

**CITY OF WEST RICHLAND
ORDINANCE NO. 39-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING TITLE 17.09.260, 17.54.050, 17.54.050.1, AND 17.56.020 OF THE WEST RICHLAND MUNICIPAL CODE, WHICH UPDATES REQUIRED STRUCTURE SETBACKS AND FENCING SETBACKS IN RESIDENTIAL DISTRICTS;

WHEREAS, the City would like to create a well-designed, healthy, and aesthetically pleasing City; and

WHEREAS, the City would like to provide for orderly development of the City; and

WHEREAS, the City would like staff to regularly review the City's zoning code for inconsistencies, better clarity, better functionality, and to ensure that the City's best interests are being protect; and

WHEREAS, the City undertook a multiyear review process, including many Planning Commission meetings, City Council workshops and public engagement; and

WHEREAS, the City Council understands that the proposed code is not perfect and that the zoning code is a "living document" that will need regular updates; and

WHEREAS, the City Council will review parking lot ideas to establish priority and need future amendments; and

WHEREAS, on March 4, 2020, the City's Community Development Department provided notice of intent to adopt the proposed amendments to the Washington State Department of Commerce for their required 60-day review period; and

WHEREAS, on March 4, 2020, the City's Community Development Department issued a State Environmental Policy Act (SEPA) notice to retain the threshold determination of DNS (Determination of Non-significance) on the proposed changes issued on May 17, 2017; and

WHEREAS, on June 11, 2020 the Planning Commission held a duly noticed public hearing to receive public testimony on the proposed changes; and

WHEREAS, on June 11, 2020, the Planning Commission voted unanimously to support the staff's recommended findings, conclusions, and recommendations on the proposed amendment and recommend approval of the zoning code amendment; and

WHEREAS, the City Council Community Development Subcommittee reviewed the proposed amendments on June 23, 2020 and recommended "do pass" to the full Council; and

WHEREAS, the City Council reviewed the proposed amendments in a duly noticed public hearing on July 7, 2020; and

WHEREAS, all parties wishing to comment on the proposed amendments were given an opportunity to do such;

WHEREAS, on July 21, 2020, the City Council voted to ~~approve~~ the zoning code amendments; and

WHEREAS, the City Council finds it prudent and in the public interest to adopt the proposed amendments by ordinance;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, does hereby ordain as follows:

SECTION 1: That West Richland Municipal Code 17.54.050 Area and dimensional regulations and standards tables, is hereby amended to read as follows:

17.54.050 Area and dimensional regulations and standards tables.

A. Tables 17.54.050.1, 17.54.050.2 and 17.54.050.3 show the area and dimensional regulations and standards for the zoning districts in the city.

B. Notwithstanding the setbacks specified in Table 17.54.050.1, 17.54.050.2 and 17.54.050.3, no building is to be located within an established easement.

~~1. The exception is that lots in Section 6 and Section 8 of Willamette Heights may have accessory buildings within the patent rights of way/easements and the accessory building is on a nonpermanent foundation, the accessory building is 200 square feet or less in area and has a roof ridge height of 12 feet or less, the patent/easement is not shown as a “planned roadway” or “access easement” on the adopted local roadway plan, the patent/easement does not contain an established driveway or road, the patent/easement does not contain any utilities (e.g., water, sewer, power, phone, cable, irrigation) and the property owner signs a waiver that is recorded on the property indicating that the owner agrees to remove the accessory building from the easement within 10 days of receiving written notice from either the city, a utility, or a property owner relying on the easement for access or installation of utilities. It shall include a clause that the building may be removed by the city at the owner’s expense, if the owner fails to comply with the request.~~

C. ~~All sides of a lot that abut a street (whether the street is existing or reserved by an easement or right of way) are to be considered front yards as to setback requirements except where one of the streets is an arterial and the lot does not have any access to it (see definition of “Yard, front” and “Lot, through”); however, when the lot is bordered by two or more streets, the setbacks for residential structures are authorized to be reduced as follows: Exceptions to the setbacks standards are as follows:~~

~~1. The opposing side yard frontage corner lot setback may be reduced as set forth above when the frontage is on a local street and at least one frontage maintains the full front yard setback.~~

~~2. If the lot is a corner lot and one of the streets is a limited access roadway, as specified by Chapter 10.24 WRMC, and the lot does not gain direct access from the limited access roadway,~~

a minimum setback of 10 feet from the right-of-way of the limited access roadway is authorized.

~~3. If the lot is a “through lot” (also known as “double frontage lot”), a minimum setback of 10 feet from the rear property line is authorized for one uninhabitable accessory structure that is 200 square feet or less per lot.~~

4. If one of the streets is a private access road within a private access easement, serves less than four lots or dwellings, and the city engineer and community development director determine that it is not likely to ever provide access to more than four lots or dwellings, a setback of 10 feet shall apply from the inner edge of the private access easement; or the setback must comply with the listed in the table 17.54.050.1, whichever is greater.

