

Article 1: General Provisions

Draft, April 28, 2011

NOTES: This is the first preliminary draft of code - intended for review by City Council, Planning Commission, City Staff, and interested citizens. The provisions herein are intended to replace applicable land use regulations now found in EMC Titles 12 and 13. For clarification, we have indicated in (parentheses) whether each chapter is new or updates or replaces a current EMC chapter or section.

Also, text in CAPS are special notes to reviewers. **Highlighted text** warrants special review. Lastly, at the end of **some sections, we've indicated** in (CAPS) that the new or updated code language is based on similar language from another community - **purely** for informational purposes.

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15.10 User Guide

15.10.010 How to use this code

This code has been designed and written to make it as easy to use as possible. Below is a simple step by step procedure for helping property owners determine what can be built on their property, what the applicable standards are, and how to obtain necessary permits. To assist in understanding the code, all words that are italicized are defined in Chapter 15.13 in alphabetical order.

Step 1: What zoning district am I located in?

- See zoning map (imbed link)

Step 2: What type of development can I do on my property?

- See Article 3 (imbed link), which addresses permitted uses and density/dimensional standards.

Step 3: What design standards apply?

- First, see **Article 4** (imbed link), which addresses standards for larger scale community design elements such as subdivisions (if applicable) and streetscape design (for streets adjacent to and/or within property).
- Second, see **Article 5** (imbed link) for individual project design standards. For non-residential and multifamily projects, most of the chapters in this article apply (such as site orientation standards, site planning and design elements, and building design). For detached single family uses, there are special standards in Chapter 15.58. Plus, there are some specialized uses that feature their own unique standards in Chapter 15.59. **It's important to read the applicability sections at the beginning of each chapter in Article 5.**

Step 4: Are there designated "Critical Areas" on my property?

- First check City Critical Areas Maps (imbed link)
- Second, see Article 6 for provisions related to the particular type of critical area (such as wetlands or geologically hazardous areas).

Step 5: How do I get a permit to develop?

- First, see Article 2 for permits and procedures provisions.
- **Second, determine what "Type" of review process applies for the particular development by reviewing EMC 15.21.050 (imbed link).**
- Third, review the requirements for each permit type starting with EMC 15.21.040, **then looking at Chapter 15.22 for the actual procedures for each "Type" of review process.**
- Other chapters in Article 2 address specialized standards/procedures for subdivisions, environmental review, non-conforming structures or uses, and code

enforcement.

15.11 Purpose/Authority/Interpretation (replaces/updates EMC 13.02)

15.11.010 Title (NEW)

This title shall be known as the Land Development Code for the City of Ellensburg, Washington, hereafter referred to as the **LDC**.

15.11.020 Purpose (replaces EMC 13.02.020)

The purpose of the LDC is to provide regulations by which the citizens of the City can guide the development of their community in a logical and orderly manner, maintain a quality environment and provide for the conservation, protection and enhancement of the public health, safety and general welfare. The LDC provides for the implementation of the goals and policies of the Ellensburg Comprehensive Plan through the adoption, administration and enforcement of zoning maps, regulations, procedures, and programs.

The LDC provides the basis for designating land use zones and regulating development in all areas of the City and provides pre-annexation zoning for areas presently outside the City but that may be annexed to the City in the future. (REDMOND)

15.11.030 Authority (NEW)

The LDC is enacted under the authority granted to the City of Ellensburg by the Constitution of the State of Washington, the Optional Municipal Code (RCW Title 35A), and other sections of the Revised Code of Washington.

15.11.040 Severability (NEW)

The provisions of the LDC are declared to be severable. If any provision of the LDC or any code or document adopted by reference herein is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining provisions of the LDC. If any provision of the LDC is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of the LDC to other properties, uses, buildings, or structures shall not be affected. (REDMOND)

15.11.050 Scope (NEW)

A. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of the LDC, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the zone in which such building, land, or premises is located. (AUBURN)

B. Creation of or changes to lot lines shall conform to the use provisions, dimensional

and other standards, and procedures of the LDC. (COVINGTON)

- C. Non-project development and land use actions, including but not limited to rezones, annexations, and the adoption of plans and programs, shall comply with the provisions of the LDC. (SHORELINE)
- D. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance herewith, may continue as provided in Chapter _____.

