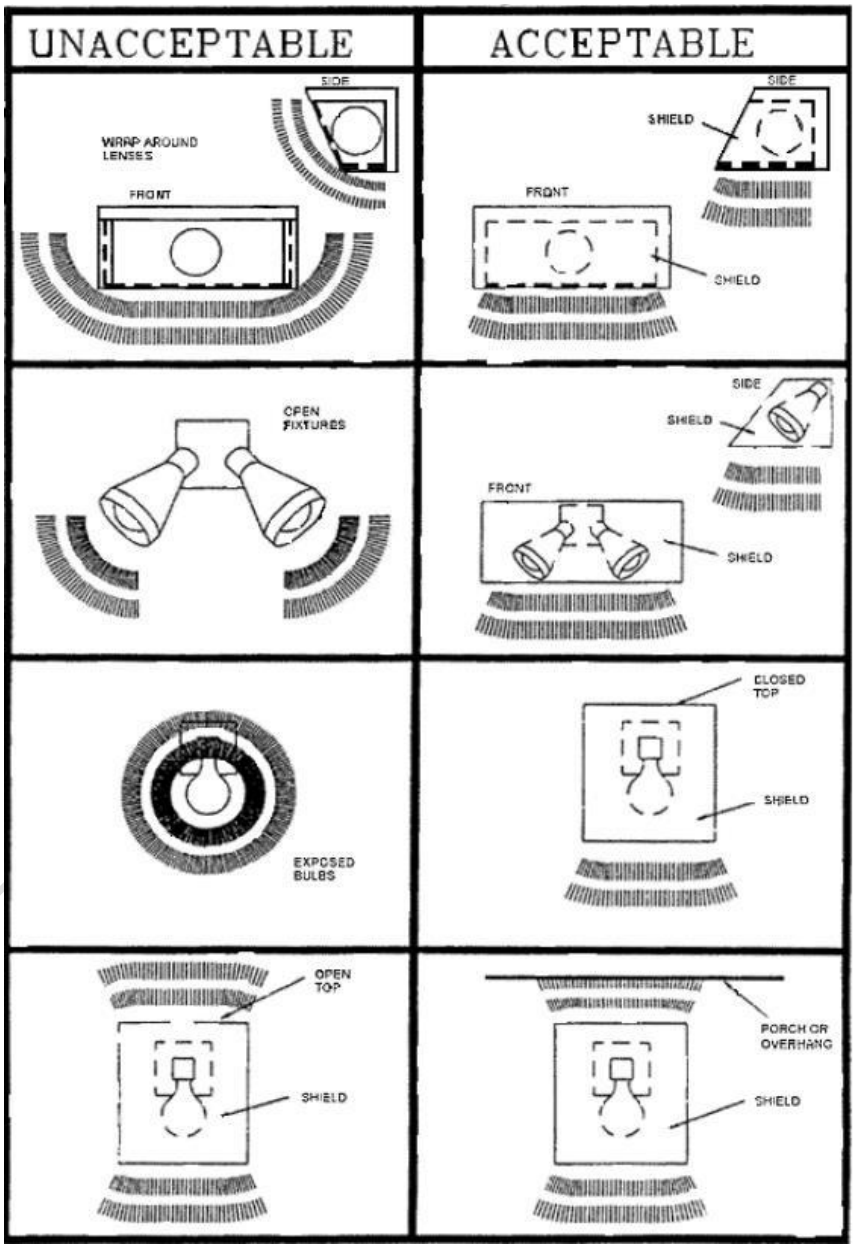


Figure 2: Freestanding Outdoor Lighting Fixtures

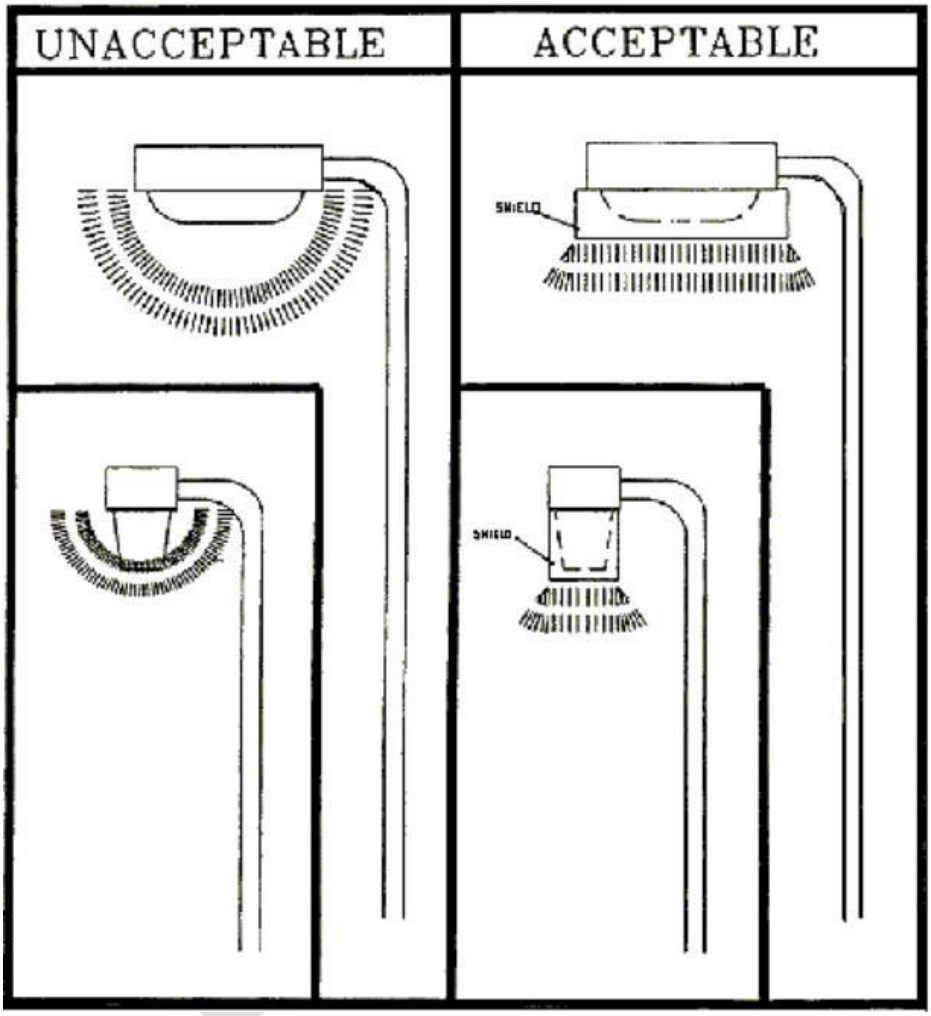


Figure 3: Outdoor Lighting Fixtures – Street and Lot Light Cut-Off at Property Line