D. Lots located in Section 6 and Section 8 that are identified in the local roadway plan as adopted by the city must comply with listed setbacks in table 17.54.050.1, and shall be measured from the inner edge of the access easement. When no roadway is proposed as part of the local roadway plan, then the setback shall be measured from the property line, but in no case shall a structure be allowed within 5 feet of an access easement.

SECTION 2: That West Richland Municipal Code Table 17.54.050.1 Residential site development standards table, is hereby amended to read as follows:

Table 17.54.050.1 Residential site development standards table

KEY:

- Residential Low-Density (RL-20, RL-40)
- Residential Medium-Density (RM-6, RM-10)
- Manufactured Home Park (MH-P)
- Multifamily Residential (MR)
- Downtown-Mixed Use (D-MU)
- Urban Transition (UT)
- Planned Unit Development (PUD)**

		<i>RL-40</i>	<i>RL-20</i>	<i>RM-10</i>	<i>RM-6</i>	<i>MR</i>	<i>D-MU</i> ⁽¹¹⁾
	Minimum Dimensions/ Sizes ⁽⁶⁾:						
	<i>Single-Family Lot Area (if served by City Water and Sewer)</i>	<i>40,000 s.f.</i>	<i>20,000 s.f.</i>	<i>10,000 s.f. (12,500 s.f. for corner lots)</i>	<i>6,000 s.f. (7,500 s.f. for corner lots)</i>	<i>3,000 s.f.</i>	<i>3,000 s.f.</i>
	<i>Single-Family Lot Area (if not served by City Sewer)</i>	<i>5 Acres ⁽⁸⁾</i>	<i>5 Acres</i>	<i>10 Acres</i>	<i>10 Acres</i>	<i>10 Acres</i>	<i>N/A</i>
	<i>Townhouse/ Rowhouse Lot Size</i>				<i>1,800 s.f. Not to exceed 9 units/ acre</i>	<i>1,800</i>	<i>1,800</i>
	<i>Duplex Lot Area per Dwelling Unit</i>					<i>4,000</i>	<i>2,000</i>
	<i>Multifamily Lot Area per Dwelling Unit</i>					<i>2,000</i>	<i>2,000</i>
	<i>Lot Width (at street frontage)</i>	<i>45'</i>	<i>45'</i>	<i>40'</i>	<i>30'</i>	<i>30'</i>	<i>30'</i>
	<i>Lot Depth</i>	<i>90'</i>	<i>90'</i>	<i>80'</i>	<i>80'</i>		<i>80'</i>

<i>Front Yard Setback</i> (2)(3)(7)	25'	25'	20'	20'	15'	20'
<i>Rear Yard Setback</i> (1)(2)(5)	20'	20'	8'	8'	10'	8'
<i>Side Yard Setback</i> (1)(2)(3)(5)	20' 10'	10'	5'	5'	5'	5'
<i>Street Side Yard Setback - Corner Lot</i> (2)(9)	20' 15'	15'	15'	15'	15'	15'
<i>Open Space</i>						

Maximum Dimensions/ Sizes:

<i>Lot Coverage</i>	50%	50%	50%	40%	60%	60%
<i>Building Height</i> ⁽⁵⁾	40'	40'	40'	40'	40'	40' (10)

(1) *Setbacks, when adjacent to a private road or driveway easement, are established from the inner edges of the road or easement and are the same as noted above, except when serving 4 or less parcels the setbacks are measured from the centerline of the road or easement and shall be the same in the table noted above.*

(2) *Minor Projections Allowed. Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, and which cantilever beyond the foundation of the structure, uncovered stairways, and uncovered porches, may extend into a required setback up to two feet in residential districts. However, they may not be less than the required setback is required. Wheelchair ramps are allowed to project into the setback. Attached mechanical equipment, such as pumps, air conditioners, emergency generators and water pumps are allowed to project into the side or rear yard setbacks. A covered porch, covered patio, deck 30 inches or higher, pergola, and any other roofed structure shall be included in the determination of the size of the yard or lot coverage.*

(3) *Side yard setbacks are not applicable to Townhouse or Rowhouses.*

(4) *The UT district has agricultural "Quarter/quarter zoning" which permits one residential dwelling on each one-sixteenth of a section of land.*

(5) *Setbacks and maximum building heights for certain accessory buildings are reduced, as detailed in WRMC 17.54.020.*

(6) *Exceptions to the setback requirements may be considered in accordance with WRMC 17.54.020, when multiple lots. A setback exception pertaining only to an individual lot is to be considered through the provisions of WRMC 17.69 WRMC.*

