

TOWN OF TWISP

ZONING ORDINANCE

NO. 620

ZONING ORDINANCE 620

FOR

THE TOWN OF TWISP

**PREPARED FOR
THE TOWN OF TWISP**

BY

**THE TOWN OF TWISP
PLANNING COMMISSION
and Highlands Associates**

November 23, 2010

TABLE OF CONTENTS

COVER SHEET _____	1
TITLE PAGE _____	2
TABLE OF CONTENT _____	3
SECTION I: PURPOSE AND INTENT _____	6
1. PURPOSE _____	6
2. AUTHORITY _____	7
3. REPEAL _____	7
SECTION II: DEFINITIONS _____	8
SECTION III: BASIC PROVISIONS _____	33
1. SCOPE _____	33
2. INTERPRETATION _____	33
3. COMPLIANCE _____	33
4. SEVERABILITY _____	33
5. ESTABLISHMENT OF ZONING DISTRICTS _____	34
6. IMPACT ASSESSMENT _____	35
7. USES NOT LISTED _____	36
8. PERFORMANCE STANDARDS _____	37
9. DEVELOPMENT STANDARDS _____	41
10. SUPPLEMENTAL STANDARDS FOR MOBILE VENDORS _____	42
11. SUPPLEMENTAL STANDARDS FOR TEMPORARY MARKETS _____	43
12. ENFORCEMENT _____	43
SECTION IV: GENERAL REGULATIONS _____	44
1. MANUFACTURED HOMES _____	44
2. MOBILE HOMES _____	44
3. MODULAR AND FACTORY-BUILT HOMES _____	44
4. RECREATIONAL VEHICLES _____	45
5. ACCESSORY STRUCTURES _____	46
6. ACCESSORY DWELLING UNITS _____	46
7. HOME BUSINESSES _____	48
8. WIRELESS COMMUNICATION FACILITIES _____	51
9. PROPANE TANKS _____	57
10. RESPONSIBILITY FOR SIDEWALKS _____	57
11. SEXUALLY-ORIENTED BUSINESSES _____	57
12. OFF-STREET PARKING REQUIREMENTS _____	58
13. CLEAR VISION REQUIREMENTS _____	61
14. NONCONFORMING USES, STRUCTURES, OR LOTS _____	62
15. FENCES _____	63
16. LANDSCAPING AND BUFFERS _____	63
17. SIGNS _____	68
18. ANIMALS _____	68
19. SITE CLEARING _____	70
TABLE 1: PARKING STANDARDS _____	71
TABLE 2: SCHEDULE MINIMUM PARKING DIMENSIONS _____	73
TABLE 3: TYPE II LANDSCAPING REQUIREMENTS COMMERCIAL & PUBLIC UTILITY DIST _____	74
TABLE 4: INTERIOR LOT LINE BUFFER TYPE & WIDTH _____	75
SECTION V: RESIDENTIAL ZONING DISTRICTS _____	76
1. INTENT _____	76

2. GENERAL REGULATIONS _____	76
3. RESIDENTIAL SINGLE-FAMILY (R-1) LOW DENSITY DISTRICT _____	76
4. RESIDENTIAL SINGLE-FAMILY (R-2) HIGH DENSITY DISTRICT _____	76
5. RESIDENTIAL MULTI-FAMILY (R-3) DISTRICT _____	77
6. SEXUALLY-ORIENTED BUSINESSES _____	78
TABLE 5: RESIDENTIAL DISTRICTS _____	79
SECTION VI: COMMERCIAL & INDUSTRIAL ZONING DISTRICTS _____	80
1. INTENT _____	80
2. GENERAL REGULATIONS _____	80
3. DOWNTOWN COMMERCIAL (C-1) DISTRICT _____	80
4. OFFICE/TOURIST COMMERCIAL (C-2) DISTRICT _____	81
5. GENERAL COMMERCIAL (C-3) DISTRICT _____	83
6. RIVERFRONT COMMERCIAL (C-R) DISTRICT _____	83
7. INDUSTRIAL (I) DISTRICT _____	84
TABLE 6: COMMERCIAL DISTRICTS _____	87
SECTION VII: PUBLIC USE (PU) AND AIRPORT (AP) DEVELOPMENT DISTRICTS _____	88
1. PUBLIC USE DISTRICT _____	88
2. AIRPORT DEVELOPMENT DISTRICT _____	88
TABLE 7: PUBLIC USE AND AIRPORT DEVELOPMENT DISTRICTS _____	90
SECTION VIII: OVERLAY DISTRICTS _____	91
1. SHORELINE OVERLAY (SO) _____	91
2. CRITICAL AREAS OVERLAY (CAO) _____	91
3. LINCOLN STREET OVERLAY (LSO) _____	93
DISTRICT USE CHART _____	94
SECTION IX: PLANNED DEVELOPMENT PERMIT (PD) _____	101
1. INTENT _____	101
2. COMMON OPEN SPACE REQUIREMENTS _____	102
3. ADDITIONAL PD PERMIT REGULATIONS _____	103
4. PRE-APPLICATION CONFERENCE _____	104
5. PRELIMINARY DEVELOPMENT PLAN APPLICATION _____	104
6. PRELIMINARY DEVELOPMENT PLAN NOTICE, HEARING & DECISION _____	108
7. FINAL DEVELOPMENT PLAN _____	110
8. MODIFICATION OF FINAL DEVELOPMENT PLAN _____	111
SECTION X: ADMINISTRATION _____	113
1. LAND USE ADMINISTRATOR _____	113
2. PLANNING COMMISSION _____	114
3. BOARD OF ADJUSTMENT _____	114
4. TWISP MUNICIPAL AIRPORT BOARD _____	114
5. TOWN COUNCIL _____	114
6. VARIANCES _____	115
7. CONDITIONAL USE PERMITS _____	116
8. ADMINISTRATIVE PERMITS _____	117
9. NONCONFORMING USE OR STRUCTURE VARIANCE _____	121
10. AMENDMENT OF ORDINANCE _____	122
11. NOTICE _____	123
12. APPEALS _____	124
13. ENFORCEMENT _____	125
SECTION XI: FEES: MISCELLANEOUS PROVISIONS _____	126

1. FEE SCHEDULE	126
2. NONPAYMENT OR PART PAYMENT OF FEES	127

EXHIBITS:

EXHIBIT A: ZONING MAP

EXHIBIT B: SHORELINE OVERLAY DISTRICT

EXHIBIT C: CRITICAL AREA OVERLAY

EXHIBIT D: LINCOLN STREET OVERLAY

Ordinance No. 620

An ordinance of the Town of Twisp, Washington, establishing regulations for the use of land within the incorporated limits of the Town, and providing for the administration, enforcement, and amendment thereof in accordance with Applicable State statutes, and for the repeal of all ordinances in conflict herewith.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF TWISP, WASHINGTON, AS FOLLOWS:

SECTION I: PURPOSE AND INTENT

1. **PURPOSE:** The purposes of this Ordinance shall be to promote the public health, safety, general welfare and interest of the Town of Twisp, Washington and the citizens thereof by:
 - A. Establishing and retaining a pattern of land use within the Town reflective of the needs of the residents thereof and considering the existing land uses, structures, and their associated intensities in residential, commercial, and other use areas;
 - B. Providing for the aesthetic values of the Town, recognizing that the location, rivers, views, and the associated environmental qualities are valuable assets to the Town and its citizens;
 - C. Achieving public and private land use decisions that are consistent with the goals and policies of the comprehensive plans of the Town and that will protect the Town's character as the service center of the Methow Valley;
 - D. Encouraging the location and use of structures and land for commerce, industry, residences and recreational opportunities where they are most compatible with existing land uses and identified environmental and aesthetic constraints;
 - E. Providing flexible means to encourage innovative site design and land use patterns responsive to both human and natural environment needs while maintaining sufficient control to assure compliance with the goals of this Ordinance and the comprehensive plans of the Town;
 - F. Protecting existing land uses and property values from undue adverse impacts of adjacent development;
 - G. Providing for adequate light, views, open space, air quality, privacy, fire separation, and protection and access for emergency services;
 - H. Ensuring efficient use of public investments in community facilities, roads, and improvements;
 - I. Providing a set of land use regulations to protect the Town and its citizens while allowing proper planned growth in conformance with the Town's Comprehensive Land Use Plan, Shoreline Master Program, Critical Areas Ordinance (when adopted), and any related comprehensive plans;
 - J. Providing a fair, efficient, and effective administrative system for review and approval of proposed projects and developments;
 - K. Encouraging the development of recreational opportunities and support facilities such as trails, parks, and parking areas.

2. **AUTHORITY:** This Ordinance is adopted pursuant to the authority of Chapter 35.63 RCW, and the Comprehensive Plan of the Town of Twisp, Washington.

3. **REPEAL:** Twisp Municipal Code Land Use Regulations (18.05, 18.10, 18.15, 18.20, 18.25, 18.30, 18.35, 18.40, 18.45, 18.50, 18.55, Appendix A), and all codes of the Town of Twisp, Washington in conflict herewith are hereby repealed.

SECTION II: DEFINITIONS

1. “A” DEFINITIONS

“**Accessory dwelling unit**” (ADU) means a dwelling (see definition, below) appurtenant to a commercial or residential use and located on the same parcel as the principal structure.

“**Accessory structure**” means a structure that is clearly incidental and subordinate to the principal structure on the same lot. Examples include storage sheds and garages.

“**Accessory Use**” means a use customarily incidental to and on the same lot as the principal use of a building or operation and so necessary or commonly to be expected that it cannot be supposed that it was intended to be prohibited.

“**Administrator**” means the duly appointed Town of Twisp Land Use Administrator, charged with the duties and responsibilities specified in Section X of this Ordinance.

“**Adult family home**” A regular family home, licensed pursuant to Chapter 70.128 RCW, where staff assumes responsibility for the safety and well-being of persons not related by blood or marriage to the person or persons providing the services. A room, meals, laundry, supervision and varying levels of assistance with care are provided. The home can have 2-6 residents.

“**Agricultural market**” means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off the site of the use; and may include as incidental and accessory to the principal use the sale of factory-sealed or prepackaged food products and some limited non-food items. This definition does not include the sale of livestock.

“**Airport**” means a runway having any or all of the following features: facilities for storage, supply, and maintenance of aircraft; commercial use and services such as flight instruction, charter or air freight service, herbicide or pesticide application; facilities maintained or operated by governmental units, agencies, or private corporations.

“**Airport board**” means the Twisp Municipal Airport Board.

“**Airstrip**” means a runway without normal airport facilities, maintained for the private use of the owner of the property on which it is located.

“**Air terminal**” means a facility where air passengers are taken on and dropped off, including ticket sales and accessory uses such as snack bars or small restaurants conducted within the principal station or terminal building, but excluding aircraft storage, maintenance, or repair facilities.

“**Alley**” means a public thoroughfare or way twenty (20) feet or less in width that has been dedicated to the Town of Twisp. Alleys provide only a secondary means of access to abutting properties.

“**Amateur radio tower and antenna**” means an antenna and tower that transmits non-commercial communication signals and is licensed as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio towers are considered part of the structure for the purposes of meeting development standards.

“**Amendment**” means a duly authorized change in the wording, content, or substance of an adopted ordinance, map, policy document, or other regulatory document, including changes to this Ordinance as specified in Section X hereof.

“**Animal and livestock auctions**” means public auctions for animals or livestock conducted as a commercial enterprise, including accessory uses such as barns and stables therefore.

“**Animal hospital**” means a facility; including exterior fenced cages or yards, for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care, and is accessory to the principal use. This definition does not include kennels.

“**Animal shelter**” means a facility, including exterior fenced cages or yards, for the care of lost, abandoned, homeless, or injured animals, whether domestic or wild.

“**Antenna**” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

“**Omni-directional antenna** (also known as a “**whip antenna**”)” means an antenna that transmits and receives radio frequency signals in a 360-degree radial pattern. For the purpose of this Ordinance, an omni-directional antenna is up to 15 feet in height and up to four inches in diameter.

“**Directional antenna** (also known as a “**panel antenna**”)” means an antenna that transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.

“**Parabolic antenna** (also known as a “**dish antenna**”)” means a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

“**Appeal**” means a request for review of a decision, determination, order or interpretation by the Administrator or Town Council of any provision of this Ordinance.

“**Applicant**” means a person submitting an application for any permit or approval required by this Ordinance and who is the owner of the subject property or the authorized agent of the owner. In the case of Mobile Vendors, “applicant” means the owner of the mobile vending unit.

“**Assembly, heavy**” means the assembly of large prefabricated materials or components into a finished product, generally with the use of machinery or equipment.

“**Assembly, light**” means the assembly of small prefabricated materials or components into a finished product. Light assembly processes may not employ heavy equipment. Both materials and end products can generally be lifted by hand, without the use of forklifts or other equipment. Examples include rototillers, snowmobiles, small engines, and furniture.

“**Assembly, micro**” means the assembly of small prefabricated materials or components into a finished product, generally by hand. Both materials and end products can be lifted by hand; materials do not require delivery by heavy truck but can be delivered by parcel carriers such as UPS and FedEx. Micro assembly is suitable as a home business.

Examples include professional, scientific, or control instruments; electrical or other technical equipment; and computers.

“Assisted living facility”: see **“Congregate care or assisted living facility”** See **“Boarding Home”**.

“Attached” means, in the case of dwellings, connected by a common vertical wall(s), or in the case of multi-story buildings by common ceiling/floor(s).

2. **“B” DEFINITIONS**

“Bed and breakfast inn” means an owner-occupied single-family dwelling in which, not more than two bedrooms, for not more than six (6) guests are rented for money or other valuable consideration to the traveling public. Only one meal, breakfast, may be served at a bed and breakfast inn, and only to current paying guests of said bed and breakfast inn.

“Boarding home” means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more residents after July 1, 2000. A boarding home that was licensed to provide board and domiciliary care to three to six residents on July 1, 2000 may maintain its boarding home license as long as it is continually licensed as a boarding home. ‘Boarding home’ shall not include facilities certified as group training homes pursuant to the Revised Code of Washington, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.” Boarding Homes are also referred to as “Assisted Living Facilities”.

“Boarding house” means an establishment providing both lodging and meals for not more than eight (8) persons residing in the facility on a permanent or semi-permanent basis.

“Broadcast facility” means an establishment engaged in transmitting oral and/or visual programs, and which consists of a studio, transmitter, and antennas.

“Buffer” means a landscaped area intended to provide visual and noise separation between incompatible uses and minimize the off-site impacts of land use.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building area” means the three-dimensional space within which a structure may be built on a lot and which is defined by maximum height regulations, yard setbacks, and building coverage regulations.

“Building Code” means the Uniform Building Code and related codes as amended and adopted by the Town of Twisp.

“Building coverage” means the percentage of a lot that is covered by structures.

“Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater building height:

- A. The elevation of the highest adjoining sidewalk or finished ground surface within a five (5) foot horizontal distance of the exterior wall of the structure when such sidewalk or finished ground surface is not more than 10 feet above the lowest finished grade.
- B. An elevation 10 feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in item (A) above is more than 10 feet above the lowest finished grade.
- C. In the case of communication towers, the vertical distance above the ground measured to the highest point of the communication tower.

“Building Official” means that person or persons designated by the Mayor or the Town Council to enforce the provisions of the Building Code and related codes, and administer the assigned provision of this Ordinance. For the purposes of this ordinance, Building Official means building and enforcement official.

“Bus passenger terminal” means a facility where bus passengers are taken on and dropped off, including ticket sales and accessory uses such as snack bars or small restaurants conducted within the principal station or terminal building, but excluding bus storage, maintenance, or repair facilities.

“Bus repair and storage terminal” means a facility for bus storage, maintenance, and/or repair.

“Business day” means a day and hours during which the Town Hall of Twisp would normally be open for business, excluding recognized holidays.

“Butcher shop” means a custom retail meat cutting operation. This definition does not include slaughtering but does include other accessory uses such as frozen food lockers. Butcher shops are regulated as trade uses, based on traffic and other impacts.

3. **“C” DEFINITIONS**

“CFR” means the Code of Federal Regulations of the United States.

“Change of use” means a change from one use to another and includes the addition of a new use to an ongoing one when the new use will generate 10% or more of the vehicle trips generated by the use or will change the impact of the use.

“Church” means any structure or group of structures primarily used for religious services and/or instruction.

“Clear vision area” means a triangular portion of land established at a street intersection in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

“Co-location” means the use by more than one wireless communications provider of a single support structure (e.g. building, monopole, lattice tower) to mount equipment.

“**Commercial agriculture**” means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade.

“**Common open space**” means land within or related to development not individually owned (owned in undivided interest), which is designed and intended for the common use or enjoyment of the residents of the development. Trail systems and organized recreational activities may be included as part of the open space for lot coverage calculations.

“**Community-based care**” means but is not limited to the following:

- A. Home delivered nursing services;
- B. Personal care;
- C. Day care;
- D. Nutritional services, both in-home and in a communal dining setting;
- E. Habilitation care; and
- F. Respite care.

“**Community garden**” means an area divided into garden plots used by individuals to grow crops for household use, and may include accessory structures such as sheds, raised beds, or greenhouses.

“**Compatibility**” means congruence in terms of land uses and/or project elements to avoid, mitigate, or minimize to the greatest extent practical conflicts and to foster harmony, order, and efficiency.

“**Complete Application**” means an application form, together with all of the accompanying documents and exhibits required by this Ordinance or by the responsible official, and all appropriate fees, having been reviewed and accepted as complete by the appropriate responsible official or his/her designee (including SEPA Checklist and fee therefore as required).

“**Comprehensive Plan**” means the Town of Twisp Comprehensive Plan and any amendments, addendum, or supplemental plans that are duly adopted by the Town.

“**Condition**”, as pertains to Land Use Permits, means restriction or requirements imposed by a reviewing official or body pursuant to authority granted by this Ordinance.

“**Conditional use**” means a use allowed in one or more Zoning Districts as defined in this Ordinance but which, because of characteristics peculiar to such use; because of size, hours of operation, technical processes or equipment; or because of the exact location with reference to surroundings and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such use consistent and compatible with other existing or permissible uses in the same zone or zones.

“**Condominium, residential**” means a multi-family residential use in which the dwelling units are owned individually.

“**Condominium, time share**” means a multi-family dwelling unit in which the individual dwelling units are owned or intended to be owned by several or more owners, with each

owner having right to said dwelling unit for a specific period of time during each calendar year.

“**Conference center**”: see “**Resort**”

“**Congregate care**” means a non-nursing facility where staff assumes responsibility for the safety and well-being of persons not related by blood or marriage to the person or persons providing the services. These facilities are required by state regulations to provide daily meals or lodging and must be licensed as boarding homes. The facility can have three or more residents.

“**Convalescent**”, see definition for nursing home.

“**Convention center**”: see “**Resort**”

“**Correctional institution**” means a public or private facility providing for the confinement of juvenile offenders; for the incarceration, confinement or detention of individuals arrested for or convicted of a crime; or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose freedom is restricted.

“**Cultural, recreational, and entertainment facility, large**” means an auditorium, theater, lodge, library, museum, or other place of assembly not otherwise listed designed to accommodate more than 500 people. This definition does not include dance clubs, stadia, and sports arenas.

“**Cultural, recreational, and entertainment facility, mid-size**” means an auditorium, theater, lodge, library, museum, or other place of assembly not otherwise listed designed to accommodate fewer than 500 people and providing at least one parking space per 100 square feet of gross floor area.

“**Cultural, recreational, and entertainment facility, small**” means an auditorium, theater, lodge, library, museum, or other place of assembly not otherwise listed designed to accommodate not more than 150 people and providing fewer than 10 off-street parking spaces. Examples include the Twisp Valley Grange and the Merc Playhouse.

“**County**” means Okanogan County.

“**Council**” means the Town Council of Twisp, Washington.

4. “**D**” DEFINITIONS

“**Day**” means calendar day unless specified as a business day and except in the case of the term “day-use.”

“**Day-care facility**” means a facility licensed by the state regularly providing care for a group of children for periods of less than twenty-four hours. Separate requirements may be adopted for the following sub-categories of day care facilities:

“**Family day care home**” means a day care facility that regularly provides care during part of the twenty-four hour day to fewer than seven (7) children in the family abode of the person or persons under whose direct care the children are placed.

“**Mini day care center**” means a day care facility for the care of twelve or fewer children in a place other than the family abode of the person or persons under

whose direct care and supervision the children are placed; or the care of more than six (6) but fewer than thirteen (13) children in the family abode of such person or persons.

“Day care center” means a day care facility providing care to thirteen or more children. State law provides that no such center shall be located in a private family residence unless the portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

“Day-use” means not intended for overnight use.

“Dedication” means the conveyance of ownership of property, or a specific property right, via a written instrument, to a public agency/entity for a specific use or purpose, e.g., roads, parks, or open space.

“Density”, with regard to residential development, means the number of dwelling units per net residential acre of land or the minimum number of square feet that must be included in a development for each dwelling unit. The term includes dwelling unit density.

“District” refers to a legally established zoning district (see definition below), overlay district or special use district and is synonymous with “zone” for the purpose of this title.

“Drive-in window” means a facility that allows customers to receive services or obtain good while remaining in their motor vehicles.

“Driveway” means the legal means of ingress and egress (access) to a lot, parcel or tract of land for vehicular traffic. For the purpose of this title, this definition also includes the required traveled way to or through a parking lot or facility and that area located between rows of designated parking stalls.

“Divided”, with reference to land, means altered or affected in shape, size, or legal description by any transaction or action not otherwise exempt or provided for under the provisions of this Ordinance. Sale of a condominium and rental or lease of a building, facility, or structure that does not alter or affect the legal description of an owner’s land shall not constitute a division of land.

“Duplex” means two dwelling units connected by a common vertical wall or, in the case of a multi-story building, by common ceiling and floor; all in a single structure.

“Dwelling” means a building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family. This definition specifically excludes recreational vehicles.

“Dwelling, multi-family” means a structure or a group of structures on a single lot or within a single Planned Development, designed for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot. Compare “Multi-family residential use.”

“Dwelling, single-family” means a structure or portion thereof, designed to contain a single dwelling unit. Single-family dwellings are further classified by the nature of their construction, as follows:

“**Site built**” means a dwelling constructed on the site to be occupied by the structure and which is permanently affixed to the ground by footings and foundation.

Modular home: see “**Modular home**”

Manufactured home: see “**Manufactured home**”

Mobile home: see “**Mobile home**”

“**Dwelling unit**”: see “**Dwelling**”

5. “E” DEFINITIONS

“**Easement**” means a legally-granted right to make limited use of another’s real property.

“**Electrical Distribution Substation**” means an assembly of equipment designed to receive energy from a high voltage distribution supply system to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

“**Equipment, heavy**” means vehicles or machines capable of lifting or altering heavy objects, moving large quantities of earth or stone, extracting natural resources, or harvesting, planting or maintaining agricultural products, and other vehicles or machines performing large-scale work tasks. Heavy equipment includes, but is not limited to, backhoes, bulldozers, concrete mixing and pumping trucks, compactors/rollers, cranes, dozers, dump trucks, earth scrapers, log haulers, farm implements and tractors, pavement breakers, pile drivers, portable crushers, trailer-mounted woodchoppers, and other pieces of equipment that generate similar levels of noise. This definition does not include recreational vehicles and boats and their trailers.

“**Equipment shelter or cabinet**” means a room, cabinet or building used to house equipment for utility or service providers.

6. “F” DEFINITIONS

“**Factory-built home**” means a residential structure constructed in a factory with factory-assembled parts and transported to the building site in whole or in units. Factory-built homes are constructed to the standards of the Uniform Building Code. The completed structure is not considered a manufactured home.

“**Family**” means an individual; or two or more persons related by blood or marriage; or two or more persons with functional disabilities as defined herein, living together in a dwelling unit, which may or may not also provide meals or lodging for not more than four additional persons (excluding servants); or a group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

“**Fence**” means an arrangement of wood, metal, wire, mesh, or other non-living materials running around, along, or by the side of any open area to prevent or restrict passage in or out, or to serve as a visual barrier.

“**Fence, sight-obscuring**” means a fence constructed of solid wood, metal, concrete or other appropriate material that entirely conceals the subject use from adjoining uses.

“**Finding**” means a conclusion of fact reached by the reviewing official or decision-making body in a review process and based on the evidence available therein.

“**Floodplain**” means the one-hundred-year floodplain, being that area with a one percent chance of being inundated by stream-derived waters in any given year. The limit of this area shall be based on the Town’s flood-ordinance regulation maps.

“**Foundation**” means a building foundation as defined in the latest edition of the International Building Code promulgated by the International Code Council as adopted by the Town of Twisp.

“**Fuel, oil, and coal distribution**” means the storage and sale of fuel, oil, kerosene, gases or liquefied petroleum gases, or coal in containers over five gallons capacity or in bulk; and entails storage and sale of materials that are flammable, explosive, or toxic. This definition does not include service stations.

“**Fuel, oil, and kerosene, package sales**” means the storage and sale in approved metal containers not over five gallons capacity of fuel, oil, or kerosene, or gases or liquefied petroleum gases; and entails storage and sale of materials that are flammable, explosive, or toxic.

“**Full-time-equivalent**” means an employment opportunity that can be shared between more than one employee, working on a part-time basis, not to exceed a total of 40 hours per work week between all employees. Home Businesses are allowed one full-time equivalent worker who does not reside on the premise.

“**Fully Shielded Light Fixture**” means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

7. “G” DEFINITIONS

“**Garage sale**” means sale by any person or persons or organization of any household goods, furniture, or other tangible items or personal property at the residence, garage, building or structure occupied by or the possession of which is under the control of the party selling or conducting the sale. No garage sale shall last over three days continuously, nor shall garage sales be conducted on any given site for more than nine days total in any calendar year.

“**General contractor**” means a contractor, as defined by RCW 18.27.010, whose business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. A general contractor also includes one who superintends, or consults on, in whole or in part, work falling within the definition of a contractor.

“**Glare**” means the reflection of harsh, bright light.

“**Government office**” means the place of business of any federal, state, county, or Town unit of government.

“**Grade**” means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“**Gross floor area**” means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure, and including halls, lobbies, stairways, elevator shafts, enclosed porches and fully-enclosed recreation areas and balconies, but excluding attic space, mechanical rooms, uncovered steps and fire escapes, private garages, carports, off-street parking and loading spaces, and basements if the ceiling is less than six feet above the basement floor.

“**Groundwater**” means the supply of fresh water under the surface of the ground in an aquifer that forms a natural reservoir of potable water.

“**Group home**” means a residence for dependent or pre-delinquent children that provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents).

“**Growth Management Act**”: means Washington State’s Growth Management Act, RCW 36.70A.

8. “**H**” DEFINITIONS

“**Habitat**” means the sum of all environmental factors of a specific place necessary for the support or sustenance, on a permanent or temporary basis, of an organism, species, population, or community.

“**Halfway house**” means a residence for juvenile delinquents or adult offenders leaving correctional and/or mental institutions, or leaving rehabilitation centers for alcohol and/or drug users, that provides residentially-oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented but who do not need institutional care.

“**Hazard tree**” means any tree that constitutes a hazard to life and property, or that harbors insects or disease that constitute an imminent threat to other trees within the Town or to orchards within or beyond the Town.

“**Hazardous substance**” means any liquid, solid, gas, or sludge, including any material substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste (RCW 70.105.010).

“**Hazardous waste**” means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States Environmental Protection Agency, and includes all dangerous and extremely hazardous waste as defined by Chapter 173-303 WAC, including substances composed of both radioactive and hazardous components.

“**Height**” see “Building Height:

“**Helipad**” means a designated touchdown spot for short-term occasional use by helicopters.

“**Heliport**” means any helicopter landing sites other than a helipad or a site for one, privately-owned, non-commercial helicopter. The heliport may include maintenance, refueling, repair, or storage facilities.

“**Hobby kennel**” means a noncommercial kennel at or adjacent to a private residence where adult dogs or cats are maintained for purposes other than breeding.

“**Home business**” means a home-based business conducted as an accessory use appurtenant to a residence, as regulated in Section IV 7. of this Ordinance.

“**Hospital**” means an institution providing clinical, temporary, and emergency services of a medical or surgical nature to human patients, which is licensed under state law to provide facilities and services for surgery, obstetrics, and general medical practice as distinguished from clinical treatment of mental and nervous disorders.

“**Hotel**” means an establishment primarily engaged in providing short-term lodging, typically housed in a single structure, and which may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services.

“**Household animal**” means a domestic dog (*Canis familiaris*), domestic cat (*Felis catus*), or any other animal commonly or normally kept or owned in association with a residential dwelling unit and generally kept or housed within the interior of the dwelling unit, including such animals as hamsters, mice, gerbils, guinea pigs, non-venomous snakes and other small non-venomous reptiles and amphibians, parakeets, canaries, finches, and other songbirds, and fish.