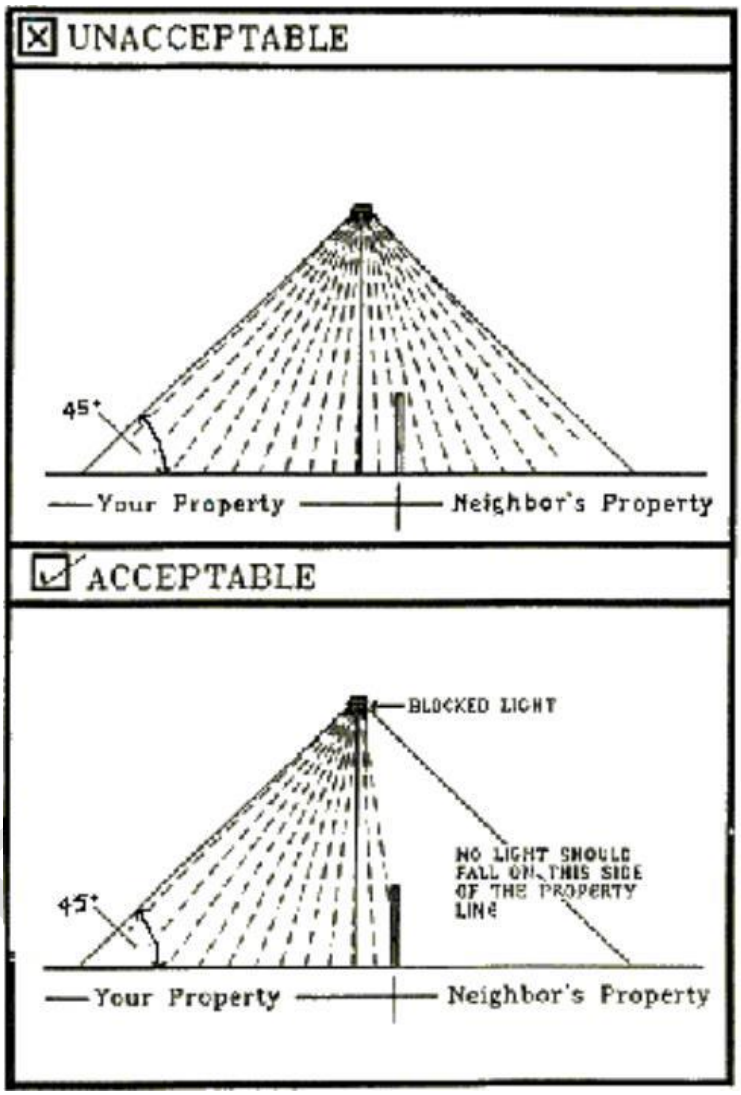
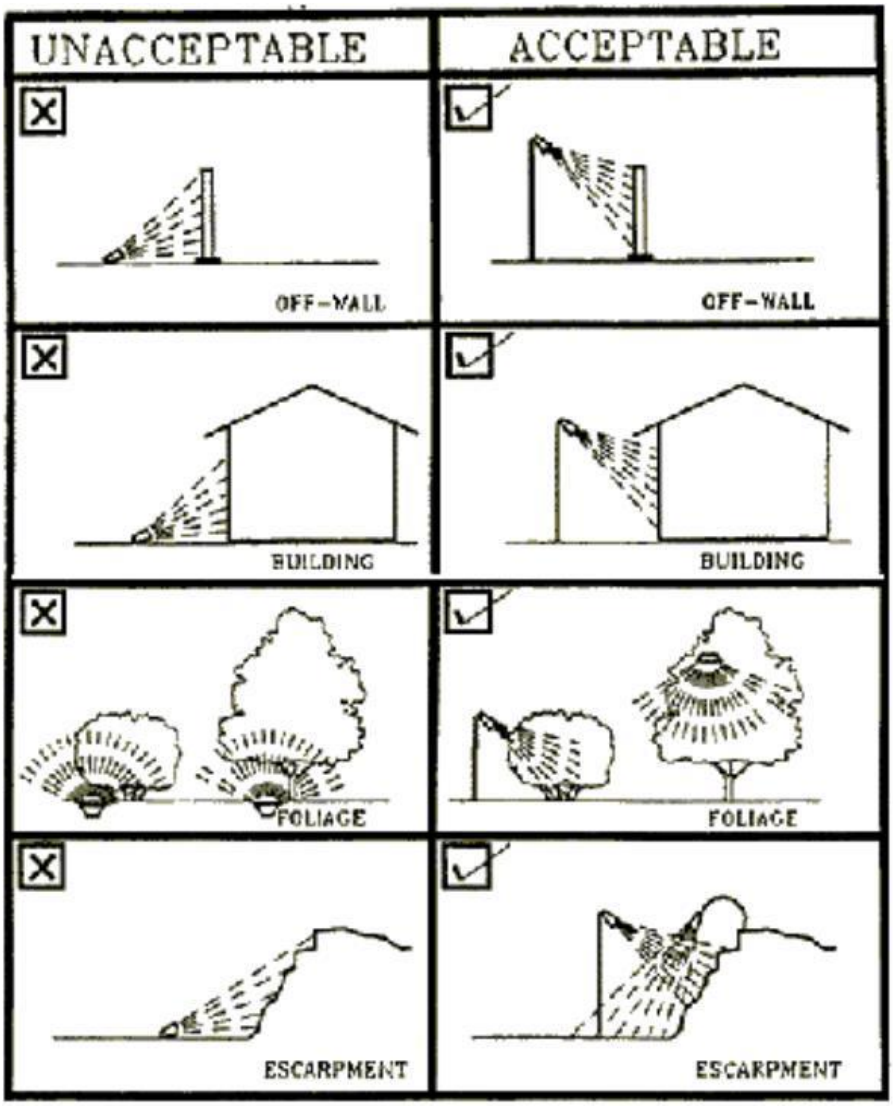


Figure 4: Accent Lighting



(Ord. 1352 § 7 Exh. 6 (part), 2008).

Chapter 17.63
ELECTRIC VEHICLE CHARGING STATIONS

Sections:

17.63.010 Purpose.
17.63.020 Designation of electric vehicle charging stations.
17.63.030 Where permitted.
17.63.040 Standards for electric vehicle charging stations.
17.63.050 Minimum parking requirements.

17.63.010 Purpose.
The purpose of this chapter is to ensure the effective installation of electric vehicle charging stations. Where any other provisions of the Chelan Municipal Code directly conflict with this chapter, this chapter shall control. (Ord. 1425 § 3 (part), 2011).

17.63.020 Designation of electric vehicle charging stations.
An electric 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:

A. Level 1 is considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

B. Level 2 is considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.

C. Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty 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 allow for faster recharging of electric vehicles. (Ord. 1425 § 3 (part), 2011).

17.63.030 Where permitted.
A. Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts.

B. Level 3 electric vehicle charging stations are a permitted use in the Warehouse and Industrial (W-I), Highway Service Commercial (C-HS), and Public Lands and Facilities (P) zoning districts, but require a conditional use permit in Downtown Mixed Use (DMU), Tourist Accommodation (T-A), Special Use District (SUD) and Waterfront Commercial (C-W) zoning districts.

C. Battery exchange stations are permitted in the Warehouse and Industrial (W-I), Highway Service Commercial (C-HS), and Public Lands and Facilities (P) zoning districts. (Ord. 1425 § 3 (part), 2011).

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 electric vehicles, batteries and electric 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 electric 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.

A. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

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B. 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 subsection F of this section. Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the planning department.

C. Accessibility. The design and location of the electric vehicle charging stations shall comply with the following barrier-free accessibility requirements:

1. 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

2. 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.

3. Accessible charging stations shall comply with the requirements of WAC 51-50-005.

D. Lighting. Adequate site lighting shall be provided, which shall also comply with Chapter 17.62, Outdoor Lighting on Public and Private Property.

E. Equipment. Equipment for electric vehicle charging stations shall comply with the following standards:

1. 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.

2. Charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight 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.

3. Equipment shall be protected by wheel stops or concrete-filled bollards.

F. Notification. The following information shall be posted at all electric vehicle charging stations:

1. Voltage and amperage levels;

2. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

3. Usage fees;

4. Safety information;

5. Contact information for reporting when the equipment is not operating or other problems. (Ord. 1425 § 3 (part), 2011).

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 9. (Ord. 1425 § 3 (part), 2011).

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Chapter 17.64
VARIANCES

Sections:

17.64.005 Applications and fee.
17.64.010 Granting – Conditions.
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. 1448 § 6 (Exh. H) (part), 2012: 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;

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. (Ord. 1448 § 6 (Exh. H) (part), 2012: Ord. 1206 § 5, 2001: Ord. 445 § 3, 1972: Ord. 314 § 16G, 1962).

17.64.030 Administrative adjustments.
A. Administrative adjustments as set forth in this section may be made administratively by the planning director.

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 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;

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

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

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5. 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

6. 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 and files a variance application, the fee paid for the administrative adjustment shall be credited toward the variance fee. (Ord. 1448 § 6 (Exh. H) (part), 2012: Ord. 1206 § 6, 2001).

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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. 1514 § 2 (Exh. A) (part), 2016: 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. 1514 § 2 (Exh. A) (part), 2016: 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. 1514 § 2 (Exh. A) (part), 2016: 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.

~~Existing single-family residential built prior to January 1, 2011, which have been destroyed by more than fifty percent of the total floor areas exclusive of basement within the Downtown Mixed Use and the Warehouse Industrial zoning districts may be rebuilt within the same building footprint; provided, that a building permit application is deemed complete prior to January 1, 2026. (Ord. 1514 § 2 (Exh. A) (part), 2016: 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. 1514 § 2 (Exh. A) (part), 2016: 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. 1514 § 2 (Exh. A) (part), 2016: Ord. 314 § 17B, 1962).

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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.

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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~~ L 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).

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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~~ L 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~~ L 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:

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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~~ L 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.

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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.

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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.

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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 establi~~s~~hed 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~~ L 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.

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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

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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 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(s). 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.

C. Amateur Radio Towers – Special Exceptions.

1. Residential Zones. Where a property owner desires to vary from the height, location or setback limitations, the special exception general criteria must be met.

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D. Broadcast and Relay Towers – Special Exceptions. Where a property owner desires to vary from applicable criteria, the special exception general criteria must be met.

E. Wireless Communications Facilities – Special Exceptions.

1. Urban Recreation Zone and Residential Zones. An applicant of a proposed wireless facility that exceeds the height limit shall meet the special exception general criteria.

2. Commercial and Industrial Zones. An applicant of a proposed wireless communications facility that exceeds the height limit shall be required to meet the special exception general criteria. (Ord. 1352 § 8 Exh. 8 (part), 2008: Ord. 1214 § 1 (part), 2001).

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Chapter 17.72 PENALTIES
(Repealed by Ord. 1502)

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Chapter 17.76 PARKING*
(Repealed by Ord. 1109)

* Code reviser's note: Refer to the development standards adopted in Title 25 of this code.

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