

**CORRECTED COPY
CITY OF WEST RICHLAND
ORDINANCE NO. 22-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING TITLE 17 OF THE WEST RICHLAND MUNICIPAL CODE, TO SPECIFY THAT STORAGE UNITS/MINI STORAGE ARE NOT PERMITTED AS A PERMITTED OR CONDITIONAL USE IN THE COMMERCIAL LIMITED USE DISTRICT, COMMERCIAL GENERAL DISTRICT, DOWNTOWN MIXED USE DISTRICT, OR THE LIGHT INDUSTRIAL USE DISTRICT, WHICH AMENDS CHAPTER 17 OF THE WEST RICHLAND MUNICIPAL CODE REGULATION;

WHEREAS, on March 17, 2020 City Council adopted an interim development regulation prohibiting ministorage uses to will allow staff and the City Council to have additional time to review and understand the potential impacts of storage units/mini-storage facilities in all zones within the City; and

WHEREAS, on April 27, 2020 public notice was posted at the official posting sites, and added to the City's website; and

WHEREAS, on May 14, 2020 the Planning Commission discussed the proposed changes to ministorage uses and found that they occupy significant commercial property and do not provide for daytime jobs and retail sales tax. They also found that there already are five ministorage businesses in the city and other commercial uses are needed and more desirable at this time; and

WHEREAS, on June 11, 2020 the Planning Commission held a duly advertised public hearing and voted unanimously to recommend Council approve the proposed text amendment; and

WHEREAS, on June 23, 2020 City Council Community Development Subcommittee met to review the proposed amendment and voted 2:1 for a do pass recommendation; and

WHEREAS, on July 7, 2020 City Council held a duly advertised public hearing to review the proposed amendment and hear from the public; and

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

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

SECTION 1: The following section is hereby adopted in the West Richland Municipal Code, Commercial Limited Use District.

“17.46.050 Conditional uses.

The following uses are permitted in the C-L district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Outdoor display in excess of 25 percent of the primary building footprint;

B. Restaurants, service stations, or convenience stores laid out, equipped or constructed as to allow, enable, or permit:

1. Patrons to be served or accommodated in their vehicle; or
2. The consumption of food, drink or refreshments by patrons while in their vehicles; or
3. The consumption or sales of alcoholic beverages or other alcoholic refreshments;

C. Garage, filling station or service stations, or any sales of gasoline; provided they meet all requirements of Chapter 17.54 WRMC;

D. Car washes, automatic, full-service, and self-service;

E. Hotels and motels;

F. Garden nurseries and landscape garden centers with storage area for equipment and materials;

G. Movie theaters;

H. Undertaking establishments;

I. Residential use secondary to a business enterprise provided:

1. Dwelling units are constructed in compliance with the Uniform Fire Code and Uniform Building Code and all applicable laws and ordinances;
2. Shall be within the same building as the principal use and not less than 750 square feet per unit;
3. If the dwelling units are located on the ground floor, the dwelling units shall not exceed 40 percent of the gross floor area of the structure and shall have bathroom and kitchen facilities separate from the businesses;
4. Dwelling located on the second floor or above, the dwelling units must meet the building and fire code requirements for combined use structures;

J. Art studios;

K. Public or private nursery schools;

L. Public or private museums and libraries;

~~M. Storage units/mini-storage; except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~

MN. Adult use business; provided they comply with all of the conditions set forth in WRMC 17.54.450;

O. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;

P. Processing or handling of hazardous substances; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;

Q. Major utility facilities, subject to WRMC 17.54.452;

R. Family day care home, when within a residential use secondary to a business enterprise (subsection I of this section);

S. Wireless communication facilities subject to Chapter 17.16 WRMC.”

SECTION 2. The following section is hereby adopted in the West Richland Municipal Code, Commercial General Use District.

“17.48.050 Conditional uses.

The following uses are permitted in the C-G district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

A. Landscape gardening and storage area for equipment and materials;

B. Car washes, automatic, full-service, and self-service;

C. New and used car sales lots, mobile home sales, and recreational vehicle sales;

D. Precision development machine shops;

E. Massage parlors or sauna baths;

F. Heavy machinery sales and service;

G. Residential use secondary to a business enterprise provided:

1. Dwelling units are constructed in compliance with the Uniform Fire Code and Uniform Building Code and all applicable laws and ordinances;

2. Shall be within the same building as the principal use and not less than 750 square feet per unit;

3. If the dwelling units are located on the ground floor, the dwelling units shall not exceed 40 percent of the gross floor area of the structure and shall have bathroom and kitchen facilities separate from the businesses;