9. “**I**” DEFINITIONS

“**Impact**” means effect on other uses and on the public health, safety, general welfare or interest of the Town of Twisp and the citizens thereof.

“**Impervious surface**” means any horizontal surface that reduces or prevents absorption of storm water into the ground.

“**Industrial use**” means manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

“**Intensity**” means the combination of factors (such as visual appearance and building size; traffic generation, noise, dust, and light; and economic value) associated with a particular use that determines the potential impact of that use. The higher the intensity, the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.

10. “**J**” DEFINITIONS

“**Junk**” means all abandoned, wrecked, dismantled, or inoperative vehicles, which are not properly cared for, stored, licensed, or maintained, including all vehicles that have inoperative for more than 30 consecutive days; any motor vehicle that has been unlicensed for more than 30 consecutive days; defective motor vehicle parts, inoperable and defective appliances and parts thereof, metal portions of inoperable machinery, broken glass, empty glass, plastic or metal containers, scrap lumber, broken furniture, any items of personal property which are not properly stored and maintained, and other

wastes and/or discarded materials. The existence of junk on any premises other than a permitted landfill, recycling center, or recycling drop-off station constitutes a nuisance and is regulated by the Twisp Municipal Code Title 8.05.

“Junk yard” means an open area on any premises devoted wholly or in part to the storage, buying, selling, disassembling or handling of scrap iron and other metals, paper, rags, rubber tires, cans, bottles or other material commonly known as junk or defined as junk in this Ordinance or as a nuisance in the Twisp Municipal Code Title 8.05. Junkyards are not permitted in the Town of Twisp

11. **“K” DEFINITIONS**

“Kennel” means a commercial establishment (including a residence) in which three or more dogs or cats, more than one year old, are housed, kept, groomed, bred, boarded, trained or sold. This definition does not include hobby kennels.

12. **“L” DEFINITIONS**

“Land” means any lot, parcel, or tract of real property.

“Land use” means the method or manner in which land and structures are occupied or utilized.

“Land Use Administrator” means the individual appointed by the Mayor, with confirmation by the Town Council, to carry out the duties and responsibilities specified in Section X of this Ordinance.

“Land Use Permit” means an Administrative Permit, Conditional Use Permit, or Planned Development Permit, or any other written authorization for development or modification of development as defined in this Ordinance or in the Town of Twisp’s Subdivision Ordinance Twisp Municipal Code Title 17 or any subsequent revision thereto.

“Landfill” means a disposal site or part of a site at which waste is placed in or on land and which is not a land spreading disposal facility.

“Landmark” means a prominent and identifying feature of the landscape.

“Landscaping” means plants and nonliving landscape elements used for aesthetic enhancement or to diminish the impacts of a use.

“Large domestic animal” means a horse, pony, mule, dairy cow, steer, sheep, goat, llama, ostrich, emu or other large animal domesticated by humans to live in a tame condition or fenced yard.

“Loading space” means space for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley, or other appropriate means of access and egress.

“Lot” means a division of land:

1. Having defined boundaries and shown on a final plat or short plat officially recorded in the Okanogan County Auditor’s Office; or
2. Which is a legally-recognized prior division or parcel under the provisions of the Town of Twisp’s Subdivision Ordinance or Short Plat Ordinance.

“**Lot Area**” means the total horizontal area (in square feet) within the boundary lines of a lot.

“**Lot coverage**” means the percentage of a lot that is covered by structures and other impervious surfaces (excluding parking areas and roadways).

“**Lot line, front**” means, in the case of an interior lot, the property line separating the lot from the road. For the purpose of establishing the front lot line for a corner lot, the front lot line shall be the property line with the narrowest street frontage, except, the building official, or his or her designee, shall designate the front lot line for corner lots in residential districts.

“**Lot line, rear**” means the property line that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of triangular or trapezoidal lots, the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore shaped lot, a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line.
2. In the case of a trapezoidal lot, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the actual rear lot line.
3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

“**Lot line, side**” means any lot boundary line that is not a front or rear lot line.

“**Lot width**” means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

13. “M” DEFINITIONS

“**Macro facility**” means an attached wireless communication facility that consists of antennas equal to or less than 15 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than 100 square feet in the aggregate as viewed from any one point.

“**Manufactured home**” a single-family dwelling built according to the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also:

1. includes plumbing, heating, air conditioning, and electrical systems;
2. is built on a permanent chassis; and
3. can be transported in one or more sections with each section at least eight (8) feet wide and forty (40) feet long when transported, or when installed on the site is three hundred twenty (320) square feet or greater (RCW 59.20.030).

A manufactured home bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the definition of a manufactured home.

“**Manufactured home park**” means any plot of ground upon which two or more manufactured homes are lawfully occupied as dwellings, regardless of whether a charge is made for such accommodation.

“**Manufacturing**” means the process of transforming materials or substances into new products using chemical or mechanical processes.

“**Manufacturing, heavy**” means manufacturing uses not otherwise defined in this Ordinance that employ processes that generate noxious or objectionable noise, smoke, dust, vibration, odor, or concussion. Heavy manufacturing may involve bulk handling of products, large amounts of storage and warehousing, and outdoor storage and processing. Heavy manufacturing typically requires the use of heavy equipment. Materials may be delivered, and end products taken away, by heavy truck. While other uses may be sited in heavy manufacturing zoning districts, permits for such uses should not be issued if said uses will discourage use of adjacent sites for heavy industry, interrupt the continuity of industrial sites, or produce traffic in conflict with industrial uses.

“**Manufacturing, medium**” means processing or fabrication of materials involving methods or manufacturing processes that do not generate noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion; do not require the use of heavy equipment; and do not involve outdoor storage of bulk materials or heavy equipment. Efficient operation may involve using a forklift or other equipment to move raw materials and end products; materials may be delivered, and end products may be taken away, by heavy truck.

“**Manufacturing, light**” means processing or fabrication of materials involving methods or manufacturing processes that do not generate noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion; do not require the use of heavy equipment; and do not involve outdoor storage of bulk materials or heavy equipment. Both raw materials and end products can generally be lifted by hand, without the use of forklifts or other equipment; materials do not require delivery by heavy truck but can generally be delivered by parcel carriers such as UPS and FedEx. **Light manufacturing is suitable for home businesses.**

“**May**” is permissive, not mandatory.

“**Medical clinic**” means a facility for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.

“**Micro facility**” means an attached wireless communication facility, operating in compliance with FCC regulations and within the specified bandwidth for unlicensed devices, that consists of antennas equal to or less than four feet in height (except omnidirectional antennas which may be up to six feet in height) and with an area of not more than 580 square inches in the aggregate (e.g., one-foot diameter parabola or two-foot by one and one-half-foot panel) as viewed from any one point.

“**Microbrewery**” means a combination retail, wholesale and manufacturing business that brews and serves beer and/or food on the premises. Microbreweries shall have a production capacity not to exceed 15,000 U.S. barrels per year.

“**Mini-mart**” means a use that combines retail food sales with take-out food service.

“**Mixed-use development**” means the use of land or a structure for two (2) or more different uses.

“**Mobile home**” a factory-built dwelling built prior to June 15, 1976, which does not meet applicable requirements of the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act; designed to be transportable in one or more sections; and built on a permanent chassis. Mobile homes do not include modular homes, manufactured homes, factory-built housing, commercial coach, recreational vehicle or motor homes.

“**Mobile home park**” means any plot of ground upon which two or more mobile homes are lawfully occupied as dwellings, regardless of whether a charge is made for such accommodation.

“**Mobile vendor**” means a permitted vendor of prepared food, beverages, or retail goods operating from a transportable structure, truck, van, or cart approved by the Town of Twisp. Sale of alcoholic beverages is specifically excluded.

“**Modification**” means any change or alteration in the occupancy, arrangement, placement, or construction of any existing use, structure, or associated site improvement, and any change or alteration of land.

“**Modular home**” means a residential structure that meets the requirements of the Uniform Building Code and is constructed in a factory and transported to the building site.

“**Motel**” means an establishment primarily engaged in providing short-term lodging, and which may offer food and beverage services, recreational services, laundry services, and other services, but which does not offer conference rooms, convention services, or parking services.

“**Multi-family residential use**” means a multi-family dwelling, residential condominium, assisted living facility, retirement home, or other structure or development intended for long-term (monthly or longer) residential occupancy by more than two families. Compare “Dwelling, multi-family.”

14. “N” DEFINITIONS

“**Neighborhood commercial use**” means a retail or food service outlet primarily serving those people who live and work within ¼ (one quarter) mile of the use and not generating large volumes of vehicle traffic. Neighborhood Commercial Uses are limited to not more than 2,000 square feet of usable floor area and not more than four off-street parking spaces to meet the needs of employees and visitors, including delivery vehicles.

“**Net residential acre**” means 43,560 square feet minus the area in private and public streets, rights-of-way, and access easements.

“**Nonconforming lot (legal)**” means a lot, the area and dimension of which were lawful prior to adoption or amendment of this title, but which fails to conform to the present requirements of the zoning district in which it is located.

“**Nonconforming structure (legal)**” means a structure that was lawful prior to the adoption or amendment of this title, but which fails by reason of such adoption or

amendment, to conform to the present requirements of the zoning district in which it is located.

“Nonconforming use (legal)” means the principal use of land or structure that was lawfully established and maintained at the effective date of this title but does not conform to the allowed uses of this title for the district in which it is located.

“Nuisance” means any use, activity, or structure that interferes with the enjoyment and use of property by endangering personal health or safety, offending the human senses and/or failing to conform to the provisions, intent, or standards of the district in which the use, activity, or structure occurs or is proposed.

“Nursing home” means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

15. **“O” DEFINITIONS**

“Occupancy” means, with reference to modifications, the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For the purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.

“Off-street” means beyond the right-of-way of a highway, street, or alley.

“Off-street parking facility” means one or more parking spaces provided beyond the right-of-way of a highway, street, or alley.

“Office” means a facility where the primary activity is of a business-meeting or professional-service nature. The primary activity cannot be retail in nature, involving products stocked and sold on the premises.

“**Office building, large**” means an office building larger than 10,000 square feet in gross floor area or where more than 25 people are employed at any time.

“**Office building, mid-size**” means an office building from 5,000 to 10,000 square feet in gross floor area and where no more than 25 people are employed at any one time.

“**Office building, small**” means an office building no larger than 5,000 square feet in gross floor area and where no more than 10 people are employed at any one time.

“**Open space**” means any parcel, tract of land, or water feature that is essentially unimproved or improved with low-intensity non-commercial agricultural or garden uses and which has been set aside, dedicated, designated or reserved for public use or enjoyment.

“**Overlay district**” means a geographic area that constitutes a mapped district superimposed over the underlying zone on the official zoning map.

“**Overnight rental**” means a single-family residential dwelling unit, other than approved hotels, motels, or bed and breakfast inns, rented on a nightly, weekly, or other basis less than month-to-month rental.

16. “P” DEFINITIONS

“**Park**” means a public or privately-owned area with day-use facilities or areas for outdoor passive recreational use by the public.

“**Park trailer**” means a vehicular unit manufactured in accordance with State requirements for park trailers, and bearing the appropriate insignia of the Washington State Department of Labor and Industries.

“**Parking angle**” means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of a parking facility, ranging from 0 to 90 degrees.

“**Parking bay**” means the section of a parking facility containing a driveway and one or two rows of parking stalls.

“**Parking space or parking stall**” means an off-street area that is developed, maintained, and used for the temporary storage of one motor vehicle.

“**Party of Record**” means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

“**Path**” means a cleared way for pedestrian and/or bicycle transportation and which may or may not be paved.

“**Performance standard**” means a criterion used to evaluate the impacts of a given use for the purpose of regulating uses to protect the interests of the Town and its citizens.

“**Person with functional disabilities**” means:

1. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
 - a. Needing care, supervision, or monitoring to perform activities of daily living, or

- b. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - c. Having a physical or mental impairment that substantially limits one or more of such person’s major life activities, or
 - d. Having a record of having such an impairment, or
2. Being regarded as having such impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

“**Permit**” means written government approval issued by an authorized official or body empowering the holder thereof to take some action permitted only upon issuance of written approval.

“**Place of worship**” means a structure or group of structures primarily used for religious services and/or instruction.

“**Planned Development**” means development for which a Planned Development Permit has been issued as specified in Section IX of this Ordinance and which is developed according to a single site plan and written program that may contain one or more clusters of structures with appurtenant common areas.

“**Planning Commission**” means the duly constituted and appointed Town of Twisp Planning Commission.

“**Preliminary Approval**” means the conferral of certain rights, prior to final approval, after specific elements of a written program and site plan have been reviewed by the Twisp Planning Commission and approved by the Town Council and agreed to by the applicant.

“**Premises**” includes the land, buildings, parking, access and adjoining sidewalks.

“**Preschool**” means a school for children between the ages of one (1) through six (6) years, or any portion thereof, offering schooling not beyond the grade of kindergarten.

“**Principal Dwelling**” means the residential structure that contains the principal use on a lot.

“**Prohibited animal**” means any animal listed under the heading “Prohibited animals” in Section IV 18. of this Ordinance.

“**Property owner**” means the legal owner or owners of a piece of real property.

“**Property owners’ association**” means a community association in which individual owners share ownership or maintenance responsibilities for open space or facilities.

“**Public hearing**” means a meeting open to the public that is announced and advertised in advance and at which the public is given the opportunity to participate and testify on a particular issue, application, petition, or proposal.

“**Public transportation shelter station**” means a structure for the protection from the elements of the waiting customers of a public transportation system

“Public utility installation” means an equipment installation for utility and service purveyors including, but not limited to, telephone exchanges, electrical substations, water reservoirs, pump stations, and similar facilities of service providers.

“Public utility service and storage yards” means a facility for storage, maintenance, and/or repair of public utility vehicles and other equipment.

17. **“Q” and “R” DEFINITIONS**

“Recreational vehicle” or **“RV”** means a vehicular-type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles. Recreational vehicles also include boats, snowmobiles, and other recreational equipment on or carried by a trailer.

“Recreational vehicle park, commercial” means a commercial facility for the temporary parking of two or more recreational vehicles. This definition does not include land zoned and used for the display or sale of recreational vehicles. For the purposes of this definition, temporary parking means the placement of a recreational vehicle on a single site for 180 days or less in any 12-month period.

“Recycling center” means a facility where discarded household products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing. (This definition does not include recycling drop-off stations.)

“Recycling drop-off station” means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc) in enclosed containers that are collected and emptied on a regular basis (not less often than weekly), without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, or rodent or insect attraction.

“Residential Care Facility” A facility, not licensed pursuant to Chapter 70.128 RCW, which provides domiciliary care for at least five but not more than fifteen functionally disabled persons.

“Resort” means a commercial establishment primarily engaged in providing short-term lodging, typically housed in more than one structure, and which offers food and beverage services and some combination of recreational services, conference rooms, convention services, parking services, and laundry services, and may offer other services.

“Restaurant” means a commercial establishment operated primarily for preparing, cooking, and serving meals, with the serving of beverages as incidental thereto.

“Retail” means involved in the sale of goods or services in small quantities to consumers.

“Retirement home” means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness, developed and operated in compliance with all federal, state, and local regulations. This definition does not include nursing, convalescent, or rest homes, hospitals, or sanitariums.

“**Reviewing official**” means the building and enforcement official, the Administrator, or a commission or legislative body of the Town, when engaged in any review or approval procedure under the provisions of this title.

“**Rezone**” means to change the zoning district classification of a particular lot(s) or parcel(s) of land.

“**Right of way**” means public right of way (see).

“**Right of way, public**” means land deeded or dedicated to, or purchased by, the Town of Twisp or another unit of government for existing or future public pedestrian or vehicular access.

“**Road, arterial**” means a public road designated as either a state highway or community arterial in the transportation element of the Town of Twisp Comprehensive Plan.

“**Road, local access**” means a public road not designed as an arterial and which is designated as a collector street or residential access in the transportation element of the Town of Twisp Comprehensive Plan. The primary purpose of a local access road is to connect property along the local access road with the arterial road system.

“**Road, private**” means a road not designed, built, or maintained by the Town of Twisp, the Washington State Department of Transportation, or any other political subdivision. This definition does not include driveways.

“**Road, public**” means a physically improved public right-of-way, including but not limited to surfacing, curbs, gutters and drainage facilities, maintained and kept open by the Town of Twisp, Okanogan County, or the State of Washington for public vehicular and pedestrian use.

18. “S” DEFINITIONS

“**School**” means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day care facilities/centers, except when operated in conjunction with a public or private school as defined herein.

“**School, private**” means a preschool, specialized school, private post-secondary school or college, or other non-public educational institution.

“**School, public**” means a public educational institution offering primary and/or secondary education.

“**School, specialized**” means a music conservatory, dancing school, martial arts studio, or similar organization, without students in residence, offering instruction in one or more specific fields

“**School or college, post-secondary, non-residential**” means a public or private college, business school, trade school, vocational school, or similar institution, without students in residence, offering training in specific fields, primarily to students who have completed secondary education.

“**School, vocational or trade**” means a commercial school for teaching arts, crafts, or trades.

“**Service station**” means a retail facility to supply motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair services and incidental sale of motor vehicle accessories.

“**Setback, front**” is the minimum horizontal distance measured perpendicularly from the property line to the nearest protrusion (including roof line) of a structure.

“**Setback, side and rear**” is the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest protrusion (including roof line) of a structure; except, that a side setback on a corner lot, along the adjacent right-of-way, shall be measured perpendicularly from the centerline of the right-of-way.

“**Sexually-oriented business**” means an establishment or premises having as substantial or significant portion of its stock in trade books, magazines, or other printed matter, pictures, graphics, or other materials or paraphernalia, or video movies, films, photographs, live appearances, or performances that are distinguished or characterized by their emphasis on matters depicting, describing, or related to “specified anatomical areas” or “specified sexual activities”, as defined herein.

“**Sign**” means any medium, including its structure and component parts that is used or intended to be used to attract attention to the subject matter for advertising purposes.

“**Significant tree**” means a healthy evergreen or deciduous tree measuring 12 inches or more in diameter at breast height (dbh) or unique because of its species, location, size or condition, including any heritage, rare, threatened, or endangered tree of any size as defined or designated under state or federal law

“**Single-family tourist accommodation**” means a single-family residential dwelling unit, including single-family dwellings or condominiums, or a dwelling unit in a duplex or multi-family building, rented for transient or tourist use on a nightly, weekly or other basis less than month-to-month rental, and shall include time-share ownership (see “Condominium, time-share”).

“**Site improvement**” means any structure or other addition to land, including construction of roadways, utilities or other improvements on the property.

“**Site improvement, required**” means any specific design, construction, or site improvement that is required as a condition of approval for any permit issued under the provisions of this title or that is a part of any site plan approved under the provisions of this title.

“**Site plan, detailed**” means a general site plan incorporating such additional factors as landscaping, drainage, and others as may be specified.

“**Slaughter house**” means the premises of a firm regularly engaged in the slaughter of animals under approved inspection. Slaughter houses are not permitted in the Town of Twisp—see regulations related to animals in Section IV.19.

“**Small domestic animal**” means a rabbit or domestic fowl; or a pig or lamb in its first year of life. This definition does not include ostriches, emus, and other large birds.

“**Specialty Contractor**”, as defined by RCW 18.27.010 means a contractor whose operations do not fall within the definition of "general contractor". A specialty contractor may only subcontract work that is incidental to the specialty contractor's work.

“**Specified anatomical areas**” means less than completely or opaquely covered: human genitals, pubic hair, and vulva; buttocks, anus; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely or opaquely covered.

“**Specified sexual activities**” means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

“**Sports and entertainment facility, large**” means a stadium, sports arena, or other place of assembly not otherwise listed designed to accommodate more than 500 people participating in active recreation or watching sporting events. This definition does not include dance clubs; see “**Trade, high-traffic.**”

“**Sports and entertainment facility, mid-size**” means a stadium, sports arena, or other place of assembly not otherwise listed designed to accommodate fewer than 500 people participating in active recreation or watching sporting events, and providing at least one parking space per 100 square feet of gross floor area. This definition does not include dance clubs; see “**Trade, high-traffic.**”

“**Sports and entertainment facility, small**” means a stadium, sports arena, or other place of assembly not otherwise listed designed to accommodate not more than 150 people participating in active recreation or watching sporting events. This definition does not include dance clubs; see “**Trade, high-traffic.**”

“**Street**” means any public or private road.

“**Structural alteration**” means: (1) Any change in a major component or other supporting member of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters: or, (2) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

“**Structure**” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner to exclude fences six (6) feet and less in height (per the Uniform Building Code).

“**Structure, temporary**” means a permitted structure whose bearing components are not permanent in nature which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

19. “T” DEFINITIONS

“**Take-out food service**” means counter-only sales of prepared food or beverages for consumption off the premises.

“**Temporary building or structure**” means a building or structure not having or requiring permanent attachment to the ground or other structures.

“Temporary market” means an occasional, temporary commercial sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. This definition does not include the sale of livestock, sale of automobiles or vehicles of any kind, private garage sales, or special events such as car show or arts festival.

“Tourist accommodation” means a facility for the lodging of transients/tourists, including Bed and breakfast inns, Hotels, Motels, Overnight rentals, Resorts, and Time-share condominiums.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers. Telecommunications towers comprise wireless communications facilities, including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, or other related tower structures. Utility poles that provide electric or telephone service are not included in this definition. Conforming utility poles may be used to support one or more antennas in compliance with all applicable regulations.

“Townhouse” means a dwelling unit designed exclusively for occupancy by one family, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common vertical fire walls. Each unit is located on its own individual legal lot of record and has its own independent access and its own front and rear yards.

“Town Council” means the Town Council of Twisp, Washington.

“Trade, equipment” means provision of services, including storage and repair, or sale of goods involving equipment typically displayed in outdoor parking areas, such as automobiles, motorcycles, farm equipment, and boats.

“Trade, heavy” means provision of services, including storage and repair, or sale of goods involving more than 10 trips per day, on average, by vehicles greater than 10,000 pounds gross vehicle weight.

“Trade, high-traffic” means provision of services, including storage and repair, or sale of goods, including prepared food and alcoholic beverages for consumption on the premises, involving more than 20 vehicular trips per business day, on average, by passenger cars or other vehicles under 10,000 pounds gross vehicle weight, and no more than occasional deliveries by vehicles greater than 10,000 pounds gross vehicle weight. This definition includes dance clubs.

“Trade, low-traffic” means provision of services, including storage and repair, or sale of goods, including prepared food for consumption on the premises, involving 20 vehicular trips or fewer per business day, on average, by passenger cars or other vehicles under 10,000 pounds gross vehicle weight, and no more than occasional deliveries by vehicles greater than 10,000 pounds gross vehicle weight.

“Trail” means a cleared way for pedestrian and/or bicycle transportation and which may or may not be paved.

“**Travel trailer**” means a trailer or other unit designed as a temporary dwelling for travel or recreational uses and which is moved upon public streets and highways and is 35 feet or less in length and eight (8) feet or less in width.

“**Twisp Municipal Airport Board**” means the body formed in accordance with the Town of Twisp Resolution No. 90-208 having the authority to construct, enlarge, improve, maintain, equip, operate, and regulate the airport facility subject to the policies, rules, and regulations of the Town, and charged with the duties and responsibilities specified in Section X of this Ordinance.

20. “U” DEFINITIONS

“**Use**” means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement, or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. “Use” also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

“**Use allowed by right**” means a use specified in the District Use Chart in this Ordinance as allowed in a given Zoning District.

“**Use district**” means a portion of the Town of Twisp within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space may be required, and specific lot areas are established, all as set forth and specified in this Ordinance.

“**Use, modification of**” see “Modification”.

“**Use, principal**” means the primary or predominant use to which a structure, part of a structure, or a lot is or may be devoted.

“**Utilities**” are those businesses, institutions, or organizations that use pipes, wires or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the public, including sewer, water, power, phone and cable communications services.

“**Utility services**” means facilities operated by utilities but not including local transmission and collection lines, pipes, and conductors. Such facilities include, but are not limited to, electrical power substations, water reservoirs, and sewage treatment plants.

“**Utility Pole**” means a pole erected for the primary purpose of enabling telephone or electric service. Conforming utility poles may be used to support one or more antennas in compliance with all applicable regulations.

21. “V” DEFINITIONS

“**Variance**” means a modification of the specific regulations of this Ordinance in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

“**Vehicular trip**” means a round trip, including the arrival and departure of a vehicle to and from a destination. For example, one vehicle making a delivery and then leaving immediately would be considered one trip.

22. “W” DEFINITIONS

“**WAC**” means the Washington Administrative Code

“**Water system**” means any water system or water supply used for human consumption or other domestic uses. This definition includes source, treatment, storage, transmission and distribution facilities.

“**Wireless communication facility**” means an unmanned facility for the transmission and reception of low-power radio signals, consisting of an equipment shelter or cabinet, a support structure (e.g., existing building, utility pole or tower), antennas (omni-directional, panel/directional or parabolic) and related equipment. Separate requirements may be adopted for the following sub-categories of wireless communication facilities:

- A. Wireless communications facilities, macro: see “Macro facility”
- B. Wireless communications facilities, micro: see “Micro facility”
- C. Wireless communications towers: see “Tower”

23. “X” and “Y” DEFINITIONS

“**Yard**” means an open space other than a court, on the same lot with a structure.

“**Yard, front**” means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.

“**Yard, rear**” means the open area at the back of the structure extending the entire width of the lot and measured from the structure to the rear property line.

“**Yard sale**” see “**Garage sale**”

“**Yard, side**” means an open area between the side of a structure and a side lot line.

24. “Z” DEFINITIONS

“**Zoning District**” means a portion of the Town of Twisp within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space may be required, and specific lot areas are established, all as set forth and specified in this Ordinance. The term “zone” refers to a zoning district and is interchangeable with “district”.

“**Zoo**” means a place where non-domesticated animals are kept, often in a combination of indoor and outdoor spaces, and is viewed by the public.

SECTION III: BASIC PROVISIONS

1. **SCOPE:** This Ordinance shall apply to all public and private lands situated within the incorporated limits of the Town of Twisp, and over which the Town of Twisp has jurisdiction under the Constitutions and laws of the State of Washington and the United States, and shall set forth minimum standards that are supplemental to the rules and regulations of the Shorelines Management Act and the Town's Master Program there under, the State Environmental Policy Act and the Town ordinances implementing the same, Town, County, and State health regulations, building, plumbing, electrical, and other codes and regulations, and subdivision and short subdivision ordinances of the Town of Twisp.
2. **INTERPRETATION:** In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements adopted for the protections of the health, safety, general welfare, and interest of the Town of Twisp and the citizens thereof.
 - a. The provisions of this Ordinance shall be liberally construed to further its purposes and in the event controversy as to the meaning of a particular provision of this Ordinance shall arise, such provision shall be construed liberally in favor of the general public interest and the stated purposes of the Ordinance.
 - b. If the conditions imposed by a provision of this Ordinance are less or more restrictive than, or conflict with, the conditions of any other provision of this Ordinance, or any other rule, law, contract, resolution, or regulation of the State or Federal government or the County of Okanogan or the Town of Twisp, then the more restrictive requirement or the higher standard shall govern.
 - c. Reference in this Ordinance to any existing provisions of law, including Town ordinances or regulations or State or Federal laws, rules, or regulations shall include reference to any amendments to such provision that may occur subsequent to adoption of this Ordinance.
3. **COMPLIANCE:** A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits. Where multiple land-use permits are required for a use or combination of uses on a single lot, no new or modified use shall be allowed until all required permits have been granted. No lot, area, yard, or off-street parking area existing on or after the effective date of this Ordinance shall be reduced below the minimum requirements of this Ordinance.
4. **SEVERABILITY:** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Ordinance.

5. **ESTABLISHMENT OF ZONING DISTRICTS:** For the purposes of this Ordinance the following zoning districts are hereby established:

Designation	District
R-1	Residential Single-Family - low density
R-2	Residential Single-Family - high density
R-3	Residential Multi-Family
C-1	Downtown Commercial
C-2	Office/Tourist Commercial
C-3	General Commercial
C-R	Riverfront Commercial District
I	Industrial
AP	Airport Development
PU	Public Use

The zoning districts established by this Ordinance are indicated on the Zoning Map attached hereto as Exhibit A.

In addition, the Ordinance contains three overlay districts:

Designation	Overlays	Areas Covered
SO	Shoreline Overlay	Areas covered by the Town's Shoreline Master Program
CAO	Critical Areas Overlay	Areas designated as "Critical Areas" in the Town's Comprehensive Plan
LSO	Lincoln Street Overlay	West side of Lincoln Street extending from midway between Massey Wills Lane to Fifth Street

The Shoreline Overlay established by this Ordinance is indicated on the Shoreline Overlay Map attached hereto as Exhibit B. The Critical Area Overlay established by this Ordinance is indicated on the Critical Area Overlay Map attached hereto as Exhibit C. The Lincoln Street Overlay established by this Ordinance is indicated on the Lincoln Street Overlay Map attached here as Exhibit D. All four maps (Exhibits A-D) are incorporated herein by this reference.

- A. Residential Districts: Three residential districts (R-1, R-2, and R-3) are established to provide for a variety of types and styles of residential uses and development, while providing the protection and regulations necessary to protect home investment and home lives from incompatible uses and developments.
- B. Commercial Districts: Five commercial districts (C-1, C-2, C-3, C-R and I) are established to provide separate areas for different types and styles of commercial uses, including limited light manufacturing and business park uses, compatible

with existing and adjoining uses, access requirements, and parking needs. A new Riverfront Commercial District is established to provide areas for mixed-use development that adheres to high design and aesthetic standards and encourages civic warmth in lively, pedestrian-oriented precincts; and to encourage opportunities for public access to specified riverfront areas.

- C. Public Use District: A public use district is established to provide a separate zone for public facilities, including Town parks, Town facilities such as the Town sewer plant, school sites, and other publicly-owned lands.
 - D. Airport Development District: An airport development district is established to provide a special zone to protect the airport from incompatible uses and encourage development consistent with Okanogan County's Airport Development District provisions. The zone contains the Town's airport runway, hangars, and associated structures, and provides for uses deemed consistent with the primary use as an airport.
 - E. Shoreline Overlay: The Shoreline Overlay is established to provide a link between this Ordinance and the Town's Shoreline Master Program (SMP). The overlay, which covers that area under shoreline jurisdiction as defined in the Town's SMP, is intended to add the more restrictive provisions of the SMP to the underlying zoning requirements by providing the Administrator and project proponents with a reference to the more complex provisions of the SMP. The overlay is intended to provide the regulations (via the SMP) necessary to protect rivers, shorelands, wetlands, and flood hazard areas as required by Washington's Shoreline Management Act (RCW 90.58).
 - F. Critical Area Overlay: The Critical Area Overlay is established to provide an avenue for the regulation of development, through the imposition of design standards, in areas designated as "critical area" in the Town's Comprehensive Plan. Such regulation is necessary to protect steep slopes, wildlife conservation, wetlands, flooded areas, and other areas defined as critical areas by the Growth Management Act. The intent of the Critical Areas overlay will be to provide the regulations (via the Critical Areas Ordinance) necessary to protect aquifer recharge areas, wetlands, fish and wildlife habitat areas, frequently flooded areas and geographically hazardous areas as required by the Growth Management Act.
 - G. Lincoln Street Overlay: The Lincoln Street Overlay establishes a transition zone between the high intensity commercial uses in C-1 and the adjacent residential neighborhoods to the east in order to allow flexible living options and maintain the historic character of Lincoln Street. Single family and duplex dwellings will be allowed along the west side of Lincoln Street but otherwise subject to the zoning requirements of C-1.
6. **IMPACT ASSESSMENT:**
- A. The impacts of a proposed use shall be considered in determining whether the use is to be allowed, and may be considered in determining the conditions under which a Land Use Permit or Building Permit will be granted. This process is not intended to permit uses that are prohibited within a given Zoning District or for developments that are required to complete a SEPA Checklist. Nothing in this

section shall be construed to give any property owner a right to use any property in any manner that requires a Land Use Permit, unless such permit has first been granted and is in full force and effect pursuant to all conditions attached thereto.

- B. Any new use or change in use, including home businesses, will require an Impact Assessment. Applicants will be required to submit a completed Impact Assessment Checklist as part of the process of applying for a Land Use Permit, Building Permit, or Business License. The Town shall use the Impact Assessment Checklist as one means of notifying applicants of performance standards that may pertain to a given development proposal or permit application and providing guidance in meeting those standards.
 - C. Single-family dwellings are exempt from the Impact Assessment requirement. However, all uses, including single-family dwellings, must comply with the applicable Performance and Development Standards.
 - D. In making a determination regarding impacts, the Administrator or designated decision-making body shall consider the Performance Standards specified in Section III, Subsection 8 of this section. Decisions will be based on the information provided in the applicant's completed Impact Assessment Checklist; the Administrator or designated decision-making body may require additional information considered necessary to fully and fairly evaluate the impacts of the proposed use.
 - E. The applicant for a proposed use may use design features or other measures to mitigate impacts, where feasible. Examples of mitigation include buffering and limitations on hours of operation. Any mitigating measures required by the Town shall be considered conditions of approval, and shall be reduced to writing and recorded, or entered on the face of a recorded plat or site plan map.
7. **USES NOT LISTED:** If a proposed use is not specifically listed in the District Use Chart, an applicant may request from the Administrator an interpretation as to whether or not the proposed use is to be allowed.
- a. Approval criteria: In making his or her determination, the Administrator shall assess the anticipated impacts of the proposed use and consider the following criteria in the context of that assessment:
 - i. Whether the use is compatible with the goals and policies of the Comprehensive Plan;
 - ii. Whether the use is consistent with the purpose and intent of this Ordinance, as specified in Section I;
 - iii. Whether the use is consistent with the intent of the applicable zoning district, as specified in this Ordinance;
 - iv. Whether the use is compatible with adjacent uses;
 - v. Whether the use will comply with the Performance Standards specified in subsection 8 of this section.
 - b. Review and Approval: The Administrator shall review the measures proposed for compliance with the approval criteria and shall approve or conditionally approve a permit application to assure compliance with those standards. If there is a question regarding the suitability of a proposed use, the Administrator shall have the option of requiring the

applicant to submit a Conditional Use Permit application, for approval by the Board of Adjustment. The Administrator is encouraged to consult informally with the Planning Commission whenever he or she has a question regarding the suitability of any proposed use, prior to requiring submittal of a Conditional Use Permit application.

8. PERFORMANCE STANDARDS

- A. The following performance standards are intended to protect the public health, safety and general welfare by ensuring adequate access to light, air, privacy and open space; minimizing traffic congestion and utility overload; and protecting the citizens of Twisp from objectionable influences that may interfere with the use, value and enjoyment of property, sleep and repose, and the quality of the environment in all Zoning Districts.
- B. The performance standards are intended to be used to evaluate the general impacts of a given use. They are not intended to be used as a remedy for nuisances.
- C. General performance standards: the following standards are applicable to all new and major expansion of existing uses, irrespective of zoning classifications, in order to minimize potential impacts to public health, safety, welfare, and aesthetic values associated with land uses located in the Town. Any use that does not comply with the general performance standards is prohibited.
 - a. Artificial light and glare
 - i. Uses producing artificial light, utilizing light for night operation, or causing glare shall:
 - 1. Not impair use of or safety of any road due to strong dazzling artificial light directed at oncoming motor vehicles, or strobe lights projecting offsite or toward streets, or lights imitating traffic signals.
 - 2. Protect residential uses from artificial light during periods of darkness by shading the luminaries and/or screening abutting property lines. Screening design is subject to approval by the Town.
 - 3. Shield direct light generated by arc welding and similar processes in a manner that prevents such direct light from being visible from neighboring properties or public areas (roads, sidewalks, etc.).
 - ii. Outdoor lighting on property in all zoning districts shall be directed or shielded appropriately to avoid creating a nuisance or hazard to passing traffic and neighboring properties.
 - iii. All outdoor lighting in all zoning districts, including but not limited to the lighting for commercial and industrial uses, parking lots, security lights, billboards, buildings and structures, and municipal street lamps shall use fully shielded light fixtures to minimize light pollution for the protection of night skies. The use of motion detector lights shall be allowed and are subject to shielding.
 - iv. Search lights, laser source lights, strobe or flashing lights, or illusion lights or any similar high-intensity light shall prohibited,

except in emergencies by police and fire personnel at their discretion; lighting for special events such as festivals or holidays is subject to conditions and approval by the Administrator.

- b. Electrical interference: Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment uses or processes with electrical apparatus in nearby buildings or land uses.
- c. Electromagnetic radiation: No use of electromagnetic radiation shall be permitted for such purposes as communication, experimentation, entertainment, broadcasting, hearing, therapy, vehicle velocity measurement, weather survey, topographic survey, personal pleasure, or any other use directly or indirectly associated with those purposes that does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation. The FCC enforces its regulations within the Town.
- d. Fire and explosion hazards: All activities involving flammable and explosive materials shall provide adequate safety devices against the hazard of fire and explosion and shall provide adequate fire fighting and fire suppression equipment as required by the Town. In terms of fire and safety hazards, the storage and handling of inflammable liquids, liquefied petroleum, gases, and explosives shall comply with rules and regulations of the Uniform Fire Code, as amended.
- e. Hazardous substances or waste
 - i. Storage of animal or vegetable waste shall be managed and maintained in a manner that does not attract insects or rodents or otherwise create a health hazard. No waste products shall be exposed to view, from eye level, beyond the property line of the use storing the waste.
 - ii. No hazardous substances or wastes shall be released into the environment so as to cause dangerous or offensive emission or contamination of any public or private water supply, sewage treatment processes, watercourse or water body, the air or the ground, except in accordance with standards approved by provisions of federal, state, and local laws and regulations. The discharge of any materials into any manmade or natural body of water or drainage system shall be regulated by the Washington Department of Ecology or Town ordinances.
 - iii. Manufacturing uses shall indicate the method of storage and disposal of all industrial waste prior to project approval.
- f. Hours of operation: the hours of operation of any use located in a residential (R-1, R-2, or R-3) district shall be consistent with the character of a residential neighborhood.
- g. Noise: Noise shall be muffled so as not to become objectionable due to intermittent beat, frequency, or shrillness, and shall not exceed those

standards as determined by the Washington Administrative Code (WAC 173-60) as amended and Twisp Municipal Code (TMC) 8.05.010.

- h. Odor: The emission of obnoxious odors or any toxic or corrosive fumes, gases, or other matter that may injure people or property shall not be permitted as determined by TMC 8.05.010.
- i. Particulate matter emissions
 - i. All uses that produce emissions shall comply with the requirements of the Environmental Protection Agency and/or the Washington Department of Ecology.
 - ii. No residential or commercial activity that chronically emits observable dust, dirt, fly ash or other airborne solids shall be permitted except as related to construction activity or with a Land Use Permit and approved mitigation plan.
 - iii. Air pollution from private roads, parking lots, and open areas shall be controlled as follows. The performance goal is to allow no degradation of the air quality of the Twisp area, and to prevent degradation of the ambient air quality by utilizing sufficient dust control measures both during periods of construction, and after project completion.
 - 1. Visible dust generated by construction, repair, or cleaning of roads and parking areas shall be minimized by means that minimize detrimental effects to water quality. Chemical dust suppressants labeled for such use may be used in accordance with all applicable health and safety standards.
 - 2. Private roads and parking areas shall be controlled by providing paving or other surface treatment that minimizes visible dust emissions and mud tracking. Housekeeping measures shall be used to minimize the accumulation of mud or dust on the surface of roads.
 - 3. Unpaved shoulders shall be maintained in such a way as to minimize generation of visible dust by wind or traffic. Unpaved non-vehicular areas shall be controlled by vegetative cover or other equally effective methods of minimizing windblown dust.
 - iv. Air emissions from manufacturing uses or other activities shall be controlled. No emissions shall exceed the allowances set forth by the Environmental Protection Agency.
- j. Vibration: Any use permitted by this Ordinance that causes ground vibration or concussion that is detectable beyond the property lines without the aid of instruments shall be regulated as a Conditional Use under a Conditional Use Permit. The following uses shall be exempted:
 - i. Vibration originating from heavy transport vehicles (e.g., trucks);
 - ii. Temporary vibration originating from small-scale site construction activity, such as a home remodel;

- iii. Vibration from heavy equipment resulting during the normal course of business.

In the event that a construction project is likely to cause continuous or intermittent vibration for an extended period of time, it shall be the responsibility of the Administrator or Building Official to ensure that a SEPA review has been conducted and that activities anticipated to cause vibration have been mitigated under SEPA review. If no SEPA has been conducted it shall be the responsibility of the Administrator to condition the use of vibrating machinery under a CUP.

- k. Under no circumstances shall outdoor storage of materials and supplies, or outdoor use areas, interfere with free use of sidewalks or public rights of way by emergency service vehicles or personnel.
- D. Specific performance standards: the following standards shall be used to assess the impacts of a conditionally or administratively permitted use, or a use not listed in the District Use Chart, in the context of the zoning district, the neighborhood, and the surrounding uses in the area in which the use is proposed, in order to minimize potential impacts on public health, safety, welfare, and aesthetic values associated with land uses located in the Town. Any use that does not comply with the applicable specific performance standards is prohibited.
- a. Any use not specifically allowed, based on the District Use Chart, must be harmonious with the design, character, and appearance of the neighborhood in which it is proposed, and must not adversely affect the established character of the surrounding neighborhood. Among the factors to be considered are the specified intent of the Zoning District in which the use is proposed; aesthetic consistency with existing structures and land use patterns and the overall character of the neighborhood and the town; and consistency in terms of visual impacts of parking areas, building façades, and accessory structures;
 - b. Any use not specifically allowed, based on the District Use Chart, must have no more adverse effect on the health, safety, general welfare and interest of persons living or working in the area, and must be no more injurious, economically or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic generation; traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service area; utilities; screening and buffering; signs; yards and other open areas; height, bulk, and location of structures; location of proposed open space uses; hours and manner of operation; and noise, light, glare, dust, odor, fumes and vibration;
 - c. Any use not specifically allowed, based on the District Use Chart, must make efficient use of public services and facilities, and must not place an undue burden on the Town's public services and facilities or reduce the Town's public services and facilities level of service below that intended for uses allowed by right.
 - d. Any use not specifically allowed, based on the District Use Chart, must be consistent with the Town's adopted comprehensive plan, and with the

objectives of any code, ordinance, regulation, specifications or plan in effect to implement said comprehensive plan;

9. **DEVELOPMENT STANDARDS:** The Administrator shall review the measures proposed for compliance with the following development standards and shall approve or conditionally approve a building permit application to assure compliance with the standards.
- A. Stormwater. All uses in all zones, except home businesses, shall comply with the following development standard: storm water shall be managed to assure no degradation of the surface or ground waters, and in compliance with all applicable state and federal laws, including the federal Clean Water Act, the federal Safe Drinking Water Act, and the state Pollution Control Act. When adopted, the Stormwater Management Manual for Eastern Washington shall provide the preferred guidance for storm water management. A project proponent may choose to implement other practices to protect water quality, in which case the proponent assumes the responsibility of providing technical justification that the chosen practices will protect water quality. The Town of Twisp may impose additional requirements to ensure protection of surface and groundwater. This provision applies both during construction and following occupancy. Individual single-family dwellings, duplexes, and permitted accessory uses shall be exempt if all required yard setbacks are sufficiently permeable to absorb anticipated runoff. The Stormwater Management Manual for Eastern Washington is the preferred guidance for determining anticipated runoff.
 - B. All uses with the exception of single-family dwellings, duplexes, permitted accessory structures and home businesses shall comply with the following development standards:
 - a. Dog-control Measures. Dog control measures shall be mandatory, including either dog prohibition or mandatory leash laws, preferably with non-commercial kennels provided. Such measures shall be reduced to writing and recorded, or entered on the face of a recorded plat or site plan map.
 - b. SEPA. Compliance with applicable provisions and procedures of the State Environmental Policy Act (SEPA) and local regulations hereunder shall precede any development.
 - c. Roof Drainage. Roof drainage shall be designed and controlled to prevent runoff, including snow pack, from leaving the development site and traveling to adjoining properties without appropriate recorded drainage easements.
 - C. Sewer and Water Connections. All new uses and structures must connect to Town water and sewer utilities. Peddlers and mobile vendors are exempt from this requirement. Temporary RVs shall be allowed to connect to sewer and water upon completion of a permit, inspection and fee, as described in Section IV of this ordinance, to ensure no chemical contaminants will enter Twisp's waste water management system.
 - D. HVAC Screening. All multi-family dwellings and commercial structures, excluding duplexes, shall comply with the following standard: air conditioning,

heating, cooling, and ventilation equipment, pumps, heaters and all other mechanical devices shall be screened.

- E. Commercial Access. Access for commercial use to commercial properties must be from public thoroughfares or through adjacent commercial property.
- F. Ownership and Maintenance Program for Private Roads and Common Areas. All multi-family dwellings and tourist accommodations, including condominiums and time-share condominiums, shall implement an ownership and maintenance program for roads and common areas if the development is to be sold in units, to ensure a long-range maintenance program for such areas. Such measures shall be reduced to writing and recorded, or entered on the face of a recorded plat or site plan map. Duplexes are exempt from this requirement.
- G. Townhouses. All townhouses shall comply with the following standard: each fee-simple townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the Town of Twisp's subdivision regulations. Each lot shall be a minimum of two thousand square feet with a minimum lot width and frontage of eighteen feet. The minimum lot area for a townhouse development shall be one-half acre. No more than six townhouses shall be permitted to form any one building. Townhouse developments shall not exceed the maximum density permitted for the district in which they are located.
- H. Nuisances. No use shall create a nuisance or hazard, as defined in Title 8.05 of Twisp Municipal Code including noise, dust, or threat to air or water quality or to the wellbeing of the Town and the area in which the use is located. Any nuisance shall be enforced through Title 8.05 of Twisp Municipal Code.

10. SUPPLEMENTAL STANDARDS FOR MOBILE VENDORS

- A. A mobile vendor shall obtain a renewable Administrative Permit from the Town of Twisp prior to initiating the use. Said permit will be valid for one (1) year from the date of issue and shall be renewable annually as long as the permit holder is in compliance with all conditions.
- B. Mobile vendors shall comply with the following standards, in addition to any other conditions of said Administrative Permit:
 - a. Covered trash receptacles must be provided for customer use. The mobile vendor must contain and immediately remove any litter from the site on which the use is located. Disposable containers and other disposable pieces must bear the name or logo of the Mobile Vendor.
 - b. The unit from which the use is operated must be harmonious with the design, character, and appearance of the neighborhood in which it is located.
 - c. The mobile vendor must maintain any health certification required by state and local regulations for the type of food or beverage service offered.
 - d. Employees must have access to sanitary facilities during working hours.
 - e. Written permission of the owner of the site on which the mobile vending unit will be located is required.
 - f. Written permission of the owners of all land all adjacent to the site on which the mobile vending unit will be located is required.

11. SUPPLEMENTAL STANDARDS FOR TEMPORARY MARKETS

- A. A Temporary Market shall obtain a renewable Administrative Permit from the Town of Twisp prior to initiating the use. Said permit will be valid for one (1) year from the date of issue and shall be renewable annually as long as the permit holder is in compliance with all conditions.
- B. Temporary Markets shall comply with the following standards, in addition to any other conditions of said Administrative Permit:
 - a. Hours of operation: beginning no earlier than 9:00 AM and ending no later than 5:00 PM. Set-up may start no earlier than 7:00 AM.
 - b. Parking: the applicant shall provide adequate off-street parking for vendors and customers
Sanitation: the applicant shall provide adequate sanitary facilities for vendors and customers
 - c. Trash: the applicant shall provide adequate trash receptacles for vendors and customers
 - d. The Applicant shall remove all trash from the site at the end of the use and shall return the area to a condition as good as or better than that in which it was found, ensuring that no record of the use remains visible.
 - e. Alcohol, firearms, and illegal substances shall not be allowed on the premises during the Temporary Market.
 - f. Noise levels shall be consistent with prevailing standards in the neighborhood in which the Temporary Market is held.

12. **ENFORCEMENT:** The provisions of this Section shall be enforceable under the Twisp Municipal Code Title 8.05.

SECTION IV: GENERAL REGULATIONS All uses shall comply with all applicable provisions of this section.

1. **MANUFACTURED HOMES:** Manufactured homes shall be allowed on individual lots, tracts, or parcels in R-1, R-2, and R-3 Zoning Districts, and in permitted manufactured home parks in R-3 Zoning Districts, providing the following standards are met:
 - a. All units shall be installed to applicable state standards specific to the unit;
 - b. All units not previously established as residences shall bear the insignia of approval of the U. S. Department of Housing and Urban Development;
 - c. All attached structures shall be built in accordance with applicable requirements of the International Building Code.
 - d. Any manufactured or mobile home not placed in an approved manufactured home park shall be subject to the following standards:
 - i. All such units shall be installed with foundation and anchoring to prevent overturning and displacement and that meets or exceeds the requirements of the International Building Code and state and local regulations;
 - ii. All such units shall meet or exceed the requirements of “manufactured homes” as defined in Section II herein;
 - iii. Tongues and wheels shall be removed from such homes.
 - e. Manufactured homes placed on individual lots shall be of two sections and be subject to density, lot coverage, and other requirements of the zone in which such a home is located.
 - f. All manufactured homes existing as residences that do not comply with the above requirements shall be deemed nonconforming structures; such nonconforming manufactured and mobile homes shall not be relocated for residential or other purposes within the Town limits.
2. **MOBILE HOMES:** Mobile homes shall be allowed in approved mobile home parks in R-3 Zoning Districts, providing the following standards are met:
 - a. All units shall be installed to applicable state standards specific to the unit;
 - b. All units not previously established as residences shall bear the insignia of approval of the U. S. Department of Housing and Urban Development;
 - c. All attached structures shall be built in accordance with applicable requirements of the International Building Code;
 - d. All manufactured and mobile homes existing as residences that do not comply with the above requirements shall be deemed nonconforming structures; such nonconforming manufactured and mobile homes shall not be relocated for residential or other purposes within the Town limits; any manufactured or mobile home built prior to 1976 shall not be located or re-located in the Town City Limits, including registered mobile home parks.
3. **MODULAR AND FACTORY-BUILT HOMES:** Modular and factory-built homes shall be allowed on individual lots, tracts, or parcels in R-1, R-2, and R-3 Zoning Districts providing the following standards are met:
 - a. All modular and factory-built homes shall be installed in full compliance with Section 104(e) of the Uniform Building Code

- b. Modular and factory-built homes placed on individual lots shall be subject to density, lot coverage, and other requirements of the zone in which such a home is located.
4. **RECREATIONAL VEHICLES:** Recreational vehicles shall not be used as permanent, full-time housing. Recreational vehicles must adhere to the following provisions:
- a. A recreational vehicle may be occupied for extended temporary residential habitation for a period up to, but not exceeding, two (2) years for the sole purpose of temporary housing during construction of a permanent dwelling unit on the lot where the recreational vehicle is located, pursuant to issuance of an approved building permit. The use may not be extended beyond the two year limitation. Permit and fee shall apply to an extended temporary residential recreational vehicle. Occupancy of the recreational vehicle is subject to a sanitary inspection as described in Section IV. 4. d. herein.
 - b. A short-term recreational vehicle may be occupied for a period of up to ninety (90) days per calendar year as an accessory to an existing single-family residence, pursuant issuance of a short-term permit. If such use exceeds two consecutive weeks, a permit and fee for a short-term temporary residential recreational vehicle will be required. Said permit for stays exceeding 2 weeks and up to ninety (90) days must be purchased at Town Hall for a fee and shall be valid for all permitted use during the calendar year in which the permit is issued. No short-term recreation vehicle may connect to town sewer. Disposal of holding tanks for short-term recreational vehicles must be emptied at an approved facility.
 - c. Allowed temporary recreational vehicle uses described herein shall be subject to all pertinent town health and safety regulations.
 - d. An extended temporary recreational vehicle described in Section IV.4.a shall be allowed to connect to town sewer and water utilities after a sanitary inspection of the owner's holding tank by a Public Works representative has been completed to ensure that chemical contaminants will not enter the Town's waste water system. A connection permit and fee shall be applied upon completion of inspection. This permit shall be limited to a one-time connection only, and any subsequent connection within the permitted timeline shall undergo a repeat inspection for re-connection.
 - e. Allowed temporary recreational vehicle uses described herein must comply with the following standards:
 - i. The recreational vehicle may not be parked in a right of way or public easement.
 - ii. The recreational vehicle may not be parked in any required setback.
 - iii. The recreational vehicle may not be parked in any required parking space.
 - iv. No decks, covers, or other structures appurtenant to the recreational vehicle shall be erected or installed.

- v. The recreational vehicle's holding tank must be emptied at an approved facility. The holding tank shall be emptied as often as necessary to prevent development of a nuisance.
 - f. The Town may impose additional conditions on the allowed uses of recreational vehicles to minimize nuisance-causing features and ensure public health and safety. Such conditions may include, but are not limited to, landscaping and lot maintenance.
5. **ACCESSORY STRUCTURES:** The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts.
- a. Accessory structures that are less than 120 square feet in size and whose side walls are less than six feet in height, do not require an approved building permit; however, such structures must meet the minimum front yard setback requirement in the applicable zoning district.
 - b. All accessory structures that do not meet the criteria described above for area and building wall height shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum 5 ft setback in the rear yard. All such accessory structures shall also meet the requirements of the Building Code currently in use by the Town of Twisp at the time of construction for setbacks between buildings.
 - c. The maximum building footprint of an accessory structure shall be no greater than the building footprint of the main structure, not to exceed 800 square feet.
 - d. The maximum height of accessory structures shall be limited to the height of the main structure, not to exceed 24 feet.
 - e. With the exception of approved Accessory Dwelling Units (see Section IV.6), accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.
 - f. Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 200 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.
 - g. No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the Town and the area in which the accessory use or structure is located.
6. **ACCESSORY DWELLING UNITS**
- a. Intent: The provision of Accessory Dwelling Units promotes an efficient use of housing and allows more flexible living environments for all residents. The following regulations are designed to meet a need for an alternative form of housing without compromising the existing character or appearance of single-family residential neighborhoods.
 - b. Eligibility: Accessory Dwelling Units appurtenant to duplexes are prohibited. ADUs may be located in a separate accessory structure or

incorporated within the principal dwelling. For the purposes of this subsection, the term “incorporated” shall mean completely within an existing principal residence, provided both dwelling units are attached by a common wall, floor, or ceiling and not simply by an attached breezeway or porch. An ADU may be allowed only on conforming lots in the R-1, R-2, R-3, C-1, or C-2 zoning districts; an ADU is subject to approval and conditions by the administrator; and an ADU must follow the minimum lot sizes and conditions hereafter listed:

- R-1, 19,200 square feet. ADU may be located in a separate structure from the principal structure
- R-2, 9,600 square feet. ADU may be incorporated or separate from principal structure.
- R-3, 7,500 square feet. ADU may be incorporated or separate from principal structure.
- C-1 or C-2, 7,500 square feet for separate structures. Incorporated ADUs in C-1 and C-2 shall be considered single or multi-family dwellings and are therefore permitted through an Administrative Permit as listed in the District Use Chart.
- C-3 ADUs are prohibited.
- C-R ADUs are allowed through PD.
- I, Air and PU ADUs are prohibited.

c. Application: The following shall be required for every Accessory Dwelling Unit:

- i. A minimum housing inspection report from the Town Building Official certifying that the Accessory Dwelling Unit complies with the minimum housing code, as defined in the edition of the Building Code in effect in the Town at the time of application, including all provisions regarding setbacks between structures. If the ADU is incorporated within the principal dwelling on the lot, the housing inspection report must certify that the entire principal structure meets minimum housing code standards.
- ii. An ADU shall be required to meet the Town’s requirement for water and sewer concurrency to address increased demand on the Town’s water and sewer systems stemming from increased density in residential zoning districts.

d. Development standards: The following development standards shall be met to qualify for the occupation of an Accessory Housing Unit:

- i. The Accessory Dwelling Unit must comply with all Applicable provisions of the Town of Twisp Zoning Ordinance in effect at the time the Accessory Dwelling Unit is approved, including setback and lot coverage requirements for the zoning district in which the Accessory Housing Unit is located.
- ii. Only the principal structure on each lot shall be considered in determining compliance with lot size and density requirements.