15.11.060 Roles and responsibilities (replaces EMC 13.02.060)

- A. The elected officials, appointed commissions, **Hearing Examiner**, and City staff share the roles and responsibilities for carrying out the provisions of the LDC.
- B. The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or **Hearing Examiner** in legislative and quasi-judicial matters.
- C. The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments and quasi-judicial matters. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.
- D. The **Hearing Examiner** is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals. (LANGUAGE HERE DEPENDS ON COUNCIL DIRECTION ON HEARING EXAMINER AND APPLICATION REVIEW PROCESSES)(SHORELINE)
- E. The Director shall have the authority to administer the provisions of the LDC, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within the LDC, and to enforce requirements. (A-E ABOVE BASED ON CITY OF SHORELINE CODE)

NOTE FOR COMPARISON - EXISTING LANGUAGE IN 13.02.060: The city manager or his designate shall administer and enforce this title. He may be provided with the assistance of such other persons as the city council may direct.

- F. The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (DEPENDING ON NEW MATERIAL FOR ARTICLE 2, THIS MAY BE DELETED OR REVISED).

15.11.070 Vesting of applications (replaces EMC 13.02.040)

PLACEHOLDER TO ADDRESS ISSUE. SEE OLYMPIA AND LACEY FOR EXAMPLES. ARTICLE 2 IS ANOTHER POSSIBLE LOCATION TO ADDRESS ISSUE.

15.11.080 Relationship to other codes (NEW)

The LDC is part of a comprehensive program of regulation related to land use and development within the City. The **EMC** contains other regulations that relate, directly or indirectly, to land use and development, including but not limited to, (LIST ALL RELATED EMC ELEMENTS SUCH AS TITLE 3 BUILDING AND FIRE, TITLE 4 PUBLIC WORKS, ETC). In order to understand all of the regulations that may relate to land use and development, readers are advised to consult both the LDC and the EMC. (REDMOND)

15.11.090 Interpretation of terms (replaces EMC 13.02.040)

CLOSE LEGAL/STAFF REVIEW OF LANGUAGE BELOW - WHETHER OR NOT SOME/ALL/NONE/ REFINEMENTS ARE NEEDED. NOTE THAT WE ALSO ADD SIMILAR SHALL/SHOULD INTERPRETATION LANGUAGE IN THE BEGINNING OF ARTICLE 5 FOR THE PROJECT DESIGN STANDRDS.

- A. For the purposes of the LDC, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:
1. The word "shall" is always mandatory, while the word "should" is not mandatory, and "may" is permissive.
 2. Words in the present tense include the future, the singular includes the plural and the plural includes the singular.
 3. The word "and" indicates that all connected items or provisions apply.
 4. The word "or" indicates that the connected items or provisions may apply singularly or in any combination.
 5. The term "either/or" indicates that the connected items or provisions shall apply singularly but not in combination.
 6. Where terms are not specifically defined (TO ADD LINK), they shall have their ordinary accepted meanings within the context with which they are used. **Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1986**, shall be considered in determining ordinarily accepted meanings.
- B. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards. (A AND B FROM CITY OF SHORELINE)

15.11.100 Abbreviations (NEW)

The following abbreviations are used in the LDC: (TO ADD A CHART SUMMARIZING ALL ABREVIATIONS USED IN THIS TITLE - FROM ADU, TDR, EIS, ECT.) (NEWCASTLE COUNTY, DEL)

15.12 Comprehensive Plan (replaces EMC 3.32)

15.12.010 Adopted (replaces EMC 3.32.040)

The City of Ellensburg Comprehensive Plan, as amended in 2006 to comply with the Growth Management Act and as may subsequently be amended thereafter, is hereby adopted by reference. (AUBURN)

A. Chapters of the Comprehensive Plan:

1. Introduction.
2. Community Profile.
3. Vision.
4. Land Use.
5. Transportation.
6. Capital Facilities and Utilities.
7. Housing.
8. Economic Development.
9. Parks and Recreation.