4. Dwelling located on the second floor or above, the dwelling units must meet the building and fire code requirements for combined use structures;

H. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;

I. Processing or handling of hazardous substances provided such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;

J. Adult use businesses, provided they meet all of the special location conditions as set forth in WRMC 17.54.450;

K. Major utility facilities, subject to WRMC 17.54.452;

- L. Family day care home when within a residential use secondary to a business enterprise (subsection G of this section);
- M. Amusement parks;
- N. Animal control facilities (indoor);
- O. Accessory buildings (including, but not limited to: shops, garages, gazebos, pergolas, cabanas, patio covers, decks 30 inches or more above grade, and similar structures) for personal use upon properties that contain existing single-family residences. The review authority shall have the discretion to regulate such items as setbacks from property lines or other structures, building height and architectural design (siding material, color, 12-inch eaves, etc.) to ensure that the proposal is consistent with the overall purpose of the commercial general zoning district. Along with the application materials required under Chapter 17.66 WRMC, applications for accessory building conditional use permits shall also include, at minimum, elevation drawings that clearly indicate building height and architectural design;
- P. Care facilities for small animals, such as veterinary clinics, grooming parlors, training and boarding;
- Q. Wireless communication facilities subject to Chapter 17.16 WRMC.”

SECTION 3. The following section is hereby adopted in the West Richland Municipal Code, Downtown Mixed Use District.

“17.49.050 Conditional uses.

The following uses are permitted in the D-MU district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Animal clinics and veterinary hospitals;
- B. Commercial parking lots;
- C. Commercial recreational uses (entertainment-related uses and event facilities, such as stadiums, auditoriums, exhibition halls and other similar facilities);
- D. Large-scale home occupations;
- E. Major utility facilities, subject to WRMC 17.54.452;
- F. Public uses and uses related to the welfare of the community;
- G. Recreation building or area operated by membership clubs for the benefit of members and not for gain;
- H. Temporary/seasonal outdoor public markets;
- I. ~~Expansion of existing mini-storage facilities subject to the following:~~

- ~~1. Vertical and/or horizontal expansion is allowed upon an existing parcel or an immediate adjacent (contiguous) parcel.~~
- ~~2. Expansion of a mini-storage facility shall not occur within 100 feet of the Van Giesen/SR 224 right-of-way.”~~

SECTION 4. The following section is hereby adopted in the West Richland Municipal Code, Light Industrial Use District.

“17.52.030 Conditional uses.

Uses permitted upon issuance of a special permit, as provided in Chapter 17.66 WRMC, are:

- A. Junkyards, automobile wrecking yards, scrap paper or rag storage, sorting or bailing, provided they are conducted within a building or where entirely enclosed with a solid fence as required by WRMC 17.54.480;
- B. All uses of land, buildings, and structures or industrial processes that are noxious or injurious by reason of production or emission of dust, smoke, or refuse matter, odor, gas fumes, noise, vibration or substances, subject to securing a permit from the planning commission allowing such conditions, and providing such restrictions and safeguards as may be deemed necessary by the planning commission for the purpose of protecting the health, safety and general welfare of the community;
- C. Automobile, motorcycle, horse and dog racing tracks;
- D. Private athletic stadiums;
- E. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210; and provided further, however, that a public hearing before the city council may be required before the granting of a permit for such a facility;
- F. Off-site hazardous waste treatment and storage facilities; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210; provided, however, that a public hearing before the city council may be required before the granting of a permit for such facilities;
- ~~G. Storage units/mini-storage; except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~
- G. Major utility facilities, subject to WRMC 17.54.452;
- H. Jails and secure community transition facilities subject to WRMC 17.54.452 and conforming to the standards of WRMC 17.54.453;
- I. Landfills, subject to WRMC 17.54.452;
- J. Waste transfer stations;

- K. Airports and heliports;
- L. Race tracks, drag strips, motocross tracks, and similar racing facilities;
- M. Animal control facilities (outdoor);
- N. Wireless communication facilities subject to Chapter 17.16 WRMC.”

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 a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the West Richland Municipal Code, the provisions of this ordinance shall control.

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.

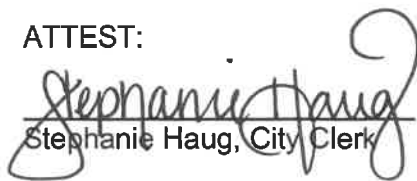
SECTION 8. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON, this 21st day of July, 2020.**




Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney