

ORDINANCE NO. 4887

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING CHAPTER 2.30 "MULTIFAMILY HOUSING TAX INCENTIVES" AND CHAPTER 14.04 "TRAFFIC IMPACT FEE DEFINITIONS", AND RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 "DEFINITIONS"; AMENDING CHAPTER 15.280 "ELLENSBURG LANDMARKS REGISTER AND PROCEDURES", AMENDING CHAPTER 15.300 "ZONES, MAPS, AND DESIGNATIONS"; AMENDING CHAPTER 15.310 "PERMITTED USES"; AMENDING CHAPTER 15.320 "BUILDING SETBACK AND INTENSITY STANDARDS" OF THE ELLENSBURG CITY CODE, AND AMENDING AREA WIDE ZONING BOUNDARY MAPS

WHEREAS, the Ellensburg Comprehensive Plan was initially adopted on December 18, 2017, and last updated December 20, 2021; and

WHEREAS, following adoption of the Comprehensive Plan update in December 2017, City of Ellensburg staff worked to evaluate the City's development regulations and zoning districts to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS, the Planning Commission held twelve work sessions from August 2018 through November 2019 to develop recommendations and review public feedback regarding amendments to the City zoning districts and associated land development regulations; and

WHEREAS, the Community Development Department issued an online survey from June through July 2019 to solicit public feedback on the proposed changes to the Land Development Code and received 95 responses; and

WHEREAS, the Community Development Department held public workshops on May 13, May 21, May 30, and July 9, 2019 at which staff presented proposed amendments to the zoning boundaries and Land Development Code and heard feedback from attendees; and

WHEREAS, the Ellensburg City Council held two discussion sessions at regularly scheduled Council meetings on April 1 and October 21, 2019, to provide direction to staff and review public feedback; and

WHEREAS, after a delay caused by the COVID-19 pandemic, the Planning Commission held a study session on June 25, 2020, to re-evaluate the proposed amendments; and

WHEREAS, City Council held four study sessions on October 11, October 18, November 15, and December 20, 2021, to provide direction to staff; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein provide consistency with and will implement findings from community outreach conducted during the 2017 comprehensive plan update. This community outreach encouraged participation and feedback by community stakeholders and neighborhood

groups and was preceded by broad and inclusive public notification of these initiatives, including public notices, community presentations and workshops, and information presented at community events; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein implement standards that provide predictability and consistency of application while also allowing adequate flexibility in ways more specifically set forth below in Sections 17 – 26, each of which is supported by comprehensive plan policies and the policies of Chapter 36.70A RCW; and

WHEREAS, the proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on April 14, 2022; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend the Land Development Code was sent to the Washington State Department of Commerce; and

WHEREAS, the required Washington State Department of Commerce 60-day notice was complete on April 25, 2022; and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on April 14, 2022, and based on public testimony and other evidence received at said hearing, the Planning Commission recommended City Council adoption of the ordinance; and

WHEREAS, the City Council conducted a public hearing on May 2, 2022, where it received and considered public comments on the proposed changes;

NOW, THEREFORE, the City Council of the city of Ellensburg, Washington, do hereby ordain as follows:

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. Chapter 2.30.010 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.010 Purpose

The purpose of this chapter is to provide limited exemptions from ad valorem property taxation for multifamily housing in the downtown area and is intended to:

- A. Encourage increased residential opportunities within the central commercial zone as defined by Chapter 15.300.020 ECC (official zoning map), ~~ECC 15.300.050(E)~~ 15.300.060(B)(2) and ~~15.300.050(F)~~ 15.300.060(B)(3);
- B. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zone to increase and improve housing opportunities; and

C. Assist in directing future population growth to the central commercial zone, thereby reducing development pressure on single-family residential neighborhoods. [Ord. 4678 § 1, 2014; Ord. 4488 § 4, 2007.]

Section 3. Chapter 2.30.020 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.020 Residential targeted area designated.

The central commercial zone and central commercial II zone as defined by ECC 15.300.020 (official zoning map), ECC ~~15.300.050(E)~~ 15.300.060(B)(2) and ECC ~~15.300.050(F)~~ 15.300.060(B)(3) are hereby designated as the residential targeted areas for the city of Ellensburg pursuant to RCW 84.14.040. [Ord. 4678 § 3, 2014; Ord. 4488 § 4, 2007.]

Section 4. Chapter 2.30.040 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.040 Project eligibility.

A proposed project must meet the following requirements for consideration for a property tax exemption:

A. Location. The project must be located within the central commercial zone or central commercial II zone as defined by ECC 15.300.020 (official zoning map), ECC ~~15.300.050(E)~~ 15.300.060(B)(2) and ECC ~~15.300.050(F)~~ 15.300.060(B)(3).

B. Tenant Displacement. The project must not displace existing residential tenants of structures that are proposed for redevelopment, unless the applicant has provided each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate. Existing dwelling units proposed for rehabilitation must fail to comply with one or more standards of applicable building or housing codes in ECC Title 3, the rehabilitation improvements shall achieve a condition of substantial compliance with the applicable building, construction, and housing codes contained in ECC Title 3 and all uniform codes adopted pursuant to ECC Title 3. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood during any portion of the 12-month period immediately preceding submission of the application, unless the applicant had provided each displaced tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

C. Business Displacement. The project must not displace existing commercial space, occupied or unoccupied, located on the first floor of structures that are proposed for redevelopment, except for the limited purposes of providing:

1. Stairway and/or elevator ingress and egress to and from the street front and/or alley; or
2. The provision of garage, parking or loading areas on alley frontages, so long as such displacement does not exceed 25 percent of the existing commercial space.

D. Size. The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units.

E. Permanent Residential Housing. At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy.

F. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.

G. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes and any other applicable regulations in effect at the time the application is approved. New construction must comply with the International Construction Code. The project must also comply with any other standards and guidelines adopted by the city council for the area in which the project will be developed. [Ord. 4678 § 5, 2014; Ord. 4488 § 4, 2007.]

Section 5. Chapter 2.30.060 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.060 Application review and issuance of conditional certificate.

The director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.

A. Approval. The director may approve the application if they find that:

1. A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion within 12 months of occupancy, a minimum of four additional multifamily units are being developed.
2. The proposed project either is, or will be at the time of completion, in conformance with all applicable local plans and regulations that apply at the time the application is approved.
3. The owner has complied with all standards and guidelines adopted by the city under this chapter.
4. The site is located within the central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2).

B. If an application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city council, regarding the terms and conditions of the project. Upon council approval of the contract, the director shall issue a conditional certificate of acceptance of tax exemption which shall contain a statement by the director that the property has

complied with ECC 2.30.050 and 2.30.060. The conditional certificate expires three years from the date of approval.

C. Denial. The director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. The appeal before city council will be based on the record made before the director. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final. [Ord. 4678 § 6, 2014; Ord. 4488 § 4, 2007.]

Section 6. Chapter 14.04.030 of Ellensburg City Code, as last amended by Ordinance 4808, is hereby amended to read as follows:

14.040.030 Definitions.

"Applicant" means a person, individual, or organization seeking permission to develop land within the city of Ellensburg by applying for a building permit.

"Central commercial district" means the established commercial area of the city of Ellensburg which has historically supported intensive urban usage and is zoned for C-C.

Commercial. For the purposes of this chapter, "commercial shall be defined as those activities allowable within the following zones as defined in ECC Title 13: commercial neighborhood zone (C-N), ~~commercial tourist zone (C-T)~~, commercial highway zone (C-H), master site plans for regional retail commercial projects, central commercial zone (C-C), central commercial II zone (C-C II), neighborhood center mixed use zone (NCMU), and regional center mixed use zone (RCMU).

"Duplex" means a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.

"Encumber" means to transfer traffic impact fee dollars from the traffic impact fee fund to a fund for a particular system improvement that is fully funded in the current year's budget. Funds may only be encumbered by an action of the city council. The fund encumbering the traffic impact fee dollars shall bear the name of the system improvement financed with such money.

"Gross floor area" means the total square footage of livable area of any dwelling unit and the gross leasable square footage area of any nonresidential building, structure, or use, including accessory uses.

“Industrial.” For the purposes of this chapter, “industrial” shall be defined as those activities allowable within the following zones as defined in ECC Title 15: light industrial zone (I-L) and heavy industrial zone (I-H).

“Interest” means the interest earned by the account during the period the fees were retained.

“Low-income housing” means housing with a monthly housing expense that is no greater than 30 percent of 80 percent of the median family income adjusted for family size for Kittitas County, as reported by the United States Department of Housing and Urban Development. In addition, the developer and/or owner shall have entered into a binding, irrevocable programmatic commitment with one or more federal, state, or local governmental agencies and/or nonprofit agencies qualified as 501(c)(3) under the Internal Revenue Service Code. Development activity that is comprised of a mix of affordable and market rate housing and/or affordable housing and commercial space shall be defined as low-income housing only for those specific units that are set aside as low-income housing with the aforementioned income limits. Programs that may otherwise be defined elsewhere as “low-income housing” and/or “affordable housing,” but have income eligibility limits above those described above or no income limits, shall not be defined as low-income housing.

“Multifamily dwelling unit” means one lot that contains three or more dwelling units.

“Multifamily” may include duplexes located on contiguous lots.

“New development” means any land use action which culminates in the issuance of a building permit for new construction and/or expansion of existing gross floor area.

“Peak hour” means the consecutive 60-minute period during the 4:00 p.m. and 6:00 p.m. peak period during which the highest volume occurs.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city’s transportation facilities plan or transportation improvement plan approved by the city council shall be considered a project improvement.

“System improvements” means transportation facilities that are included in the city’s six-year transportation facilities plan, and are designed to provide service to the community at large, in contrast to project improvements.

“Traffic impact fee” means payment of money imposed by the city of Ellensburg upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit for new development in order to pay for the public facilities needed to serve the new development. Traffic impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling traffic impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

“Traffic impact fee fund” means the fund established for the public facilities for which traffic impact fees are collected, pursuant to ECC 14.04.070 and in compliance with the requirements of RCW 82.02.060.

“Traffic impact fee rate study update” means the study which determined the traffic impact fee updated July 2018.

“Traffic impact fee schedule” means that schedule adopted by ECC 14.04.170, or as amended by city council. Trip generation rates in the schedule shall be those rates derived from the “9th Edition Trip Generation” manual published by the Institute of Transportation Engineers, or subsequent editions. [Ord. 4808 § 2, 2018; Ord. 4675 § 1, 2014; Ord. 4646 § 1, 2013; Ord. 4534 § 1, 2009.]

Section 7. Chapter 15.130.020 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.020 B definitions

“Battery Charging Station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Boarding houses, lodging houses, ~~sororities, fraternities~~” means an establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

Section 8. Chapter 15.130.070 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.070 G definitions

“Gateway Corridor” is a principal arterial street that serves to access the downtown area. Gateways have unique street standards (ECC 15.510.070) and permitted land uses adjacent to street corridors that create an attractive environment and destination for commerce, employment, living, interaction, dining, and entertainment for the residents, workers, and visitors of the City of Ellensburg.

~~“General service establishment” refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, automobile fueling, and other services.~~

Section 9. Chapter 15.130.080 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.080 H definitions

“Heavy service” includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, ~~contractors~~, heating fuels, truck stops,

breweries, heavy equipment storage, repair shops, equipment rentals, and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

“Hotel” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, ~~or lodging, sorority or fraternity house.~~ [Ord. 4807 § 7, 2018; Ord. 4769 §§ 2 – 4, 2017; Ord. 4725 § 1, 2016; Ord. 4696 § 1, 2015; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 10. Chapter 15.130.120 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.130.120 L definitions

“Light manufacturing” means a light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. May include an ancillary restaurant, or retail use through which goods produced on site are sold or served to the public on-site or distributed wholesale to off-site users or resellers.

Section 11. Chapter 15.130.130 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.130.130 M definitions

“Mixed-use” means any combination of permitted land uses either within one development or within one zoning district.

“Museum” means an institution, open to the public, devoted to the procurement, conservation, study, and display of objects of historical, scientific, artistic, or cultural interest, for the purposes of education, study and enjoyment.

Section 12. Chapter 15.130.150 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.150 O definitions

“Office, Business or Professional” ~~“Business or professional office”~~ means an office to be used for the purpose of providing professional, administrative, or business-related services. ~~an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, and insurance agents, graphic design, courier and messenger services, technology services, and photocopying and printing services.~~

~~“Outlet center” means a shopping center which does not contain an anchor retail store and which at least 51 percent of the retail tenants are manufacturer outlet retailers offering manufacturer-~~

~~branded goods. The minimum size of an outlet center shall be 150,000 gross square feet and the maximum size of any single retail tenant shall not exceed 15,000 gross square feet of floor area.~~

Section 13. Chapter 15.130.160 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4804, is hereby amended to read as follows:

15.130.160 P definitions

~~“Personal service” means services rendered to individuals for their personal physical appearance and conditioning needs.~~ a use that provides a service that is nonmedical as a primary use and may include accessory retail sales of products related to the services. Examples would include but not be limited to ~~the following types of services: barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.~~

Section 14. Chapter 15.130.180 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.180 R definitions

“Recreation – small scale indoor commercial studios” means a commercial recreation land use conducted entirely within a building, limited to a floor area of no more than 2,000 square feet, including but not limited to, dance, yoga, aerobics, martial arts, and spin classes.

Section 15. Chapter 15.280.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.280.040 Members, qualifications and terms.

- A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.
- B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.
- C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and (C) or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.
- D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is

related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

E. Appointment of new members to the commission shall be for a period of four years. Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 16. Chapter 15.280.080 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.280.080 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

A. Criteria for Eligibility to the Register. Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
2. Is closely linked with the life of a person important in the history of the city, state, or nation;
3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
4. Is an outstanding work of a designer, builder, or architect;
5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.

B. Process for Designating Properties to the Landmarks Register (a Type II Review Process Exception).

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the landmarks and design commission or the landmarks and design commission as a whole may generate nominations. In its designation program, the landmarks and design commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s') consent is required before the landmarks and design commission shall consider the nomination.