- iii. Maximum occupancy of the unit shall not exceed 1.25 persons per habitable room, as defined in the edition of the Uniform Building Code in effect in the Town at the time of application.
- iv. The maximum livable area of an Accessory Dwelling Unit shall be no greater than the livable area of the Principal Dwelling, and shall not under any circumstances exceed 800 square feet.
- v. The owner of the lot shall provide one off-street parking space for the exclusive use of the occupants of the Accessory Dwelling Unit, in addition to the off-street parking required for the principal dwelling. A garage or carport may provide off-street parking where, in fact, the garage or carport is usable for parking cars. All off-street parking areas shall be surfaced to provide long-term dust control.
- vi. Only one ADU per single-family lot shall be permitted.
- vii. Addition of an ADU shall not result in any modifications to the principal structure or the residential lot that would compromise the single-family residential character of the principal structure or be detrimental to the character of the neighborhood.
- e. Accessory Housing Units in R-1, R-2, and R-3 Zoning Districts must be sited so that they will conform with all applicable regulations, including setbacks. Subsequent subdivision of lots in said zones with accessory structures must meet minimum lot sizes.
- f. No accessory use shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the wellbeing of the Town and the area in which the accessory use or structure is located.

7. HOME BUSINESSES

- a. **PURPOSE:** The purpose of this section is to prescribe the conditions and regulations under which home businesses may be conducted when appurtenant to a residential use in any Zoning District.
- b. **ELIGIBILITY:** The conduct of business within a residential dwelling or accessory structure may be permitted in residential and commercial zoning districts under the provisions of this section as long as the home business is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria. All uses of a business or commercial nature appurtenant to a residence shall comply with the restrictions and requirements for home businesses as set forth in this subsection 7. Using the approval criteria, it is the intent of this section to:
 - i. Insure that the character of residential neighborhoods is maintained and preserved;
 - ii. Insure the compatibility of home businesses with other uses permitted in the residential and commercial districts;
 - iii. Promote the efficient use of public services and facilities while assuring that home business users do not reduce the Town's public services and facilities level of service to intended residential users;
 - iv. Encourage flexibility in the workplace, creativity in careers, and a stable local economy by permitting home businesses;

- v. Regulate home businesses because of their potential impact to the surrounding neighborhood.
- c. APPROVAL CRITERIA: All home businesses are subject to an impact assessment as described in Section III.6 of this ordinance to be approved by the Administrator. The Administrator may notify surrounding neighbors for comments regarding a home business if questionable impacts are found or anticipated by the impact assessment. Public comments may be used to condition or deny application. All home businesses shall comply to the following:
 - i. On-site operations of a home business must be conducted solely by the full-time resident(s) of the dwelling unit, with the exception of a full-time-equivalent non-resident employee.
 - ii. Home businesses may utilize a maximum of 25% of the total square footage (up to 500 square feet) of all principal and accessory structures on the property. Family day care homes, as defined by this Ordinance, are exempt from meeting this requirement.
 - iii. Home businesses may not incorporate activity or equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit, nor shall any home business require the use of electrical service and/or consumption that exceeds typical standards for residential use.
 - iv. Home businesses shall not create noise, vibration, dust, fumes, odor, smoke, glare, fire hazards, or any other hazard or nuisance not normally associated with residential uses. Home businesses shall not use or store any hazardous material not allowed in residential dwellings, as specified in the current edition of the Uniform Fire Code.
 - v. There shall be no change in the exterior appearance of the building or structure in which the home business is conducted, nor other visible evidence of conduct of such home business, except that, once the Town has adopted a Sign Ordinance, a sign that meets the requirement of the underlying zoning district, as specified in said ordinance, and any relevant provisions of the Town's Shoreline Master Program, shall be allowed. No window displays shall be allowed.
 - vi. The conduct of any home business shall not reduce or render unusable area provided for required off-street parking including, but not limited to, storage of vehicles or equipment. The applicant shall demonstrate that adequate parking exists for persons employed on the premises.
 - vii. The home business, by itself, shall generate no more than eight (8) vehicular trips on any given day between the hours of 8:00 AM and 6:00 PM and no more than two (2) vehicular trips on any given

- day between the hours of 6:00 PM and 8:00 AM, unless otherwise authorized by federal or state “reasonable accommodation” rules.
- viii. Family day care homes, as defined by this Ordinance, are exempt from meeting this requirement. As used here, a trip is considered to include the arrival and departure of a vehicle to and from a destination. For example, one vehicle making a delivery and then leaving immediately would be considered one trip.
 - ix. A business license from the Town of Twisp must be purchased for all home businesses, and shall be subject to review and approval by the Administrator as set forth below. The license must be maintained with the purchase of an annual renewal. If the license is not renewed within 30 days of expiration, the home business approval shall become null and void and a new application shall be required to reestablish the use.
 - x. There shall be no outside storage or display of any kind related to the home business, including storage of materials or supplies, construction materials, or unfinished goods.
 - xi. Point of purchase retail sales are not permitted unless clearly incidental to any services rendered. Sales of products produced on the premises and mail, phone, or internet order sales shall not be so limited.
 - xii. A maximum of two home business business-related vehicles are permitted on site, with no vehicle to exceed a gross vehicle weight of 10,000 pounds, unless the vehicle is wholly enclosed within a structure or building. Home business vehicle parking must conform to applicable setbacks and off-street parking requirements of this ordinance.
 - xiii. With the exception of the vehicles allowed under subsection 7.c.xi, above, and one on-site nonresident employee, no parking or storage of any home business-related vehicles or vehicles of home business-related persons is permitted on site for more than two hours in any eight-hour period.
 - xiv. A home business does not increase water or sewer use so that the combined total use for the dwelling and home business is significantly more than the average for residences in the neighborhood.
 - xv. A home business does not require the use of electrical or mechanical equipment that would change the fire rating of the dwelling or accessory structure in which the home business is conducted.
 - xvi. In granting approval for a home business, the Town may attach additional conditions to ensure the home business will not be detrimental to the character of the neighborhood, including requiring off-street parking for visitors related to the home business. Any home business authorized under the provisions of this Ordinance shall be open to inspection (within 24 hours’ notice)

and review at all reasonable times by an authorized Town official for purposes of verifying compliance with the approval criteria and other code provisions.

- d. Uses allowed: The following activities are provided as examples of allowed home businesses. Approved home businesses are not limited to the following and are to be approved by the Administrator based on performance standards stated in Section III.8, completion of an impact an Impact Assessment stated in Section III.6 of this ordinance or in subsection e below:
 - i. Home offices for off premise businesses;
 - ii. Arts, crafts, and specialty trades;
 - iii. Business, professional, or consulting services,
 - iv. Computer and internet-based businesses;
 - v. Home offices for General Contractor or Specialty Contractor (see definitions);
 - vi. Child day care;
 - vii. Light manufacturing and light assembly;
 - viii. Music lessons;
- e. Ineligible uses: The following uses shall be ineligible for classification as a home business:
 - i. Any use that may be potentially hazardous or noxious to the residents or surrounding neighborhood;
 - ii. Any use that would create noise, fumes, or other impacts out of keeping with the character of the surrounding neighborhood, such as large appliance, heavy equipment or lawn mower repair, or spray painting;
 - iii. Uses that may include hazardous chemicals, dispensing of medical drugs, or other items that may potentially be hazardous to the surrounding area;
 - iv. Any use the impacts of which would render it unsuitable to the surrounding neighborhood
 - v. Exterior storage of materials and equipment for an occupation that is primarily conducted off site.
- f. Uses not listed: uses not listed may be allowed, subject to determination by the Administrator as specified in Section III.7 of this Ordinance.

8. WIRELESS COMMUNICATION FACILITIES

- a. Purpose: This Ordinance is designed to provide opportunities for wireless communications facilities consistent with the statutory rights of wireless communication service providers while providing for the orderly development of the Town and protecting the health, safety, general welfare, and interests, including aesthetic interests, of the Town's residents and property owners. There is convincing evidence that wireless communications facilities that are not properly placed can have adverse visual, aesthetic, and safety impacts on the community as a whole and on the residential neighborhoods in particular. Special regulation of such facilities is necessary to ensure that the facilities will not have undue

adverse impacts on the Town's citizens. The regulations herein are intended to preserve the existing visual and aesthetic character of the Town and its neighborhoods, as well as minimizing the impacts of noise generated by wireless communication facilities. Preserving the visual and aesthetic character of the Town includes the protection of views within the Town that create a special character for the community, maintain property values and a tax base sufficient to support the Town's operations; and limiting the intrusion of noise, visual, and aesthetic impacts associated with commercial and other uses into residential neighborhoods.

- b. Exemptions: The following are exempt from the requirement for a Conditional Use Permit, and shall be considered a permitted use in all zones where wireless and attached wireless communications facilities are permitted:
 - i. Federal, state, county or municipal wireless communications facilities used for public health or safety purposes or temporary emergency communications in the event of a disaster or emergency preparedness.
 - ii. Citizens band radio antennas or antennas, no greater than twenty-five feet in height above the roof line, operated by a federally licensed amateur ("ham") operator, provided any telescoping antennas do not extend higher than fifty feet while in operation.
 - iii. Individual antennas that are attached to a residence or business for purpose of television, internet or similar services and fit the following specifications: Antennas shall be under 4 square feet in size, not exceeding 4 feet in height, except for omni-directional antennas, which may extend up to 6 feet in height and parabolic satellite dishes, which may be up to one meter (39.37 inches) in diameter. Parabolic antennas greater than one foot in diameter shall be located and painted in a manner that makes them as unobtrusive as possible.
 - iv. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, so long as there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this Ordinance.
 - v. A temporary or mobile wireless communications facility for a maximum of ninety (90) days.
 - vi. Utility poles which serve the primary purpose of providing telephone or electric service.
- c. General provisions.
 - i. The placement or modification of any wireless communication facility at any location in the Town is subject to the provisions of this Ordinance.

- ii. The Administrator shall review all non-exempt proposed wireless communications facilities to determine permit requirements and ensure compliance with development standards. Applicants shall submit the following information:
 - 1. Name and contact information;
 - 2. Legal description of subject property;
 - 3. A location map, which shall indicate other wireless communications facilities located within the radius specified in the development standards, and shall indicate proximity to residential zones and uses;
 - 4. A site plan, drawn to scale, depicting existing and proposed improvements. Site plan drawings shall include a plan view and elevations for the site and existing and proposed structures. Drawings shall indicate buildings and structures, landscaping, watercourses, critical areas, utility easements, and any other built or natural features;
 - 5. A description of the proposed wireless communication facility, including support structure, antennas and related equipment, and equipment shelters or cabinets. The description shall provide the technical reasons for the design and configuration that is proposed, and shall indicate the service area;
 - 6. Information demonstrating the applicant's compliance with FCC and FAA requirements. If the facility is a micro facility, such documentation shall indicate that the facility complies with FCC regulations for unlicensed devices;
 - 7. If requested by the Administrator, information for review of environmental impacts and/or SEPA checklist;
 - 8. If requested by the Administrator, color photographs of the site and/or color photo simulations of the proposed facility;
 - 9. If wireless communication facility includes placement of a transmission tower, applicant shall also submit engineering and construction documents.
- iii. Antenna(s) and related components shall be the same color as the existing building, pole or support structure on which it is proposed to be located, and shall blend into the surrounding environment to the extent possible.
- iv. No lighting of a wireless communication facility shall be allowed, except where required for safety and/or security purposes.
- v. Landscaping that minimizes aesthetic impacts shall be required, unless waived by the Administrator.
- vi. The equipment shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or mounted upon a structure, or otherwise appropriately concealed, camouflaged or located underground.

- vii. Applicants shall be encouraged to place antennas upon existing buildings or structures. Where adequate service cannot be achieved by utilizing existing buildings or structures, the height of transmission towers shall be limited to the minimum height necessary to be able to establish service and shall not exceed 100 feet in height.
 - viii. Any wireless communication facility in the airport zone shall require consultation with the Twisp Municipal Airport Board and the Federal Aviation Administration.
 - ix. Wireless or personal communications facilities for which there are no provisions in this Ordinance, and which are not otherwise regulated, shall require a conditional use permit in all zones.
 - x. The administrator may waive the requirement for a Conditional Use Permit when facilities are proposed for public or quasi-public locations, provided the location is agreeable to the Town and any other public or quasi-public entities involved.
- d. Development standards for micro facilities.
- i. Non-exempt micro facilities are allowed in all commercial zoning districts.
 - ii. Non-exempt micro facilities shall require a Conditional Use Permit in residential zoning districts and the airport zoning district.
 - iii. Applicants shall be encouraged to locate micro facilities in commercial zoning districts rather than residential zoning districts.
 - iv. Micro facilities shall be located on existing buildings, poles or other existing support structures.
 - v. Micro facilities that are attached to an existing structure may not extend more than four feet above the roofline of the structure, with the exception of omni-directional antennas, which may extend up to six feet above such structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - vi. In single-family residential (R-1 and R-2) and multi-family residential (R-3) zones, micro facilities for a specific wireless provider shall be separated by a distance equal to or greater than 1,320 linear feet (one quarter mile) from other micro facilities of the same wireless provider, unless the provider provides evidence to the Administrator that such separation would result in an incomplete network and thereby delete areas of service where a micro facility is prohibited.
- e. Development standards for macro facilities.
- i. Macro facilities are allowed in all commercial zones, and require a Conditional Use Permit in the airport zone.
 - ii. Macro facilities are prohibited in single-family residential (R-1 and R-2) and multi-family residential (R-3) zones.
 - iii. Macro facilities may be located on existing buildings and structures.

- iv. To the extent possible, macro facilities mounted on existing structures shall conform to zone height limitations. Macro facilities that are attached to an existing structure may not extend more than fifteen feet above the roofline or top elevation of the structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - v. Roof-mounted antennas shall be placed to the center of the roof where possible, and shall be concealed or camouflaged to blend into the building design.
 - vi. Side-mounted antennas shall be mounted flush on the exterior walls of the building and not extend above the building parapet or other roof-mounted structure, and shall be concealed or camouflaged to blend into the building design.
 - vii. Antennas which exceed the specifications for macro facilities shall not be allowed.
- f. Development standards for Towers.
- i. Tower facilities shall be allowed as defined by the Town.
 - ii. Tower facilities shall require a Conditional Use Permit in the General Commercial (C-3), Light Manufacturing/Business Park (I-C), and Public Use (PU) Zoning Districts. Any tower located within 100 feet of a residential (R-1, R-2, or R-3) zone or use shall also require a Conditional Use Permit.
 - iii. Tower facilities are not permitted in residential (R-1, R-2, and R-3), Downtown Commercial (C-1), Office/Tourist Commercial (C-2), Riverfront Special Use (C-R), or Airport (AP) Zoning Districts, except where expressly provided for in this Ordinance.
 - iv. No towers shall be allowed to exceed 100 feet in height.
 - v. All tower structures shall be designed to accommodate two or more wireless communications facilities.
 - vi. Co-location of wireless communication facilities on an existing support structure shall be encouraged.
 - vii. Macro facilities are the largest permitted wireless communication facilities allowed on a tower. Antennas which extend above the tower shall not be calculated as part of the height of the tower. For example, the maximum height for a tower facility is 100 feet and the maximum height of antennas which may be installed on the support structure is 15 feet, making the combined maximum height 115 feet.
 - viii. The equipment shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the tower facility shall be concealed, screened, camouflaged or placed underground.
 - ix. Tower facilities adjacent to a residential zone shall be set back a distance equal to the height of the support structure from the nearest residential lot line.

- g. Additional Conditional Use Permit criteria for towers. In addition to the Conditional Use Permit criteria specified in Section X.7 of the Twisp Zoning Ordinance, the following specific criteria shall be met before a Conditional Use Permit can be granted:
 - i. Visual Impact. Antennas may not extend more than 15 feet (four feet in the case of micro facilities, as specified in Section IV.8.c.iii. of the Ordinance) above their supporting structure, monopole lattice tower, building or other structure.
 - 1. Site location and development shall preserve or improve the pre-existing character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - 2. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters shall be screened and landscaped.
 - ii. Noise. No equipment shall be operated so as to produce noise in levels above 45 dB as measured from the nearest property line on which the attached wireless communication facility is located.
 - iii. Federal Communications Commission Pre-emption. In any proceeding regarding the issuance of a Conditional Use Permit under the terms of this Ordinance, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emission.
- h. Abandonment: Wireless communications facility providers shall notify the town of intent to cease operations. Any facility abandoned or unused for a period of one year shall be removed by the owner, unless there are two or more providers located on the facility and at least one provide is still in operation, or use of the facility is resumed or is transferred to another provider who will operate the facility. If the facility is not removed within one year from the cessation of operations, unless otherwise agreed to in writing by the administrator, the town may have the facilities removed at the owner's expense.
- i. Fees and recovery of costs: An administrative review fee shall be charged for all wireless communication facilities in accord with the Town's fee schedule ordinance. The Town shall also require reimbursement from the

applicant for all direct and indirect expenses reasonably incurred as a result of the administrative review and associated permitting processes.

9. **PROPANE TANKS:** The intent of this section is to protect the public safety and welfare by providing for safe installation of propane tanks and easy access to such tanks by emergency service personnel.
 - a. All new propane tanks shall comply with all applicable local, state, and federal regulations
 - b. The Building Official shall determine that adequate measures have been undertaken to reduce the risk of accidents caused by hazardous materials, including approving tank size, setback from structures, setback from lot lines, and accessibility.
 - c. Whenever possible as deemed appropriate by the Building Official, propane tanks shall be located in the rear or side yard of residences. Efforts to screen tanks from neighboring properties shall be encouraged.
 - d. The incidental generation of earthen spoils resulting from the installation of a propane tank, and the removal of said material from the development site, shall not require a separate land use permit
10. **RESPONSIBILITY FOR SIDEWALKS:** Property owners whose lots adjoin sidewalks have responsibilities for construction, maintenance and repairs and snow removal. These responsibilities are specified in Twisp Municipal Code Sections 12.05 and 12.10.
11. **SEXUALLY-ORIENTED BUSINESSES:** Special regulation of sexually-oriented businesses is necessary to ensure that adverse effects associated with sexually-oriented businesses will not cause or contribute to the downgrading of the surrounding neighborhood. It is the intent of this ordinance to protect the freedom speech granted by the First Amendment of the United States Constitution and the health, safety, and welfare of the citizens of Twisp by discouraging the undesired effects of sexually-oriented businesses such as increased crime, property devaluation and unsightliness. Therefore, the following regulations are imposed:
 - a. Sexually-oriented businesses shall be allowed on individual lots, tracts, or parcels within any C-3 Zoning District providing the following standards are met:
 - i. No sexually-oriented business shall be located:
 1. Within 250 feet of any public or private school or other educational facility that on a regular basis has at least one student under the age of eighteen (18) years, including but not limited to nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities
 2. Within 250 feet of any day-care facility;

3. Within 250 feet of any church, synagogue, mosque, temple or other building or facility that is used primarily for religious worship and related religious activities;
 4. Within 250 feet of any park, public swimming pool, or other area that has been designated for park or recreational activities and is under the control, operation, or management of the Town;
 5. Within 250 feet of Room One or of any other youth-oriented facility or activity;
 6. In the same building, structure, or portion thereof, as another sexually-oriented business.
 - ii. For purposes of this section, “school” includes the school ground, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - iii. No person owning, operating or managing a sexually-oriented business or his employee or agent shall invite, allow or permit any person under the age of 18 years to enter or remain on the premises of any sexually-oriented business.
 - iv. There shall be no window, marquee or other display of any matter depicting or portraying specified anatomical areas, or specified sexual activities.
 - b. For the purposes of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a church, school, or similar use; or to the nearest boundary of an affected public park, residential district, licensed day care center, or similar use.
 - c. Violation of the use provisions of this section is declared to be a public nuisance per se that shall be abated by a civil action only and not by criminal prosecution.
 - d. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use that violates any ordinance or statute of the Town of Twisp, County of Okanogan, State of Washington, or the United States.
12. **OFF-STREET PARKING REQUIREMENTS:** The following parking requirements shall apply to all new construction or substantial improvement of existing uses constructed or improved after the date of adoption of this ordinance. For the purposes of this section, substantial improvement shall include any expansion and/or reconstruction of a building that results in any increase in gross floor area or retail/customer service area in excess of 400 sq ft. Existing structures in C-1 that undergo remodeling or reconstruction that result in less than 400 additional square feet for allowed commercial uses shall not be subject to these requirements.

- a. Location: Off-street parking facilities shall be located as follows:
 - i. For single family dwellings and duplexes, required off-street parking facilities shall be located on the same lot(s) as the residence that they serve, and shall not be located within any required setback area.
 - ii. For multi-family residences and commercial uses, required off-street parking facilities shall be located no more than 600 feet measured along public or quasi-public roads or paths connecting the use with the parking area, from the building they are required to serve, except that off-street parking facilities for hotels, motels, and other tourist accommodations shall be located no more than 300 feet from the building they are required to serve. Off-street parking facilities shall not be located in any required setback area.
 - iii. No parking lot or driveway serving a commercial or industrial use in a commercial or industrial district shall be located in a neighboring residential zoning district unless such use is allowed in the residential district.
- b. Joint Use: Joint use of parking facilities by more than one business or use may be authorized by the Administrator for the following uses and under the following conditions:
 - i. Up to 40% of the required off-street parking facilities for a theater, bowling alley, dance hall, bar or other evening use as determined by the Administrator may be supplied by off-street parking facilities provided for banks, retail stores, offices, personal services establishments, or other uses determined by the Administrator to be daytime uses.
 - ii. Up to 40% of the required off-street parking facilities for a bank, retail store, office, personal services establishment, or other daytime use as determined by the Administrator, may be supplied by off-street parking facilities provided for a theater, bowling alley, dance hall, bar, or other evening use as determined by the Administrator.
 - iii. Joint-use off-street parking facilities shall be located not more than 600 feet from the use or building they are intended to serve, measured along a public or quasi-public road or paths connecting the use and the parking area.
 - iv. The hours of operation for uses that are engaged in joint use of off-street parking facilities shall not substantially coincide.
 - v. Parties participating in joint use of off-street parking facilities shall file with the Administrator a properly drawn legal instrument that grants to the joint users the right to use of said facilities as necessary to meet the off-street parking requirements, and which shall be subject to review by the Town Attorney for sufficiency hereunder.
- c. Minimum Off-Street Parking Standards.

- i. Required minimum numbers of off-street parking spaces are as set forth in Table 1: Parking Standards of this Ordinance.
- ii. Required minimum dimensions of parking spaces and parking lots are as set forth in Table 2: Schedule of Minimum Parking Standards.
- iii. No required off-street parking space shall be used for storage, including snow storage. All required off-street spaces must be available at all times for their intended purpose.
- iv. C-1 Zone: In the C-1 zoning district, off-street parking requirements, as listed in Table 1 and described in Section 13.a shall apply only to new construction.
 - 1. Expansion or reconstruction of existing structures with permitted uses shall not result in the loss of any off-street parking.
 - 2. Expansion or reconstruction of existing structures in excess of 400 sq ft will be subject to the requirements set forth by Table 1 and 2.
 - 3. Any construction or remodel in C-1 that results in additional dwelling units (accessory, single family residential or multi-family) must provide off-street parking space as specified in Table 1.
- d. Mixed Uses: In the case of mixed uses or mixed occupancy, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses computed separately (except in the case of qualified joint users as set forth in subsection B).
- e. Uses Not Listed: In the case of a use not specifically mentioned in Table 1, the requirements for off-street parking spaces shall be determined by the Administrator by comparison to similar uses that are shown in Table 1, the specific needs of the proposed use or business, and the zoning district in which the use is to be located.
- f. Minimum Parking Dimensions: Access aisles and parking stalls shall conform to the requirements of Table 2 of this Ordinance.
- g. Ingress and Egress: All off-street parking areas (except for single-family and duplex developments) shall be constructed with no more than two points of ingress or egress onto adjoining streets or highways. Points of ingress and egress shall be no greater than 36 feet in width.
- h. Construction and Maintenance: Every new or enlarged portion of an existing off-street parking area for more than four cars, except parking for a single family residence or duplex, shall be surfaced in a manner that is acceptable to the Administrator to eliminate dust. All parking areas shall comply with the Eastern Washington Stormwater Guidelines, including be graded and drained so all surface water is disposed of on-site, and so that no storm water drains across sidewalks or public streets or creates a threat of pollution to the ground or surface waters.
- i. Approval of Site Plan: The Administrator shall approve prior to construction a site plan for every new or enlarged off-street parking lot,

area or facility, except parking for a single-family residence. The plan shall be drawn to minimum scale of one inch equals fifty feet, and shall clearly show the proposed development and state its size and use, and show location, size, shape and design of parking spaces, lighting, landscaping, buffers, irrigation, and other features of the proposed parking lot. The site plan shall be filed with the building permits and plans. A single plan may be used to meet the requirements for parking plan and landscape and buffer plan (see subsection 16.e, below) approval.

- j. Landscaping: All parking areas for more than four vehicles shall be landscaped with Type I landscaping, as specified in subsection 16, below, along the boundaries thereof including planting of trees to provide visual and noise screening from adjacent lots, roadways or uses.
- k. Parking areas that abut property boundaries shall be separated from such property by a buffer, as specified in subsection 16, below.
- l. General Provisions
 - i. The off-street parking facilities required herein shall be established prior to any change in use of land or structures and/or prior to the occupancy of any new or enlarged structure.
 - ii. Required off-street parking spaces shall not be used for the storage of vehicles or materials, or for the commercial sale, repair or servicing of any vehicle.
 - iii. An area once designated for required off-street parking shall not be used for any other purpose unless and until equal facilities are provided elsewhere meeting the requirements of this ordinance, or the primary use of the property has changed to a use requiring less off-street parking.
 - iv. Parking spaces in tandem, having a single means of ingress and egress, shall not be counted as two parking spaces for the purpose of this Ordinance, except that each such tandem space for a single-family dwelling unit shall count as a required parking space.

13. CLEAR VISION REQUIREMENTS

- a. GENERAL: Sight obstructions (e.g., fences, signs, plantings) shall be set back from public roadways when and as necessary to present a clear view of such roadway from all roads, alleys or private driveways; provided, that such required setback distance shall not exceed 15 feet from the right-of-way line of such public roadway, or where right-of-way is undocumented, measurement shall be from the property line. Trees, outside of intersection areas, may be permitted within the setback area provided all branches and foliage are removed to a height of eight (8) feet above the top of the curb, or where no curb exists, from the established center line grade of the street.
- b. INTERSECTIONS: A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear vision area shall contain no sight-obscuring or obstructing planting, fence, or other temporary or permanent obstruction from the top of the curb or, where no curb exists, from the established center line grade of the street.

- i. Requirements: A clear vision area shall contain no sight-obscuring or obstructing planting, fence, or other temporary or permanent obstruction from the top of the curb or, where no curb exists, from the established center line grade of the street.
- ii. Measurement: A clear vision area shall consist of a triangular area two sides of which are curb lines (or street edge lines) and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of the clear vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street. The required size is as follows:
 - 1. In a residential district the distance determining the size of a clear vision area shall be 30 (thirty) feet, measured along the street sides of the triangle.
 - 2. In all other use districts the distance determining the size of a clear vision area shall be 15 (fifteen) feet, except that where the angle of intersection between two streets is less than 30 (thirty) degrees the Town may require a greater distance.

14. **NONCONFORMING USES, STRUCTURES, OR LOTS:** A legal nonconforming use, structure, or lot is a use, structure, or lot that was lawfully established, divided or constructed prior to the effective date of this Ordinance but that does not conform to the regulations or standards set forth in this Ordinance. All legal non-conforming uses, structures, or lots shall be grand-fathered into this ordinance at the time of adoption such that those uses, structures, or lots will not be subject to new standards unless the owner expands or alters said property as described in Subsection A.i-ii as follows.