10. Historic Preservation.

11. Essential Public Facilities.

B. Other elements of the Comprehensive Plan:

1. Six-Year Capital Facilities Plan.
2. Non-Motorized Transportation Plan.
3. OTHER PLANS NEED TO BE ADDED HERE?

NOTE 1 - WE'RE ASSUMING THAT ALL OTHER CURRENT CHAPTER 3.32 SECTIONS ARE NOT NECESSARY, INCLUDING 3.32.100 ON THE URBAN GROWTH AREA AND SPECIFIC COMP PLAN AMENDMENTS.

NOTE 2 - WE'RE ASSUMING THAT THE COMP PLAN MAP AND COMP PLAN FEIS ARE PART OF COMP PLAN REFERENCED ABOVE? CLOSE STAFF/LEGAL REVIEW.

15.13 Definitions

NOTE: BELOW IS JUST A PARTIAL LIST OF DEFINITIONS - INCLUDING EXISTING AND NEW DEFINITIONS MOSTLY RELATED TO LAND USES. OTHER EXISTING TITLE 12 AND 13 DEFINITIONS WILL BE ADDED/REFINED AS THE CODE IS UPDATED PLUS OTHER DEFINITIONS WILL LIKELY BE DEVELOPED.

SPECIFICALLY:

- NEW DEFINITIONS ARE HIGHLIGHTED IN YELLOW.
- CHANGES TO EXISTING DEFINITIONS ARE IN TRACK CHANGES WITH ADDITIONS AND DELETIONS SHOWN AS SUCH.

15.13.010 A definitions.

A. Accessory dwelling unit (ADU). “Accessory dwelling unit” means a self-contained residential unit that is accessory to a single-family home. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family home including the yard, parking, storage or laundry facilities. (AUBURN)(ADD LINK TO STANDARDS).

A. Accessory use, residential. “Accessory use, residential” means:

1. A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:
 - a. Keeping household pets;
 - b. On-site rental office;
 - c. Pools, private docks, piers;
 - d. Antennas for private telecommunication services;
 - e. Storage of yard maintenance equipment;
 - f. Fallout/bomb shelters;
 - g. Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
 - h. Greenhouses; or
 - i. Off-street parking.
2. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (COVINGTON)

A. Accessory use, non-residential . “Accessory use, non-residential” means:

1. A use that is subordinate and incidental to a commercial or industrial use, including, but not limited to the following uses:
 - a. Administrative offices;
 - b. Employee exercise facilities;
 - c. Employee food service facilities;

- d. Incidental storage of raw materials and finished products sold or manufactured on-site;
 - e. Business owner or caretaker residence;
 - f. Cogeneration facilities;
 - g. Ground maintenance facilities; and
 - h. Off-street parking.
2. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (COVINGTON)
- A. Accessory use.** “Accessory use” means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 2810 § 2.04(a), 1970.]
- A. Accessory building.** “Accessory building” means a subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building for at least 50 percent of the length of one of the abutting walls of such accessory building, or where the total length of the abutting walls of the accessory building is equal to 50 percent of the longest wall of the building, then the accessory building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided, and shall be not closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted. [Ord. 2810 § 2.04(b), 1970.]
- A. Adult entertainment establishment.** “Adult entertainment establishment” means a commercial establishment defined in ECC [13.49.060](#) as being an “adult arcade,” “adult cabaret,” “adult theater,” “adult retail store,” or “other adult entertainment facility.” [Ord. 4348, 2002; Ord. 4212, 1999.]
- A. Agriculture.** “Agriculture” means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing. (OLYMPIA)
- A. Alley.** “Alley” means a thoroughfare which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting property. [Ord. 2810 § 2.04(c), 1970.]
- A. Apartment building.** “Apartment building” means any building which is rented, leased, let or hired out to be occupied or which is occupied as the home or residence of more than two families living independently of each other and having separate cooking facilities in the separate living quarters within the building and including owned condominium units in such building. This definition shall include, but not be limited to, flats, triplexes, apartments, and other buildings so used. [Ord. 2810 § 2.04(d), 1970.] MIGHT BE DELETED.

15.13.020 B definitions.

- A. **Bed and breakfast.** “Bed and breakfast” means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (SHORELINE)
- A. **Boarding houses, lodging houses, sororities, fraternities.** “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.
- A. **Brewpub.** “Brewpub” means a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premise as an accessory use. Such an accessory use shall not occupy more than 30 percent of the gross floor area of the restaurant. (MADISON, WI AND SAMMAMISH)
- A. **Business or professional office.** “Business or professional office” means 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, dentists, physicians, brokers, insurance agents, and optometrists. [Ord. 2810 § 2.04 (g), 1970.]

15.13.030 C definitions.

- A. **Cattery.** “Cattery” means(TO BE COMPLETED).
- A. **Child day care.** “Child day care” means any type of state- licensed group day care programs, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for preschool children, taking place on a regular, if not daily, basis, at one time during part of a 24-hour day. [Ord. 3106 § 1, 1976.]
- A. **Child day care center.** A “child day care center” shall be a state- licensed facility which provides child day care for 13 or more children including children under the age of 12 who are members of the family housed in the residence if such activity is carried on in a private residence. [Ord. 3106 § 1, 1976.]
- A. **Commercial recreation.** “Commercial recreation” means any commercial use of land or structures for the amusement, skill development or as a pastime for the patrons of such establishment. Examples would include but not be limited to bowling alleys, billiard parlors, skating rinks, and indoor and drive-in theaters. [Ord. 2810 § 2.04(j), 1970.]
- A. **Community residential facility (CRF).** “Community residential facility “ means living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as

follows:

1. **CRF-I - Nine to 10 residents and staff;**
2. **CRF-II - Eleven or more residents and staff.**

If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SHORELINE)

- A. Conditional use.** “Conditional use” means a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this title. [Ord. 2810 § 2.04(k), 1970.]
- A. Conference Center.** “Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants. (COVINGTON)

15.13.040 D definitions.

- A. Development.** “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. [Ord. 3954 § 1, 1994.]
- A. Dual frontage properties.** TO BE COMPLETED.
- A. Dwelling, cottage.** “Cottage” means a dwelling that (TO BE COMPLETED)
- A. Dwelling, duplex.** “Duplex” means a dwelling that (TO BE COMPLETED)
- A. Dwelling, live-work unit.** “Live-work unit” means a dwelling that (TO BE COMPLETED)
- A. Dwelling, multifamily.** “multifamily” means a dwelling that (TO BE COMPLETED)
- A. Dwelling, townhouse.** “townhouse” means a dwelling that (TO BE COMPLETED)
- A. Dwelling, single-family.** “Single-family dwelling” means a dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any. [Ord. 4152, 1998; Ord. 3223 § 1, 1979; Ord. 2810 § 2.04(l), 1970.]
- A. Dwelling unit.** “Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel, hotel, or manufactured home, which are separately defined. [Ord. 4152, 1998; Ord. 2810 § 2.04(m), 1970.]

15.13.050 E definitions.

- A. **Elevation.** “Elevation” means the height of an object in relation to mean sea level. [Ord. 3302 § 2(a), 1981.]

15.13.060 F definitions.

- A. **Family day care home.** “Family day care home” shall be a state-licensed facility which provides child day care for 12 or fewer children in a private residence. [Ord. 3955 § 1, 1994; Ord. 3106 § 1, 1976.]

- A. **Farmers’ markets.** “Farmers’ market” means a site where farmers sell locally grown, produced, caught, or gathered fruits, vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish, flowers, nursery stock, and plants. One hundred percent of the items for sale under this definition must be grown, produced, caught, or gathered in the State of Washington. Up to 30 percent of a farmers’ market’s total number of vendor spaces may consist of resellers and/or accessory uses. CLOSE REVIEW!

- A. **Fruit stand.** “Fruit stand” means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include as incidental and accessory to the principle use, the sale of food items and nonfood items in a setting centered on an agricultural theme. (DOUGLAS COUNTY)

15.13.070 G definitions.

- A. **Garage, private.** “Private garage” means an accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on. (See also ECC [13.04.060](#), Accessory building.) [Ord. 2810 § 2.04(r), 1970.]

