

**CITY OF WEST RICHLAND
ORDINANCE NO. 21-20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON, AMENDING TITLE 17 OF THE WEST RICHLAND MUNICIPAL
CODE, WHICH UPDATES THE ENTIRE TITLE AND CHAPTERS;**

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 Table of Contents, is hereby amended to read as follows:

“Title 17

ZONING

Chapters:

17.06	General Provisions
17.09	Definitions
17.12	Districts Established
17.15	<i>Repealed</i>
17.16	Wireless Communication Facilities
17.18	<i>Repealed</i>
17.21	<i>Repealed</i>
17.22	City Parks District (CP)
17.23	Urban Transition Use District (UT)
17.24	Low-Density Residential Use Districts (RL-40, RL-20)
17.27	<i>Repealed</i>
17.30	Medium-Density Residential Use District (RM-10)
17.31	Medium-Density Residential Use District (RM-6)
17.33	<i>Repealed</i>
17.36	Manufactured Home Park Use District (MH-P)
17.39	Multifamily Residential Use District (MR)
17.40	Neighborhood Commercial Use District (C-N)
17.42	<i>Repealed</i>
17.45	<i>Repealed</i>
17.46	Commercial Limited Use District (C-L)
17.48	Commercial General Use District (C-G)
17.49	Downtown – Mixed Use District (D-MU)
17.50	<i>Repealed</i>
17.51	Combined Commercial/Light Industrial Use District (CLI)
17.52	Light Industrial Use District (LI)
17.54	General Regulations
17.55	<i>Nonresidential-Outdoor Lighting Standards</i>
17.56	<i>Fencing, Screening and Landscaping</i>
17.57	<i>Off-Street Parking and Loading Standards (B-P)</i>
17.61	<i>Reserved</i>
17.62	<i>Reserved</i>
17.60	<i>Zone Change Application Procedures and Criteria</i>
17.63	<i>Board of Adjustment</i>
17.66	Conditional Use Permits
17.69	Variances
17.70	<i>Administrative Variances</i>
17.71	<i>Application Fees</i>
17.72	Nonconforming Use
17.75	<i>Transition Regulations</i>
17.78	Amendments and Rezoning
17.80	Planned Unit Development
17.81	Administration and Enforcement”

SECTION 2: That West Richland Municipal Code Chapter 17.06 “General provisions”,

is hereby amended to read as follows:

“Chapter 17.06

GENERAL PROVISIONS

17.06.010 Title, authority and applicability.

A. The title of the ordinance codified in this title shall be known as the zoning ordinance for the city of West Richland.

B. This title is established pursuant to Section 11, Article XI of the Constitution of the State of Washington, RCW 35.63.080, and Chapter 35A.63 RCW.

C. This section shall govern the occupation, use, erection, alteration, removal, demolition or conversion of any and all buildings, structures, and land located within the corporate limits of the City of West Richland (herein referred to as the "City").

17.06.020 Purpose.

A. The purpose of this title is to protect and promote the public health, safety, morals, and general welfare of the community by the classification of land uses within the city through the use of land use zones and the limitation and regulation of the use of land, and the limitation and regulation of the height, size, use, and location of buildings and structures.

B. The provisions of this title are designed to provide adequate light, air, and access to secure safety from fire and other dangers and to avoid excessive concentrations of population in order to lessen traffic congestion, and to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements.

17.06.030 Interpretation and application.

In interpretation and application, the provisions of this title are minimum requirements.

17.06.040 Nonconforming use – Abatement policy.

To encourage upgrading, redevelopment, improvement and beautification of the city, providing a quality environment and enhancing the value of land and structures, a policy of abatement of nonconformance shall be pursued which recognizes the need to protect individual rights while moving at a reasonable pace toward these goals.