A. Alteration or Expansion: A nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or expanded, except as follows:

- i. A nonconforming structure conforming as to use, but nonconforming with respect to height, setback, or lot coverage may be altered or extended, so long as such alteration or extension does not further deviate from the standards and restrictions of this Ordinance;
- ii. An owner of a nonconforming use or structure may apply to the Town for a nonconforming use or structure variance, to allow for alteration or expansion of a nonconforming use or structure, pursuant to the procedures set forth in Section X.9, if the following criteria are met:
 - 1. Expansion or alteration of a nonconforming use shall be limited to uses that are substantially similar to allowed uses in the area, or that do not conflict with the general purpose and intent of the zoning district in which the use is located; and

2. The expansion or alteration shall not substantially increase the nonconforming aspect of the use or structure; and
 3. The inability to alter or expand the nonconforming use or structure works a hardship upon the applicant.
- B. Discontinuance of Nonconforming Use:
- i. If a nonconforming use involving a structure is discontinued from such use for a period of two years, further use of the property shall conform to the provisions of this Ordinance.
 - ii. If a nonconforming use or structure changes ownership, the nonconforming use or structure will be allowed provided the nonconforming use or structure does not further deviate from the standards and restrictions of this ordinance.
- b. Destruction of Nonconforming Structure: If a nonconforming structure in any zoning district is damaged, reconstruction of any part or full (100%) replacement of the structure and associated accessory structures shall be exempt from the development standards of this ordinance, provided reconstruction occurs within two years from the date of damage and does not deviate further from the non-conformity and meets current building codes. Following the two years exemption, any pre-existing nonconforming structure must be rebuilt to the standards set forth by this Ordinance and applicable building codes as adopted or hereafter amended.
 - c. Completion of Structure: Nothing contained herein shall require any change in the plans, construction or alteration of a structure for which a building permit has been issued prior to the effective date of this Ordinance; provided, that any such structure that will be nonconforming under this Ordinance shall be completed within two years of the date of issuance of such building permit.
 - d. Nonconforming Lots: A pre-existing nonconforming residential lot that does not meet the minimum lot size requirements for single family residence in the zoning district in which it is located may be developed with a single family residence providing the development conforms to all other restrictions and requirements of this ordinance.
 - e. Exception for Residences: Notwithstanding the general provisions of this Ordinance as to nonconforming uses, a residence (except for mobile homes outside of approved mobile home parks) which is a pre-existing nonconforming use by virtue only of its being a prohibited use in the district in which it is located pursuant to the terms of this Ordinance, may be remodeled, altered or expanded without obtaining a Conditional Use Permit, and in the event of destruction thereof may be rebuilt.
15. **FENCES:** Sight-obscuring perimeter fences shall not exceed six (6) feet in residential and ten (10) feet in all commercial, industrial, and airport districts. All fences shall conform to the clear vision requirements specified in sub-section 14.a herein.
16. **LANDSCAPING AND BUFFERS:** This section establishes regulations that govern the use of landscaping and buffers.

- a. Approved landscape and buffering plans shall be implemented as soon after completion of construction as weather allows. If weather does not allow completion of landscape and buffer plantings prior to building occupancy, occupancy may be permitted contingent upon completion of the required plantings as soon as weather allows. Landscaping and buffers shall be designed to eliminate and prevent the occurrence of noxious weeds. Landscaping and buffers must be maintained to assure the viability of plantings; underground or other timed outdoor irrigation systems may be required for water conservation.
- b. LANDSCAPING: These regulations are designed to minimize the impacts of incompatible uses on adjacent properties, to serve the aesthetic interests of the Town and its citizens, and to reduce noise impacts, and are in addition to the requirements for buffers established in subsection 16.c below.
 - i. In no case shall landscaping regulations apply to Single-Family Residences.
 - ii. In the R-3, C-2, C-3, C-R, I, and PU Districts, Parking Area Landscaping shall be required for all new parking areas greater than 700 square feet in area. At a minimum, landscaping shall visually soften the large open areas created by parking areas and reduce the heat-island effect of parking areas. Standard Type I landscaping may be used and shall be considered to meet the minimum standard for parking area landscaping required in this paragraph. As an alternative, project proponents may submit buffer plans for review by the Town.
 - iii. In the R-3, C-1, C-2, C-3, C-R, I, and PU Districts, Ornamental Landscaping shall be required for all new uses or where a change in use requires a Land Use Permit. At a minimum, Ornamental Landscaping shall provide visual relief and shade to building facades and visual screening of mechanical equipment, trash areas, and other service areas of the development, and shall add to the overall quality of a development by softening the effect of site buildings and structures upon the landscape. Standard Type II landscaping may be used according to Table 3 of this Ordinance, and shall be considered to meet the minimum standard for Ornamental Landscaping required in this paragraph.
 - iv. Landscaping requirements in the Critical Areas Overlay District will be determined based on an assessment of the impacts of the proposed use, including impacts on the environment and on aesthetic values.
- c. BUFFERS: These regulations are designed to minimize the impacts of incompatible uses on adjacent properties, and are in addition to the requirements for landscaping established in subsection 16.b of this Ordinance, above.
 - i. Interior Lot Line Buffers shall be required where lots with different land use classifications abut. At a minimum, Interior Lot Line

Buffers shall break up the visual impact of the development from public roads and neighboring properties, provide visual separation between incompatible uses, and buffer noise along property lines. Type III, IV, and V landscaping may be used according to Table 4 of this Ordinance, and shall be considered to meet the minimum standard for Interior Lot Line Buffers required in this paragraph. As an alternative, project proponents may submit buffer plans for review by the Town.

- ii. Use of buffers shall be minimized in the C-1 Zoning District to promote compact mixed-use development that makes efficient use of space and supports a pedestrian-friendly downtown core.
 - iii. Once a Critical Areas Ordinance has been adopted, buffer requirements in the CA District will be determined through implementation of a Critical Areas review process, as specified in said Critical Areas Ordinance.
- d. Where a proposed use requires a Land Use Permit, landscaping and/or buffers may be required in any Zoning District. Landscaping and buffer requirements will be determined based on an assessment of the impacts of the proposed use on surrounding uses and the character of the neighborhood.
 - e. Approval of Landscape and Buffer Plan: A site plan for every new use or change in use requiring landscaping and/or buffers shall be approved by the Administrator prior to construction. The plan shall be drawn to minimum scale of one inch equals fifty feet, and shall clearly show the proposed development and state its size and use, and show location, size, shape and design of parking areas, landscaping, buffers, and irrigation. The site plan shall be filed with the building permits and plans. A single plan may be used to meet the requirements for parking plan (see subsection 12.i, above) and landscape and buffer plan approval.
 - f. The applicant for a new use or change of use shall have the option of installing landscaping and/or buffers of the type required, as described below, or of installing alternative landscaping and/or buffers that satisfy the purposes described for the type of landscaping and/or buffers required. Alternative landscaping and buffers shall be subject to design review to ensure conformity with the character of the neighborhood and the interests of the Town.
 - g. Maintenance of required landscaping and buffers, including elimination of noxious weeds, shall be the responsibility of the property owner.
 - h. Use of drought-tolerant species is encouraged in all landscape and buffer plantings.
 - i. Landscaping and buffer types: Landscaping and buffer types are described below.
 - i. Type I—Parking Area Landscaping
 - 1. Purpose: Type I landscaping is primarily intended to visually soften large open areas of parking areas, and is

also intended to reduce the heat-island effect of such parking areas.

2. Standard Type I Landscaping Description: Standard Type I landscaping includes street frontage and parking bay requirements. Landscaping along street frontages and between parking bays shall comprise deciduous trees spaced a maximum of 35 feet on center in a continuous planting bed; low lying shrubs with a maximum height of 36 inches; and live ground cover that, combined with shrubbery, provides at least 75 percent coverage of the landscaped area within two years. Up to 25 percent of the required landscape area may utilize nonliving landscape material in place of the otherwise required living ground cover. As a minimum, planting areas shall have a width of five feet and at least one tree for every 150 square feet or fraction thereof of applicable landscaped area.

Evergreen trees may be used on a limited basis and only when planted outside any sight area triangle with a maximum spacing of 30 feet on center.

When located between sidewalks and parking lots in nonresidential zoning districts, Type I Landscaping shall not require a continuous planting bed. Planting beds of at least 30 square feet shall be provided with one dimension at least five feet. Five-foot-wide pedestrian walks shall be provided for access to sidewalks and businesses. Five-foot-wide pedestrian walks through landscaped areas may be provided every 35 feet. Stepping stones through planting areas may be provided to minimize damage to plantings.

ii. Type II—Ornamental Landscaping

1. Purpose: Type II Landscaping is intended to provide visual relief and shade to building facades and visual screening of trash areas and other service areas of the development, and to add to the overall quality of a development by softening the effect of site buildings and structures upon the landscape.
2. Type II Landscaping Description: Type II landscaping shall comprise plantings adequate to screen service areas and soften the visual effect of building facades. The placement and type of plantings used will depend on site plan, building design, and adjacent uses. Plant size and planting density shall be adequate to form an effective screen and cover at least 75 percent of the landscaped area within two years, and shall be consistent with the scale of the development. Type II landscape plans shall be subject to approval by the Town. The Standard Type II landscaping diagram on page 68 of this Ordinance may be used for

general guidance regarding plant spacing; however, designs must be site specific.

iii. Type III—Visual Buffer

1. Purpose: Type III buffers are intended to provide visual separation of incompatible uses from streets, main arterials, and along property lines.
2. Standard Type III Buffer Description: Standard Type III buffers comprise evergreen trees or mixed evergreen and deciduous trees with no more than 80% deciduous trees. Maximum spacing shall be 20 feet on center for evergreen trees and 35 feet on center for deciduous trees. Shrubs and live ground covers shall provide for 100 percent coverage of landscaped area within a two-year period. An earthen berm may be used with low shrubbery in place of more level terrain with medium-sized shrubbery. Up to 25 percent of the required landscape area may utilize nonliving landscape material in place of the otherwise required living ground cover.

iv. Type IV—Moderate Screening

1. Purpose: Type IV buffers are intended to create a strong visual separation between incompatible uses.
2. Standard Type IV Buffer Description: A Type IV buffer shall comprise evergreen trees planted a maximum of 15 feet on center, along with medium-sized shrubs and live ground cover to form an effective visual barrier a minimum of six feet in height within five years. Up to 25 percent of the required landscape area may utilize nonliving landscape material in place of the otherwise required living ground cover. Deciduous trees up to 25 percent of the tree requirement are encouraged to add seasonal and textural variation. Either an earth berm or a six-foot high sight-obscuring fence shall be used. When the earth berm alternative is chosen, medium-sized shrubs shall be spaced four and one-half feet on center. When the fence option is selected, medium-sized shrubs shall be placed six feet on center. Shrub spacing may vary depending on the species selected, and is subject to final approval by the Town. Fence design is subject to final approval by the Town.

v. Type V—Solid screening

1. Purpose: Type V buffers are intended to provide a solid sight barrier for total visual separation of incompatible uses, along with moderate sound attenuation.
2. Description: As a minimum, a Type V buffer shall consist of a double row of evergreen trees (with rows offset) spaced 15 feet triangulated on center, an earth berm, a minimum height of two and one-half feet, and shrubs and

live ground cover to provide an effective visual barrier a minimum of six feet in height within three years. As an alternative to earth berming, a six-foot high sight-obscuring fence may be incorporated into the landscaping. Up to 25 percent of the required landscape area may utilize nonliving landscape material in place of the otherwise required living ground cover. Fence design is subject to final approval by the Town.

17. **SIGNS:** All signs shall comply with the Town's Sign Ordinance, once such an ordinance has been adopted, and with the signage provisions of the Town's Shoreline Master Program.

18. **ANIMALS:** This section establishes special regulations that govern the keeping of animals in residential, commercial, and industrial zoning districts in addition to those applicable animal regulations set forth in the town's nuisance ordinance TMC Title 8.05, and Animal Title 6, as it now exists or hereinafter amended. These regulations are designed to minimize the potential impacts to residential neighborhoods as a result of keeping animals and encourage the proper care of animals.

a. Residential: The keeping of animals on the premises of multi-family residential projects shall be controlled by regulations imposed by the management staff of the project; or in the case of a condominium or planned development complex, the property owners' association or other governing body. If no rules and regulations pertaining to animals are enforced in this manner, a CUP application will need to be submitted by the management or another governing body. The following regulations shall apply to all single-family residences and duplexes:

- i. Household animals: Household animals of at least four months of age, not to exceed five in number in any combinations of cats and dogs, are permitted under TMC 6.10.32. It is not the intent of this section to restrict the number of fish when kept in appropriate confinement and not used for commercial purposes. Animals that are kept outside shall be provided the proper shelter and water necessary for survival. Periodic cleanup shall be the responsibility of the owner in order to maintain general sanitation and minimize odors.
- ii. Small domestic animals: Small domestic animals, not to exceed four in any combination, are permitted appurtenant to single-family residences. If kept outdoors, such animals must be kept in a properly fenced area located a minimum of five feet from any property line. In addition, a suitable, clean structure must be provided for the animals. Periodic cleanup of animal waste shall be the responsibility of the owner in order to maintain general sanitation and minimize odors. Adequate measures shall be taken to prevent animals from straying onto adjacent property.
- iii. Large domestic animals: Privately-owned noncommercial stables and keeping of large domestic animals for personal use is

permitted as an accessory use to a single-family residence; provided, that such use must be in a properly fenced grazing area of at least 10,000 square feet for each large domestic animal, over and above the minimum residential lot area, with adequate stable facilities; and provided, that all such stables are kept at least 30 feet from any street or side lot line. This use shall be permitted only upon grant of a conditional use permit requiring, among other things, that the turf remain in a healthy, growing condition; that manure be removed as often as necessary to prevent development of a nuisance; and that grazing and stable areas be so situated as to prevent any chance of groundwater or surface water contamination, or any other threat to public health. This use may be revoked when found that continued use will endanger public health or safety as determined by the Town's Chief of Police. Adequate measures shall be taken to prevent animals from straying onto adjacent property. In the event such measures are determined to be inadequate, this use may be revoked upon notice and hearing.

- iv. Prohibited animals: Residential property owners shall be prohibited from keeping the following animals in addition to those animals listed in Twisp Municipal Code 6.10.070:
 1. Roosters;
 2. Bulls;
 3. Venomous reptiles, spiders, and insects, with the exception that honey bees are not prohibited;
 4. Cats other than the species *Felis catus* (domestic cat)
 5. Weasels;
 6. Turkeys;
 7. Swans;
 8. Ducks, Geese. Peacocks;
 9. Feral animals (wolves, coyotes) and their hybrids;
 10. Animals of the Order *Crocodylia* (crocodiles, alligators)
 11. Bears;
 12. Pigs;
 13. Nonhuman primates. Exceptions may be made when a specific animal is shown to be a qualified helping aide for a physically handicapped person;
- v. Hobby kennels
 1. A hobby kennel may be permitted appurtenant to a single-family residence in any zoning district.
 2. An approved conditional use permit is required in order to establish a hobby kennel appurtenant to a single-family residence in any R-1, R-2, R-3, or C-2 Zoning District.
 3. Approval of a permit for a hobby kennel shall allow up to three adult animals (3) per single-family residence to be kept for hunting, exhibition, field work, or obedience

training, in addition to no more than four household, small domestic, or large domestic animals as described above.

4. Animals kept under hobby kennel provisions must be kept in a properly fenced area and suitably sheltered in a clean structure located at least 30 feet from any property line. Adequate measures must be taken to prevent animals from straying onto adjacent property.
 - b. Commercial and industrial: Household animals and guard dogs shall be allowed appurtenant to guard houses (caretaker residences) in the C-1, C-2, C-3, C-R, I, and AIR zoning districts. Small and large domestic animals shall be allowed in C-1, C-2, C-3, C-R, I, and AIR zoning districts with a CUP that must be renewed every three years with applicable fees.
 - c. Leashing and restraint: All animals, including those brought onto recreational/park facilities are to be kept in accordance with the applicable Twisp Municipal Code in Title 6.
 - d. Nonconforming animals: Animals in existence and cared for in compliance with the Town's animal regulations prior to the adoption of this Ordinance, that are no longer conforming because of a change in the zoning regulations, are allowed to remain in the Town until their death; with the exception of keeping poisonous reptiles, insects, and spiders, which shall automatically be in violation of this Ordinance.
 - e. No persons shall kill or slaughter, within the town, any animal or animals, the flesh of which is intended to be sold or offered for sale or bartered.
19. **SITE CLEARING:** Prior to the issuance of any zoning or building permit the site must be clear of all existing nuisance structures and abandoned or defunct vehicles, and shall be approved by the Building Official.

TABLE 1
Parking Standards

USE	No. OF SPACES	STANDARDS
Accessory Dwelling Unit	1	Per Accessory Housing Unit, in addition to spaces required for the principal dwelling
Boarding or rooming houses	1	Per 2 boarders
Bowling alleys	2	Per lane
Business or professional offices	1	Per 400 square feet of gross floor area
Churches, funeral homes, mortuaries	1	Per 75 square feet of assembly area
Duplexes and multi-family dwellings	2	Per dwelling unit
Eating and drinking establishments, including microbreweries	1	Per 100 square feet of gross floor area, including exterior seating areas
Furniture, appliance, hardware, and clothing stores	1	Per 600 square feet of gross floor area
Hospitals, convalescent homes, nursing and rest homes	1	Per five beds, plus one per employee based on the maximum working shift
Libraries and museums	1	Per 500 square feet of gross floor area
Manufacturing uses	1	Per employee based on the maximum working shift
Medical clinics	2	Per 1,000 square feet of gross floor area
Neighborhood Commercial Uses	1	Per employee based on the maximum working shift, not to exceed 4
Places of assembly not otherwise specified	1	Per 100 square feet of gross floor area
Retail sales outlets, up to 5,000 square feet	1	Per 300 square feet of gross floor area
Retail sales outlets, over 5,000 square feet	1	Per 300 square feet of gross floor area up to 5,000 square feet, plus 1 per 150 square feet of gross floor area in excess of 5,000 square feet
Schools	1	Per 400 square feet of floor space, plus one per employee
Single-family dwellings	2	Per single-family dwelling unit

Stadiums, sports arenas, auditoriums, theaters	1	Per four seat or eight feet of bench length. If no fixed seats, one space per 100 square feet of floor area
Tourist accommodations	1	Per guest unit, plus one per employee based on the maximum working shift
Wholesale outlets, warehouses, and storage buildings or yards	1	Per employee
All businesses in C-1 zoning districts	1	Per employee based on the maximum working shift

TABLE 2
Schedule of Minimum Parking Dimensions

PARKING ANGLE	STALL WIDTH	CURB LENGTH PER CAR	STALL DEPT H	MINIMUM DRIVEWAY WIDTH	LOT WIDTH/SQ. FT. 1 ROW & 1 DRIVEWAY PER CAR	LOT WIDTH/SQ. FT. 2 ROWS & 1 DRIVEWAY PER CAR	LOT WIDTH/SQ. FT. 3 ROWS & 2 DRIVEWAYS PER CAR	LOT WIDTH/SQ. FT. 4 ROWS & 2 DRIVEWAYS PER CAR
Along curb—0°	8'	23'	8'	12'	20'/460	28'/322	48'/368	56'/322
30°	9'	18'	17'4" 17'7"	11'	28'4"/510	45'8"/411 45'6"/411	66'2"/397	83'6"/376
45°	9'	12'9" 12'7"	19'10" 19'8"	13'	32'10"/420	52'8"/336 52'5"/336	79'/376	98'10"/315
60°	9'	10'5" 10'4"	21'0"	18'	39'/407	60'/313	95'/330	116'/305
90°	9'	9'	19'	24'	43'/387	62'/279	105'/315	124'/279

LEGEND

Sq. ft. = square feet

TABLE 3
Type II Landscaping requirements: Commercial and Public Use Districts

To use the table below:

1. Find the Zoning District in which the new or changed use is proposed. Landscaping is not required in R-1 and R-2 Zoning Districts.
2. Find the Zoning District of the street on which the proposed use is located. The table will indicate the width of the landscaped strip that must be used to screen building facades, trash areas, and other structures facing the street. If the proposed use is located on a corner or through lot, or for any other reason has more than one street frontage, repeat Step 2 for any additional street frontages.
3. Find the Zoning District of any adjacent parcels (i.e., parcels sharing lot lines with the site of the proposed use). The table will indicate the width of the landscaped strip that must be used to screen building facades, trash areas, and other structures facing those parcels. The Type II landscaping requirement is in addition to interior lot line buffering requirements shown in Table 4.

	Zoning District in which a new use or change of use is proposed							
	R-3	C-1	C-2	C-3	C-4	C-R	PU	AIR
Adjacent District								
Street (in any district)	8 feet	None	8 feet	10 feet	10 feet	8 feet	8 feet	8 feet
R-1	8 feet	None	12 feet	15 feet	15 feet	12 feet	12 feet	15 feet
R-2	8 feet	None	12 feet	15 feet	15 feet	12 feet	12 feet	15 feet
R-3	8 feet	None	10 feet	12 feet	15 feet	10 feet	10 feet	12 feet
C-1	8 feet	None	8 feet	15 feet	N/A	8 feet	8 feet	N/A
C-2	8 feet	None	8 feet	10 feet	15 feet	8 feet	8 feet	15 feet
C-3	10 feet	None	8 feet	None	10 feet	8 feet	5 feet	8 feet
C-R	8 feet	None	8 feet	10 feet	15 feet	8 feet	8 feet	N/A
I	12 feet	N/A	8 feet	None	None	8 feet	None	None
PU	8 feet	None	8 feet	None	None	8 feet	None	None
AIR	12 feet	N/A	10 feet	None	None	10 feet	None	None

Note: see Section IV, Subsection 17 for a complete description of Type II Landscaping requirements.

Table 4
Interior lot line buffer type and width

To use the table below:

1. Find the Zoning District in which the new or changed use is proposed. Interior lot line buffers are not required in R-1 and R-2 Zoning Districts.
2. Find the Zoning District(s) of adjacent parcels (i.e., parcels sharing lot lines with the site of the proposed use). The table will indicate the type and width of the buffer strip that must be used between the proposed use and the adjacent district.

	Zoning District in which a new use or change is proposed							
	R-3	C-1	C-2	C-3	I	C-R	PU	AIR
Adjacent District								
R-1	Type III, 12'	None	Type IV, 12'	Type IV, 12'	Type V, 20'	Type IV, 12'	Type III, 10'	Type V, 20'
R-2	Type III, 12'	None	Type IV, 12'	Type IV, 12'	Type V, 20'	Type IV, 12'	Type III, 10'	Type V, 20'
R-3	Type III, 10'	None	Type III, 10'	Type IV, 10'	Type V, 20'	Type III, 10'	Type III, 10'	Type V, 20'
C-1	None	None	Type III, 10'	Type IV, 15'	N/A	Type III, 10'	Type III, 10'	N/A
C-2	Type III, 10'	None	Type III, 8'	Type IV, 10'	Type IV, 15'	Type III, 8'	Type III, 10'	Type III, 10'
C-3	Type IV, 12'	None	None	None	Type IV, 15'	None	Type III, 10'	None
<u>C-R</u>	Type III, 10'	None	None	Type IV, 12'	Type V, 20'	None	Type III, 10'	N/A
I	Type V, 20'	N/A	Type III, 10'	None	None	Type III, 10' ¹	None	None
PU	Type III, 10'	None	Type III, 10'	None	None	Type III, 10'	None	None
AIR	Type V, 20'	N/A	Type IV, 12'	Type IV, 12'	Type IV, 12'	Type IV, 12'	None	N/A

Note As an alternative to the Type III, IV, and V landscaping specified above, project proponents may submit buffer plans for review by the Town. All interior lot line buffers must meet the standards Section IV 17 of this Ordinance.

¹ This applies to uses in C-R that are commercial in nature. In the case that a mixed use structure or residential units are permitted through a Planned Development in C-R and abuts and Industrial Zone, a buffer or landscape design equivalent to Type V 20' or larger shall be required and conditioned on the Planned Development.

SECTION V: RESIDENTIAL ZONING DISTRICTS

1. **INTENT:** It is the express intent of the Town Council to promote the use, value and enjoyment of property, sleep and repose, and the quality of the environment in all residential Zoning Districts.
2. **GENERAL REGULATIONS**
 - a. All uses in residential Zoning Districts shall comply with all applicable Basic Provisions in Section III of this Ordinance, including requirements related to development and performance standards.
 - b. All uses in residential Zoning Districts shall comply with all applicable General Regulations in Section IV of this Ordinance, including requirements for off-street parking, clear vision, fences, landscaping, buffers, signs, and site clearing.
 - c. Proposals for residential and commercial development must include a process for ensuring that potential property owners are provided adequate notice regarding adjacent existing industrial and heavy commercial uses that may be in conflict with residential and light commercial uses.
3. **LOW-DENSITY RESIDENTIAL SINGLE-FAMILY (R-1) DISTRICT**
 - a. **INTENT:** The Low-Density Residential Single-Family District is intended to reserve areas primarily for family living in single-family dwellings on large lots, characterized by privacy, an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Certain community and commercial uses that are compatible with residential uses and consistent with the character of single-family neighborhoods should be allowed. Accessory Dwelling Units should be allowed only under limited circumstances, as described below.
 - b. **USES ALLOWED**
 - i. Uses allowed in the R-1 District are shown in the District Use Chart in Section V of this Ordinance.
 - ii. Approved Accessory Dwelling Units may be allowed in R-1 zoning districts. The following standards shall apply:
 1. Minimum lot size: 19,200 square feet
 2. In R-1 Zoning Districts, an Accessory Dwelling Unit may be located in a separate accessory structure or incorporated within the principal dwelling. See definition on pg. 43.
 3. Accessory Dwelling Units in R-1 Zoning Districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is divided.
 - c. **DIMENSIONAL REQUIREMENTS:** lot sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5 of this Ordinance.
4. **HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-2) DISTRICT**
 - a. **INTENT:** The High Density Residential Single-Family District is intended to reserve areas primarily for family living in single-family dwellings,

characterized by privacy, an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Duplexes, approved Accessory Dwelling Units, and certain community and commercial uses that are compatible with residential uses and consistent with the character of single-family neighborhoods should be allowed.

b. **USES ALLOWED**

- i. Uses allowed in the R-2 District are shown in the District Use Chart of this Ordinance.
- ii. Approved Accessory Dwelling Units may be allowed in R-2 Zoning Districts. The following standards shall apply:
 1. Minimum lot size: 9,600 square feet.
 2. In R-2 Zoning Districts, an Accessory Dwelling Unit may be located in a separate accessory structure or incorporated with the principal dwelling.
 3. Accessory Dwelling Units in R-2 Zoning Districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is divided.
- c. **DIMENSIONAL REQUIREMENTS:** lot sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5 of this Ordinance.

5. RESIDENTIAL MULTI-FAMILY (R-3) DISTRICT

- a. **INTENT:** The Multi-Family Residential District is intended to reserve areas primarily for families living in single- and multi-family dwellings, characterized by an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Duplexes, approved Accessory Dwelling Units, and a variety of other uses that are compatible with residential uses and consistent with the character of multi-family neighborhoods should be allowed.
- b. **USES ALLOWED**
 - i. Uses allowed in the R-3 District are shown in the District Use Chart of this Ordinance.
 - ii. Approved Accessory Dwelling Units may be allowed in R-3 Zoning Districts. The following standards shall apply:
 1. Minimum lot size: 5,000 sq ft single family: 2,500 sq ft each additional unit.
 2. In R-3 Zoning Districts, an accessory Dwelling Unit may be located in a separate accessory structure or incorporated within the principal dwelling.
 3. Accessory Dwelling Units in R-3 Zoning Districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is divided.

- c. DIMENSIONAL REQUIREMENTS: lot sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5, on page 79 of this Ordinance.
6. **SEXUALLY-ORIENTED BUSINESSES:** Sexually-oriented businesses shall not be permitted in any R-1, R-2, or R-3 District.

TABLE 5: RESIDENTIAL DISTRICTS
Lot Size, Coverage, Density, Setback, and Height

	R-1	R-2	R-3
Minimum lot size ¹	10,000 square feet	5,000 square feet, single family; 9,600 square feet, duplex	5,000 square feet single family; 2,500 square feet each additional unit
Maximum density, with PD permit	6 d.u./net residential acre	10 d.u./net residential acre	16 d.u./ net residential acre
Maximum bldg coverage ²	35%	50%	50%
Maximum lot coverage ²	50%	65%	80%
Minimum front yard setback ^{2,3}	15 feet	15 feet	15 feet
Minimum side yard setback ^{2,3}	5 feet; 15 feet cumulative	5 feet	5 feet
Minimum rear yard setback, main structure ³	15 feet	10 feet	5 feet
Minimum rear yard setback, accessory structure ³	5 feet	5 feet	5 feet
Maximum height, main structure	30 feet	30 feet	30 feet
Maximum height, accessory structure	24 feet	24 feet	24 feet
Minimum lot size with accessory dwelling unit	19,200 square feet	9,600 square feet	7,500 square feet

LEGEND: d.u. = dwelling unit

¹ Minimum lot sizes do not apply to Planned Developments

² Maximum lot coverage, front yard setback, and side yard setback apply to all structures, including Accessory Housing Units

³ Required off-street parking is not allowed in required front, side, or rear yard setbacks.

SECTION VI: COMMERCIAL ZONING DISTRICTS

1. INTENT

- a. It is the express intent of the Town Council to foster the public health, safety, general welfare and interest of the Town by promoting an accessible, pedestrian-friendly environment in all Commercial districts, including those where the primary circulation between establishments is vehicular and parking areas are supplied for customer use.
- b. It is the express intent of the Town Council to foster the public health, safety, general welfare and interest of the Town by supporting commercial development that respects qualities of privacy, physical and psychological comfort, and aesthetics conducive to neighborhood and community life while at the same time fostering creativity and innovation and accommodating the needs of new and emerging industries
- c. Proposals for residential and commercial development must include a process for ensuring that potential property owners are provided adequate notice regarding adjacent existing industrial and heavy commercial uses that may be in conflict with residential and light commercial uses.