(7)	<i>Minimum setbacks for separate garages or accessory buildings ordinarily appurtenant to the conduct of agriculture and storage shed for large farm machinery, shall not be less than 60 feet from the front lot line.</i>
(8)	<i>The minimum lot size in the RL-40 zoning district remains at 40,000 square feet when a lot to be divided from city sewer, and served with city water.</i>
(9)	<i>Not applicable to a garage door and/or carport opening which must maintain the front yard setback.</i>
(10)	<i>New commercial and/or multifamily buildings within the downtown – mixed use district over 40 feet in height shall require a conditional use permit process set forth in Chapter 17.66 WRMC.</i>
(11)	<i>The standards of WRMC 17.49.080 apply.</i>

SECTION 3: That West Richland Municipal Code 17.09.260 Y definitions, is hereby amended to read as follows:

“Yard” means an unoccupied space open from the ground line to the sky on the same lot with the building or structure.

“Yard, front” means an open and unoccupied space on the same lot with the main building and which space extends the full width of the lot situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front property line. Covered porches, covered carports, enclosed parking or storage spaces (garages), or raised platforms (decks) higher than two inches above the average grade whether enclosed or unenclosed shall be considered as a part of the structures and shall not be projected into the required front yard. For the purpose of this title, the front yard is that area abutting the street, the name of which constitutes the common address of the property. ~~Where a side or rear yard abuts a street, it shall be considered as a front yard as to setback requirements unless such side or rear yards are specifically provided with alternate requirements.~~

“Yard, rear” means an open unoccupied space on the same lot with main building extending the full width of lot and situated between rear line of lot and rear line of building. Depth of the rear yard shall be measured between rear line of the lot or centerline of an access easement and the rear line of the building.

“Yard, side” means an open unoccupied space on the same lot with the building or buildings, which space is situated between the furthestmost projection of the building and the side lines of the lot extending from the front yard to the rear yard. Any lot line not a rear line or a front line is a side line.

SECTION 4: That West Richland Municipal Code 17.56.020 General provisions - Fencing, is hereby amended to read as follows:

A. ~~Wire Mesh Fences without Slats~~Fences.

1. ~~Seven feet high anywhere on the lot; provided, that they shall be no closer to a street right-of-way than the building setback line in the same zone, except as provided for in subsection C of this section.~~

2. ~~Four feet high anywhere on the lot. Fences, located within the required front yard, shall not exceed a height of three feet where fences would provide less than 50 percent visibility. Fences providing at least 50 percent visibility shall not exceed a height of four feet within the required front yard. Examples of fences that could meet the 50 percent visibility include spaced rail fences, spaced picket fences, and chain link fences.~~

3. ~~Corner lots may construct a fence beyond the front yard setback to the maximum height at the property line or 2 feet from the back of sidewalk, whichever is greater; provided, that all sight distance requirements are met.~~

4. ~~No fence shall exceed a total height of seven feet above existing or finished grade in a residential zone.~~

3. Wire mesh fences constructed in conjunction with public playgrounds, public utilities and other public installations up to the street right-of-way line. Such fences may be any height necessary for safety and security. Said fences must be approved by the city engineer to ensure they are installed in accordance with WRMC 12.08.060, Visibility.

B. ~~Other Fences.~~

1. ~~Seven feet high anywhere on the lot; provided, that they shall be no closer to the street right-of-way than the building setback line in the zone, except as provided in subsection C of this section.~~

2. ~~Three feet high anywhere on the lot.~~

C. Other Provisions.

1. Fence height shall be measured along the fence line to grade, i.e., top of fence to grade upon which the fence is proposed.

2. Fences shall be constructed and maintained in accordance with the requirements of WRMC 12.08.060, Visibility.

3. Fences shall not be constructed within the ~~33' Federal Land Patents~~ Land Patents accepted in Ordinance 10-20 that are shown as a "planned roadway" on the adopted local roadway plan.

4. No fence shall form a sight obstruction per WRMC 12.08.060, Visibility, and 12.50.010, Vegetation Obstructions.

5. ~~For corner lots and lots with triple street frontages, fencing over three feet in height must be set back seven feet from the closest street improvement, i.e., back of sidewalk, or edge of pavement. At no point shall fences be permitted on the public right-of-way (see diagrams below).~~

65. Fences up to seven feet high may be built up to the street right-of-way line and adjacent to arterial streets on lots having access to other streets when provisions for such fencing are included in approved subdivision plats. Said lots are adjacent to a limited access roadway per Chapter 12.01 WRMC, Functional Classification of Public Streets (see diagram below). When fences are constructed under this provision, the following requirements shall apply:

a. The adjacent strip of land between the fence and the back of curb or roadway shall be improved by the property owner concurrent with installation of fencing;

b. The property owner shall provide and maintain a treatment for the strip of land between the fence and the back of curb or roadway consisting of a minimum treatment with grass, decorative

rock, bark, wood or any combination of such or similar materials in a manner that will minimize disturbance by natural elements or pedestrians;

c. No vehicular access is allowed through any such fence.”