- A. **General service establishment.** “General service establishment” means the following:

NOTE - “NAICS” REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE’LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Postal service, local office only (NAICS 491);
2. Couriers and messengers, local office only (NAICS 492);
3. Consumer rental goods (NAICS 5322);
4. General rental centers (NAICS 5323);
5. Services to buildings and dwellings (NAICS 5617);
6. Electronic and precision equipment repair (NAICS 8112);
7. Personal and household goods repair (NAICS 8114);

8. Personal and laundry services (NAICS 812);
9. Commercial copy centers (NAICS 323114);
10. Gas service stations with minor repair work permitted only; excludes truck stop operations unless otherwise noted;
11. Miniwarehouses and self storage units (NAICS 53113) with less than fifty thousand (50,000) GFA.;
12. Taxidermist;
13. Special trade contractors (NAICS 238, except NAICS 238110 and 238110); or
14. Veterinary services (NAICS 541940).

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR VET SERVICES

- A. Gross floor area.** “Gross floor area” means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including terraces and exterior stairs. [Ord. 2810 § 2.04(q), 1970.]

15.13.080 H definitions.

- A. Heavy equipment yards.** “Heavy equipment yards” means property used by a licensed contractor to store and maintain business-related heavy equipment including backhoes/track hoes, road graders, compactors, dump trucks, excavators, and other similar heavy equipment. Accessory buildings to a heavy equipment yard would include an office and/or maintenance shop. [Ord. 4142, 1998.]
- A. Heavy industry.** “Heavy industry” means construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. The following uses are permitted:

NOTE - “NAICS” REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE’LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Animal food, meat product, seafood product manufacturing (NAICS 3111, 3116, 3117)
2. Slaughterhouses, meat processing (NAICS ____)
3. Tobacco manufacturing (NAICS 3122)
4. Breweries, wineries, distilleries (NAICS 31212, 31213, 31214)
5. Sawmills (NAICS 3211)
6. Manufactured home manufacturing (NAICS 321991)
7. Pulp, paper and paperboard mills (NAICS 3221)

8. Petroleum refining and related industries (NAICS 324)
9. Chemical manufacturing, including compost operations (NAICS 325)
10. Cement and asphalt batch plants (NAICS ____)
11. Welding and machine shops (NAICS ____)
12. Cement manufacturing (NAICS 32731)
13. Ready-mix concrete manufacturing (NAICS 32732)
14. Other nonmetallic mineral product manufacturing (NAICS 3279)
15. Primary metal manufacturing (NAICS 331)
16. Ammunition (except small arms) manufacturing (NAICS 332993)
17. Transportation equipment manufacturing (NAICS 336, except 3363, 336991)
18. Rail and water freight facilities (NAICS 482, 483)
19. Livestock feeding, cattle sales, livestock auctions (NAICS ____)

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE

- A. Heavy retail and service.** “Heavy retail and service” includes retail and/or service activities that have exterior service or storage areas as listed below.

NOTE - “NAICS” REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE’LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Special trade contractors (NAICS 238);
2. Auto wrecking yards (NAICS ____);
3. Agriculture supply sales (NAICS ____);
4. Lumber sales (NAICS ____);
5. Equipment yards (NAICS ____);
6. Truck, recreational vehicles, boats and other vehicle sales (NAICS 44121, 441222, 441229);
7. Building materials and home centers (NAICS 44411);
8. Other building materials dealers (NAICS 44419);
9. Manufactured home dealers (NAICS 45393);
10. Fuel dealers (NAICS 45431);
11. Equipment sales and service (farm and construction) (NAICS ____);
- ~~Miniwarehouses and self-storage units (NAICS 53113)~~
12. Truck, utility, trailer, RV rental (NAICS 53212);

13. Commercial industrial machinery and equipment rental (NAICS 5324);
14. Services to buildings and dwellings (NAICS 5617);
15. Automotive paint, body and interior repair and maintenance (NAICS 811121);
16. Commercial and industrial machinery and equipment repair (NAICS 8113);
17. Vehicle repair services, towing, parking, storage; motor vehicle auction;
18. Taxi and limousine service (NAICS 4853);
19. Construction of buildings (NAICS 236);
20. Truck stop, including other associated uses such as restaurant, laundry, showers (NAICS 447190);
21. Marina and associated uses (NAICS 71393);
22. Outdoor display and sale of prefabricated garden sheds and other similar outdoor structures, including picnic tables and play equipment; or
23. Warehousing storage facilities (NAICS 493) with a maximum GFA of fifty thousand (50,000) square feet.