2. GENERAL REGULATIONS

- a. **USES ALLOWED:** Uses allowed in each of the commercial zoning districts are shown in the District Use Chart of this Ordinance.
- b. **DIMENSIONAL REQUIREMENTS:** lot sizes, allowable densities, lot coverage, height and setbacks in each of the commercial zoning districts shall be as set forth in Table 6 of this Ordinance.
- c. All uses shall comply with all applicable Basic Provisions in Section III of this Ordinance, including requirements related to development and performance standards.
- d. All uses shall comply with all applicable General Regulations in Section IV of this Ordinance, including requirements for off-street parking, clear vision, fences, landscaping, buffers, signs, and site clearing.

3. DOWNTOWN COMMERCIAL (C-1) DISTRICT

- a. **INTENT:** The C-1 District is a pedestrian-oriented commercial district designed to foster a vibrant downtown business area supporting a mix of residential and commercial uses. The C-1 designation is intended for the central business district. In creating regulations for the C-1 District, consideration has been given to the need to promote pedestrian circulation, while recognizing the need to provide for adequate fire protection and emergency vehicle access. Parking requirements for the District acknowledge that the downtown is an area of shared parking and walking between stores, with limited space for off-street parking areas adjacent to most commercial uses. The C-1 District should provide adequate parking for residents, employees, and visitors with minimal curb cuts. Off-street parking areas should generally be located at the back of the lot, with access via alleys. Design and uses that will foster community life and social use of outdoor areas are to be encouraged. Compact scale is a defining characteristic of the C-1 District. The size, distribution, site

design, and landscaping of uses that display goods in outdoor lots should be such that the impact on the surrounding neighborhood is negligible and the area remains attractive to pedestrians.

b. **SPECIAL REGULATIONS:**

- i. Single, Duplexes, and multi-family residential uses are permitted by administrative permit, provided that 50% of the ground floor be dedicated to commercial use, and the commercial use dominates the street frontage façade of the building. Residential frontage shall be limited to access only. This standard shall be applied on corner lots as well.
- ii. Outdoor display of merchandise is limited to the area immediately along the building frontage a maximum of twelve (12) feet from the building frontage. Outdoor displays of merchandise on public sidewalks or rights of way shall not protrude into or over said sidewalks or rights of way in such a manner as to create a to vehicle or pedestrian traffic.
- iii. Outdoor seating and other outdoor use areas shall not protrude into or over public sidewalks or rights of way in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.
- iv. No single structure shall exceed a 25,000 sq ft footprint. No single structure shall exceed 25,000 sq ft of retail space.

c. **LINCOLN STREET CORRIDOR:** The Lincoln Street Corridor is a special mixed use zone that allows more flexible residential development than typically provided for in C-1 Zone. The area extends from midway between Massey Wills Lane and Twisp Avenue south to Fifth Avenue along the west side of Lincoln Street. While the intent of the Lincoln Street Corridor is to gradually transition to commercial use and is thus zoned C-1, the historic and current residential character along Lincoln Street lends itself to be a transition from the commercial center of Glover Street to the residential neighborhood east of Lincoln Street. Development of a single-family residences and duplexes shall be allowed along the west side of Lincoln Street, provided that the structures adhere to C-1 setbacks, bulk height, and densities and are subject to an Administrative Permit.

4. OFFICE/TOURIST COMMERCIAL (C-2) DISTRICT

- a. **INTENT:** C-2 Districts are intended to provide areas outside of the downtown business area for uses that do not generate large volumes of traffic or traffic circulation and turning patterns that would disrupt the smooth flow of traffic on adjacent arterial streets or the Highway 20 corridor, including low- to medium-intensity, generally non-retail commercial and service uses and residential uses (including single-family and multi-family dwellings, provided that commercial uses are located on the ground level and occupy a minimum of 50% of the ground level and the majority of street frontage, as well as tourist accommodations). While the primary circulation between commercial establishments in C-2

Districts is expected to be vehicular, with parking areas supplied for customers and employees use, commercial users should also provide for the safety and convenience of bicyclists, pedestrians, and differently-abled people. C-2 Districts provide areas for small office buildings and uses and for tourist accommodations and related uses. It is the intent of the Town Council to establish C-2 Districts as areas conducive to repose during nighttime hours, and as areas that will be attractive to and convenient for overnight visitors.

b. SPECIAL REGULATIONS:

- i. All uses in the C-2 District shall be conducted wholly within an entirely enclosed building except:
 1. Permitted residential uses
 2. Outdoor seating for food and beverage service associated with tourist accommodations
 3. Public utility installations
 4. Parking, loading, storage, mechanical, and trash areas. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights of way
 5. Signs
- ii. Outdoor display of merchandise is prohibited in C-2 Districts.
- iii. Traffic: The Administrator may authorize uses for C-2 Zoning Districts that have traffic characteristics similar to the traffic characteristics of uses permitted in C-2 Zoning Districts, as shown in the District Use Chart, when those uses are compatible with the intent of the District. In making a determination that the traffic characteristics of a use are similar to those of allowed uses, the Administrator must find that the proposed use will cause no more than a 10 percent increase in trip generation and parking as compared to a permitted use, and that the type of traffic and circulation needs of the proposed use are comparable to those of a permitted use. It shall be the responsibility of the operator and/or the proprietor of the proposed use to provide such reasonable evidence and technical data as the Administrator maybe required to demonstrate that the traffic characteristics of the proposed use or activity meet the standards of this paragraph.
- iv. No single structure shall exceed a 25,000 sq ft footprint. No single structure shall exceed 25,000 sq ft of retail space.
- v. An existing single-family dwelling located within a C-2 District may be rebuilt, repaired, expanded, and otherwise changed for human occupancy. Accessory structures appurtenant to an existing single-family dwelling, such as garages, carports, storage sheds, and fences, may likewise be rebuilt, repaired, expanded, and otherwise changed. In addition to the above provisions, any improvements shall comply with the development regulations

specified for the C-2 Zoning District for single-family dwellings and accessory structures.

5. GENERAL COMMERCIAL (C-3) DISTRICT

- a. INTENT: The C-3 Zoning District is intended to allow for a wide variety of commercial uses outside of the downtown business area. While the primary circulation between commercial establishments in C-3 Districts is expected to be vehicular, with parking areas supplied for customers and employees use, all users should also provide for the safety and convenience of bicyclists, pedestrians, and differently-abled people. C-3 Districts are suitable for higher-intensity uses such as automobile sales, retail sales outlets, and large or mid-size office buildings. The Town will encourage uses and site development that are aesthetically pleasing and harmonious with the surrounding neighborhood.
- b. SPECIAL REGULATIONS:
 - i. Residential uses
 - 1. New residential uses are not allowed in C-3 Districts
 - 2. An existing single-family dwelling located within a C-3 District may be rebuilt, repaired, expanded, and otherwise changed for human occupancy. Accessory structures appurtenant to an existing single-family dwelling, such as garages, carports, storage sheds, and fences, may likewise be rebuilt, repaired, expanded, and otherwise changed. In addition to the above provisions, any improvements shall comply with the development regulations specified for the C-3 Zoning District for single-family dwellings and accessory structures.
 - ii. Outdoor storage of materials and supplies, except authorized displays of merchandise, shall be completely screened from adjacent properties and public rights of way. The storage of goods typically displayed in outdoor parking lots, including automobiles, motorcycles, farm equipment, and boats, is authorized and shall be allowed.
 - iii. Outdoor displays of merchandise shall not protrude into or over public sidewalks or rights of way.
 - iv. No single structure shall exceed a 25,000 sq ft footprint. No single structure shall exceed 25,000 sq ft of retail space.

6. COMMERCIAL RIVERFRONT (C-R) DISTRICT

- a. INTENT: C-R Districts are intended to provide areas for high-density, pedestrian-friendly mixed-use development that takes advantage of the special qualities of Town's riverfront and promotes pedestrian access and use of the riverfront and its business amenities. The Town will encourage developments meeting high aesthetic standards and offering a mix of uses including pedestrian-oriented retail, multi-family housing (including condominiums, multi-family dwellings, and townhouses) and tourist accommodations (including bed and breakfast inns, hotels, motels, overnight rentals, resorts, and timeshare condominiums), entertainment

and cultural activities, restaurants, and conference facilities with parking spaces provided for customers and employees use.

b. SPECIAL REGULATIONS:

i. Residential uses

1. New single-family residential, detached dwellings are not allowed in C-R Districts
 2. An existing single-family dwelling located within a C-R District may be rebuilt, repaired, expanded, and otherwise changed for human occupancy. Accessory structures appurtenant to an existing single-family dwelling, such as garages, carports, storage sheds, and fences, may likewise be rebuilt, repaired, expanded, and otherwise changed. In addition to the above provisions, any improvements shall comply with the development regulations specified for the C-R Zoning District for single-family dwellings and accessory structures.
- ii. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights of way. The use Type II Buffers listed in Section IV, Subsection 17 of this ordinance, may be used as guidelines for screening.
 - iii. Outdoor display of merchandise is limited to the area immediately adjacent to the building frontage a maximum of 12 feet from the building frontage. Outdoor displays of merchandise on public sidewalks or rights of way shall not protrude into or over said sidewalks or rights of way in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.
 - iv. Outdoor seating and other outdoor use areas shall not protrude into or over public sidewalks or rights of way in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.
 - v. All proposals that include residential use shall be by Planned Development.
 - vi. All proposals along the Methow River shall include a right-of-way or easement for public access along the entirety of the shoreline.
 - vii. No single structure shall exceed a 25,000 sq ft footprint. No single structure shall exceed 25,000 sq ft of retail space.

7. INDUSTRIAL (I) DISTRICT

- a. INTENT: I Districts are intended to provide areas for high-intensity uses, new industries, and uses requiring large amounts of space, including outdoor yards, storage areas, and parking areas. Retail operations are limited to activities that are incidental to a permitted use and a small number of bulk retail uses that involve outdoor storage and display. I-Districts shall be located where utilities, street capacity, and other services are adequate to support the intended uses. While the primary circulation in I Districts is expected to be vehicular, with parking areas supplied for

customer and employee use, all users should also provide for the safety and convenience of bicyclists, pedestrians, and differently-abled people. The Town will encourage uses and site development that are aesthetically pleasing and harmonious with the surrounding neighborhood. I Districts are suitable for industrial and manufacturing uses, and uses such as research and development, high-tech facilities, storage, wholesale trade, distribution, and auto, truck, and equipment repair services.

b. SPECIAL REGULATIONS:

i. Residential uses

1. New residential uses other than accessory dwellings are not allowed in I Districts
 2. An existing single-family dwelling located within an I District may be rebuilt, repaired, expanded, and otherwise changed for human occupancy. Accessory structures appurtenant to an existing single-family dwelling, such as garages, carports, storage sheds, and fences, may likewise be rebuilt, repaired, expanded, and otherwise changed. In addition to the above provisions, any improvements shall comply with the development regulations specified for the I Zoning District for single-family dwellings and accessory structures.
- ii. All service, processing, or storage on property abutting or facing a residential district shall be wholly within an enclosed building, shall not be conducted within a required yard setback or buffer area, and shall be screened from view from the residential district by an approved Type V buffer, as described in Section IV.16.i.v. of this Ordinance.
 - iii. Access from a public street to properties in an Industrial District shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
 - iv. Building entrances or other openings adjacent to a residential district shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.
 - v. The storage, treatment, processing and manufacture of hazardous materials and/or waste shall only be allowed if such activities are appurtenant to an existing or proposed permitted use. The development of a use specifically for such purposes shall be prohibited.
 - vi. In order to prevent vehicle congestion all service bays, loading docks, and shipping areas shall be configured so as not to encroach on public rights of way, public easements, and required off-street parking areas.
 - vii. Outdoor displays of merchandise shall not protrude into or over public sidewalks or rights of way.

viii. No single structure shall exceed a 25,000 sq ft footprint. No single structure shall exceed 25,000 sq ft of retail space.

TABLE 6: COMMERCIAL DISTRICTS
Lot Size, Coverage, Density, Setback, and Height^{2,8}
LEGEND – dua= dwelling units per acre/sq.ft. = square feet

	C-1	C-2	C-3	I	C-R
Minimum lot size, commercial	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft. ³
Minimum lot size, residential ¹	Lincoln St Overlay 5,000 sq. ft.	—	—	—	By PD only
Maximum density, with PD permit ⁴	16 dua	16 dua	—	—	Multi-family: 16 dua
Maximum lot coverage ⁵	100%	80%	80%	80%	80%
Front yard setback	0	0 ⁶	0 ⁵	0	0
Side yard setback ⁷	0	0 ⁵	0 ⁵	0 ⁵	0 ⁵
Rear yard setback ⁷	0 ⁵	0 ⁵	0 ⁵	0 ⁶	0 ⁵
Maximum height	30 feet	30 feet	38 feet	60 feet	45feet ⁹
Minimum Lot Size, Accessory Dwelling Unit	7,500 sq ft	7,500 sq. ft	7,500 sq. ft		

¹ Where residential uses are permitted, lot coverage, setback, and height requirements shall be the same as those listed in Table 5 for R-3 Districts unless otherwise stated.

² Smaller lot sizes may be permitted with a Planned Development Permit

³ Densities in commercial zoning districts only apply to allowed residential uses.

⁴ Determined by setback and off-street parking requirements in all zoning districts except C-R.

⁵ Except where property abuts a residential zone, then setback shall be 10 feet.

⁶ Except where property abuts a residential zone; then setback shall be 20 feet.

⁷ In all cases where an interior lot line requires a landscaping buffer between differing uses, the width of the setback shall be determined by whichever requirement is widest. (e.g. if a 20 ft buffer is required for an industrial use adjoining a residential use, that 20 ft shall be considered the setback

⁸ All uses in Commercial Zoning Districts shall comply with the clear-vision requirements in Section IV 13 of this Ordinance. In some cases compliance may require establishment of setbacks greater than those shown in the table above.

⁹ Three stories not to exceed 45 feet.

SECTION VII: PUBLIC USE AND AIRPORT DEVELOPMENT DISTRICTS

1. PUBLIC USE DISTRICT

- a. **INTENT:** The intent of the Public Use district is to protect public facilities such as parks, schools, and wastewater treatment facilities from pressure of alternative development. Public Use zoning is applied to those areas deemed necessary for the long-term use and enjoyment of the Town and its citizens; and to provide for and protect public institutional facilities within the Town, including public utility installations.
- b. **USES ALLOWED:** Uses allowed in the PU District are shown in the District Use Chart of this Ordinance.
- c. **DIMENSIONAL REQUIREMENTS:** lot sizes, allowable densities, lot coverage, height and setbacks in the PU District shall be as set forth in Table 7: Public Use and Airport Development Districts, of this Ordinance.
- d. All uses shall comply with all applicable Basic Provisions in Section III of this Ordinance, including requirements related to performance standards.

2. AIRPORT DEVELOPMENT DISTRICT

- a. **INTENT:** The Airport Development (AIR) District, pursuant to RCW Title 14, is a specialized public use area designed to allow for the location and development of a wide range of uses that are compatible with the primary use of the site as an airport. The district is intended to provide uses that complement the airport, in a location that insulates the major residential areas from the noise, traffic, and aesthetic impacts of such uses. Allowed uses within the AIR district are intended to be limited to those uses shown in the District Use Chart that can be operated without threatening the integrity of the airport operation. Uses that can be conditioned to meet those goals but that, uncontrolled, could threaten the utility of the airport, should be allowed only after thorough review of the intended project and imposition of protective conditions and limitations thereon. Development within the AIR District should be consistent with Okanogan County's Airport Development District provisions.
- b. **USES ALLOWED:** Uses allowed in the AIR District are shown in the District Use Chart of this Ordinance.
- c. **DIMENSIONAL REQUIREMENTS:** lot sizes, allowable densities, lot coverage, height and setbacks in the AIR District shall be as set forth in Table 7 of this Ordinance.
- d. All uses shall comply with all applicable Basic Provisions in Section III of this Ordinance, including requirements related to performance standards.
- e. **SPECIAL REGULATIONS**
 - i. All service, processing or storage on property within 50' feet of a residential district shall be wholly within an enclosed building or screened from view from the residential district by an approved Type V buffer, as described in Section IV.16.i.v. of this Ordinance.
 - ii. Access from a public street to properties in an Airport Development District shall be so located as to minimize traffic

congestion and avoid directing airport district traffic onto residential streets.

- iii. Building entrances or other openings adjacent to a residential or commercial district shall be designed to minimize the cause of glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.
- iv. The storage, treatment, processing and manufacture of hazardous materials and/or waste shall only be allowed if such activities are appurtenant to an existing or proposed permitted use. The development of a use specifically for these purposes shall be prohibited.

**TABLE 7: PUBLIC USE AND AIRPORT DEVELOPMENT DISTRICTS
Lot Size, Coverage, Setback, and Height**

	PUBLIC USE	AIRPORT¹
Minimum lot size	2,500 square feet	--
Maximum lot coverage ²	--	--
Front yard setback	0	--
Side yard setback	0	--
Rear yard setback	0 ³	--
Maximum height	40 feet	--

¹ Lot size, coverage, setbacks, and height requirements will comply with the Airport Layout Plan and Okanogan County Airport overlay requirements as it currently exists or is hereafter amended

² Determined by setback and off-street parking requirements.

³ Except where property abuts residential or commercial zone; then setback shall be 20 feet.

SECTION VIII: OVERLAYS

The regulations and standards specified for each overlay district apply to all uses in that overlay district and are in addition to the regulations and standards established for the underlying Zoning District in which the site is located. For example, a use located in a C-2 district and also in the Shoreline Overlay would be subject to the provisions of both districts.

1. SHORELINE OVERLAY (SO)

- a. **INTENT:** The SO is designed to create a link between this Ordinance and the Town's Shoreline Master Program (SMP). The overlay is a concept intended to add the more restrictive provisions of the SMP to the underlying zoning requirements in designated Shoreline areas, as well as provide the Administrator and project proponents with easy access to the more complex provisions of the SMP. Additional information on permitted uses, development standards, and regulatory requirements is found in the Town's SMP.
- b. **Standards:** The following development standards shall be mandatory for all development and uses in areas covered by the Shoreline Overlay:
 - i. Development within areas covered by the Shoreline Overlay shall be subject to standards and requirements of the Town's Shoreline Management Master Program (SMP). Whenever a conflict arises between the standards and regulations contained within the SMP and this Ordinance, the more restrictive provisions shall apply.
 - ii. The storage, treatment, processing and manufacture of hazardous materials and/or waste shall be prohibited in SO districts.
 - iii. **Review and approval:** The Administrator shall review the measures proposed for compliance with these development standards and shall approve or conditionally approve a permit application to assure compliance with these standards and with the Performance and Development Standards specified in Section III of this Ordinance.

2. CRITICAL AREAS OVERLAY (CAO) :

A. **Policy:** The CAO District is designed to provide protection via design and environmental review for development and uses in those non-shoreline and floodplain areas designated as "conservancy" in the Town's Comprehensive Plan. Such protection is necessary to protect steep slopes and other areas defined as "critical" by the Growth Management Act.

B. **Uses Permitted:** In a CAO those uses shall be permitted as set forth in Chart 1, District Use Chart for the underlying zoning district. All uses shall comply with the performance standards set forth in Section VIII 3.

C. **Lot Size, Allowable densities, lot coverage, height and setbacks:** Lot sizes, allowable densities, lot coverage, height and setback requirements in the CAO shall be as set forth for the underlying zoning district.

D. Signs: In a CAO signs shall be permitted subject to the requirements of the underlying zoning district:

3. DEVELOPMENT STANDARDS:

A. Development within areas covered by the shoreline overlay shall be subject to standards and requirements of the Town's Shoreline Master Program (SMP). Whenever a conflict arises between the standards and regulations contained within the SMP and this Ordinance, the more restrictive provisions shall apply.

B. Standards: The following development standards shall be mandatory for all development and uses in areas covered by the conservancy overlay:

1) Approved landscape plans shall be implemented as soon as weather allows after completion of construction, which will provide plantings which, either separately or combined with wood fencing or earthen berms, provide visual screening of parking areas, trash areas and other service areas of the development, and break up the visual impact of the development from public roads and neighboring properties, and which will eliminate and prevent the occurrence of noxious weeds. Landscaping must be maintained to assure viability of plantings; underground or other timed outdoor water systems may be required by the Administrator for water conservation.

2) Storm water shall be channeled and disposed of by dispersal through a grassy area of sufficient size for the anticipated amount of storm water runoff, or by release into a properly designed dump area with filtration system or devices installed (including oil/water separator if called for by the size of development and the amount of traffic to be generated thereby, and by the size of the paved areas and other impervious surfaces) or other acceptable method to assure no degradation of the surface or ground waters.

3) An ownership and maintenance program will be implemented for roads and common areas if the development is to be sold in units (including condominium ownership), to assure a long range maintenance program for such areas (such as a property owner's association, coop, or condominium ownership program).

4) Dust control measures shall be implemented to provide assurance of continual dust control during construction and upon occupation of the development. All roads and parking areas shall be paved or similarly surfaced to provide long-term dust control.

5) Dog control measures shall be mandatory in all multifamily dwelling projects, and tourist accommodations, including either dog prohibition, or mandatory leash laws. Such measures shall be reduced to writing and recorded, or entered on the face of a recorded plat or site plan map.

6) Compliance with the provisions and procedure of the State Environmental Policy Act and local regulations thereunder shall precede any applicable development.

B. Review and Approval: The Administrator shall review the measures proposed for compliance with these development standards and shall approve or conditionally approve a building permit application to assure compliance with these standards.

C. The storage, treatment, processing and manufacture of hazardous materials and/or waste shall be prohibited in shoreline and conservancy overlays.

D. Construction on slopes exceeding 15 percent shall be subject to the approval of an engineer slope stabilization and erosion control study.

3. LINCOLN STREET OVERLAY (LSO)

- a. INTENT: The Lincoln Street Overlay is intended to provide for the development of single family residences that are otherwise prohibited in the underlying zoning.
- b. STANDARDS: Residential development in the Lincoln Street Overlay shall be subject to the standards for the R-3 zoning district.

DISTRICT USE CHART

Uses not listed: uses not listed in the District Use Chart may be allowed if they comply with the general and specific performance standards (Section III. 8) and with any special regulations that apply to the zoning district in which the use is proposed. The District Use Chart is not a prescriptive list of all allowed or disallowed uses, but a comprehensive list of examples.

LEGEND

A = Allowed use

AP = Allowed; Administrative Permit required

CUP = Conditional Use Permit required

P = Prohibited use

PD = Planned Development Permit required

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	I	AIR	PU
Commercial uses										
Agricultural market	P	P	P	A	A	A	A	A	P	A
Animal and livestock auctions	P	P	P	P	P	CUP	P	CUP	P	P
Assembly, micro	A	A	A	A	A	A	A	A	AP	P
Assembly, light	P	P	P	AP	A	A	A	A	P	P
Assembly, heavy	P	P	P	P	P	P	P	A	P	P
Bed and breakfast inns	CUP	CUP	A	A	A	A	A	P	P	P
Fuel, oil, and coal distribution	P	P	P	P	P	A	P	A	P ¹	P
Fuel, oil, and kerosene, package sales	P	P	P	CUP	CUP	A	AP	A	P ¹	P
Hotels and motels	P	P	P	PD	A	A	A	P	P	P
Kennels	P	P	P	P	P	AP	P	P	P	P
Manufacturing, heavy	P	P	P	P	P	P	P	A	P	P
Manufacturing, light	AP ²	AP ²	AP ²	AP	AP	AP	AP	A	A	AP

¹ Sale of aircraft fuel incidental to an airport is permitted in the AIR District.

² Light manufacturing can be allowed as a home business subject to the conditions for home occupations in Section IV.6 and an administrative permit subject to an impact assessment

	R-1	R-2	R-3	C-1	C-2	C-3	CR	I	AIR	PU
<u>Commercial uses, continued</u>										
Manufacturing, medium	P	P	P	P	AP	AP	AP	A	P	P
Microbrewery	P	P	P	AP	A	A	AP	A	P	P
Mobile vendors, with permit	P	P	P	AP	AP	AP	AP	AP	P	P
Neighborhood commercial uses	AP	AP	AP	A	A	A	A	AP	AP	P
Office buildings, large (> 10,000 square feet gross floor area) ¹	P	P	P	AP	AP	A	A	A	AP	AP
Office buildings, small-mid size (<5,000-10,000 square feet gross floor area) ¹	P	P	P	A	A	A	A	A	AP	P
Overnight rentals	AP	AP	AP	A	A	A	A	P	P	P
Recreational vehicle parks, tent camps, commercial ²	P	P	PD	P	PD	PD	PD	P	P	P
Research, development, and testing	P	P	P	AP	A	A	AP	A	AP	P
Resorts	P	P	P	P	A	A	A	P	P	P

¹ Government offices may be located in PU Districts

² Allowed as a PD in association with a Mobile Home Park

	R-1	R-2	R-3	C-1	C-2	C-3	CR	I	AIR	PU
Slaughter houses (see regulations related to animals)	P	P	P	P	P	P	P	CUP	P	P
Temporary Market, as regulated in Section III.11	P	P	P	A	A	A	A	P	AP	A
Trade, equipment	P	P	P	P	P	A	P	A	P	P
Trade, heavy	P	P	P	P	P	A	P	A	P	P
Trade, high-traffic	P	P	P	A	P	A	A	A	P	P
Trade, low-traffic	P	P	P	A	A	A	A	A	AP ¹	P
Community uses										
Ambulance and aid car stations	P	P	P	P	AP	AP	P	AP	P	P
Animal shelter	P	P	P	P	P	AP	P	AP	P	A
Broadcast facilities, professional	P	P	P	A	A	A	A	A	P	AP
Churches, temples, synagogues, and other places of worship	A	A	A	CUP	A	A	A	P	P	P
Community gardens	A	A	A	A	A	A	A	AP	AP	A

¹ Retail sales of aircraft parts and sales of aircraft fuel incidental to an airport shall be allowed in the AIR district, as shall aircraft repair.

	R-1	R-2	R-3	C-1	C-2	C-3	CR	I	AIR	PU
<u>Community uses, continued</u>										
Correctional institutions	P	P	P	P	P	CUP	P	P	P	CUP
Electrical distribution substation	P	P	P	P	P	P	P	CUP	P	A
Fire stations	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Transfer Stations	P	P	P	P	P	CUP	P	P	CUP	CUP
Public utility installation	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public utility service and storage yards	P	P	P	CUP	CUP	CUP	P	A	CUP	A
Recycling center	P	P	P	P	P	P	P	A	P	P
Recycling drop-off stations	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
<u>Medical/health care uses</u>										
Animal hospital	P	P	P	AP	A	A	AP	A	P	P
Hospitals	P	P	CUP	P	P	A	CUP	CUP	P	CUP
Medical clinics	AP	AP	AP	A	A	A	A	P	CUP	P
<u>Recreation/entertainment</u>										
Cultural facilities, large	P	P	P	P	P	A	PD	P	P	A
Cultural facilities, mid-size	P	P	P	P	P	A	AP	P	P	A
Cultural facilities, small	P	P	P	A	AP	A	A	P	P	A
Parks	A	A	A	A	A	A	A	A	A	A
Sports and entertainment facilities, large	P	P	P	P	P	CUP	PD	CUP	CUP	PD
Sports and entertainment facilities, mid-size	P	P	P	P	P	AP	AP	P	CUP	A
Sports and entertainment facilities, small	P	P	P	AP	AP	A	A	P	CUP	A
Zoos	P	P	P	P	P	PD	P	P	P	PD

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	I	AIR	PU
<u>Residential uses</u>										
Accessory dwellings	A	A	A	AP	AP	P	PD	P	P	P
Accessory structures	A	A	A	A	A	A	A	A	P	A
Adult family homes	A	A	A	PD	PD	CUP	PD	P	P	P
Boarding homes	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Assisted living facility	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Boarding houses	CUP	CUP	A	A	A	A	A	P	P	P
Condominiums, residential	PD	PD	PD	PD	PD	P	PD	P	P	P
Congregate care facilities	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Convalescent	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Duplexes	P	A	A	AP ¹	AP ¹	P	PD	P	P	P
Dwellings, multi-family	P	P	A	AP ¹	AP ¹	P	PD	P	P	P
Dwellings, single-family	A	A	A	AP ¹	AP ¹	P	P	P	P	P
Group homes	CUP	AP	AP	P	P	P	P	P	P	P
Halfway houses	P	P	CUP	P	P	P	P	P	P	P
Hobby kennels, as regulated in Section IV.18.a.v of this Ordinance	CUP	CUP	CUP	P	CUP	P	P	P	P	P
Home businesses, as regulated in Section IV.7 of this ordinance	A	A	A	A	A	A	A	A	P	P
Household animals and guard dogs, as regulated in Section IV.18.b of this Ordinance	A	A	A	A	A	A	A	A	P	P

¹ Single, Duplex or Multi-family residential uses are permitted in the C-1 and C-2 District by an administrative permit, provided that commercial uses are located on the ground floor and occupy a minimum of 50% of the ground level and the majority of street frontage. Single family residences and duplexes are allowed with an AP in the Lincoln Street Overlay conditioned under Section VI. 3. c. of this Ordinance.