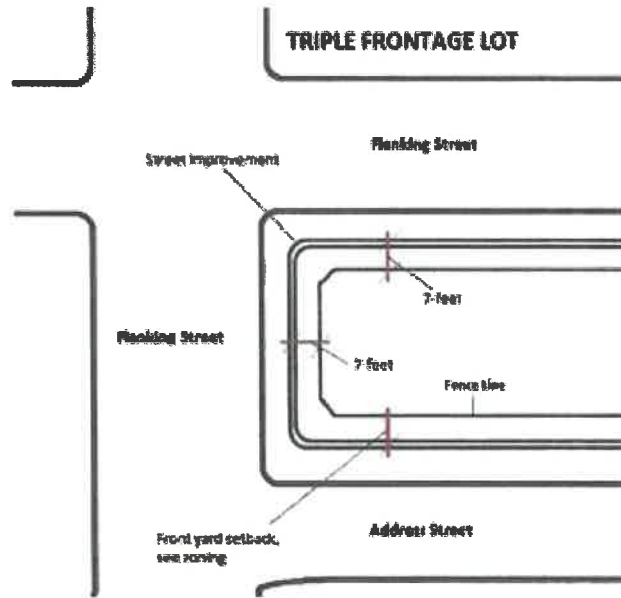


Diagram 1

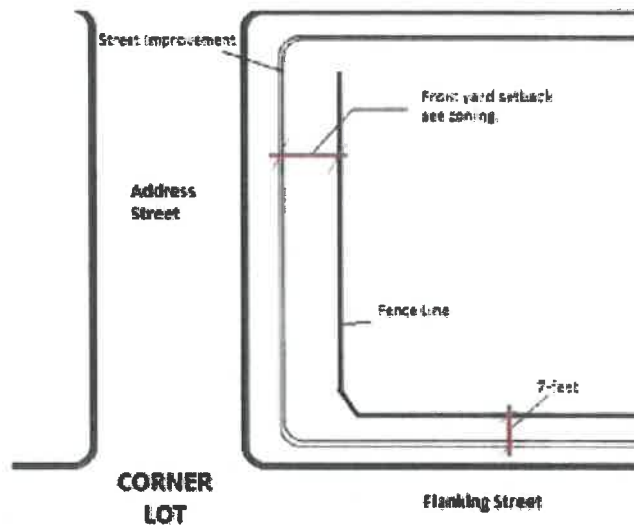


Diagram 2

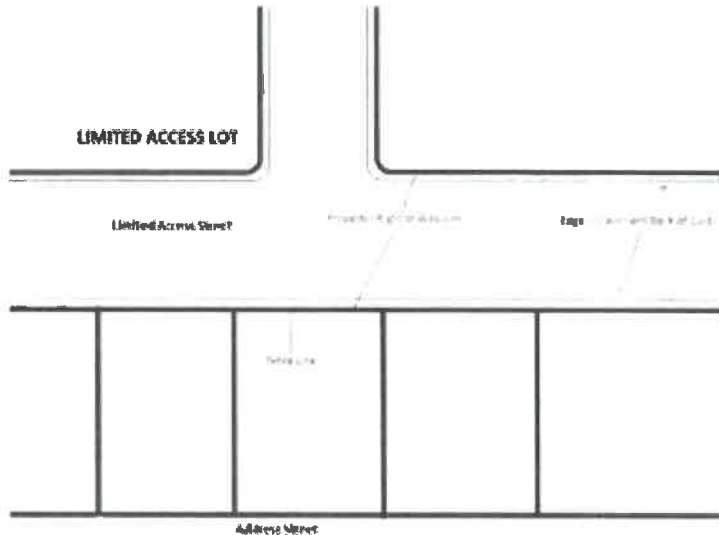


Diagram 3

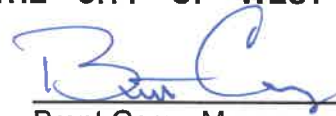
Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

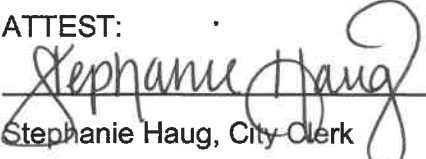
Section 6. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.


Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication, as provided by law.

Section 8. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 3rd day of November, 2020.


 Brent Gerry, Mayor

ATTEST:

 Stephanie Haug, City Clerk

APPROVED AS TO FORM:

 Bronson Brown, City Attorney