2. Nominations shall be made on forms provided by the landmarks and design commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.
3. The landmarks and design commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review standards established in rules.
4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg.
5. Within 10 days of holding the public hearing, the landmarks and design commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map with the notation "LR" to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map with the notation "LR" to indicate the property is on the landmarks register.
6. For individual landmark designations, the landmarks and design commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.
7. For landmark district designations, the landmarks and design commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.
8. Whenever the landmarks and design commission rejects the nomination of all or any part of a property, the commission shall, within 10 working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council.
9. The commission's decision on a COA may be appealed to the city council in a closed record appeal hearing.
10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an "LR" (for landmarks register). This designation shall not change or modify the underlying zone classification.

C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and hereafter known as the “downtown historic district,” and the existing residential historic district, defined in ECC ~~15.300.060(C)~~ 15.300.070(C) and hereafter known as the “First Railroad Addition historic district,” are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.
2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.
3. The provisions of ECC 15.280.090 and 15.280.100 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion in the register owing to loss of historic integrity, the landmarks and design commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section. [Ord. 4807 § 40, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 17. Chapter 15.300 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

**CHAPTER 15.300
ZONES MAPS AND DESIGNATIONS**

Sections:

- 15.300.010 Purpose.**
15.300.020 Zoning map and boundaries.
15.300.030 Zone and map designation purpose.
15.300.040 Residential zones and map designations.
15.300.050 ~~Nonresidential and mixed use~~ Commercial and Industrial zones.
15.300.060 ~~Special districts.~~ Mixed use zones.
15.300.070 Special districts.

Section 18. Chapter 15.300.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.040 Residential zones and map designations.

A. Residential Suburban Zone (R-S). The R-S zone is intended to provide for a mix of predominantly single-family detached dwelling units in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and other compatible housing types in a relatively low urban density;

2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
- ~~5. Providing for a minimum density standard to avoid large scale low density sprawl;~~
- 5.6. Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;
- 6.7. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - e. Preservation of historic buildings; and/or
 - f. Affordable housing; and
- 7.8. Use of this zone is appropriate for any of the following or combinations thereof:
 - a. Areas designated residential neighborhood in the comprehensive plan; and
 - b. Areas characterized predominantly by single-family dwellings.

B. Residential Low Density Zone (R-L). The R-L zone is intended to protect and enhance the character of existing low density residential neighborhoods while allowing for compatible infill development. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, ~~and duplexes~~, townhomes, and cottage housing ~~on larger lots~~;
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;

5. Providing a minimum density standard to avoid large scale low density sprawl;
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - e. Preservation of historic buildings; and/or
 - f. Affordable housing; and
7. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated residential in the comprehensive plan;
 - b. Areas characterized by, or immediately adjacent to, areas which are predominantly single-family in character.

C. Residential Medium Density Zone (R-M). The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;
6. Providing a minimum density standard to avoid large scale low density sprawl; and
7. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated residential, neighborhood mixed use, or community mixed use in the comprehensive plan;
 - b. Areas characterized by a mix of single- and multifamily buildings;

- c. Areas located along designated arterial streets;
- d. Areas adjacent to commercial zoned property;
- e. Areas located along corridors served by transit.

D. Residential High Density Zone (R-H). The R-H zone is intended to comprise areas for high density multifamily residential development in areas served by transit and within walking distance from commercial services. These purposes are accomplished by:

- 1. Allowing multifamily dwellings and providing a minimum density limit;
- 2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
- 3. Providing standards and guidelines that promote the integration of usable open space for residential uses; and
- 4. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated blended residential neighborhood, urban neighborhood, or community mixed use in the comprehensive plan;
 - b. Areas characterized by multifamily buildings;
 - c. Areas adjacent to commercial zoned property;
 - d. Areas located along corridors served by transit.

E. Manufactured Home Park Zone (MHP). The MHP zone comprises areas developed or suitable for development for placement and occupancy of manufactured homes for residential purposes on rented or leased sites in manufactured home parks. These purposes are accomplished by:

- 1. Establishing regulations to establish, stabilize, and protect the residential character of the zone and to prohibit all incompatible activities;
- 2. Establishing provisions for common open space; and
- 3. Establishing standards for a safe and connected circulation system. [Ord. 4807 § 42, 2018; Ord. 4798 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 19. Chapter 15.300.050 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.050 Commercial and Industrial Nonresidential and Mixed-use zones

A. Commercial Neighborhood Zone (C-N). The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:

1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;
2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
3. Providing a maximum size of five acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
6. Use of this zone is appropriate for any of the following, or combination thereof:
 - a. Areas designated residential neighborhood, blended residential neighborhood, or urban neighborhood in the comprehensive plan;
 - b. Areas located adjacent to a collector or arterial roadway;
 - c. Areas centralized to serve existing and/or planned residential neighborhoods within one-quarter mile of the site.

~~B. Commercial Tourist Zone (C-T). The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:~~

- ~~1. Allowing commercial uses that serve the traveling public;~~
- ~~2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and~~
- ~~3. Providing standards and guidelines that enhance the appearance and function of commercial tourist uses and their compatibility with surrounding uses;~~
- ~~4. Use of this zone is appropriate for areas that meet both of the following criteria:

 - ~~a. Areas designated general commercial services and community mixed use in the comprehensive plan; and~~
 - ~~b. Areas located within one half mile radius of the center of Interstate 90 interchange.~~~~

~~BC.~~ Commercial Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments and multifamily residential as a conditional use. In addition, specific areas of the C-H zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:

1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;
2. Allowing small to large scale retail uses, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of Chapter 15.390 ECC; ~~and~~
3. Allowing multifamily residential as a conditional use; and
- ~~34.~~ Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
- ~~45.~~ Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated neighborhood commercial, general commercial and services, or community mixed use in the comprehensive plan;
 - b. Areas adjacent to, or with good access to, arterial streets and highways.

~~D. Residential Office Zone (R-O). The R-O zone is intended to serve as a transition zone separating more intensive uses from single family residential districts. These purposes are accomplished by:~~

- ~~1. Allowing a variety of housing types including detached single family dwellings, cottage housing, townhouses, and multifamily;~~
- ~~2. Providing for office uses that are compatible in scale and character with permitted residential uses;~~
- ~~3. Providing for limited small scale nonresidential uses on street corner sites provided they are integrated with residential or office uses in a mixed-use building;~~
- ~~4. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;~~
- ~~5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~
- ~~6. Providing a minimum density standard to avoid large scale low density sprawl;~~
- ~~7. Encouraging historic preservation and adaptive reuse of historic properties; and~~
- ~~8. Use of this zone is appropriate for;~~

- ~~a. Areas designated blended residential neighborhood, urban neighborhood, and neighborhood mixed use in the comprehensive plan as well as;~~
- ~~b. Areas characterized by a mix of single and multifamily buildings and office uses; and/or~~
- ~~c. Areas located generally between commercial and single family residential zones.~~

~~E. Central Commercial Zone (C-C). The C-C zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial activities. These purposes are accomplished by:~~

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone, including upper floors on storefront dominated streets;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone; and~~
- ~~5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~
- ~~6. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

~~F. Central Commercial II Zone (C-C II). The C-C II zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:~~

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone;~~
- ~~5. Providing standards and guidelines that promote compatibility between uses;~~

~~6. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone; and~~

~~7. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

C.G. Light Industrial Zone (I-L). The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

1. Allowing a range of general service and light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby residential uses;
2. Providing for eating and drinking establishments that serve other permitted uses in the zone;
3. Providing for offices as an accessory use, except where owners have purchased development rights from county properties within defined sending areas (subject to the city's adoption of a TDR program);
4. Providing design standards and guidelines that enhance the appearance and function of uses in the zone and their compatibility with surrounding uses;
5. Promoting mixed-use residential as a secondary use in areas identified as industrial residential in the comprehensive plan; and
6. Use of this zone is appropriate for areas designated light industrial or industrial residential in the comprehensive plan.

D.H. Heavy Industrial Zone (I-H). The I-H zone is intended to accommodate certain industrial structures and uses including large scale or very specialized industrial operations which might have external physical effects of an offensive or hazardous nature. These purposes are accomplished by:

1. Allowing the processing of raw materials and the manufacturing, processing, storing, and compounding of semi-finished or finished durable or nondurable products; and
2. Providing design standards and guidelines that provide for flexibility in the layout of buildings and site features, yet enhance the appearance of I-H zone uses and their compatibility with surrounding uses;
3. Use of this zone is appropriate for areas designated heavy industrial in the comprehensive plan. [Ord. 4807 § 43, 2018; Ord. 4798 § 2, 2018; Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 20. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter as follows:

15.300.060 ~~Special districts~~ Mixed use zones

A. The general purposes of the mixed use zones are as follows:

1. Fostering a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
2. Encouraging new development that supports the safe and efficient movement of goods and people;
3. Providing for a compatible mix of multifamily housing and neighborhood commercial businesses and services, with an emphasis on promoting multistory structures with commercial uses on the ground floor and multifamily housing on upper floors;
4. Promoting a compact growth pattern to efficiently use the developable land, and to enable cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
5. Fostering the development of mixed use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use;
6. Ensuring that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

B. The purpose of the specific mixed use zones are as follows:

1. The Residential-Office (R-O) Zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. This purpose is accomplished by:
 - a. Avoiding large scale low density sprawl;
 - b. Allowing a variety of housing types;
 - c. Providing for nonresidential uses that are compatible in scale and character with residential uses;
 - d. Reinforcing the character and walkability of streets within the zone;
 - e. Encouraging historic preservation and adaptive reuse of historic properties; and
 - f. Reinforcing the character and walkability of streets.
- e. Use of this zone is appropriate for:
 - i. Areas designated as residential neighborhood, urban neighborhood, and neighborhood mixed use as well as;

ii. Areas characterized by a mix of single- and multifamily and office uses; and/or

iii. Areas located generally between commercial and single-family residential zones.

2. The Central-Commercial (C-C) Zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional, and commercial, and high density residential activities. This purpose is accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use, including upper floors on storefront dominated streets;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings; and
- e. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets.
- f. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

3. The Central-Commercial II (C-C II) Zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings;
- e. Providing standards and guidelines that promote compatibility between uses;
- f. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets; and
- g. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

4. The Neighborhood Center Mixed-Use Zone provides for a compatible mix of neighborhood-scaled commercial and employment uses and medium density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities.
- c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan.

5. The Regional Center Mixed-Use Zone is intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities.
- c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan and within a half mile radius of the center of Interstate 90 interchange.

Section 21. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4798, is hereby amended to read as follows:

15.300.0670 Special districts.

A. Public Reserve Zone (P-R). The P-R zone is a special use classification established to provide existing and future areas where public uses, such as, but not limited to, governmental, educational, recreational, cultural, and other public uses operated by a public entity may be allowed to develop. It is anticipated that the uses allowed may be unique and may involve a combination of uses not permitted outright in any other zoning districts. These purposes are accomplished by:

- 1. Allowing a full range of public uses including parks, schools, community centers, and governmental facilities;
- 2. Providing viable options for the adaptive reuse of surplus public facilities provided new uses can be integrated with the surrounding communities in a compatible manner; and
- 3. Use of this zone is appropriate for:
 - a. Areas designated public institutional or parks and open space in the comprehensive plan; and
 - b. Other sites planned to accommodate public uses allowed in the zone.

B. Downtown Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated an Ellensburg landmark district, hereafter to be known as the downtown historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the downtown historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

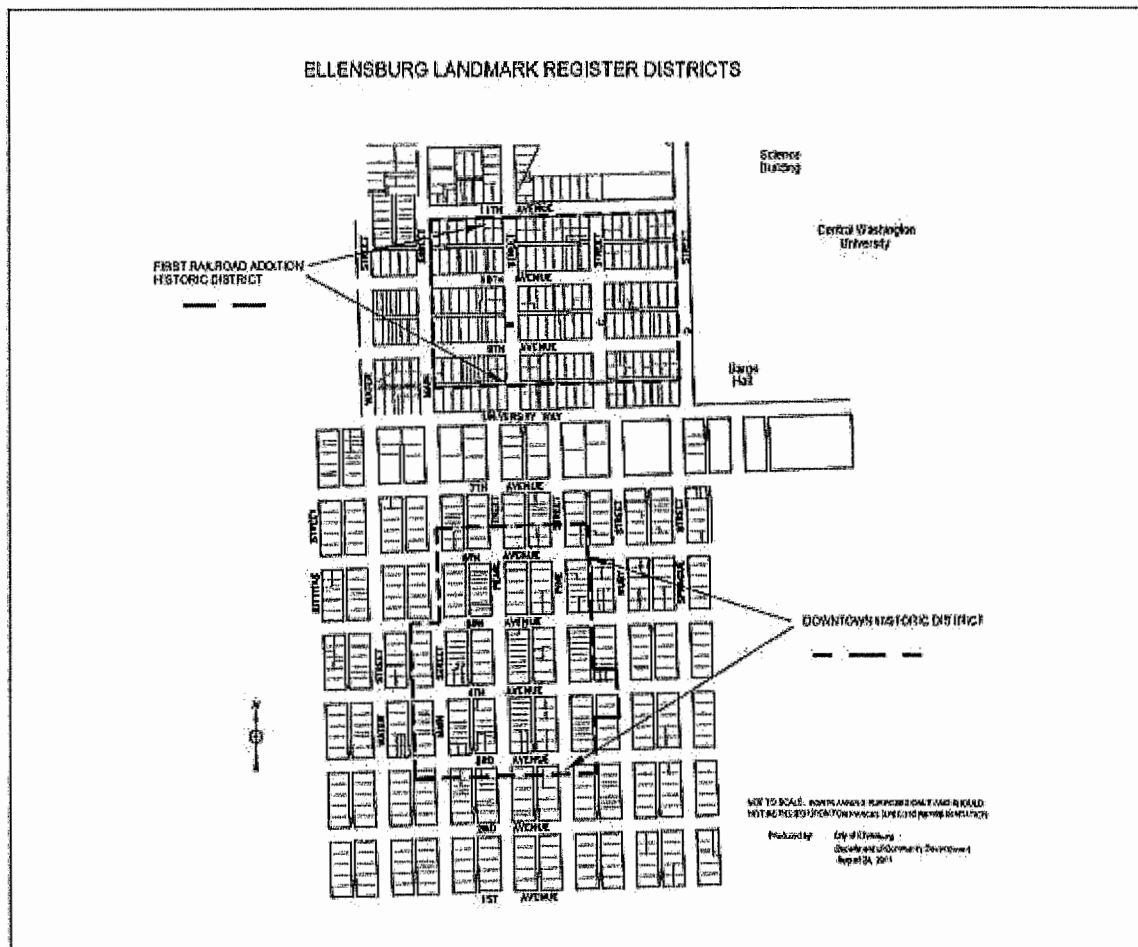


Figure 15.300.0670(B). Downtown and First Railroad Addition historic district boundaries.

C. First Railroad Addition Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated as an Ellensburg landmark district, hereafter to be known as the First Railroad Addition historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and

2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the First Railroad Addition historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

D. Airport Overlay Zone (A-O). The airport overlay (A-O) zone encompasses properties located on, adjacent to, and in the vicinity of Bowers Field, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community. The intent is also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zone.

Properties within the A-O overlay zone (see Figure 15.300.0670(D)) are subject to the standards in Chapter 15.350 ECC, Airport Overlay Zone (A-O) Standards, in addition to the provisions of the underlying zoning district. Where there is a conflict between the provisions of the A-O overlay zone and the underlying zoning district, the provisions of the A-O overlay zone shall apply.

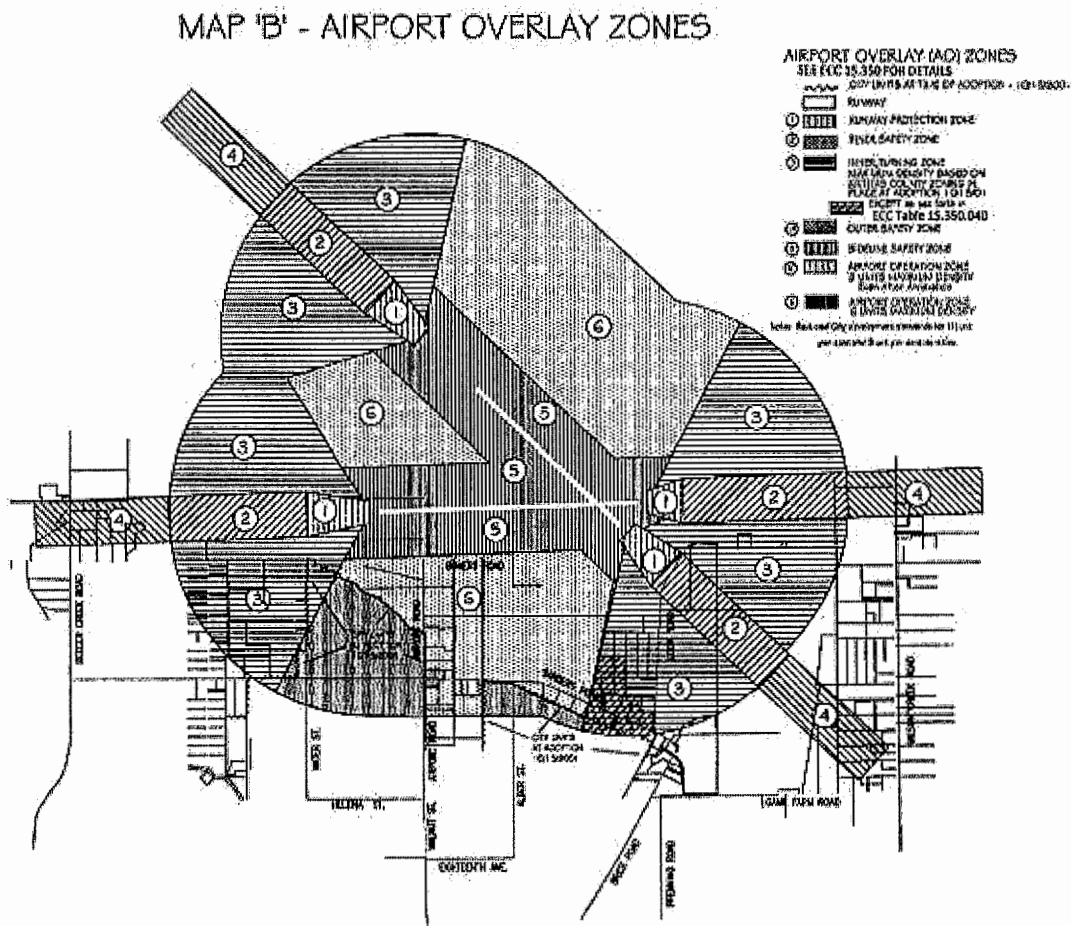


Figure 15.300.0670(D). Airport overlay zone and applicable airport safety zones as described in Chapter 15.350 ECC.

[Ord. 4798 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 22. Chapter 15.310.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.310.040 Use Tables

Table 15.310.040 Residential-based uses

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | I-L | <u>NC-MU</u> | <u>RC-MU</u> | I-H | P-R | MHP |
|--|--------------------|------------------------|----------------|----------------|----------------|----------------|----------------|----------|----------------|----------------|-----|--------------|--------------|-----|----------------|-----|
| RESIDENTIAL, GENERAL | | | | | | | | | | | | | | | | |
| Dwelling, single-family* (ECC 15.540.020) | P | P | P | | P | | | | | | | | | | | P |
| Dwelling, cottage* (ECC 15.540.050) | P | P | P | | P | | | | | | | | | | A ⁶ | |
| Dwelling, duplex* (ECC 15.540.030) | P ⁺² | P ⁺² | P | | P | | | | P ⁷ | P ⁷ | | | | | A ⁶ | |
| Dwelling, townhouse* (ECC 15.540.060) | P ^{1,5,2} | P ⁺² | P | P | P | P ³ | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | A ⁶ | |
| Dwelling, multifamily* (Division V of this title) | P ^{1,5} | <u>P^{1,5}</u> | P | P | P | P ³ | | <u>C</u> | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | A ⁶ | |
| Dwelling, live-work* | P ^{1,4} | <u>P⁴</u> | P ⁴ | P ⁴ | P ⁴ | P | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | | |
| Manufactured home park* (ECC 15.340.040) | <u>C</u> | <u>C</u> | C | P | C | | | | | | | | | | A ⁶ | P |
| GROUP RESIDENCES | | | | | | | | | | | | | | | | |
| Boarding houses, lodging houses, sororities, fraternities* | | C | P | P | C | | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | A ⁶ | |
| Adult family home* | P | P | P | P | P | P | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | A ⁶ | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | I-L | NC-MU | RC-MU | I-H | P-R | MHP |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|----------------|
| Community residential facility* | | | C | C | C | C | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | P/A ⁶ | |
| Senior citizen assisted housing* | | | P | P | P | P | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | A ⁶ | |
| RESIDENTIAL ACCESSORY USES | | | | | | | | | | | | | | | | |
| Accessory dwelling unit* (ECC 15.540.040) | P | P | P | P | P | | | | P ⁷ | P ⁷ | | | | | | |
| Home occupations* (ECC 15.340.020) | P | P | P | P | P | P | P | P | P ⁷ | P ⁷ | P | <u>P</u> | <u>P</u> | P | P ⁶ | P |
| Yard sale use | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ | A ⁸ |
| TEMPORARY LODGING | | | | | | | | | | | | | | | | |
| Bed and breakfast (ECC 15.340.010) | <u>P</u> | <u>P</u> | P | P | P | | | | P ⁷ | P ⁷ | | <u>P</u> | <u>P</u> | | | |

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and Chapter 15.330 ECC.
2. Duplexes and townhomes are permitted in the R-L and R-S zones on infill lots (preexisting legal lots of record as of December 31, 2021) notwithstanding the maximum density limits in Table 15.320.030. For lots recorded after this date, duplexes and townhomes are permitted in the R-L and R-S zones but must meet the density requirements of ECC 15.320.030, ~~per the following conditions:~~
 - ~~a. Lots at least 10,890 square feet in area; or~~
 - ~~b. Corner lots where building entries are provided on separate streets.~~
3. Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.
4. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district ~~use provisions for the applicable zoning district in Table 15.310.040 below.~~
5. ~~Townhouses and multifamily~~ Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC 15.310.050).

7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC 15.510.050(E).

8. Yard sales are permitted as an accessory use to a dwelling; provided, that the following conditions are met:

- a. Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
- b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
- c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works and utilities department; and
- d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

Table 15.310.040 Nonresidential uses

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | <u>NC</u> <u>MU</u> | <u>RC</u> <u>MU</u> | I-L | I-H | P-R |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------|----------------|-----------------|----------------|----------|------------------------|------------------------|----------|----------|----------|
| RETAIL | | | | | | | | | | | | | | | |
| Auto sales, new and used | | | | | | | P ⁺ | P | P ² | P | | <u>P</u> | | | |
| <u>Automobile fueling</u> | | | | | | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | <u>P</u> | | |
| <u>Automobile, electric vehicle battery charging station</u> | <u>P¹</u> | <u>P¹</u> | <u>P¹</u> | <u>P¹</u> | <u>P¹</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Farmers' markets* | | | | | | P | | | P | P | <u>P</u> | <u>P</u> | | | |
| Fruit stands* | P | P | P | P | P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | <u>P</u> | | |
| Heavy retail (ECC 15.130.080) | | | | | | | | P ¹⁰ | P ² | P | | <u>P</u> | P | P | |
| Heavy service (ECC 15.130.080) | | | | | | | | P ¹⁰ | P ² | P | | | P | P | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | <u>NC</u> <u>MU</u> | <u>RC</u> <u>MU</u> | I-L | I-H | P-R |
|--|------------------|-----------------------|------------------|------------------|------------------|------------------|------------------|------------------|----------------|----------|------------------------|------------------------|------------------|-----|-----------------------|
| Nurseries and greenhouses that are ancillary to a retail use* | P | | | | | | | P | P ² | P | <u>P</u> | <u>P</u> | P | P | |
| Restaurants, bars, and brewpubs* | <u>P</u> | <u>P</u> | P ³ | P ³ | P ³ | P | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | P ⁴⁺ | | A ⁹⁶ |
| Bars and brewpubs* | | | | | | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>A</u> ⁶ |
| Coffee house, espresso bar | P ⁸⁵ | <u>P</u> ⁵ | P ³ | P ³ | P ³ | P | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | P ⁴⁺ | | A ⁹⁶ |
| Retail, small scale (<2,000 sf floor area) | P ⁸⁵ | <u>P</u> ⁵ | P ³ | P ³ | P ³ | P | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | | | A ⁹⁶ |
| Retail, medium scale (2,000 – 20,000 sf floor area) | | | | | | P | | P | P | P | <u>P</u> | <u>P</u> | | | A ⁹⁶ |
| Retail, large scale (20,001 – 60,000 sf floor area) | | | | | | P ⁴³ | | P | P | P | <u>P</u> | <u>P</u> | | | |
| Retail, very large scale (60,001 – 100,000 sf floor area) | | | | | | | | <u>P</u> | C | C | | <u>P</u> | | | |
| Retail, super scale (>60,000 100,001 sf floor area) | | | | | | | | <u>C</u> | | | | <u>C</u> | | | |
| Outlet center | | | | | | | | <u>P</u> | | | | | | | |
| Regional retail commercial projects* (subject to the requirements in | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | P ¹³⁸ | | | <u>P</u> ⁸ | <u>P</u> ⁸ | P ¹³⁸ | | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-F | C-H | C-C | C-C II | <u>NC</u> <u>MU</u> | <u>RC</u> <u>MU</u> | I-L | I-H | P-R |
|--|-------------------|----------------------|-------------------|-------------------|-------------------|-------------------|-------------------------------|-------------------|-------------------|-------------------|------------------------|------------------------|-------------------|-------------------|-----------------------|
| Chapter 15.390 ECC) | | | | | | | | | | | | | | | |
| Marijuana retailer* | | | | | | P ¹⁴² | P ¹⁴² ₄ | P ¹⁴² | P ¹⁴² | P ¹⁴² | <u>P⁹</u> | <u>P⁹</u> | | | |
| PERSONAL AND GENERAL SERVICE | | | | | | | | | | | | | | | |
| Day care I facilities* | P | P | P | P | P | P | | P | P | P | <u>P</u> | <u>P</u> | P | | A ⁹⁶ |
| Day care II facilities* | C | C | C | C | P | P | | P | P | P | <u>P</u> | <u>P</u> | | | A ⁹⁶ |
| General service establishments (ECC 15.130.070) | | | | | | P ⁵ | P ⁶ | P | P ² | P | | | P | | |
| Heavy services (see Heavy retail and services definition in ECC 15.130.080)* | | | | | | | | P ¹⁰ | P ² | P | | <u>P</u> | P | P | |
| Hotels/motels* | | | | | | | P | P | P | P | <u>P</u> | <u>P</u> | | | |
| Hospitals* | C | C | C | | P | | | | C | P | | <u>C</u> | | | A ⁹⁶ |
| Offices, medical* | P ⁸ | | | | P | P | P | P | P | P | <u>P</u> | <u>P</u> | | | P/ A ⁹⁶ |
| Kennels* | | | | | | | | P | | P | | | P | | |
| Nursing homes* | C | C | C | P | P | | | | P | P | | | | | P/ A ⁹⁶ |
| Marijuana cooperative* | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ | <u>P¹⁰</u> | <u>P¹⁰</u> | P ¹⁵¹⁰ | P ¹⁵¹⁰ | P ¹⁵¹⁰ |
| Personal service establishments * | P ⁵ | <u>P⁵</u> | P ³ | P ³ | P ³ | P | P | P | P | P | <u>P</u> | <u>P</u> | | | A ⁹⁶ |
| Laundromats and dry cleaners | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | <u>NC</u> <u>MU</u> | <u>RC</u> <u>MU</u> | I-L | I-H | P-R |
|---|-----------------|----------------------|-----|-----|----------|-----|----------|-------------------|------------------------|------------------------|------------------------|------------------------|-------------------|-------------------|-----------------------|
| Places of assembly* | C | C | C | C | P | P | | <u>P</u> | P | P | <u>C</u> | <u>C</u> | C | | A ⁹⁶ |
| Radio station (commercial) | | C | | | | | | <u>C</u> <u>P</u> | | | <u>P</u> | <u>P</u> | C | C | A ⁹⁶ |
| Veterinary clinic | | | | | C | C | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | C | | |
| BUSINESS SERVICE | | | | | | | | | | | | | | | |
| Conference center* | | | | | | | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | | | A ⁹⁶ |
| Offices, business or professional*, small scale (<2,000 sf floor area) | P ⁸² | <u>P⁵</u> | | | <u>P</u> | P | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | P ⁷⁴ | | P/ A ⁹⁶ |
| Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area) | P ⁸² | <u>P⁵</u> | | | | | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | P | | P/ A ⁹⁶ |
| Offices, business or professional*, large scale (20,001 – 60,000 sf floor area) | | | | | | | | P | P | P | <u>P</u> | <u>P</u> | P | | P/ A ⁹⁶ |
| Miniwarehouse facility* | | | C | | | | | <u>C</u> | | | | | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | |
| INDUSTRIAL | | | | | | | | | | | | | | | |
| <u>Light manufacturing</u> * | | | | | | | | <u>P</u> | <u>P²</u> | <u>P²</u> | <u>P²</u> | <u>P²</u> | <u>P</u> | <u>P</u> | |
| Light industry (ECC 15.130.120) | | | | | | | | | P ^{2,44} Z | P ^{2,44} Z | <u>P^{2,7}</u> | <u>P^{2,7}</u> | P | P | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | NC MU | RC MU | I-L | I-H | P-R |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|----------|----------|-----------------|-----------------|-----------------|
| Hazardous waste treatment (off-site) (see definition of "off-site" in ECC 15.130.150) | | | | | | | | | | | | | C | C | |
| Hazardous waste treatment (on-site) (see definition of "on-site" in ECC 15.130.150) | | | | | | | C | C | C | C | | | C | C | A ⁹⁶ |
| Heavy industry (ECC 15.130.080) | | | | | | | | | | | | | | C | |
| Marijuana processor* | | | | | | | | | | | | | P ¹⁴ | P ¹⁴ | |
| Marijuana producer* | | | | | | | | | | | | | P ¹⁴ | P ¹⁴ | |
| Tow vehicle storage area* | | | | | | | | | | | | | P | P | |
| Vehicle wrecking yard* | | | | | | | | | | | | | | C | |