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE

A. Home occupation. (CURRENT DEF, TO REFINE) “Home occupation” means an occupation carried on entirely within a residence by only the occupants, which activity is clearly incidental to the use of the residence as a dwelling and does not change its residential character. Such home occupation shall be conducted in such a manner as not to give any outward appearance nor manifest any characteristics of a business in the ordinary sense, shall not infringe upon the rights of the neighboring residents, and shall not infringe upon or change the intent of the residential zone. An occupation which does not meet the above definition or does not comply with the following criteria shall not be deemed a home occupation. Any home occupation granted would be personal to the person to whom it is granted and under no circumstances shall any home occupation be carried over as a result of a change in ownership of the property.

1. There shall not be structural alteration that would alter the outward appearance from a residential to commercial nature to accommodate the occupation;
2. The use, including all storage space, shall not occupy more than 25 percent of the residence’s floor area which is finished for living purposes;
3. Only members of the family who reside on the premises shall be engaged in the occupation(s);
4. There shall be no window display nor shall sample commodities be displayed outside the building;
5. No materials or mechanical equipment shall be used which will have a negative impact on the residential area because of vibration, noise, dust, smoke, odor,

interference with radio or television reception, or other factors;

6. If materials or commodities delivered to or from the residence require delivery by a commercial vehicle or a trailer, or if the parking of customers' automobiles in a manner or frequency causing disturbance or inconvenience to nearby residences, or if a public parking lot is necessary to accommodate the business, the occupation shall be termed a primary business and not a home occupation;
 7. If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use and shall not be required to obtain a conditional use permit;
 8. At a minimum, the use shall undergo a yearly review by city staff to determine whether the above criteria or others included with approval are being observed in the conduct of business;
 9. For purposes of this section, use of the defined term "residence" contained in this code for the purpose of considering a home occupation in an accessory building shall be limited to single-family uses. Home occupations in multifamily dwellings shall be confined to the principal dwelling unit buildings and not be allowed in accessory structures. [Ord. 4096, 1997; Ord. 3583 § 1, 1987; Ord. 3364 § 1, 1982.]
- A. Hospital.** "Hospital" means an institution receiving in-patients and out-patients and rendering medical, surgical and/or obstetrical care. This definition includes clinics. [Ord. 2810 § 2.04(t), 1970.]
- A. Hotel.** "Hotel" means any building or portion thereof containing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more paying guests, other than apartment buildings, and shall include hotels, lodging and rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs, and any building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes or similar buildings where human beings are housed and detained under legal restraint. [Ord. 2810 § 2.04(u), 1970.]

15.13.090 I definitions.

15.13.100 J definitions.

15.13.110 K definitions.

A. Kennel. "Kennel" means(TO BE COMPLETED).- see APA book

15.13.120 L definitions.

A. Light industry. "Light industry" means.....This category is designed to accommodate

limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

NOTE - "NAICS" REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE'LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Construction of buildings (NAICS 236)
2. Call centers, claim centers (NAICS ____)
3. Heavy and civil engineering construction (NAICS 237)
4. Special trade contractors (NAICS 238)
5. Food and drug processing Food manufacturing (NAICS 311, except 3111, 3116, 3117)
6. Beverage and tobacco product manufacturing (NAICS 312, except 31212, 31213, 31214, 3122)
7. Textile mills, textile product mills and apparel manufacturing (NAICS 313, 314, 315)
8. Leather and allied product manufacturing (NAICS 316)
9. Wood product manufacturing (NAICS 321, except 3211, 321991)
10. Paper manufacturing (NAICS 322, except 3221)
11. Printing and related support services (NAICS 323)
12. Carbon black manufacturing (NAICS 325182)
13. Pharmaceutical and medicine manufacturing (NAICS 3254)
14. Soap cleaning compound and toilet preparation manufacturing (NAICS 3256)
15. Printing ink manufacturing (NAICS 32591)
16. Plastics and rubber product manufacturing (NAICS 326)
17. Nonmetallic mineral product manufacturing (NAICS 327, except 32731, 32732, 3279)
18. Fabricated metal product manufacturing (NAICS 332, except 332993)
19. Machinery manufacturing (NAICS 333)
20. Computer and electronic product manufacturing (NAICS 334)
21. Electrical equipment, appliance and component manufacturing (NAICS 335)
22. Motor vehicle parts manufacturing (NAICS 3363)
23. Motorcycle, bicycle and parts manufacturing (NAICS 336991)
24. Furniture and related product manufacturing (NAICS 337)

25. Miscellaneous manufacturing (NAICS 339)
26. Wholesale trade (NAICS 42)
27. Nonstore retailers (NAICS 454, except 45431)
28. Trucking transportation (NAICS 484)
29. Transit and ground passenger transportation maintenance, service, storage facilities (NAICS 485, 487)
30. Support activities for transportation (NAICS 488)
31. Postal service, regional (NAICS 491)
32. Couriers and messengers, regional (NAICS 492)
33. Warehousing storage facilities (NAICS 493)
34. Research and development, including biotech, software Information industries (NAICS 51)
- Miniwarehousing and self-storage units (NAICS 53113) SEE HEAVY SERVICE USE
35. Rental and leasing services (NAICS 532)
36. Architectural, engineering, and related services (NAICS 5413)
37. Scientific research and development services (NAICS 5417)
38. Services to buildings and dwellings (NAICS 5617)
39. Medical and diagnostic laboratories (NAICS 6215)
40. Special food services (NAICS 7223)
41. Automotive paint, body, interior repair and maintenance (NAICS 811121)
42. Commercial and industrial machinery and equipment repair (NAICS 8113)
43. Heavy industry, where the business is less than twenty thousand (20,000) square feet
44. Marina and associated uses (NAICS 71393)
45. Research and development facility, where the facility generally resembles and industrial or manufacturing facility or where such facility manufactures a finished product.
46. Crematories (NAICS 812220).

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE

15.13.130 M definitions.

- A. Manufactured home.** “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For

floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

For the purposes of those manufactured homes covered by the provisions of Chapter 13.47 ECC, “manufactured home” shall be defined so as to meet the requirements of RCW [35.63.160](#), specifically as follows:

1. Be constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes;
 2. Be comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long or multiple sections comprising a minimum of 864 square feet in floor area with the finished structure at least 24 feet wide;
 3. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of a minimum nominal 3:12 pitch;
 4. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family dwelling units; and
 5. Be a “new manufactured home,” as defined by RCW [35.63.160](#)(2). [Ord. 4420 § 1, 2005; Ord. 3954 § 3, 1994.]
- A. Manufactured home lot.** “Manufactured home lot” means a portion of a manufactured home park or manufactured home subdivision used or intended to be used for the parking of one manufactured home, including the land covered by the manufactured home, adjacent open spaces, and attached or detached accessory buildings and structures. [Ord. 3954 § 4, 1994; Ord. 2810 § 2.04(ee), 1970.]
- A. Manufactured home park.** “Manufactured home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by two or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. [Ord. 3954 § 5, 1994; Ord. 2810 § 2.04(ff), 1970.]
- A. Manufactured home subdivision.** “Manufactured home subdivision” means a subdivision comprising five or more manufactured home lots platted for lease or sale to the public, and restricted to such use by covenant or deed restrictions. [Ord. 3954 § 6, 1994; Ord. 2810 § 2.04(gg), 1970.]
- A. Miniwarehouse .** “Miniwarehouse” means an enclosed single story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. [Ord. 3176 § 1, 1978.]
- A. Mixed-use building.** “Mixed-use building” means.....(TO BE COMPLETED).
- A. Motel.** “Motel” means a group of two or more detached or semi-detached living or sleeping units designed for use primarily by automobile transients. [Ord. 2810 § 2.04(hh), 1970.]

15.13.140 N definitions.

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A. Nonconforming use. “Nonconforming use” means a lawful use of land or structure in existence on March 16, 1970, or at the time of any amendment to the ordinance codified in this title and which does not conform to the use regulations of the zone in which such use is located. [Ord. 2810 § 2.04(ii), 1970.]

A. Nursery and greenhouses (commercial) - see APA book “Nursery and greenhouses” means.....(TO BE COMPLETED).

A. Nursing home. “Nursing home” means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for three or more patients or residents not related by blood or marriage to the licensee. [Ord. 3181 § 1, 1978.]

15.13.150 O definitions.

A. Office. “Office” means a building or portion thereof which is primarily used to transact the administrative or professional activities of a business. Such uses include, but are not limited to: medical (excluding veterinary), dental, chiropractic, optometric, legal, banking, insurance, real estate, brokers, administrative, public, contractors’, consultants’, corporate, or manufacturers’ offices. [Ord. 4331, 2002.]

15.13.160 P definitions.

A. Personal services. “Personal services” means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths. [Ord. 2810 § 2.04(mm), 1970.]

A. Place of worship. “Place of worship” means.....(TO BE COMPLETED).

A. Public use. “Public use” means any use of land by a local, state or federal government agency. [Ord. 2810 § 2.04(nn), 1970.]

A. Public utility. “Public utility” means any use of land by a local, state, or federal agency, or by any person, firm or corporation licensed or franchised by such a government agency involving the transportation or transmission of materials, signals or electrical energy by vehicle or through conduit, wire, pipe or other similar device. Typical examples of this would include water, gas and sewer mains, television or telephone lines, and refuse collection. For the purpose of this title, such uses located or to be located on the properties they are to serve shall not be included in this definition. [Ord. 3241 § 1, 1979; Ord. 2810 § 2.04(oo), 1970.]

15.13.170 Q definitions.

15.13.180 R definitions.

A. Regional retail commercial. “Regional retail commercial” means any use which involves the display and sale of retail consumer goods and also includes personal, professional, household services, and general grocery sales. As used in this code,

“regional retail commercial” uses are subject to special location and other standards that are included in the commercial tourist and highway commercial zones, the city’s design standards and the regional retail commercial master site plan permit.

“Regional retail commercial” development may also include other permitted uses in the relevant zone in which such development is located. [Ord. 4497 § 4, 2007.]

A. Recreational vehicle. “Recreational vehicle” is(TO BE COMPLETED).

A. Recreation - indoor commercial(TO BE COMPLETED).

A. Recreation - outdoor commercial(TO BE COMPLETED).

A. Resort.(TO BE COMPLETED).

A. Reverse frontage lot. “Reverse frontage lot” is a double frontage lot for which the boundary along one of the streets is established as the rear lot line.

15.13.190 S definitions.

A. Senior citizen housing. “Senior citizen housing” means:

1. Type A. A multiple-family complex, comprised of 10 or more units, occupied by persons aged 62 years or over, which does not contain any units having more than two bedrooms; or
2. Type B. A multiple-family complex, comprised of 10 or more units, occupied by persons aged 55 or over, which does not contain any units having more than three bedrooms. [Ord. 4468 § 1, 2007; Ord. 3138 § 1, 1977.]

A. Senior citizen assisted housing. “Senior citizen assisted housing” means housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:

1. Common dining facilities or food preparation service;
2. Group activity areas separate from dining facilities;
3. A vehicle exclusively dedicated to providing transportation services to housing occupants;
4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services. (SHORELINE)

15.13.200 T definitions.

15.13.210 U definitions.

A. Usable floor area. “Usable floor area” is a term used in computing parking requirements, meaning the aggregate area of a building enclosed by the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating,

ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed with a building, the area for sales, display, or service shall be measured to determine equivalent usable floor area. [Ord. 2810 § 2.04(yy), 1970.]

A. Utility facility.(TO BE COMPLETED).

15.13.220 V definitions.

15.13.230 W definitions.

15.13.240 X definitions.

15.13.250 Y definitions.

A. Yard. “Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to limitations as indicated herein. [Ord. 2810 § 2.04(bbb), 1970.]

A. Yard, front. “Front yard” means a yard extending between side lot lines across the front of a lot and abutting the front property line.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. [Ord. 2810 § 2.04(ccc), 1970.]

A. Yard, rear. “Rear yard” means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. [Ord. 2810 § 2.04(ddd), 1970.]

A. Yard, side. “Side yard” means a yard extending from the rear line of required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to an interior lot.

Widths of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established. [Ord. 2810 § 2.04(eee), 1970.]

A. Yard sale. “Yard sale” shall include yard sales, patio sales, rummage sales, garage sales, or any similar sale of merchandise offered to the general public in all zones where the primary land use is for a residence. [Ord. 3968 § 1, 1995.]

15.13.260 Z definitions.