	R-1	R-2	R-3	C-1	C-2	C-3	CR	I	AIR	PU
<u>Residential uses, cont.</u>										
Manufactured homes	A	A	A	AP	P	A	P	P	P	P
Mobile home outside of approved mobile home parks	P	P	P	P	P	P	P	P	P	P
Mobile homes in approved mobile home parks	P	P	A	P	P	P	P	P	P	P
Manufactured home parks	P	P	PD	P	P	P	P	P	P	P
Mobile home parks	P	P	PD	P	P	P	P	P	P	P
Modular and factory-built homes	A	A	A	P	P	P	P	P	P	P
Nursing Home	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Residential Care Facility	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Retirement homes	AP	AP	AP	AP	P	P	PD	P	P	P
Swimming pools, private	A	A	A	P	P	P	A	P	P	P
Townhouse	PD	A	A	PD	PD	P	PD	P	P	P
<u>School/day care</u>										
Day care facility: day care center (≥ 13 children)	P	P	CUP	AP	AP	AP	A	CUP	P	P
Day care facility: family day care home (≤ 6 children)	A	A	A	AP	AP	AP	A	CUP	P	P
Day care facility: mini day care center (≤ 12 children)	CUP	CUP	CUP	AP	AP	AP	AP	CUP	P	P
Schools, private	P	P	AP	AP	CUP	AP	A	PD	P	P
Schools, public	P	P	AP	AP	CUP	AP	A	P	P	CUP
<u>Transportation and communication facilities and related uses</u>										
Airports, airstrips, air terminals, hangers	P	P	P	P	P	P	P	P	A	P
Bus passenger terminals	P	P	P	AP	AP	A	AP	P	AP	A
Bus repair and storage terminals	P	P	P	P	P	AP	P	A	AP	AP
Helipad	P	P	P	P	P	AP	P	AP	A	AP
Heliport	P	P	P	P	P	P	P	CUP	A	P
Public transportation shelter station	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Wireless communications facilities, macro	P	P	P	AP	AP	AP	AP	AP	AP	AP
Wireless communications facilities, micro, non-exempt	CUP	CUP	CUP	AP	AP	AP	AP	AP	CUP	AP
Wireless communications towers	P ¹	P ¹	P ¹	P ¹	P ¹	CUP	P	CUP	P	CUP

¹ Except where expressly provided for in Section IV.8 of this Ordinance.

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	AIR	AIR	PU
Other uses										
Amateur radio tower and antenna	A	A	A	A	A	A	A	P	P	P
Drive-in windows appurtenant to allowed use	P	P	P	AP	AP	AP	AP	P	P	P
Excavations, other than simple foundations	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Hazardous materials, manufacturing, processing, storage	P	P	P	P	P	P	P	P	P	P
Hazardous waste, treatment and storage	P	P	P	P	P	P	P	P	P	P
Sexually-oriented businesses, as regulated in Section IV.11	P	P	P	AP	AP	AP	P	P	P	P
Temporary buildings or structures	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP

¹ Storage and use of hazardous materials incidental to an allowed use is permitted provided said materials are handled in accordance with all applicable state and federal standards.

SECTION IX: PLANNED DEVELOPMENT PERMIT

1. **INTENT:** The intent of the Planned Development Permit process is to allow a variety of uses and developments within the Town of Twisp while retaining the ability of the Town to review and condition those developments that might without restriction infringe on other uses in the district or threaten the environmental or aesthetic attributes of the Town. The planned development permit process allows review and the implementation of restrictions or conditions on a development by the Town pursuant to identified issues and standards in order to achieve the following objectives:
 - a. Provide for flexibility in the design of land uses and activities to encourage more creative approaches to development, to result in more efficient, aesthetic, and environmentally responsive use of lands within the Town;
 - b. Allow for public input and response by Town Citizens and interested persons, agencies and groups, to better assure that land uses and development within the Town reflect the needs and desires of Town citizens and are consistent with the public welfare of the Town;
 - c. Permit creativity in design and placement of buildings, use of required open spaces, provision for on-site circulation plans, off-street parking and other site design elements that better utilize the potentials of special features of the property, including location, geography, topography, vegetation, size or shape, and scenic views;
 - d. Facilitate the provision of economical and adequate public improvements, including streets and utilities;
 - e. Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural or existing features including but not limited to key wildlife habitats, riparian habitats, floodplain and other wetlands, mature tree stands, steep slopes, unique or aesthetically important views and vistas, and similar resources and features;
 - f. Minimize and/or mitigate the impacts of development on the public health, safety, welfare, aesthetic values, and other interests of the Town;
 - g. Require the incorporation of public access to recreational opportunities, including trail systems, as a part of development activities;
 - h. Allow areas to be combined together for development that would otherwise be developed on a lot by lot basis, and to develop the area jointly with clustered or common features and structures and shared roads and utilities for more economic use of the land and better utilization of limited land and natural resources and maintenance of open space areas;
 - i. Assure that aesthetic values are considered in the architectural design of structures and in the overall development plans, and are a part of the review process of significant developments within the Town;
 - j. Provide regulations for the planned development permit process which will give notice to developers of pertinent issues, concerns and limitations in planning of projects.

2. COMMON OPEN SPACE REQUIREMENTS

- a. Required open space dedication: Planned developments shall include lands dedicated to open space as defined and limited in Section II. Said open space areas shall meet the following minimum sizes expressed as a percentage of the size of the total planned development parcel:
 - i. Residential Single Family District: 40%
 - ii. Residential Multi-Family District: 30%
 - iii. Any Commercial District: 30%
- b. Open space areas in a planned development shall meet the following minimum requirements:
 - i. Open space area requirements cannot be met by inclusion of roads, utility structures, parking areas or other structures in determining the size of the open space area; required setback areas and landscaped areas (except parking areas) may be included as open space area.
 - ii. The location, shape, size and character of the open space must be suitable for the particular development; open space areas shall not be excessively fragmented.
 - iii. The uses authorized for open space must be appropriate to the scale and character of the proposed development, considering its size, density and topography;
 - iv. Open space shall be suitably improved for its intended use if applicable (e.g., restored to beneficial native habitat), including provision for suitable weed control and re-vegetation plans. Any improvements to be permitted in the open space area shall be appropriate to the authorized uses and must conserve and enhance the natural features of the open space.
- c. The development schedule must coordinate designation and improvement of open space with construction of the development improvements, including proper phasing of open space areas with phasing of other portions of the development.
- d. Open space must be protected in the final development plan by provisions to assure permanent retention and maintenance of the open space areas in accordance with approved uses. Such protection may be in the form of recorded restrictive covenants including provision requiring Town approval prior to any amendment or repeal of any portion thereof, or dedication of open space areas to the Town when such dedication is determined by the Town to be in its best interest and is accepted by the Town in writing, or any other assurances of protection deemed by the Town to be both practical and legally sufficient to assure the permanent retention and maintenance of the open space areas. All legal documents necessary to implement the provisions for such protection shall be filed by the applicant with the final development plan and shall be subject to approval as to form by the Town attorney. All such protective provisions shall vest in the Town the right to enforce the terms thereof as they relate to permanent retention and maintenance of the open spaces and limitation

of their uses as approved in the plan, including right of the Town to recover all costs of any enforcement action or of necessary maintenance not being performed, from the violators, including owners of the property within the development, in the event of lack of proper maintenance.

3. ADDITIONAL PLANNED DEVELOPMENT PERMIT REGULATIONS

- a. Utilities: All electrical lines, telephone lines, and other wiring conduits and similar facilities in planned developments shall be placed underground by the developer, unless this requirement is waived by the Planning Commission and the Town Council. Waiver of this requirement must be based upon the physical constraints of the site and/or technical difficulties with such underground installations that are unique to the lot or parcel, and shall not be based upon financial considerations alone. Waiver shall not be permitted when it would be in violation of the requirements of this or other Town ordinances or regulations for the zone in which the Planned Development is located. When a planned development includes utility extensions that are to be dedicated to and become the responsibility of the Town upon completion and acceptance thereof, the developer shall provide to the Town a one-year maintenance bond for such utility extension to cover all necessary maintenance and repairs of the utility extension during the covered period. The developer may be required to increase the one-year term when special considerations or unique circumstances make a longer term advisable for the protection and welfare of the Town, and upon order for such increased bond period by the Town Council; provided, that in no event shall the one-year term for the maintenance bond be reduced. Water and sewer line extensions shall be properly engineered with plans approved by the Town and shall meet all applicable town, state and federal requirements.
- b. Views: Planned Development proposals shall give consideration to views, both those available from the subject lot(s) or parcel in orientation of the development, and those views from neighboring properties and roadways that might be obscured or obstructed by the development. Proposals shall be designed to minimize obstruction of river views and of other desirable views from neighboring properties, including usage of more stringent height limitations, view corridors, and building orientation and location restrictions where feasible and appropriate.
- c. Trails and Recreation Facilities: As additional consideration for increased densities and development approval on riverfront parcels, developers may be required to dedicate a public non-motorized trail along the river (in such location as shall be determined by the developer with approval of the administrator and in consultation with town departments and resource agencies). Residential Planned Developments shall consider additional trail systems in their development plans to promote both non-motorized recreational opportunities and pedestrian circulation. Commercial Planned Developments shall consider and provide for pedestrian access to and through the development where practical. Multi-family residential Planned Developments or larger-scale residential Planned Developments

shall consider other recreational areas and facilities, such as community parks, picnic areas and play areas, in the design of the development.

- d. Landscape Plans: Planned Development applications shall include a general landscape plan which shall include plantings for street-frontage and interior lot-line buffers and parking-lot and ornamental landscaping (including light diffusion and site obstruction), and which shall concentrate on low-water-use plantings where feasible. As a minimum, plantings shall include the landscaping and buffers specified in Section IV.12 of this Ordinance for the Zoning District in which the Planned Development is proposed. Timed irrigation systems will generally be required in Planned Developments to minimize irrigation water needs.
 - e. Additional Areas of Regulation: Those areas of concern set forth in subsection 6B below as Planned Development Program items shall be reviewed by the Town and may be subject to regulation to meet the specified performance goal for each item where appropriate.
4. **PRE-APPLICATION CONFERENCE:** An applicant for a planned development permit shall request a pre-application conference for informal review of a proposed project prior to submittal of a Preliminary Development Plan application. Requests for pre-application conferences shall be in writing directed to the Town Clerk and stating briefly the nature of the proposed Planned Development and the location thereof.
- a. Upon receipt of a request for pre-application conference, the Town Clerk shall notify the Administrator, who shall request a meeting with the appropriate Town departments, resource agencies, and the developer.
 - b. The purpose of the pre-application conference shall be to identify and interpret Town ordinances and regulations applicable to the project, clarify necessary steps in the project approval process, make a preliminary identification of special concerns of Town departments and/or resource agencies, and assist the developer in identification of site constraints and suggest potential solutions where possible.
 - c. The Town shall maintain minutes of all pre-application conferences, and a copy of the minutes shall be provided to the developer and shall be attached to the Preliminary Development Plan application when filed.
 - d. No Planning Commission members or Town Council members shall participate in a pre-application conference.
5. **PRELIMINARY DEVELOPMENT PLAN APPLICATION:** Formal application for a Planned Development permit shall be made by completion of the Planned Development Permit application (on forms provided by the Administrator and including a completed Impact Assessment Checklist, together with a completed SEPA Environmental Checklist, where required), payment of the applicable fee determined as set forth in Section XI of this Ordinance, and submission of the application form and the Preliminary Development Plan to the Town Clerk. The Preliminary Development Plan shall include the following information and elements:
- a. Development Site Plan: The development site plan shall be a dimensional map drawn to a scale of not less than one inch equals one hundred feet,

and shall include a vicinity map of a reduced scale showing the proposed development in relation to existing landmarks. Nine copies of the Development Site Plan shall be submitted by the applicant. The development site plan shall include the following:

- i. Boundaries of the site and north arrow;
 - ii. Location, dimensions and names of all existing and proposed roads serving, adjacent to or lying within 1/4 mile of the site;
 - iii. Areas proposed to be developed with approximate footprints of proposed buildings and their nature (e.g. residential, community use, commercial, office, etc.);
 - iv. Proposed location(s) and dimensions of common open space areas,
 - v. Proposed public dedications;
 - vi. Location, dimensions and schematic design of off-street parking areas or facilities, showing points of ingress and egress;
 - vii. Location of major physiographic features such as rivers, canals, floodplain areas, etc.;
 - viii. Existing topographic contours for the entire site, at intervals of not more than five feet, together with existing drainage and identification of existing vegetation;
 - ix. Proposed land uses, densities and building types,
 - x. Pedestrian and vehicular circulation pattern;
 - xi. Location and type of all existing and proposed recreational improvements, if any, to include non-motorized trails and paths;
 - xii. Conceptual landscape plan;
 - xiii. Proposed grading and drainage design.
- b. Written Planned Development Program and Specifications: The written Planned Development Program shall include concise and detailed evaluation and information on the following items, and shall explain how the proposed goal of each item has or will be met, or why such goal is unattainable for the project:
- i. An explanation of the density of the proposed project. The density goals are set forth in the regulations for the various zone districts (applies to residential uses only);
 - ii. Proposed ownership pattern;
 - iii. Operation and maintenance proposal (if not dedicated to the public) for the project amenities, roadways, utilities, etc (e.g. property owners' association, condominium). The performance goal is to assure that a long-range maintenance program is provided for all common areas and commonly-used utilities and roadways, with provision for collection of prorated share of costs and expenses of such maintenance and for decision-making with regard thereto;
 - iv. General timetable for development, including any project phasing and conditions therefore and any foreseeable future expansion. The performance goal is to provide sufficient open spaces and

- project utilities and amenities for each phase of development, so that each phase can stand alone as a satisfactory completed project;
- v. Description of existing and proposed community and recreational facilities. The performance goal is for larger projects or projects that have a significant impact on existing formal or informal recreational opportunities to minimize and mitigate such impact by retention and expansion of existing opportunities or provision for new or improved community or public recreation opportunities, including park areas, access to river or public lands, or recreational improvements such as pools, tennis courts, etc.;
 - vi. Visual impacts, including description of project view orientation, proposals to minimize view obstruction from adjacent lands and public roadways, and proposed site barriers for utility or loading areas, parking areas, etc. The performance goal is to minimize degradation of the existing views of river areas, mountains and open lands, to preserve the aesthetic qualities which the Town values, to provide aesthetically pleasing visual barriers to unsightly areas, and to assure that new developments benefit from the available views without preventing their enjoyment by others;
 - vii. Landscaping, both existing and proposed, and irrigation system proposed. The performance goal is to assure a long-range landscape plan that provides necessary greenbelt around structures for fire protection, provides for tree and vegetative buffers to reduce noise, light and view impacts from neighboring lands, minimizes irrigation water needs, and prevents noxious weeds;
 - viii. Storm water collection and disposal plan. The performance goal is to assure that storm water runoff after development does not exceed the amount before development, and that storm water disposal has no negative impact on the water quality of either surface or groundwater of the Methow Valley; and to provide, where feasible, and at the developer's expense, a storm water management system that can be extended to serve future developments;
 - ix. Geophysical characteristics of the site, including soils, slope, drainage patterns, erosion problems and controls. The performance goal is to prevent further or accelerated erosion of slopes or topsoil, provide for adequate site drainage and storm water collection (see no. 8 above) properly designed for the site, and to identify problem areas prior to development to prevent unanticipated erosion or drainage problems;
 - x. Air quality considerations and mitigation measures, including dust control measures. The performance goal is to allow no degradation of the air quality of the Twisp area, either from single projects or by cumulative impacts, and to prevent degradation of the ambient air quality by utilizing sufficient dust control measures both during periods of construction, and after project completion.

Automobile emissions will be considered, and projects that will have a significant traffic impact will be expected to investigate all possible avenues to minimize motor vehicle usage, including provision for mass transit (such as bus or van runs to or from the project) and pedestrian/bike access;

- xii. Traffic circulation elements, including anticipated traffic increases (vehicles per day) and major times thereof. The performance goal is to assure a smooth flow of traffic through and throughout the Town, to avoid traffic congestion and hazardous intersections, mergers or other traffic patterns, and to minimize increased traffic loads by encouraging pedestrian and non-vehicular transportation or mass transit;
 - xiii. Noise considerations and mitigation measures therefore. The performance goal is to minimize noise impacts on surrounding properties and the Town in general, and mitigation measures to be examined include placing indoors those recreation facilities which may generate noise in evening or night hours, limiting motor vehicle usage within the project, planting to buffer noises, and limiting allowable hours and days of construction;
 - xiv. A concise statement of the general public benefits to be derived from the development of the proposed project, which may include but are not limited to increased open space, special wildlife or recreation benefits, perimeter transitions to surrounding land uses, or new public facilities included in the development (including dedicated or public trails, parks, etc.). The performance goal is to assure that all approved projects benefit the general welfare of the Town of Twisp;
 - xv. Proposals to control or prohibit further land divisions, where appropriate. The performance goal is to provide perpetual restriction on future division of the developed property beyond the approved density and/or below the approved minimum lot sizes, and to eliminate the need for Town oversight to enforce such approved densities/lot sizes;
 - xvi. Description of planned uses of and improvements to common open space areas, if any, and proposals to ensure future maintenance of common open space areas, and to ensure compliance with the open space requirements set forth in subsection 2 above;
 - xvii. An explanation of all restrictions and proposals to protect wildlife, including but not limited to dog control, fencing restrictions, maintenance of riparian areas, and maintenance or reestablishment of recommended native vegetation for wildlife habitat. The performance goal is to allow no net loss of key or critical wildlife habitats, to provide for wildlife passage through developed areas, and to minimize the threat of domestic pets to wildlife.
- c. Preliminary Utilities Plan and Specifications: The Preliminary Utilities Plan and Specifications shall depict the planned extension of any Town

utilities, including water and sewer lines, together with specifications and preliminary engineering therefore, and showing compliance with all state and Town rules, regulations and codes applicable to such utility extensions; and shall detail any utility installations that are not an extension of Town utilities. The Preliminary Utilities Plan shall reveal those utility extensions that the developer desires to dedicate to the Town upon their completion. Three copies of the Preliminary Utilities Plan and Specifications shall be submitted by the applicant.

- d. SEPA Environmental Checklist and any fee charged by the Town for the filing and processing thereof.

6. PRELIMINARY DEVELOPMENT PLAN NOTICE, HEARINGS, AND DECISION

- a. Notice: Upon receipt of a complete preliminary development plan application, including all applicable fees therefore, the Administrator shall submit copies of the application to all interested agencies, including any agency that has requested notice of the same. Agencies shall be given 21 days to comment on the preliminary development plan application, prior to any public hearing thereon. Copies of all comments received shall be provided to the developer and the Planning Commission and shall be open to public review on request. Failure of any agency to comment after receipt of copy of the application and within the required time period shall be construed as lack of objection to the proposal. Notice of public hearing on the preliminary development plan application shall be published and posted as required in Section X.10 of this Ordinance.
- b. Hearing: Not sooner than 21 days nor later than 60 days after receipt of a complete preliminary development plan application, the Planning Commission shall hold a public hearing thereon. The Planning Commission shall consider all relevant evidence at such hearing, including comments of Town departments and interested agencies, recommendations of the Administrator, environmental information including review of the SEPA environmental checklist and threshold determination thereon made by the Responsible Official and any FEIS issued pursuant thereto, public comments received at said hearing or provided in writing at or prior to the hearing, and all other relevant information. The Planning Commission may continue the hearing to a time, date and place certain if they determine that additional information is required.
- c. EIS: In the event that the SEPA Responsible Official shall determine that an Environmental Impact Statement is required pursuant to the State Environmental Policy Act (SEPA), then the time limits set forth above for hearing and consideration by the Planning Commission shall not commence to run until the Final Environmental Impact Statement is issued.
- d. Planning Commission Recommendation: Within 30 days after conclusion of the hearing on a Preliminary Development Plan application (including any continued hearing); the Planning Commission shall recommend

approval, conditional approval, or disapproval of the application. The recommendation of the Planning Commission shall be in writing, with all conditions of approval (if any) precisely stated, and shall be accompanied by findings of fact to justify such recommendation. Conditions may include, but shall not be limited to, change of types of uses, limitations on density, change in locations of improvements or uses, provision for pedestrian trails, conveyance of land, money, or other property to the Town for the purpose of providing public facilities, services or other mitigation needed, and/or the monitoring of development proposed or specific impacts there from. The Planning Commission may recommend disapproval of the application if in the opinion of the Commission, impacts from the proposed project cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, or if the comprehensive planning goals and/or the policies and objectives stated in this ordinance are not met. When the application calls for construction or alteration of roads, utilities, or other improvements for which public agencies would have responsibility for completion should the developer fail to complete them adequately, or when the application or the recommendation of the Planning Commission conditions the project on improvements or changes to mitigate anticipated adverse impacts resulting from construction, and when such required improvements will not be completed at the time of final approval of the plan, the Planning Commission shall recommend to the Town Council that a bond or other acceptable security be required of the developer in an amount equal to at least 120% of the estimated cost of the required improvements. If the development is to be done in stages, the Planning Commission shall ensure that open spaces and facilities proposed for the entire development be developed or committed in proportion to the impact and needs of each phase of construction of the development.

- e. Town Council Action: Upon receipt of the Planning Commission's recommendation on a Preliminary Development Plan application, the Town Council shall, at its next public meeting, set a date to consider the recommendation. At such scheduled public meeting where the recommendation on an application is to be considered, the Council shall review the application, the recommendation of the Planning Commission with all accompanying findings and information, the minutes of the public hearing thereon held by the Planning Commission and the summary of comments received on the application, environmental information pursuant to SEPA, and all other relevant evidence in the record. In the event that the Town Council does not vote to summarily approve the recommendation of the Planning Commission, without significant change thereto, then the Council shall set a date for a public hearing thereon at which time all interested persons may appear and be heard. Notice of such public hearing shall be published and posted as required in Section X.10 of this ordinance. At the conclusion of the public hearing, the Council shall approve, conditionally approve, or disapprove the preliminary

development plan application or a revised version thereof, including Findings of Fact and conclusions to support such decision. In the event that the Council approves or conditionally approves the preliminary development plan application, such approval or conditional approval shall be binding on the Town and on the applicant as to the general intent of the development and apportionment of the land for buildings, uses, circulation patterns and designs, other improvements and open space areas, and densities, and shall constitute approval for the applicant to develop the streets and roads, utilities and other infrastructure improvements in accordance with the preliminary development plan (as conditioned, if applicable) and any additional plans required by the Town in applicable ordinances and approved by the Town's Public Works Superintendent, and landscaping.

7. **FINAL DEVELOPMENT PLAN:** When the developer has completed all necessary improvements of roads, utilities and other infrastructure requirements or has bonded the same for completion, and has taken all other action as required by the Preliminary Development Plan approval and any conditions thereon, the developer shall submit his/her Final Development Plan to the Administrator, in triplicate, including recordable form thereof signed by all owners (including lien holder of record) of the property included in the Planned Development and on stable base Mylar polyester film or equivalent approved by the Administrator. If the Administrator, upon receipt of such Final Development Plan, including copies of any necessary covenants, property owners' association documents, and other documents necessary to meet the terms of the preliminary approval, and binder or commitment with form of the required maintenance bond on dedicated utility extensions, determines that the final development plan is consistent with the preliminary development plan as approved or conditioned, and that any bond is sufficient to assure completion of any unfinished improvements, or maintenance of dedicated improvements, the Administrator shall so inform the Town Council by written recommendation, and the Town Council shall at its next public meeting set a date for consideration of approval of the Final Development Plan. The Town Council shall, at such public meeting, determine whether the final development plan is consistent with the preliminary application as approved or conditioned whether any required bond is adequate, and whether the requirements of this Ordinance, other applicable ordinances, and State law have been satisfied by the developer. The Council shall then approve the Final Development Plan, refer it to the Planning Commission for further review of specified issues or concerns, or disapprove the Final Development Plan.
 - a. No Final Development Plan shall be considered for approval unless all other permits and approvals necessary for development of the project, except building permits, are obtained and/or approved, and including Shoreline Management Act permits or approvals, Flood Plain Permits, and any other applicable environmental or land use permits and approvals.
 - b. If the Council approves the Final Development Plan, the Mayor shall sign the approved Plan, and a fully signed copy thereof, together with all other documents necessary to such approval, shall be filed with the Town of

Twisp. The Final Development Plan shall then be recorded with the Okanogan County Auditor, along with recording of any other necessary documents.

- c. The terms and conditions of the approved Final Development Plan, as filed and recorded, shall constitute limitations on the use of the land included therein and upon development of the site, which shall be enforced by all means included therein or allowed by law.
- d. Approval of the Final Development Plan shall constitute authorization for the developer or his/her successors or assigns in the property, to proceed with the development thereof following issuance of all other appropriate building, sewer or other permits or approvals by the Town, in accordance with the terms and conditions of the Final Development Plan as approved.
- e. Approval of a Final Development Plan shall be valid for a term of two years following issuance thereof, and construction shall commence within said two year period and shall be completed within two years after commencement, except as to phasing approved as a part of the Final Development Plan, unless extended by the Town Council upon recommendation of the Administrator and application therefore by the developer (or his/her assigns), for good cause shown. An extension shall be valid for one additional year, and no more than three extensions shall be given for any planned development permit. Extensions may be conditioned by the Town Council after recommendation by the Administrator.
- f. If construction under a Final Development Plan is not commenced and completed within the time limits set forth in subparagraph e. above, or any allowed extensions thereof, then the planned development permit approval shall expire and any future development of the subject property shall be in accordance with the zoning and land use ordinances then in effect, without regard to such prior planned development permit approval.
- g. A Final Development Plan approval for a Planned Development that includes division of property into separate lots or parcels shall constitute subdivision approval for such land division.

8. MODIFICATION OF FINAL DEVELOPMENT PLAN

- a. Minor Modifications: Minor changes in the location, siting and height of buildings and structures may be authorized by the Administrator without additional public hearings or Town Council review if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by the Administrator may cause any of the following:
 - i. A change in the use or character of the development;
 - ii. An increase in overall coverage by structures;
 - iii. An increase in the intensity of use;
 - iv. An increase in demands on the road system or any other increase in traffic impacts;
 - v. An increase in demands on public utilities;
 - vi. A reduction in approved open space;

- vii. A reduction in off-street parking and/or loading space;
 - viii. A reduction in required pavement widths.
- b. Major Modifications: All other changes in use, or rearrangement of lots, blocks, and/or building tracts, or any changes in the provision for common open spaces, or any other changes from the Final Development Plan as approved or conditioned, except those listed in subsection a. above, must be approved by the Town Council after public hearing thereon by the Planning Commission and recommendation and upon formal application by the developer (or his/her assigns) including payment of required fees and submission of SEPA environmental checklist for the proposed modification, which shall be considered as a supplement to all environmental information provided with the original planned development permit application. Any approved changes in the Final Development Plan must be recorded and filed as amendments in accordance with the procedure established for the recording and filing of the initial Final Development Plan documents.

SECTION X: ADMINISTRATION

1. **LAND USE ADMINISTRATOR:** The Land Use Administrator, herein called the Administrator, shall be appointed by the Mayor with confirmation by the Town Council. Ordinarily, the Administrator will be the Town's Planner, and the Administrator's duties will be considered part of the Town Planner's responsibilities. In all cases, the Administrator should be an individual with professional land use planning and zoning administration experience. The duties and responsibilities of the Administrator shall include:
 - a. Facilitating and expediting actions regulated under this Ordinance, and providing customer service consistent with the Town's mission.
 - b. Establishing general procedures and preparing forms and applications for the administration of this Ordinance.
 - c. Making administrative decisions and interpretations of the policies and regulations of this Ordinance.
 - d. Reviewing all applications made under this Ordinance to determine their completeness, and returning the same to the applicant in the event that they are incomplete.
 - e. Conducting pre-application conferences where required or allowed pursuant to this Ordinance.
 - f. Making field inspections where necessary or deemed advisable by the Administrator or requested by the Planning Commission or the Town Council.
 - g. Determining if a use is prohibited under this Ordinance, and if not prohibited, whether a variance, planned development permit, or other environmental or land use permit is required.
 - h. Determining if a use not listed in the District Use Chart is allowed in a particular Zoning District, and if allowed, whether a conditional use permit, planned development permit, or other environmental or land use permit is required.
 - i. Reviewing building permit applications to determine compliance with this Ordinance, including review for compliance with mandatory performance standards when applicable.
 - j. Making decisions on Administrative Permit applications, as specified in sub-section 8 of this Section, below.
 - k. Submitting planned development permit applications and applications for amendments to this Ordinance to the Planning Commission with written report thereon, including report on any pre-application conference and summary of all comments, and recommendation for action thereon.
 - l. Investigating and ruling upon applications for statements of nonconforming use or structure status or for approval of home businesses.
 - m. Investigating applications for variances or nonconforming use or structure variances and transmittal of completed files thereon to the Board of Adjustment.

- n. Assuring that all necessary notices are given to the public, applicants, Town departments, resource agencies, and interested parties for all hearings hereunder.
 - o. Providing technical and administrative assistance to the Planning Commission and the Town Council as required for effective and equitable implementation of this Ordinance.
 - p. Providing summary report to the Planning Commission and the Town Council of all permits and approvals issued under this Ordinance for the prior calendar year, in February of each year. The report should include a summary of significant administrative determinations and appeals, identification of any problem areas, and any recommendations for improvement of this Ordinance.
 - q. Investigating, developing and proposing amendments to this Ordinance as deemed necessary to more effectively and equitably achieve its goals and policies.
 - r. Seeking remedies for alleged violations of this Ordinance, or of any permits issued hereunder, and bringing the same to the attention of the Mayor when formal action is proposed.
2. **PLANNING COMMISSION:** The Town of Twisp Planning Commission serves the Town in implementing the Comprehensive Plan and provides recommendations to the Council as provided in The Municipal Code Chapter 2.25 as it is currently adopted or herein after amended.
 3. **BOARD OF ADJUSTMENT:** The Town of Twisp Board of Adjustment shall hear and make decisions on applications for variances, conditional use permits and nonconforming use or structure variances, in each case considering the impacts of the proposed use or alteration.
 4. **TWISP MUNICIPAL AIRPORT BOARD:** The Airport District will be administered by the Twisp Municipal Airport Board, herein called the Airport Board, in accordance with the Town of Twisp Resolution No. #05-375. That Resolution gives the Board authority to construct, enlarge, improve, maintain, equip, operate, and regulate the airport facility subject to the policies, rules, and regulations of the Town. Findings and recommendations by the Airport Board will be based on guidelines of the FAA and the Washington State Department of Aeronautics.
 5. **TOWN COUNCIL:** The Town Council of the Town of Twisp shall have the following duties and authorities under this Ordinance:
 - a. Making final decisions (subject only to judicial review) on applications for planned development permits, amendments to this Ordinance, and appeals on variances, conditional use permits, and non-conforming use variances.
 - b. Conducting hearings and determining appeals from decisions of the Administrator made pursuant to his/her authority under this Ordinance.
 - c. The Council may initiate amendments to this Ordinance on its own initiative, and shall make final decisions thereon after hearing, review, and recommendation by the Planning Commission, to whom such proposals for amendment shall initially be referred by resolution.

- d. Requiring an applicant for a permit hereunder to post a bond as authorized by this Ordinance in an amount determined by them and running to the Town of Twisp.
 - e. Hearing appeals of decisions made by the Administrator or Board of Adjustment according to the provisions of Section XI.10 of this Ordinance.
6. **VARIANCES:** The Board of Adjustment shall hear and make decisions on applications for variances from the terms of this Ordinance, pursuant to the following procedures and conditions:
- a. Applications: Applications for variance permits shall be filed with the Administrator on forms contained in this ordinance and with all information as required in said form, together with a completed SEPA Environmental Checklist, where required, and with payment of all applicable fees. The Administrator shall determine if the application is complete, and if not complete shall return the same to the Applicant with additional required information noted.
 - b. Notice: The Administrator shall set a date and time for hearing on the variance application before the Board of Adjustment, in consultation with said Board, which date shall be not more than 30 days after receipt of the complete application (unless as EIS is required, in which instance the time period shall run from date of issuance of the FEIS), and shall cause notice thereof to be published as required by this Ordinance. Copy of the application and notice of hearing shall also be mailed to all adjacent property owners and any relevant resource agencies and posted upon the subject property.
 - c. The Board shall, on the date and time set for hearing, conduct a public hearing upon the variance application, at which all interested persons may appear and be heard on the application, or may submit written comment thereon.
 - d. Variance Criteria: Before any variance may be granted, it shall be first demonstrated and the Board shall find that all of the following criteria apply:
 - i. Due to special circumstances applicable to the subject property, not created by the applicant, and not shared by the area in general, including size, shape, topography, or location of the property, and over which the applicant has no control, the strict application of the zoning ordinance is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
 - ii. The granting of the variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the area in which the subject property is situated, and will not conflict with the purposes, policies or objectives of this Ordinance; and
 - iii. The variance requested is the minimum variance that will alleviate the particular hardship.

- e. Board of Adjustment Decision: The Board, after holding the Public Hearing as required herein, shall issue its written decision with findings and conclusions on which said decision is based within 10 days.
 - f. Appeals: Any person aggrieved by the decision of the Board to approve or disapprove an application for a variance from the terms and conditions of this ordinance shall be provided an opportunity to appeal such decision to the Town Council according to the procedures contained in Section X.11 of this Ordinance.
7. **CONDITIONAL USE PERMITS:** The Board of Adjustment shall hear and make decisions on applications for conditional use permits required by the terms of this Ordinance, pursuant to the following procedures and conditions:
- a. Applications: Applications for conditional use permits shall be filed with the Administrator on forms provided in this ordinance with all information as required in said form, including a completed Impact Assessment Checklist, together with a completed SEPA Environmental Checklist, where required, and with payment of all applicable fees. The Administrator shall determine if the application is complete, and if not complete shall return the same to the applicant with additional required information noted.
 - b. Notice: The Administrator shall set a date and time for hearing on the conditional use permit application before the Board of Adjustment, in consultation with said Board, which date shall be not more than 30 days after receipt of the complete application (unless an EIS is required, in which instance the time period shall run from date of issuance of the FEIS), and shall cause notice thereof to be published as required by this Ordinance. Copies of the application and notice of hearing shall also be mailed to all adjacent property owners and any relevant resource agencies and posted upon the subject property.
 - c. The Board shall, on the date and time set for hearing, conduct a public hearing upon the conditional use permit application, at which time all interested persons may appear and be heard on the application, or may submit written comment thereon.
 - d. Prior to the hearing date, the Administrator shall complete an Impact Assessment as specified in Section 6 of this Ordinance and shall make the findings from that assessment available to the Board of Adjustment.
 - e. Conditions: In permitting a conditional use or the modification of an existing conditional use, the Board of Adjustment may impose, in addition to those standards and requirements expressly specified by this Ordinance, any additional conditions that it considers necessary to protect the best interest of the surrounding property or the Town as a whole.
 - i. Those conditions may include, but are not limited to, increasing the required lot size; limiting the height of buildings; controlling the location and number of driveways and loading spaces; limiting the number, size, and location of signs; requiring diking, fencing, screening, or landscaping to protect nearby property; limiting the hours of operation and controlling any nuisance-generating

features. In the case of a use existing prior to the effective date of this Ordinance and which is classified in this Ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

- ii. Any conditions imposed upon the granting of a conditional use permit shall be reasonably calculated to achieve and promote the purposes and policies of the Comprehensive Plan and of this Ordinance, and to protect the health, safety, and general welfare of the community as a whole and of the district in which the use shall be located, including mitigation of impacts to achieve the performance goals specified in this Ordinance.
 - f. Board of Adjustment Decision: The Board, after holding the Public Hearing as required herein, shall issue its written decision with findings and conclusions on which said decision is based within ten (10) days.
 - g. Appeals: Any person aggrieved by the decision of the Board to approve or disapprove an application for a conditional use permit shall be provided an opportunity to appeal such decision to the Town Council according to the procedures contained in Section XI.10 of this Ordinance.
8. **ADMINISTRATIVE PERMITS:** An Administrative Permit (AP) is a means of allowing certain uses that require some review in order to ensure that the uses are consistent and compatible with other existing and permitted uses within the zone and do not create undue demands on public facilities, and to prevent and abate public nuisances.
- a. Intent: It is the intent of this section to detail the procedures required and the responsibilities of the Administrator, and the Town Council upon appeal, in the processing, consideration, and issuance of Administrative Permits whenever such permits are applied for pursuant to provisions of this Ordinance. Only those uses listed as requiring an Administrative Permit, within a particular zone, qualify for this process, except as otherwise provided in Section III of this Ordinance. The Administrator may determine that other similar uses, which are not listed, may qualify for this process. This process is not to replace the Variance procedure or to permit uses that are prohibited within the zone.
 - b. Authority: The Administrator shall have the authority, subject to provisions of this section (and specifically Section X. 8.d.), to grant, upon such conditions as may be determined necessary in order to realize the intent of this Ordinance, an Administrative Permit for a use found to be in harmony with the scope and purpose of this Ordinance, the intent of the zoning district in which the use is to be located, and the goals, objectives, and policies of the Twisp Comprehensive Plan and in accordance with Section X. 8.d. of this Ordinance.
 - c. Process:
 - i. Applications for Administrative Permits shall be filed with the Administrator on forms provided by the Administrator with all information as required in said form, including a completed Impact

Assessment Checklist, together with a completed SEPA Environmental Checklist, where required, and with payment of all applicable fees. The Administrator shall determine if the application is complete, and if not complete shall return the same to the applicant with additional required information noted.

- ii. The Administrator shall review all Administrative Permit requests. Upon receipt of a complete application the Administrator shall within 15 business days complete an Impact Assessment (see Section III. 6) and issue an initial determination to grant or deny the permit. Each determination to grant or deny an Administrative Permit shall be supported by written findings of fact showing specifically wherein all of the following conditions exist:
 1. That the use for which the Administrative Permit is requested is specified by this Ordinance as being administratively permitted within the zoning district in which the property is located, or that said use is not listed in the District Use Chart and is similar to a use that is specified by this Ordinance as being administratively permitted within the zoning district in which the property is located;
 2. That the use for which the Administrative Permit is requested is consistent with the description and purpose of the zoning district in which the property is located;
 3. That said use complies with all requirements of this Ordinance, including the Specific Performance Standards in Section III.8 of this Ordinance;
 4. That the site for which the use is proposed is of sufficient size to accommodate the proposed use and that all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title, or as are needed in the opinion of the Administrator to ensure that the proposed use will be compatible and harmonious with adjacent and nearby uses, will be properly provided.
- iii. The Administrator's initial determination, along with any permit conditions, shall be forwarded to the applicant and to all adjacent property owners and any relevant resource agencies and posted upon the subject property.
- iv. Any affected party may appeal the Administrator's initial determination to the Town Council pursuant to Section X. 12. of this Ordinance. If no appeal of the initial determination of impending Administrative Permit issuance is filed within five regular Town business days from issuance of the Administrator's initial determination, the Administrator shall render a final decision on the permit in accord with the initial determination within five regular Town business days.

- d. Conditions of approval. In order to mitigate anticipated impacts of a proposed use or support a finding of fact or prevent and abate public nuisances associated with any project for which an Administrative Permit is requested, the Administrator shall have the authority to require compliance with conditions and safeguards deemed necessary to mitigate the anticipated impacts of a proposed use, based on the findings of fact (per section X. 8.c.ii. of this Ordinance). Such conditions may be imposed that could increase requirements in the standards, criteria, or regulations of this Ordinance or other Town legislation or adopted policies. Project proponents may submit plans for proposed alternative means of mitigation impacts for review by the Town. No Administrative Permit shall require, as a condition, the dedication of land for any purpose not reasonably related to the use of property for which the Administrative Permit is requested, nor posting of a bond to guarantee installation of public improvements not reasonably related to the use of property for which the Administrative Permit is requested.
- e. Time limitations. Any Administrative Permit granted by the Administrator, or by the Town Council on appeal, shall be null and void if not exercised within the time specified in such permit or, if no time is specified, within two years of the date of approval of such permit. An Administrative Permit shall be deemed exercised and remain in full force and effect when a building permit has been issued and substantial construction accomplished, or when substantial investment has been made to establish the use for which the Administrative Permit has been granted in reliance upon said Administrative Permit, with the exception of renewable Administrative Permits granted to mobile vendors and Temporary Markets. If such permit is abandoned or is discontinued for a continuous period of two years, it may not thereafter be re-established unless authorized in accordance with the procedure prescribed herein for the establishment of an administratively permitted use.
- f. Renewable Administrative Permits. Renewable Administrative Permits granted to Mobile Vendors and Temporary Markets shall be valid for a period of one year from the date of approval, and shall be renewable annually as long as the permit holder is in compliance with all conditions of the permit.
- g. Extension of time. Upon written request by a property owner or his/her authorized representative prior to the date of Administrative Permit expiration, the Administrator may grant an extension of time up to but not exceeding one year. Such extension of time shall be based upon a finding that there has been no material change of circumstances applicable to the property since the granting of said permit that would be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.
- h. Additions and modifications to sites and structures
 - i. Minor additions or modifications

1. Minor adjustments are those that may affect the precise dimensions or siting of buildings, but that do not affect the basic character or arrangement of buildings approved, nor the development coverage of the development or the open space requirements. Such dimensional adjustments shall not vary more than 10 percent from the original. Minor adjustments to sites and structures permitted under existing valid Administrative Permits may be administratively approved by the Administrator, subject to the following findings:
 - a. The proposed addition or modification is determined to be in substantial conformity with any and all previous valid Administrative Permits for existing uses on the site.
 - b. The proposed addition or modification directly relates to a use or structure established under a previous valid Administrative Permit.
 - c. No more than one administrative approval for any such minor addition or modification shall be granted on a single property within any two-year period.
 - d. The proposed addition or modification shall still be subject to all other applicable Town ordinances and development standards, including setback, screening, or buffering requirements.
 - e. The proposed addition or modification will be served by existing streets, driveways and utilities, and will not require relocation of any existing structures or other site modifications.
 2. Upon approval of any such minor addition or modification, notice shall be provided to all parties of record with the opportunity to comment on the Administrator's decision within 10 business days. If a written objection is filed within 10 business days, the Administrator shall reconsider the determination in light of the objection(s) raised and render a final decision. Any party aggrieved by the Administrator's final decision may file an appeal of that decision to the Town Council pursuant to Section X. 12 of this Ordinance.
- ii. Major Adjustments. Major adjustments are those that, when determined by the Administrator, substantially change the basic design, coverage, open space or other requirements of the permit. When the Administrator determines that a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the Town Council of such adjustment.

- i. Cancellation of an Administrative Permit. A valid Administrative Permit granted by the Administrator, or Town Council upon appeal, may be canceled at any time. Cancellation must be initiated by the owner of the property covered by an Administrative Permit by means of a written request to the Administrator. Said permit shall then become null and void within 30 days thereafter.
 - j. Revocation of permit: The Administrator may revoke, suspend, or add additional conditions to any Administrative Permit granted under the provisions of this section on any one or more of the following grounds:
 - i. That the approval was obtained by fraud;
 - ii. That any material fact was concealed or misrepresented on the Administrative Permit application or on any subsequent applications or reports;
 - iii. That the use for which such approval is granted is not being exercised;
 - iv. That the use for which such approval is granted has ceased to exist or has been suspended for one year or more;
 - v. That the Administrative Permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
 - vi. That the use for which the approval was granted is being so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance.
 - k. Posting of performance bonds. Notwithstanding the provisions of paragraph 8.d above, whenever an Administrative Permit is granted upon any condition or limitation requiring development of right of way, installation of utilities, or other public improvements, the person seeking the Administrative Permit may be required to furnish security in the form of money or a surety bond in an amount fixed by the Administrator, or Town Council on appeal, to ensure compliance with the conditions and limitations related to public improvements upon which said permit is granted. Every such bond shall be a performance bond and shall be in a form approved by the city attorney, shall be payable to the Town, and shall be conditioned upon compliance with the conditions and limitations upon which said permit is granted.
- 9. NON-CONFORMING USE OR STRUCTURE VARIANCE**
- a. The owner of a nonconforming use or structure may apply to the Board of Adjustment for a nonconforming use or structure variance, to allow for alteration or expansion of a nonconforming use or structure, pursuant to the procedures set forth in paragraphs 6.a, b, c, d, e and f of this section (Variances).
 - b. Criteria: Before any nonconforming use or structure variance may be granted, it shall be first demonstrated and the Board shall find that all of the following criteria apply:

- i. Expansion or alteration of a nonconforming use shall be limited to uses that are substantially similar to allowed uses in the area, or that do not conflict with the general purpose and intent of the zoning district in which it is located;
 - ii. The expansion or alteration shall not substantially increase the nonconforming aspect of the use or structure;
 - iii. The inability to alter or expand the nonconforming use or structure works a hardship upon the applicant.
10. **AMENDMENT OF ORDINANCE:** Any provision of this Ordinance including the official zoning map may be amended by following the procedures of this subsection.
- a. Comprehensive Plan: No amendment to this Ordinance shall be adopted nor any rezone granted which is inconsistent with the Comprehensive Plan of the Town of Twisp, as now existing or hereafter amended.
 - b. Initiation: An amendment to the text of this Ordinance or to the Zoning Map adopted herewith may be initiated by:
 - i. Resolution of the Town Council;
 - ii. Resolution of the Town Planning Commission; or
 - iii. Petition by a registered voter or landowner of the Town of Twisp.
 - c. Petition for Amendment: Petitions for Amendment to the Text of this Ordinance or to the Zoning Map shall be on forms prescribed by the Administrator, and shall be filed with the Town Clerk together with fee as determined by the Town Council pursuant to this Ordinance, and together with completed SEPA environmental checklist and SEPA checklist fee. Petitions for amendment shall include the following information:
 - i. Petitions to amend the Zoning Map shall include a vicinity map and a complete legal description of the property for which amendment is sought, a clear explanation of the requested amendment, and a justification for said change. The petition shall be signed by the owner or owners of not less than sixty percent of the acreage for which rezone is sought, and each signer shall give his/her name, address, and the description by lot and block number or assessor's tax number accompanied by assessors map therefore, of the property owned by each such signer.
 - ii. Petitions for amendment to the Ordinance text shall include a complete explanation of the section(s) of the Ordinance for which amendment is sought, and of the requested amendment with proposed language therefore, and each signer shall give his/her name and address.
 - d. Resolution for Amendment: Resolution of the Town Council or of the Town Planning Commission for Amendment to the text of this Ordinance or the zoning map shall be directed to the Town Clerk and shall include complete description or map of the property for which amendment is sought, and/or a complete explanation of the section(s) of the Ordinance for which amendment is sought and the proposed language therein.

- e. Hearing on Petition or Resolution: Upon receipt of such Petition or Resolution the Town Clerk shall submit the same to the Administrator who shall determine if the Petition or Resolution is complete, and if so, shall refer the same to the Planning Commission. At its next regular meeting the Planning Commission shall set a date for public hearing on the Petition or Resolution, and shall cause notice to be given as required in this Ordinance. The Administrator shall also mail copies of the Petition or Resolution to any interested resource agencies including the Okanogan County Planner. At the public hearing on the Petition or Resolution, the Town Planning Commission shall review the same and the report and recommendation of the Administrator thereon and all environmental information filed therewith (including the SEPA threshold determination of the SEPA Responsible Official), shall review all written comments received from any interested agencies, Town departments, and the public, and shall take testimony from all persons who appear to be heard on the Petition or Resolution. After conclusion of public hearing on a Petition or Resolution for amendment, the Planning Commission shall issue its written recommendation on such petition, which shall include findings of fact and conclusions upon which such recommendation is based.
 - f. Decision of Town Council: Upon receipt of recommendation from the Planning Commission on a Petition or Resolution for amendment, the Town Council shall at its next regular meeting, set a date to consider the same, which shall be heard at a public meeting of the Council. The Town Council shall at such meeting, consider the Petition or Resolution and the record and recommendation of the Planning Commission and shall determine whether to accept the recommendation of the Planning Commission. If the Town Council does not accept the recommendation of the Planning Commission without substantial alteration or conditions thereto, then the Council shall set a date for public hearing upon the Petition or Resolution and shall cause notice to be given thereof as set forth in this Ordinance. At the date set for public hearing, the Council shall hear testimony from all persons who wish to be heard on the Petition or Resolution, and shall thereafter issue its decision to grant the amendment, deny the amendment, or to grant the amendment with conditions or modifications thereto.
11. **NOTICE:** Whenever notice of a public hearing is required to be given pursuant to the terms of this Ordinance, such notice shall be given in the manner as required in this subsection.
- a. Publication: Notice of public hearing on a petition to amend or other proposal to amend the text of this Ordinance, or to amend the Zoning Map adopted herewith, shall be published for two consecutive weeks in a newspaper of general circulation in the Town, with the date of second publication to be not more than 15 days nor less than 5 days prior to the date set for hearing. Notice of a public hearing on any other application under this Ordinance, or on any appeal hereunder, shall be published once in a newspaper of general circulation in the Town, with the date of

publication to be not more than 15 days nor less than 5 days prior to the date set for hearing. All costs of publication shall be borne by the applicant or petitioner(s), which costs shall be in addition to any application fees hereunder.

- b. Posting: Notice of public hearing on any application for a planned development permit or variance permit, or upon an amendment to the Zoning Map, shall be posted in two conspicuous places upon the property for which such permit or amendment is sought, not less than 5 days prior to the hearing thereon, and affidavit of posting filed with the Town Clerk. It shall be the obligation of the applicant for such permit or the petitioner for amendment to post the property or assure that posting is completed as required hereunder, and affidavit of posting filed with the Town.
- c. Mailing: Notice of public hearing shall be mailed to all property owners within a 300 foot radius of the subject property in the event of hearing upon an application for variance or planned development permit. Notice of public hearing shall be mailed to all property owners within an area for which amendment to the Zoning Map is sought, in the event of hearing on a petition to amend the Zoning Map. It shall be the obligation of the applicant or petitioner(s) to supply the Town Clerk with the names and addresses of all property owners to whom notice of hearing must be mailed, which information shall be included with or attached to the application for permit or amendment. The Administrator shall also mail copy of the application or petition and copy of the notice of hearing to all relevant resource agencies and to the Okanogan County Planner, and shall assure that all Town departments receive copies of the same for their review and comment.

12. APPEALS:

- a. Administrator Decisions: Appeals from a decision of the Administrator, including but not limited to decisions on Administrative Permits, statements of nonconforming status, compliance with mandatory performance or development standards, decisions regarding off-street parking requirements, or interpretations of this Ordinance or any provision hereof, or any other action within the purview of the Administrator pursuant to this Ordinance, shall be to the Town Council. Written notice of such appeal shall be filed with the Town Clerk within five regular Town business days from issuance of the written decision of the Administrator being appealed, and shall identify the action being appealed and the principal points upon which the appeal is based. The Town Council at its next regular meeting shall set a date for public hearing on the appeal, and shall cause notice of such hearing to be given as required by this Ordinance. The Town Council shall hear the appeal upon the record made by the Administrator and any additional evidence or testimony presented in the public hearing. The Town Council may continue a hearing on an appeal to a time and date certain. The Town Council shall issue its written decision on an appeal within 21 days of conclusion of the hearing thereon,

which written decision shall be accompanied by findings of fact and conclusions on which such decision is based.

- b. Decisions of the Town Council: Appeals from a decision of the Town Council granting or denying any use, permit or appeal hereunder, shall be to the Superior Court of Okanogan County, Washington. Appeals of such action of the Town Council shall be brought within 21 calendar days of the final decision of the Town Council.
 - c. Decision of the Board of Adjustment: Appeals from a decision of the Board of Adjustment, including decisions on variances, conditional use permits or nonconforming use or structure variances, shall be to the Town Council. Appeals of any decision of the Board of Adjustment shall be brought within 30 calendar days of issuance of the written decision.
13. **ENFORCEMENT:** No structure, lot, or area of land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered except in compliance with the provisions of this Ordinance.
- a. Civil Enforcement:
 - i. Action: The Town Attorney, when authorized by the Mayor, shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made or structures are constructed within the Town of Twisp in conflict with the provisions of this Ordinance, and to otherwise enforce the provisions hereof.
 - ii. Noncompliance: Any person who fails to conform to the terms of a permit or decision issued under this Ordinance or who undertakes a development or use within the Town of Twisp in violation of the provisions of this Ordinance shall be subject to a civil penalty in an amount not less than one hundred dollars nor more than two hundred and fifty for each violation. Each permit violation and each day of use or continued development in violation of this Ordinance shall constitute a separate violation.
 - iii. Notice of Penalty: The penalty provided for in this section shall be imposed by a notice in writing, served upon the person incurring the same either by mailing certified mail, return receipt requested, or by personal service. The notice shall include the "content of order" specified in subsection 6 below.
 - iv. Remission or Mitigation: Within 30 days after receipt of notice, the person incurring the penalty may apply in writing to the Town of Twisp for remission or mitigation of such penalty. Upon receipt of the application, the Town shall set a date to hear the applicant, and may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the Town shall be subject to review by the Town Council.
 - v. Regulatory Order: The content of order under this section shall set forth and contain the following:

1. A description of the specific nature, location, extent, and time of the violation and the damage or potential damage (if relevant); and
 2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be take within a given time. A civil penalty under this section may be served with the order and the same shall specify a date certain or schedule by which payment shall be complete.
- vi. Effective Date: The cease and desist order issued under subsection 6 above shall become effective immediately upon receipt by the person to whom the order is directed.
 - vii. Compliance: Failure to comply with a cease and desist order can result in enforcement actions including but not limited to the issuance of civil penalties or additional civil penalties.
- b. Delinquent Permit Penalty: Persons applying for a permit after commencement of a use or activity for which such permit is required shall be required to pay a delinquent permit penalty not to exceed three times the appropriate permit fee for the required permit. Delinquent Permit Penalties shall be paid in full prior to resuming the use, activity or development.
 - c. Denial of Development or Other Permits: No building permit, side sewer permit, or other development permit shall be issued for any parcel of land used or developed in violation of this Ordinance. All purchasers or transferee of the property shall comply with the provisions of this Ordinance, and any such purchaser or transferee may recover his/her damages from any seller or transferor selling, transferring, or leasing his/her land in violation of this Ordinance, including any amount reasonably spent as a result of inability to obtain such development permit and/or spent to conform to the requirements of this Ordinance, as well as reasonable attorney fees and costs of suit occasioned thereby. Such purchaser or transferee may as an alternative to conforming his/her property to these requirements, rescind the sale or transfer and recover costs of investigation and reasonable attorney fees incurred from the violator.

SECTION XI: FEES; MISCELLANEOUS PROVISIONS

1. **FEE SCHEDULE:** Applicants for planned development permits, conditional use permits, administrative permits, variances, statements of nonconforming use or structure, nonconforming use/structure variances, approvals or home businesses; or petitioners for amendment to the text of this Ordinance or to the Zoning Map adopted herewith, shall pay application fees with submittal of their applications or petitions, in an amount to be determined from time to time by resolution of the Town Council of the Town of Twisp.

2. **NONPAYMENT OR PART PAYMENT OF FEES:** In the event that any applicant shall fail to pay the appropriate fee with his/her application or petition under this Ordinance, then the application or petition shall be deemed to be incomplete and shall be returned to the applicant, and no action shall be taken thereon until full payment of such applicable fees. In the event that any application or petition under this Ordinance is accepted in error without full payment of the proper fee therefore, then upon discovery of such error, the Administrator shall promptly notify the applicant of the incomplete payment and of the amount due, and further action upon such application or petition shall be stayed pending receipt from the applicant or petitioner of the total amount due. Acceptance of an application or petition without full payment of fees due therefore shall not waive any right of the Town, through the Administrator, to collect the proper fee(s) due as determined by this Ordinance. All fees required under this Ordinance shall be in addition to and not in lieu of any other fees due for permits or approvals under any other ordinance, rule or regulation of the Town.

PASSED, APPROVED, AND ADOPTED by the Town Council of the Town of Twisp, Washington at an open public meeting thereof this 23rd day of November, 2010

APPROVED:

Mayor Soo Ing-Moody

ATTEST:

Clerk/Treasurer Jackie Moriarty

APPROVED AS TO FORM:

Town Attorney Scott DeTro