Development conditions:

1. ~~Sales of used vehicles in this zone are limited to uses that include sales of new vehicles as the primary use. Vehicle battery charging stations are permissible for the primary use of residents and their guests in all residential zones. Battery charging station clusters are permitted for multifamily uses located in the R-M and R-H zones.~~

2. Use must be enclosed entirely within a building.

3. ~~Use is permitted if located adjacent to a street corner and within a mixed-use building or within a live-work dwelling. Such uses shall be subject to secondary street frontage standards as set forth in ECC 15.510.060.~~

34. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.

~~5. Except for gas service stations, the use must be enclosed entirely within a building.~~

~~6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.~~

~~4.7.~~ Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.

~~5.8.~~ Subject nonresidential uses may be permitted in the R-S and R-L zones if the planned uses are at least 1,200 feet from an existing C-N zone or commercial use, subject to the following conditions:

~~—— a. The location for planned nonresidential uses shall be designated on the plat.~~

~~b. Nonresidential uses may be integrated into subdivisions provided the subdivision encompasses at least five acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.~~

~~c. Nonresidential uses shall not be located adjacent to existing single family dwellings, except where such uses were approved on an individual plat.~~

~~d. For the purpose of identifying appropriate site orientation standards for future nonresidential development, the plat shall indicate the street frontage type designation for streets fronting planned nonresidential uses as either storefront, secondary, or landscaped street (see Chapter 15.510 ECC).~~

~~6.9.~~ All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.

~~10. Heavy retail and service uses are limited to buildings no larger than 50,000 gross square feet in area.~~

~~7.11.~~ Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:

a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.580 ECC for standards), dust or other physical effect; and

b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.

~~12. Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).~~

~~8.13.~~ Regional retail is administered as an overlay zone pursuant to Chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in ECC Figure 15.390.040(A), the south interchange area, and Figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by Chapter 15.390A ECC.

9.14. All marijuana retail, production and processing facilities are subject to the requirements of Chapter 15.370 ECC.

10.15. All marijuana cooperatives are subject to the requirements of ECC 15.370.030, Chapter 314-55 WAC and Chapter 69.51A RCW.

Table 15.310.040 Special uses

| Use | R-S | R-L | R-M | R-H | R-O | C-N | €-T | C-H | C-C | C-C H | <u>NC-MU</u> | <u>RC-MU</u> | I-L | I-H | P-R |
|--|-----------------------|-----------------------|-----------------------|-----------------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------------|----------------------|----------------|-----|------------------|
| PARK, OPEN SPACE AND RECREATIONAL | | | | | | | | | | | | | | | |
| Cemeteries, columbarium or mausoleums | P | P | | | | | | | | | | | | | |
| Golf course | P | | | | | | | | | | | | | | P ¹¹ |
| Golf driving range (not associated with a golf course) | C | | | | | | € | C | | | | | | | P ¹¹ |
| Recreation – outdoor (commercial)* | | | | | | | P | P | | | <u>P</u> | <u>P</u> | C | | A |
| Recreation – indoor (commercial)* | | | | | | | P | P | P | P | <u>P</u> | <u>P</u> | C | | A |
| <u>Recreation – small-scale indoor studios (commercial)*</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>C</u> | | |
| Recreational vehicle parks (ECC 15.340.050) | | | | | | | P | <u>P</u> | | | | | | | |
| Parks, playgrounds (public or private) | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | | P ¹ | P ¹ | P ¹ | <u>P¹</u> | <u>P¹</u> | P ¹ | | P |
| CULTURAL AND ENTERTAINMENT | | | | | | | | | | | | | | | |
| Adult entertainment establishment* | | | | | | | P ² | <u>P²</u> | | | | | | | |
| Art, performing arts, and recording studios | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | <u>P</u> | <u>P</u> | <u>P</u> | | P/A ⁷ |
| Museums | <u>C¹²</u> | <u>C¹²</u> | <u>C¹²</u> | <u>C¹²</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | <u>P</u> | <u>P</u> | <u>P</u> | | P/A ⁷ |
| <u>Theaters</u> | | | | | <u>P</u> | <u>P</u> | € | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>C</u> | | |
| EDUCATIONAL | | | | | | | | | | | | | | | |
| Schools | C | C | C | C | C | | | C | C | C | | | | | P ⁵ |
| GOVERNMENTAL | | | | | | | | | | | | | | | |

| Use | R-S | R-L | R-M | R-H | R-O | C-N | C-T | C-H | C-C | C-C II | <u>NC-MU</u> | <u>RC-MU</u> | I-L | I-H | P-R |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------------|-----------------|-----------------|-----------------|-----------------------|-----------------------|-----------------|-----------------|---------------------------------|
| Court | | | | | | | | P | P | P | | | | | P |
| Fire facility | | | | | | | | P | | | | <u>P</u> | <u>P</u> | | P |
| Police facility | | | | | | P ³ | | P | P ³ | P | | <u>P</u> | P | | P |
| Public agency or utility office* | | | | | | P | P | P | P | P | <u>P</u> | <u>P</u> | P | P | P/A |
| Public agency or utility yard | P ⁴ | P ⁴ | P ⁴ | P ⁴ | P ⁴ | P | | P | C ⁴ | P | | | P | P | P/A |
| Utility facility* ⁸ | P | P | P | | P | P | P | P | P | P | | | P | P | P |
| Fairgrounds | | | | | | | | | | | | | | | P |
| Public transportation passenger terminals | | | | | | | P | P | P | P | | <u>P</u> | <u>P</u> | <u>P</u> | P |
| RESOURCE | | | | | | | | | | | | | | | |
| Gardening or fruit raising (accessory use or noncommercial) | P | P | P | P | P | P | P | P | P | P | <u>P</u> | <u>P</u> | P | P | P/A ⁷ |
| Agriculture* | P ⁹ | | | | | | | | | | | | | | |
| Small wind energy systems (ECC 15.340.060) | P ¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | P¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | <u>P¹⁰</u> | <u>P¹⁰</u> | P ¹⁰ | P ¹⁰ | P ¹⁰ /A ⁷ |
| REGIONAL | | | | | | | | | | | | | | | |
| Airport | | | | | | | | | | | | | | | PC ⁶ |

Development conditions:

- Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
- Adult entertainment is regulated pursuant to Chapter 6.72 ECC. Zoning locational standards within the ~~C-TC-H~~ zone for adult entertainment establishments are:
 - All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office).
- Limited to "storefront" police offices. Such offices shall not have:
 - Holding cells;
 - Suspect interview rooms (except in the C-N zone); or
 - Long-term storage of stolen properties.

4. Public agency or utility yard conditions:
 - a. Utility yards only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
5. Excluding private or nonprofit commercial schools, for which the principal course work is business, vocational, or technical.
6. A conditional use permit is required for the following uses:
 - a. Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
 - b. Airport landing areas.
7. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use; see ECC 15.310.050. Subject uses must be managed by a public agency.
8. Wireless communication facilities, including wireless communication support towers and antenna arrays, are subject to the provisions of ECC 15.340.070 and Chapter 15.395 ECC.
9. Agriculture uses are permitted in the subject zone provided the following conditions are met:
 - a. The raising of swine, poultry or goats shall be restricted to youth educational projects or limited household consumption occurring on the same lot, or lots of record;
 - b. No nuisances, such as noise, odor, air pollution, wastes, vibration, traffic or physical hazards, shall result therefrom; and
 - c. Fencing and housing adequate to certain livestock shall be provided where livestock are kept, and all livestock shall be kept and maintained in accordance with applicable laws and regulations.
10. Small wind energy systems on properties listed in the Ellensburg landmarks register are subject to landmarks and design commission certificate of appropriateness.
11. Subject use shall be permitted only if it is a public facility.
12. Museums within the R-S, R-L, R-M and R-H zoning districts are permissible within existing buildings, or if for new construction only if the building is 2,000 sq ft or less, and for both options through approval of a conditional use permit. [Ord. 4807 § 44, 2018; Ord. 4804 § 3, 2018; Ord. 4769 § 13, 2017; Ord. 4728 § 4, 2016; Ord. 4724 § 4, 2016; Ord. 4696 § 3, 2015; Ord. 4669 § 3, 2014; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 23. Chapter 15.320 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

Chapter 15.320

BUILDING SETBACK AND INTENSITY STANDARDS

Sections:

- 15.320.010 Purpose.**
- 15.320.020 Interpretation of tables.**
- 15.320.030 Building setback and intensity standards table – Residential zones.**
- 15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.**
- 15.320.045 Building setback and intensity standards – Mixed use zones**
- 15.320.050 Density calculations.**
- 15.320.060 Height exceptions.**
- 15.320.070 Setback measurements.**
- 15.320.080 Permitted projections into yards.**
- 15.320.090 Setbacks from alleys.**
- 15.320.100 Setback modifications.**
- 15.320.110 Lot or site divided by zone boundary.**
- 15.320.120 Fences, walls, and hedges.**

Section 24. Chapter 15.320.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.030 Building setback and intensity standards table – Residential zones.

Table 15.320.030. Building setback and intensity standards table – Residential zones.

| Topic | R-S | R-L | R-M | R-H | R-O |
|--|-------------------------|-------------------------|------------------------|---------------------|----------------------------------|
| DEVELOPMENT INTENSITY AND CONFIGURATION | | | | | |
| Minimum lot area | None ¹ | None ¹ | None ¹ | None ¹ | None¹ |
| Minimum frontage | None ^{1,2} | None ^{1,2} | None ^{1,2} | None ^{1,2} | None^{1,2} |
| Density, minimum (ECC 15.320.050) | | 6 du/acre ³ | 8 du/acre ³ | 15 du/acre | 8 du/acre³ |
| Density, maximum (base) ⁸ (ECC 15.320.050) | 6 du/acre | 8 du/acre | No limit | No limit | No limit |
| Density, maximum with bonus (see Chapter 15.330 ECC) | 12 du/acre ⁴ | 16 du/acre ⁴ | No limit | No limit | No limit |
| Maximum building height | 35 ft | 35 ft | 35 ft ⁵ | 45 ft ⁵ | 35 ft⁵ |
| BUILDING SETBACK (see ECC 15.320.070 through 15.320.130) | | | | | |
| Minimum front yard setback ^{6,7} | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft |
| Garage front yard setback | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft |
| Minimum rear yard setback | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft |
| Minimum rear yard setback, accessory buildings (including garages) | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft¹⁰ |

| Topic | R-S | R-L | R-M | R-H | R-O |
|--|--------------------------|--------------------------|--------------------------|--------------------------|------------------------------------|
| Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040) | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft ¹⁰ | 5 ft¹⁰ |
| Minimum side yard setback (includes corner lot interior lot line) ⁹ | 5 ft/10 ft ¹¹ | 5 ft/10 ft ¹¹ | 5 ft/10 ft ¹¹ | 5 ft/10 ft ¹¹ | 5 ft/10 ft¹¹ |
| Minimum side yard setback (corner lot exterior lot line) | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| Minimum garage side yard setback (corner lot exterior lot line) | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft |

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
5. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
6. Porches and covered entries may project up to six feet into the front yard.
7. No front yard is required for buildings adjacent to designated “storefront streets.”
8. Base maximum density refers to the maximum density allowed without utilizing density bonuses. Per Section 15.310.040, duplexes and townhomes are permitted in R-S and R-L zones on preexisting legal lots of record as of December 31, 2021, notwithstanding the maximum density requirements of this chapter. For lots recorded after this date, duplexes and townhomes must meet the density standards of this chapter.
9. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
10. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

11. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 25. Chapter 15.320.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones

Table 15.320.040. Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.

| Standard | C-N | C-T | C-H | C-G | C-CH | I-L | I-H | P-R |
|--|--------------------|------------------------------|--------------------|-----------------------------|-----------------------------|----------------------|-------------------|--------------------|
| DEVELOPMENT INTENSITY AND CONFIGURATION | | | | | | | | |
| Minimum lot area | None ¹ | None⁺ | None ¹ | None⁺ | None⁺ | None ¹ | None ¹ | None ¹ |
| Density, minimum (ECC 15.320.050) | NA | NA | NA | NA | NA | NA | NA | NA |
| Density, maximum (ECC 15.320.050) | None | None | None | None | None | NA | NA | NA |
| Maximum building height (see ECC 15.320.060 for height exceptions) | 35 ft | 35 ft | 35 ft | 45 ft | 70 feet | 35 feet ³ | None | None ³ |
| BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130) | | | | | | | | |
| Minimum front yard | 10 ft ² | 10 ft² | 10 ft ² | None² | None² | 10 ft ² | 10 ft | 10 ft ⁴ |
| Garage front yard setback | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft | 22 ft |
| Minimum rear yard (see ECC 15.520.020 for supplemental standards) | None ⁵ | None⁵ | None ⁵ | None⁵ | None⁵ | None ⁵ | None ⁵ | None ⁴ |
| Minimum side yard (see ECC 15.520.020 for supplemental standards) | None ⁵ | None⁵ | None ⁵ | None⁵ | None⁵ | None ⁵ | None ⁵ | None ⁴ |

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
3. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).

4. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.
5. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
6. ~~See ECC 15.330.030 for FAR bonus provisions.~~ [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 26. Chapter 15.320.045 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter to read as follows:

15.320.045 Building setback and intensity standards – Mixed Use Zones

Table 15.320.045. Building setback and intensity standards table – Mixed Use Zones

| <u>Standard</u> | <u>R-O</u> | <u>C-C</u> | <u>C-C II</u> | <u>NC-MU</u> | <u>RC-MU</u> |
|---|------------------------------|-----------------------------|-------------------------|-------------------------------|--------------------------------|
| <u>DEVELOPMENT INTENSITY AND CONFIGURATION</u> | | | | | |
| <u>Minimum lot area</u> | <u>None¹</u> | <u>None¹</u> | <u>None¹</u> | <u>None¹</u> | <u>None¹</u> |
| <u>Minimum frontage</u> | <u>None^{1,2}</u> | <u>None</u> | <u>None</u> | <u>None</u> | <u>None</u> |
| <u>Density, minimum (ECC 15.320.050)</u> | <u>8 du/acre³</u> | <u>NA</u> | <u>NA</u> | <u>8 du/acre¹²</u> | <u>15 du/acre¹²</u> |
| <u>Density, maximum (ECC 15.320.050)</u> | | <u>None</u> | <u>None</u> | <u>None</u> | <u>None</u> |
| <u>Maximum building height (see ECC 15.320.060 for height exceptions)</u> | <u>35ft⁴</u> | <u>60ft^{7, 11}</u> | <u>60 ft</u> | <u>60 ft⁷</u> | <u>60 ft⁷</u> |
| <u>BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)</u> | | | | | |
| <u>Maximum front yard setback</u> | | | | <u>10 ft¹³</u> | <u>10 ft¹³</u> |
| <u>Minimum front yard</u> | <u>15 ft</u> | <u>None⁵</u> | <u>None⁵</u> | <u>None⁵</u> | <u>None⁵</u> |
| <u>Minimum garage front yard setback</u> | <u>22 ft</u> | <u>22 ft</u> | <u>22 ft</u> | <u>22 ft</u> | <u>22 ft</u> |
| <u>Minimum rear yard (see ECC 15.520.020 for supplemental standards)</u> | <u>20 ft</u> | <u>None⁶</u> | <u>None⁶</u> | <u>None⁶</u> | <u>None⁶</u> |
| <u>Minimum rear yard setback, accessory buildings (including garages)</u> | <u>5 ft⁸</u> | | | | |

| <u>Standard</u> | <u>R-O</u> | <u>C-C</u> | <u>C-C II</u> | <u>NC-MU</u> | <u>RC-MU</u> |
|--|-------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| <u>Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)</u> | <u>5 ft⁸</u> | | | | |
| <u>Minimum side yard, includes corner lot interior lot line (see ECC 15.520.020 for supplemental standards)¹⁰</u> | <u>5 ft/10 ft⁹</u> | <u>None⁶</u> | <u>None⁶</u> | <u>None⁶</u> | <u>None⁶</u> |
| <u>Minimum side yard setback (corner lot exterior lot line)¹⁰</u> | <u>10 ft⁹</u> | | | | |
| <u>Minimum garage side yard setback (corner lot exterior lot line)</u> | <u>22 ft</u> | | | | |

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
5. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
6. Where the subject property shares any portion of a border with a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
7. Where subject property shares any portion of a border with a residential zone the maximum building height is 45 feet.
8. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.
9. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side.
10. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
11. The maximum building height in the downtown Ellensburg local landmark district is 45 feet.

12. There is no minimum residential density for vertical mixed use. Minimum residential density applies to any portion(s) of the development where ground-floor residential uses are proposed with the following standards:

- a. The area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses.
- b. Where ground-floor residential uses are part of a mixed use development, area used to calculate the residential density does not include land dedicated to right-of-way.

13. The secondary street standards in ECC 15.510.060 shall apply to all new streets in the Neighborhood-Center and Regional Center Mixed-Use Zones. [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 27. Chapter 15.320.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030, ~~and~~ 15.320.040 and 15.320.045:

- A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;
- C. Fire or parapet walls may exceed the height limit by up to 10 feet in the C-C and C-C II zones; and
- D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 28. Chapter 15.350.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.350.030 Airport overlay zone.

In order to carry out the purpose of this chapter there is hereby created an airport overlay zone (A-O) that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zone (A-O) Map "B," "Safety Zones" (see Figure ~~15.300.060(D)~~ 15.300.070(D)) which shall be on file and open for inspection in the Kittitas County public works department, Kittitas County planning department and city of Ellensburg community

development department. The surface and safety zones are overlaid on top of the existing underlying zoning that remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) Overlay Zone Map "A," "Part 77," as amended, which is on file and open for inspection in the Kittitas County public works department. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Runways 07, 25, and 11 – Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths-Mile Non-Precision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Runway 29 – Larger Than Utility with a Visibility Minimum Lower Than Three-Fourths-Mile Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.
3. Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level, as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
4. Horizontal Zone. This zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all

runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs, as depicted on Map "A." The horizontal zone does not include the approach and transitional zones. Height restrictions: no object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.

5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet as depicted in Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

B. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zone Map "B," "Safety Zones," as amended and shall also be identified on the city of Ellensburg official zoning map by inclusion of the prefix "Airport" attached to the corresponding underlying zone name. Within each of the safety zones certain land use limitations are hereby established and certain development standards are hereby imposed in addition to the land uses and development standards of the underlying zoning district. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

1. Runway Protection Zone 1. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
2. Inner Safety Zone 2. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted in Map "B" (shaded area No. 2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
3. Inner Turning Zone 3. A fan-shaped area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
4. Outer Safety Zone 4. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.

5. Sideline Zone 5. An area adjacent to Runways 11, 29, 07, and 25 as depicted on Map "B" (shaded area No. 5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.

6. Airport Operations Zone 6. This zone is depicted on Map "B" (shaded area No. 6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 29. Chapter 15.510.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.060 Secondary street standards.

For all designated secondary streets, development frontages may either be storefronts (see subsection (B) of this section), landscaped frontages (see subsection (C) of this section), or a combination of both.

A. Applicability. The standards herein shall apply to all nonresidential and multifamily development on designated secondary streets per ECC 15.510.040.

B. Storefront Standards. All storefront buildings along designated secondary streets shall comply with all building-related storefront street standards set forth in ECC 15.510.050.

C. Landscaped Frontage Standards for Secondary Streets.

1. Building Setbacks. Ten feet minimum or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and 15.320.040, and 15.320.045~~), whichever is greater. Covered entries and other weather protection features may extend into this setback by up to six feet.

2. Building Entry. At least one building entry shall be visible from the sidewalk.

3. Weather Protection. Weather protection at least three feet deep shall be provided over all primary entries.

4. Transparency. Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

5. Landscaping. All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.

D. Parking Location. No more than 50 percent of the street frontage can be occupied by off-street parking and driveways (see Figure 15.510.060(B)). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

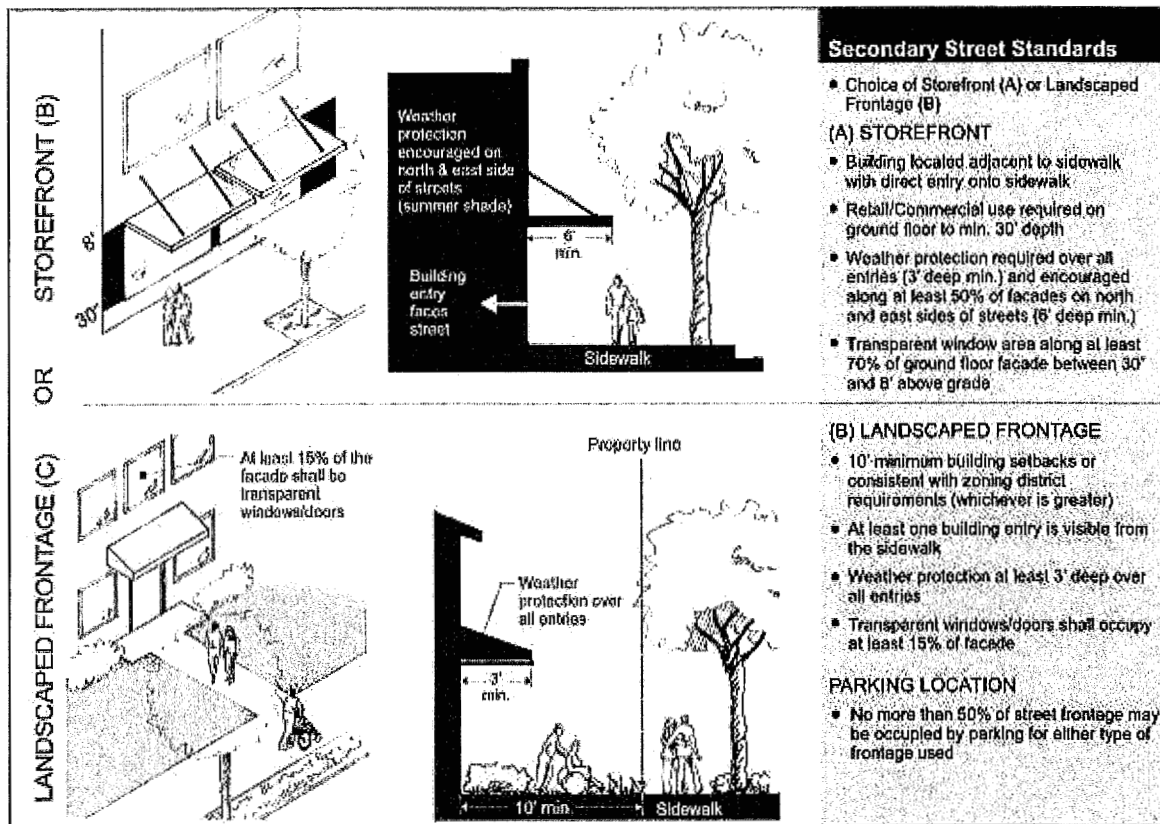


Figure 15.510.060(A). Summary of key secondary street standards.

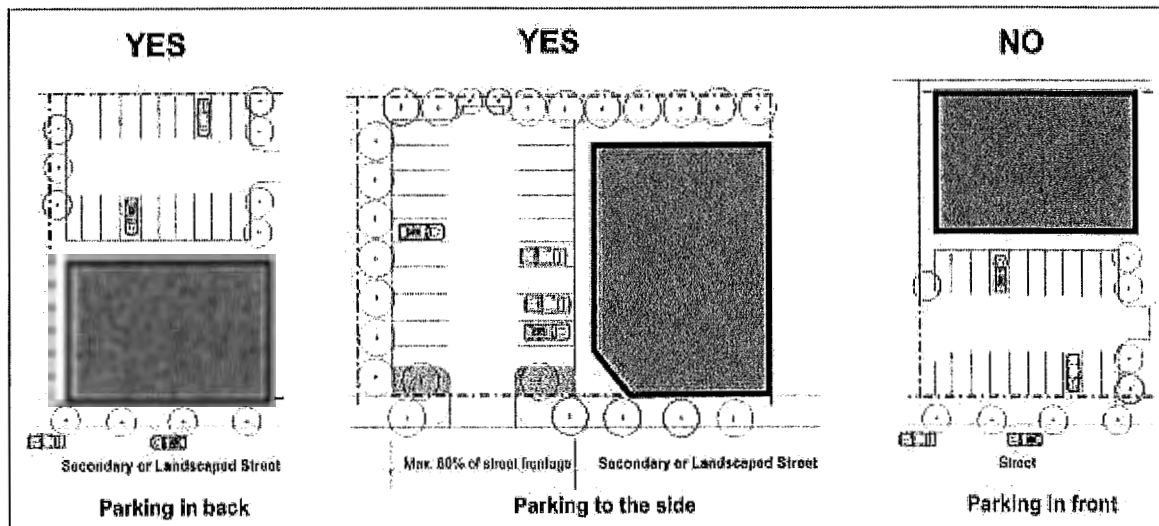


Figure 15.510.060(B). Parking location standards for designated secondary streets.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 30. Chapter 15.510.070 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.070 Gateway street standards.

- A. **Applicability.** The standards herein shall apply to all designated gateway streets per ECC 15.510.040.
- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.040 and 15.320.045), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.
- F. **Landscaping.** All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.
- G. **Parking Location.** Parking and driveways shall be located to the side or rear of buildings. Drive-through lanes between the sidewalk and the building are prohibited. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

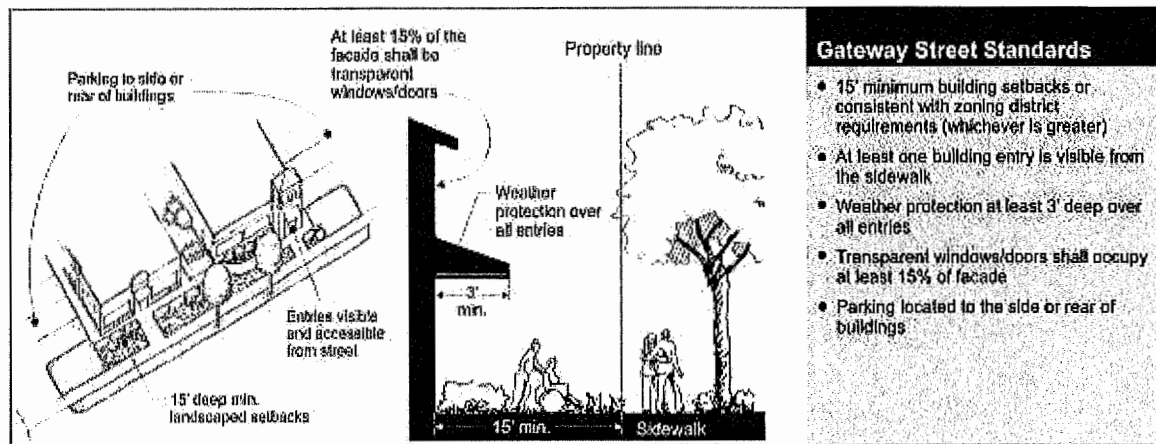


Figure 15.510.070. Summary of key gateway street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 31. Chapter 15.510.080 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.080 Landscaped street standards.

- A. **Applicability.** The standards herein shall apply to all nonresidential and multifamily development on designated landscaped streets per ECC 15.510.040.

- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and 15.320.040, and 15.320.045~~), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures for nonresidential uses will be considered pursuant to ECC 15.210.060 and 15.510.120.
- F. **Landscaping.** All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.
- G. **Parking Location.** No more than 50 percent of the street frontage can be occupied by off-street parking and driveways. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

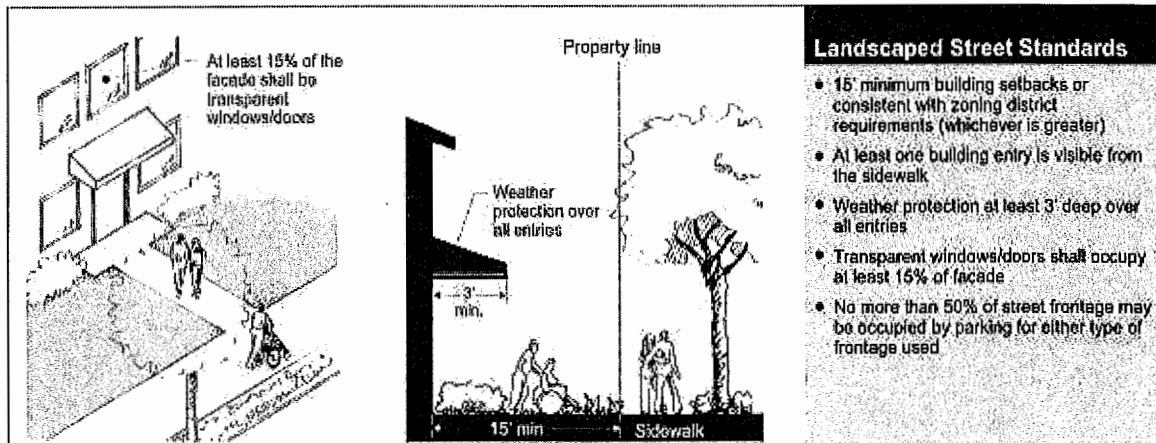


Figure 15.510.080. Summary of key landscaped street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 32. Chapter 15.530.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.530.040 Building elements and details.

- A. **Purpose.** To encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale.
- B. **Applicability.** All nonresidential and mixed-use buildings shall comply with the building elements and details standards herein unless otherwise noted.

C. Facade Details Toolbox. All nonresidential and mixed-use buildings shall be enhanced with appropriate details. All new buildings and additions and buildings associated with Level II and III improvements must employ at least one detail element from each of the three categories below for each facade facing a street, featuring a customer entry, or featuring the primary residential entry for each facade articulation interval (see ECC 15.530.030). For example, a building with 120 feet of street frontage with a facade articulated at 40-foot intervals will need to meet the standards for each of the three facade segments below.

1. Window and/or Entry Treatment.
 - a. Display windows divided into a grid of multiple panes;
 - b. Transom windows;
 - c. Roll-up windows/doors;
 - d. Other distinctive window treatment that meets the purpose of the standards;
 - e. Recessed entry;
 - f. Decorative door;
 - g. Arcade;
 - h. Landscaped trellises or other decorative element that incorporates landscaping near the building entry; or
 - i. Other decorative or specially designed entry treatment that meets the purpose of the standards.
2. Building Elements and Facade Details.
 - a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning;
 - b. Decorative, custom hanging sign(s);
 - c. Decorative building-mounted light fixtures;
 - d. Bay windows, trellises, towers, and similar elements; or
 - e. Other details or elements that meet the purpose of these standards.
3. Building Materials and Other Facade Elements.
 - a. Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;
 - b. Artwork on building (such as a mural) or bas-relief sculpture;
 - c. Decorative kick-plate, pier, beltcourse, or other similar feature;

- d. Hand-crafted material, such as special wrought iron or carved wood; or
- e. Other details that meet the purpose of the standards.

“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.

Departures to the standards above will be considered pursuant to ECC 15.210.060 provided the number, quality, and mix of details meet the purpose of the standards in this section.



Figure 15.530.040(C). Facade details examples. The building on the left uses decorative windows and doors, decorative roofline and columns, and decorative materials (brick and wood). The center image uses a decorative entry feature (metal feature over entry), decorative weather protection and lighting, and decorative use of brickwork. The right image uses decorative wood beams over the entry, decorative windows and doors, and stonework.

D. High Visibility Street Corner Buildings. Buildings located at designated high visibility street corners (see subsection (D)(1) of this section) shall provide one or more of the elements listed in subsection (D)(2) of this section on the building corner. All corner building design elements must be sized to be proportional to the building and the size of the applicable intersection (for example, larger intersections warrant more substantial design treatments).

1. Designated high visibility street corners include all street corners within the downtown historic district (see Figure ~~15.300.060~~ 15.300.070) and other street corners illustrated in Figure 15.530.040(D)(2).

2. Street Corner Design Element Options.

- 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.



Figure 15.530.040(D)(1). Desirable building corner examples.

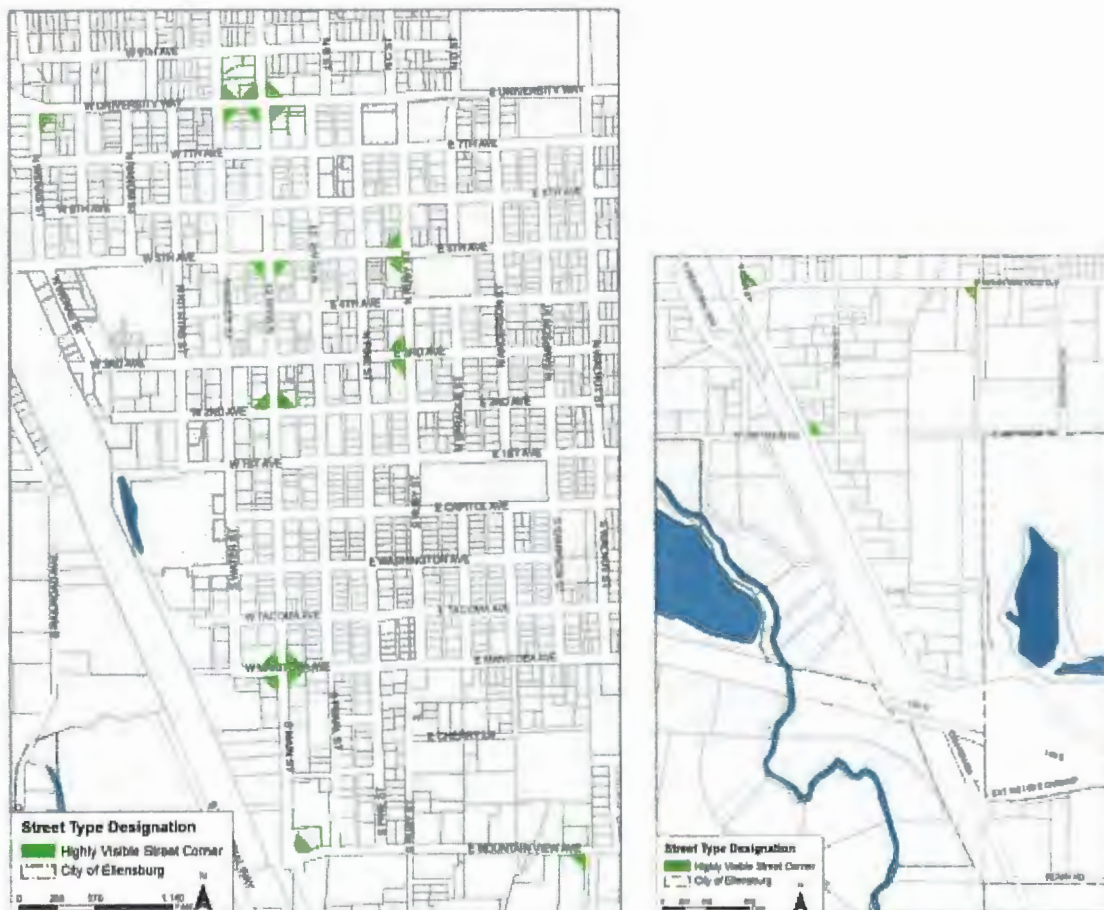


Figure 15.530.040(D)(2). Designated high visibility street corners. All street corners within the downtown historic district are considered a high visibility street corner.

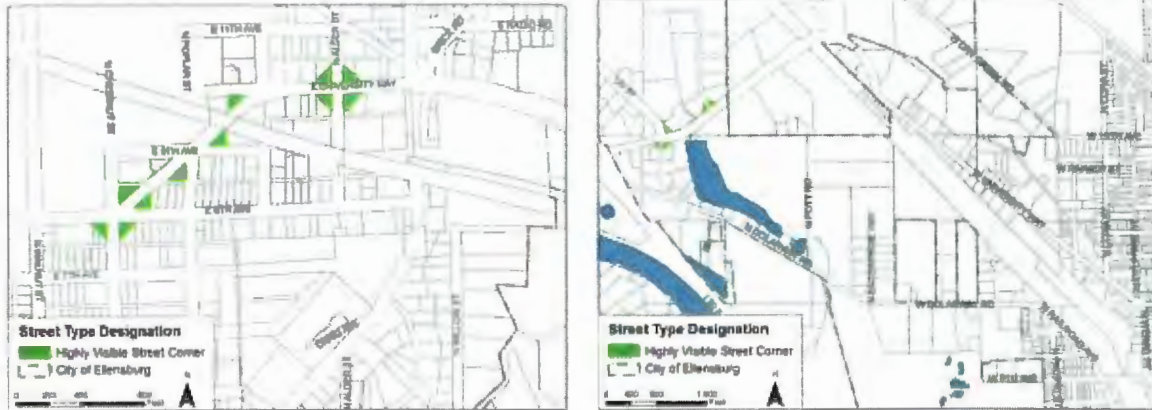


Figure 15.530.040(D)(2). Designated high visibility street corners (continued).

E. 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. Buildings in the I-H zone and facades of buildings in the I-L zone that do not face a street or contain a customer entrance are exempt from this standard. Departures will be considered pursuant to ECC 15.210.060 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.

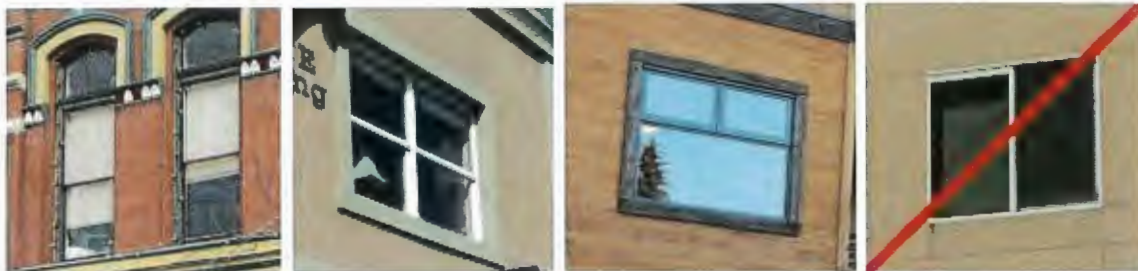


Figure 15.530.040(E). Acceptable and unacceptable (far right image) window design on upper floors. Note that the windows in the brick building on the left are recessed from the facade. The windows in the middle images include trim. The image on the right includes no trim or recess/projection, and thus would not be permitted.

F. Year of Construction Plaque. All new commercial and mixed-use buildings may note the year of construction of the building by the installation of a plaque attached to the building near the main entrance. 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 nor more than 12 inches high. Other information associated with the building that may be of public interest may be included. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 33. Chapter 15.50.040 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4810, is hereby amended to read as follows:

15.550.040 Computation of required off-street parking spaces.

A. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 15.550.040(A). Computation of required off-street parking spaces.

| Category of Land Use ¹ | Minimum Parking Spaces Required |
|--|--|
| RESIDENTIAL/LODGING | |
| Dwelling, single-family | 2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units. |
| Accessory dwelling unit | None required |
| Apartment: | |
| Duplex | 2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units. |
| Townhouse | 2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. |
| Studio units | 1.2 per dwelling unit |
| Studio and 1-bedroom units in C-C zone outside of the downtown historic district | 0.7 per dwelling unit |
| 1-bedroom units | 1.5 per dwelling unit |
| 2-bedroom residential units and larger in C-C zone outside of the downtown historic district | 0.7 per bedroom |
| 2-bedroom units or larger | 1.0 per bedroom |
| Cottage housing | 1.5 per dwelling unit |

| Category of Land Use ¹ | Minimum Parking Spaces Required |
|---|--|
| Senior housing | 1.0 per dwelling unit (this may be reduced based on the characteristics of the use) |
| Adult family home | 2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted. |
| Senior citizen assisted housing | 1.0 per 2 dwelling or sleeping units |
| Community residential facilities | 1.0 per 2 bedrooms |
| Boarding houses, lodging houses, sororities, fraternities | 1.0 per bedroom |
| Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use) | 1.0 per guest room |
| Bed and breakfast guesthouse | 1.0 per guest room, plus 2.0 per facility |
| GENERAL RETAIL AND SERVICE | |
| Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses | 1.0 per 300 square feet of gross floor area |
| General retail or service use with drive-in facility | Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets |
| Day care facility | 1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children |
| FOOD AND BEVERAGE | |
| Restaurant, taverns, or similar uses where patrons sit down for service | 1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required |
| Drive-in restaurant | Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets |
| Drive-in coffee stand | 2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 |

| Category of Land Use ¹ | Minimum Parking Spaces Required |
|---|---|
| | vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets |
| PLACES OF ASSEMBLY | |
| Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses | 0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required |
| INDUSTRIAL AND LAND CONSUMPTIVE USES | |
| Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses | 1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only. |
| PUBLIC AND QUASI-PUBLIC USES | |
| Hospital | 1.5 per each 5 beds with a minimum of 5 spaces required |
| Elementary and junior high schools | 1.0 per classroom, plus 1 per 50 students |
| High schools, college or university, trade school, or business school | 1.0 per classroom, plus 1 per 10 students |
| Governmental office | 1.0 per 350 square feet of gross floor area |

Notes:

1A. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.

B. Uses in the C-C Zone. There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one-bedroom apartment).

C. Shell Building Permit Applications. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements

or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the “worst case scenario” in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.

D. Other Provisions of Code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.

E. Bicycle Parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:

1. Amount of Bicycle Parking.

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

| Category of Land Use | Minimum Parking Spaces Required |
|---|---|
| Single-family dwelling | None |
| Multifamily dwelling | 0.5 space per dwelling unit (units with private garages are exempt) |
| Hotel/motels | 1.0 per 20 guest rooms |
| Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses | 1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000 |
| Restaurant, taverns, or similar uses where patrons sit down for service | 1.0 per 800 square feet of gross floor area |
| All other uses | 1.0 per 5 required vehicle parking spaces |

2. Parking Location and Design – Nonresidential Uses. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

3. Parking Location and Design – Residential Uses. Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

4. Bicycle parking hardware shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.

5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in Table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.

F. Primary Use. The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.

G. Accessory Use. When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.

Examples:

1. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.

2. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).

H. On-Street Parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

I. Off-Site Parking. Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:

1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided;
2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in Chapter 15.510 ECC, site planning and design elements in Chapter 15.520 ECC, and landscaping standards in Chapter 15.570 ECC;
3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided;
4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided;
5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:
 - a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant;
 - b. Specify the terms and conditions of such encumbrance; and
 - c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.
 - d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.

J. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for single-family residential structures and duplex dwelling units as per Table 15.550.040(A).

K. Setback Areas.

1. Required off-street parking spaces are not allowed to extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.
2. At locations where single-family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required

parking for single family residential development is sited on the required building setback(s) or open space.

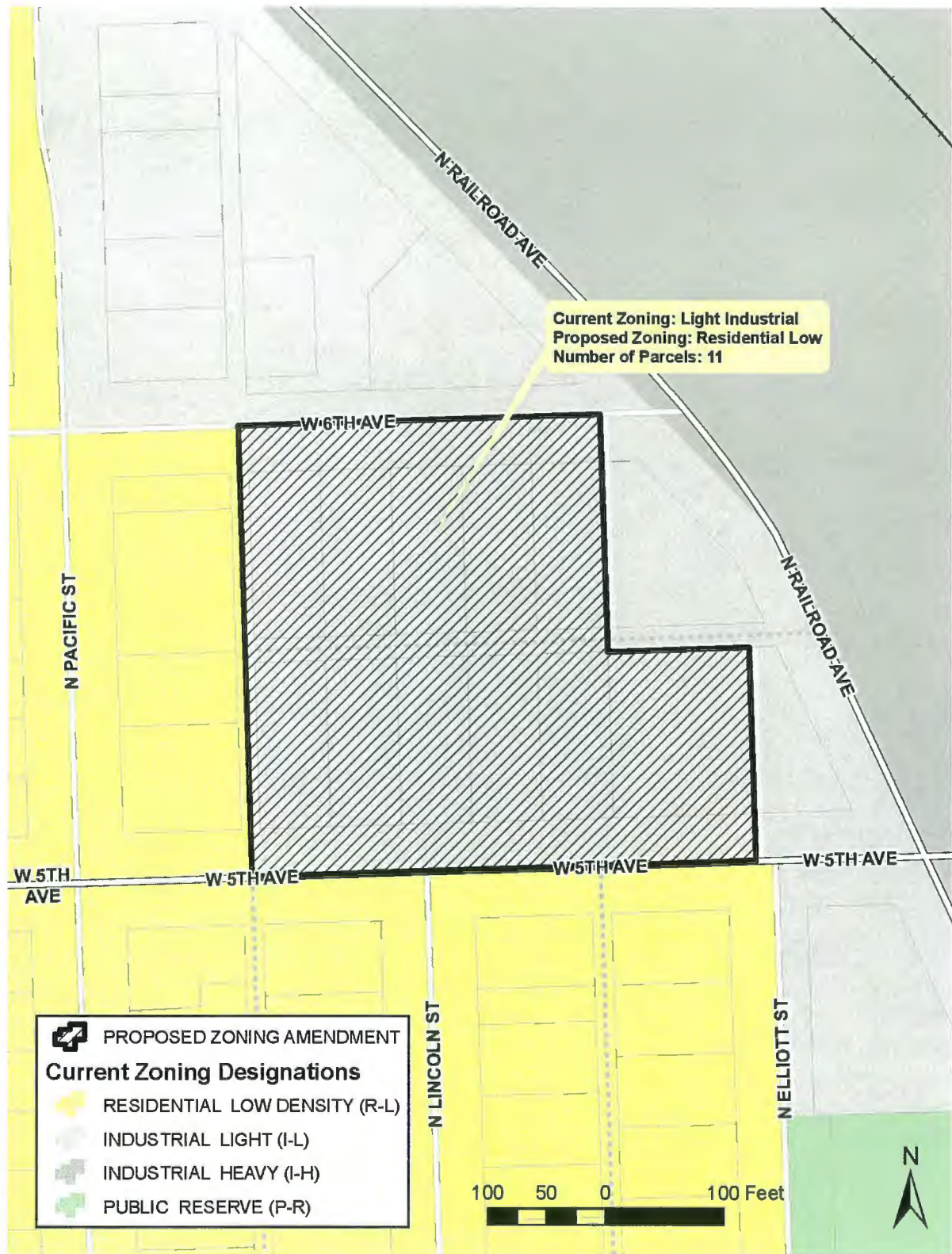
L. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in Table 15.550.040(A).

M. Handicapped Parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.

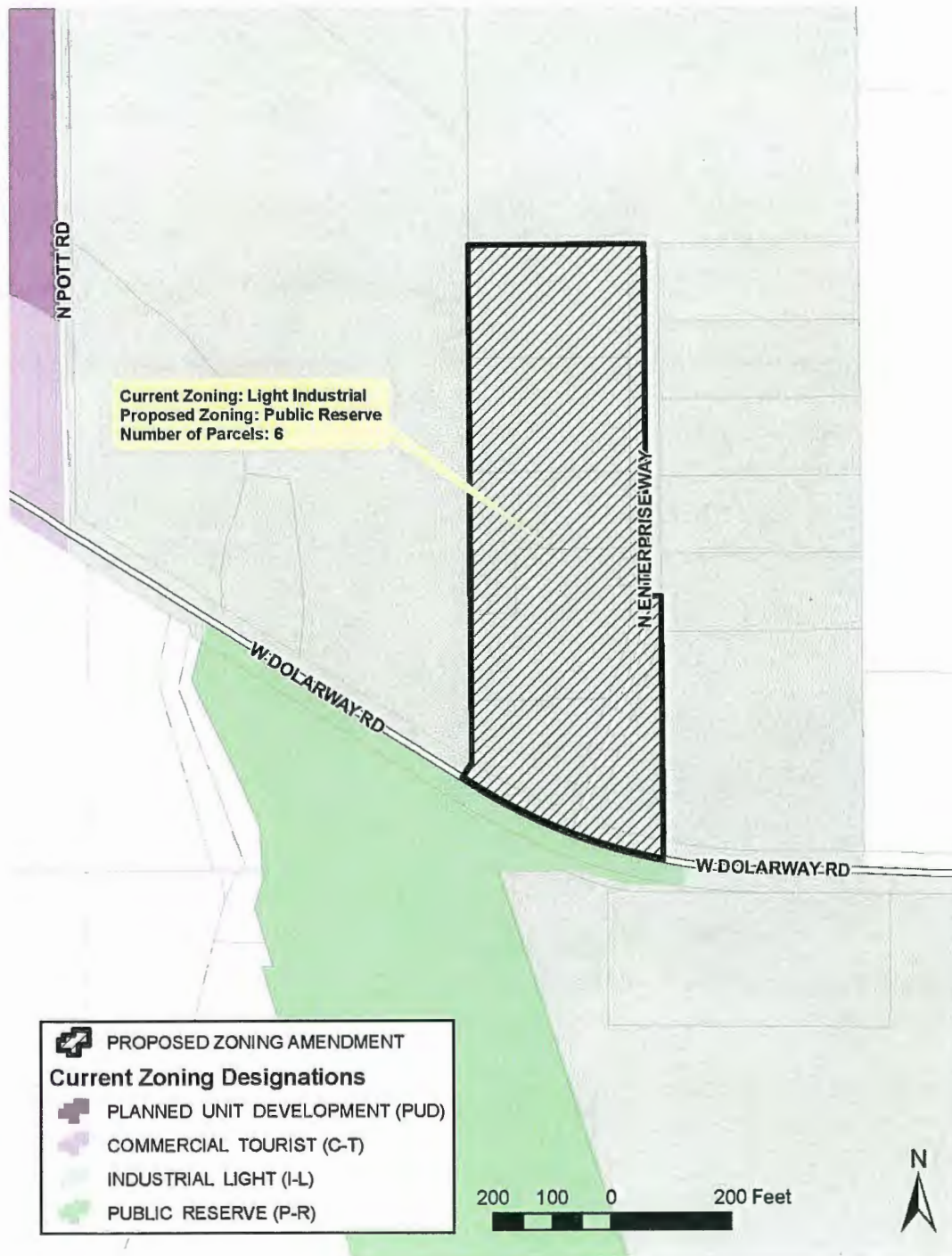
N. Fire Lane Standards. Fire lanes may be required by the fire codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.

O. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

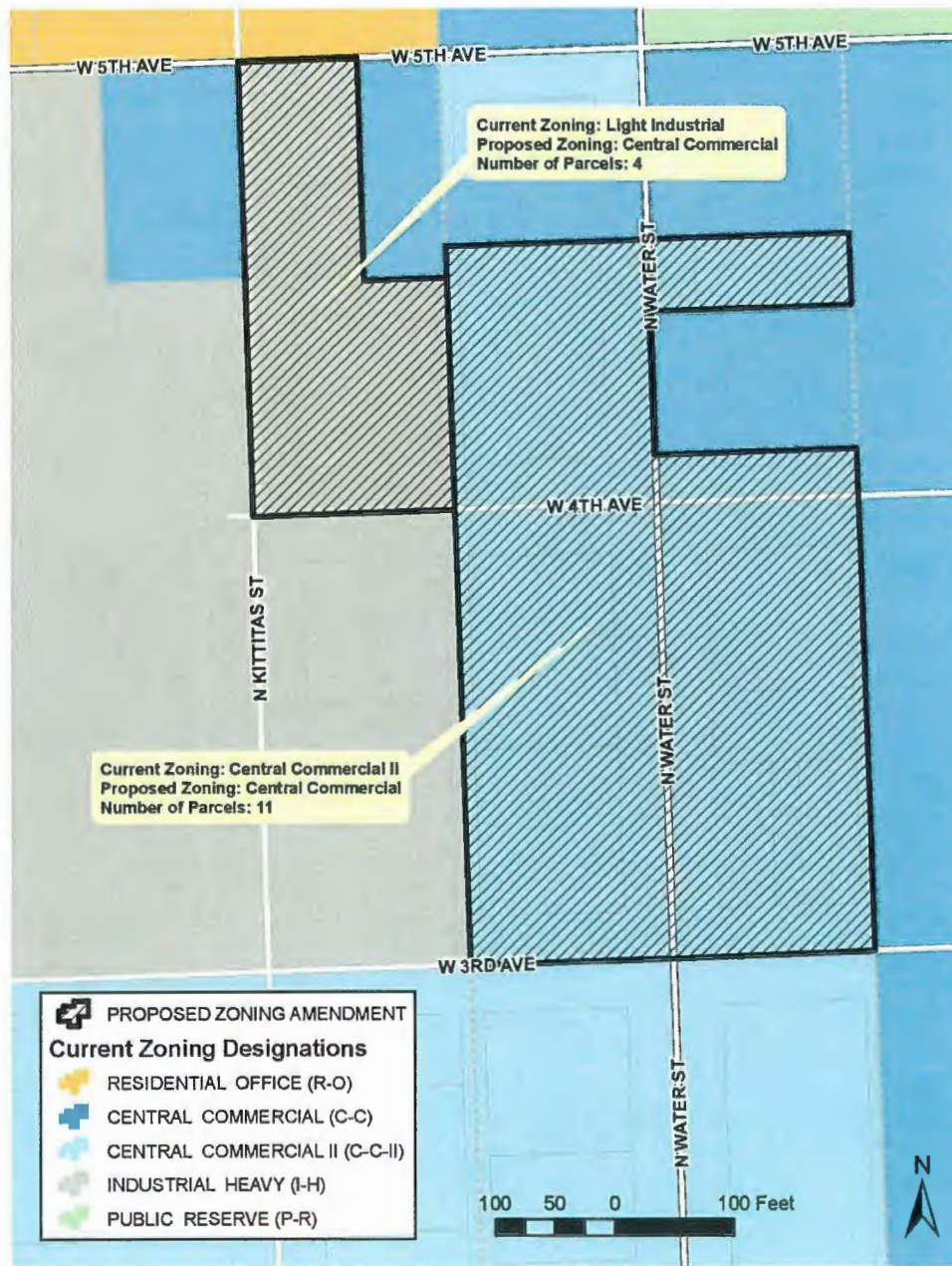
Section 34. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Residential Neighborhood comprehensive plan future land use designation as confirmed through community outreach to sustain the existing residential neighborhood through expansion of the Residential-Low zone to include properties that are all developed as single family homes and limiting the Light Industrial zone to the properties immediately adjacent to North Railroad Avenue, a minor arterial street:



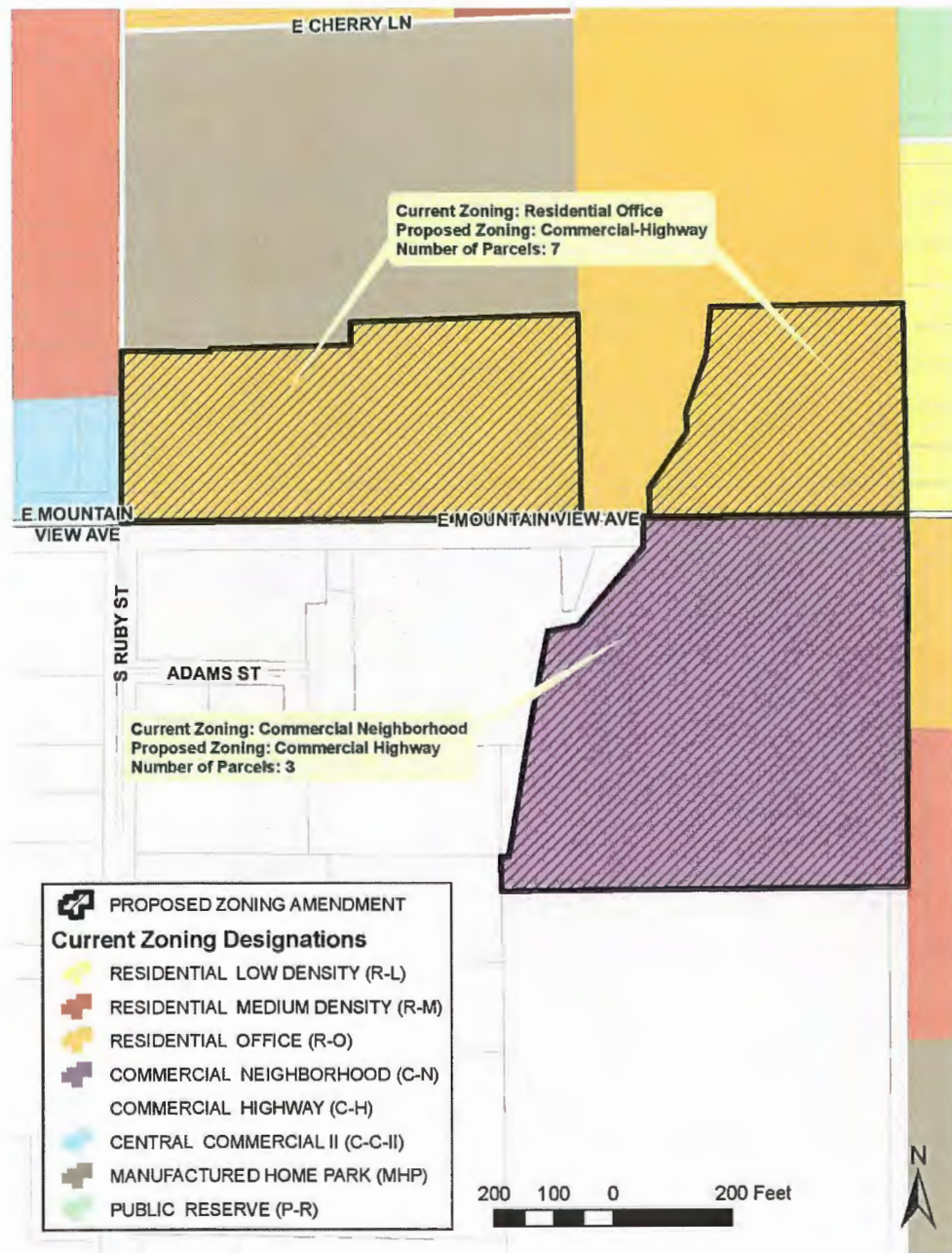
Section 35. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Parks and Open Space comprehensive plan future land use designation consistent with future floodplain management projects:



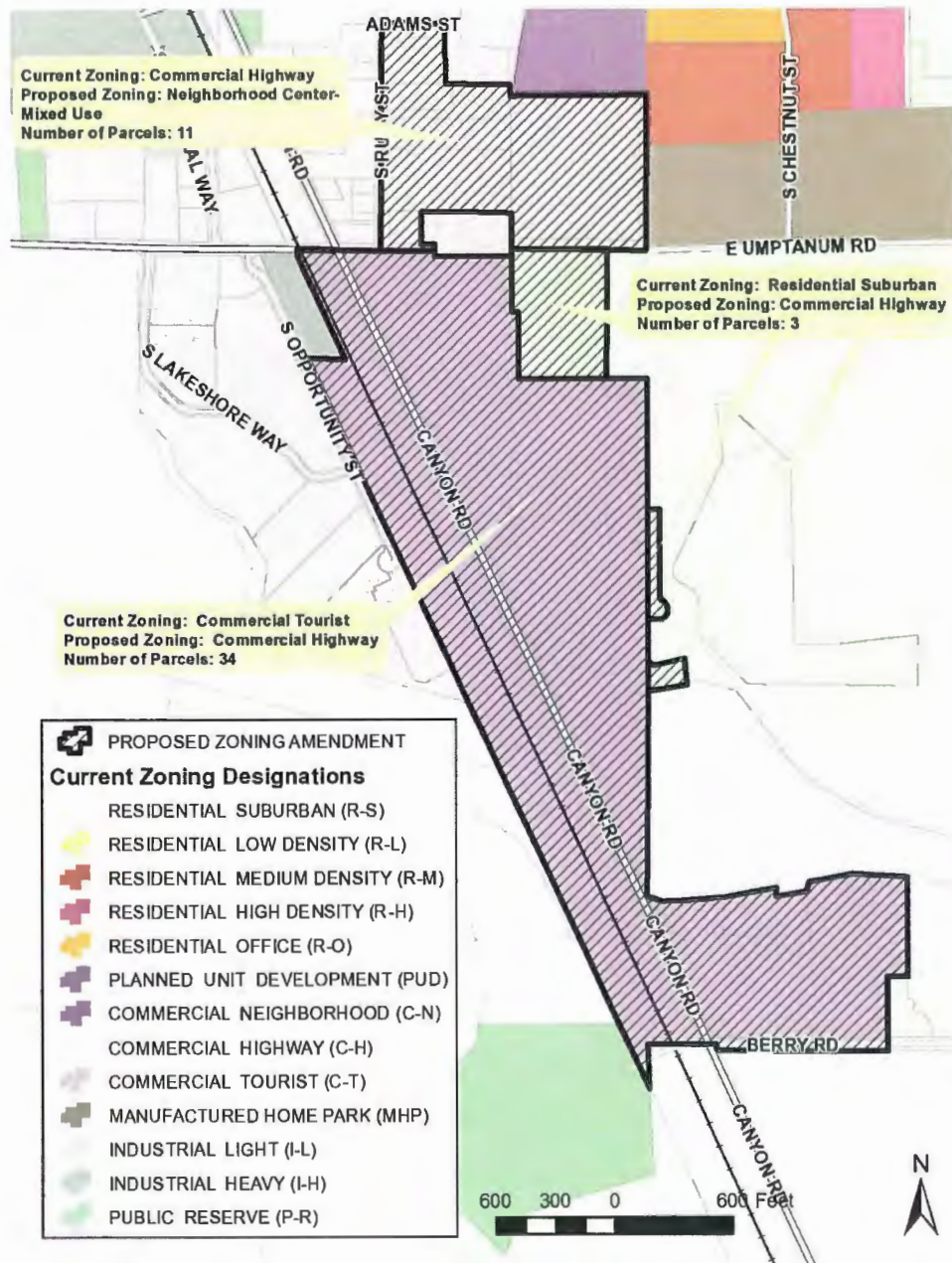
Section 36. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Urban Center comprehensive plan future land use designation as confirmed through community outreach to provide for expansion of the downtown area that follows development patterns and expands opportunities for multifamily and mixed use development through reduced parking requirements and expansion of the multifamily tax exemption program which implements comprehensive plan goals for a walkable downtown with a diversity of residential and commercial uses:



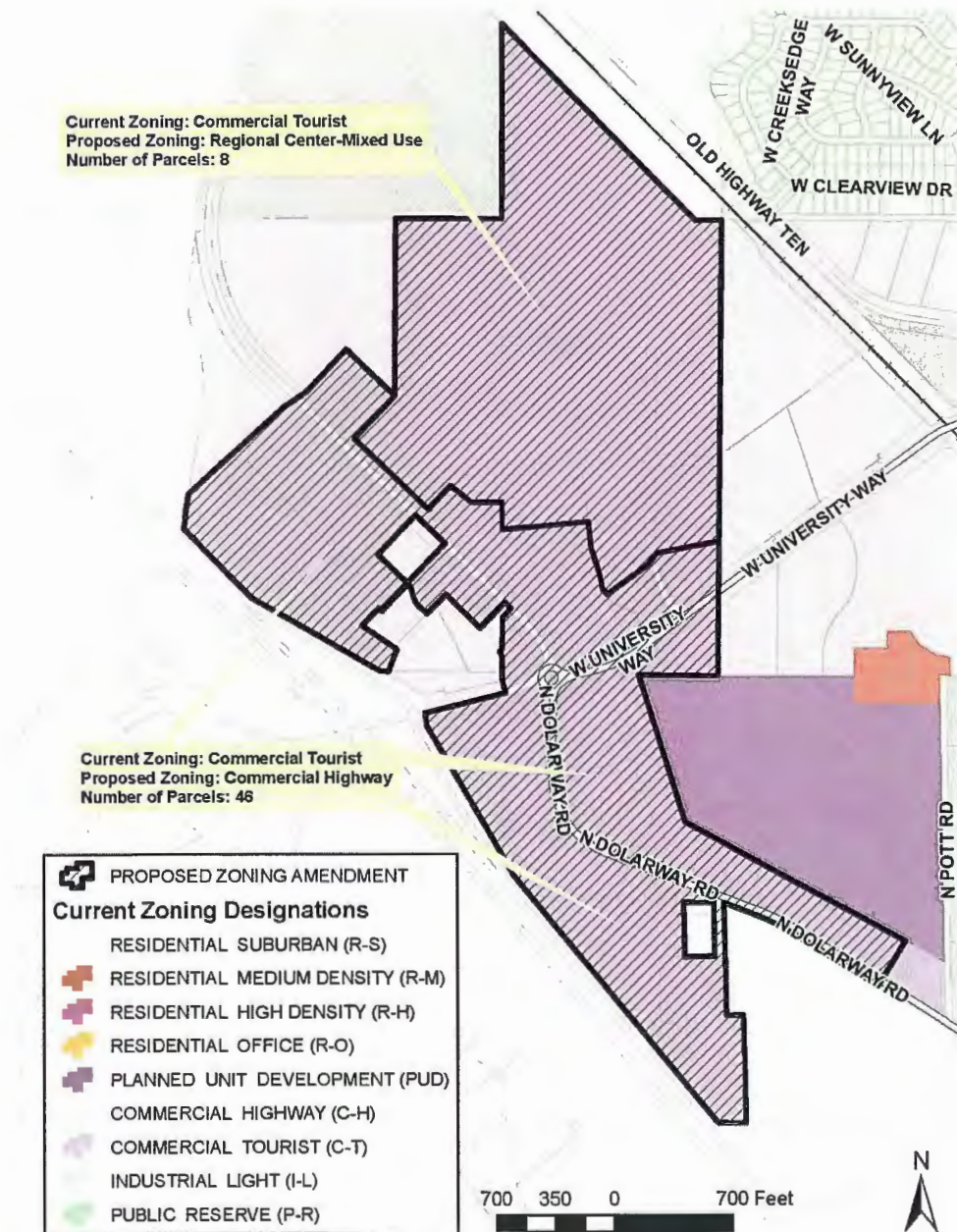
Section 37. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Community Mixed Use comprehensive plan future land use designation as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns of commercial uses on Mountain View Avenue, a minor arterial; implements the purpose of the Commercial Neighborhood zone; and implements comprehensive plan goals for a variety of shopping, entertainment, recreation, and employment uses that are accessible to neighborhoods:



Section 38. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns; and implements comprehensive plan goals to create a variety of shopping, entertainment, recreation, and employment uses accessible to residential areas, and support the development of compact, livable, and walkable mixed use centers:



Section 39. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses, and implement comprehensive plan goals to support development of compact, livable, and walkable mixed use centers:

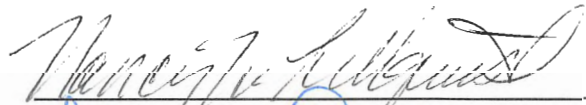


Section 40. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.


Section 41. Corrections. Upon the approval of the City Attorney, the City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 42. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication.


The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 16th day of May, 2022.


MAYOR

ATTEST:

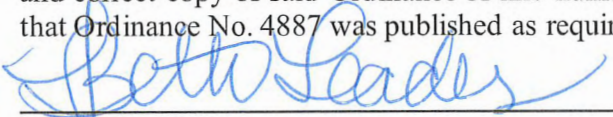

City Clerk

Approved as to form:


CITY ATTORNEY

Publish: 5-19-2022

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4887 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4887 was published as required by law.


BETH LEADER