~~17.06.050 — Production, processing and retail sales of recreational marijuana.~~

~~A. Personal use of recreational marijuana within the city is addressed in Chapter 9.40 WRMC.~~

~~B. Recreational marijuana production, processing and retail sales are prohibited in all residential zoning districts.~~

~~C. Recreational marijuana production, processing and retail sales are prohibited in all commercial use zoning districts.~~

~~D. Recreational marijuana production, processing and retail sales are prohibited in all industrial use zoning districts.~~

~~E. Recreational marijuana production, processing and retail sales are prohibited in all urban transition use zoning districts.~~

~~F. Recreational marijuana production, processing and retail sales are prohibited in all downtown—mixed use zoning districts.~~

~~G. Recreational marijuana production, processing and retail sales are prohibited in all city parks zoning districts.~~

17.06.050 Moratoria and interim development regulations

Provisions in RCW 36.70A.390 apply to moratoria or interim development regulations.”

SECTION 3: That West Richland Municipal Code Chapter 17.09 “Definitions”, is hereby amended to read as follows:

“Chapter 17.09

DEFINITIONS

17.09.010 Interpretation of language.

A. For the purpose of interpreting this title, certain terms or words are defined in this chapter. Except where specifically defined in this chapter, all words used in this title shall carry the customary meaning.

B. Words used in the present tense include the future and the future includes the present; the plural includes the singular and the singular includes the plural.

C. “Building” includes “structure.”

D. “Lot” includes “plot.”

E. “Occupied” or “used” shall be considered as though followed by the words “or intended,” “or arranged,” or, “or designed to be used or occupied.”

F. “Shall” is mandatory.

17.09.020 A definitions.

“Abandoned sign” means any sign, located on property that is vacant and unoccupied for a period of four months or more.

Accessory Building. See “Building, accessory,” WRMC 17.09.030.

~~“Accessory dwelling unit (ADU)” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Manufactured homes or recreational vehicles shall not be used as accessory dwelling units.~~ “Accessory dwelling unit” is a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate structure on the same lot as the primary dwelling. The dwelling is a complete, independent living facility with provisions within the accessory unit for cooking, eating, sanitation, and sleeping, and has an entry separate from that of the main dwelling. Accessory units are also commonly known as “mother-in-law” units or “carriage houses.” An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Manufactured homes or recreational vehicles shall not be used as accessory dwelling units.

“Accessory use” means a use subordinate or incidental to the principal use of a building where such use is located on the same lot with the principal use of the building.

~~“Adult bookstore” means a retail establishment in which 25 percent or more of the stock in trade consists of books, magazines, periodicals, pictures, posters or other printed material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.~~

“Adult family home” means a ~~regular family abode~~ **residential home** in which a person or persons provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

~~“Adult mini theater” means an enclosed building with a capacity of less than 50 persons, a portion of an enclosed building with a capacity of less than 50 persons, or an outdoor theater with a capacity of less than 50 persons used~~

~~for presenting motion picture films, video cassettes, cable television or other visual media distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.~~

~~“Adult motion picture theater” means an enclosed building with a capacity of 50 or more persons, a portion of an enclosed building with a capacity of 50 or more persons, or an outdoor theater with a capacity of 50 or more persons used for presenting cable television, motion picture films, video cassettes, or any other such visual media distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.~~

~~“Adult panoram establishment” means any building or portion of a building which contains devices which, for payment of a fee, membership fee, or other charge, are used to exhibit or display a picture, view, or other graphic display distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.~~

“Adult retail store” means a retail establishment in which 25 percent or more of the stock in trade consists of equipment, items or products distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

~~“Adult use” means any adult bookstore, adult mini-theater, adult motion picture theater, adult panoram establishment, adult retail store or live adult entertainment establishment, as defined in this chapter.~~

“Adult use business” means any adult bookstore, adult mini-theater, adult motion picture theater, adult panoram establishment, adult retail store or live adult entertainment establishment, as defined in this chapter, or any establishment which provides one or more of the activities listed herein. Video retail outlets that, as their sole business activity, provide take-home merchandise are specifically excluded from the scope and operation of this chapter.

“Agricultural building” means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. An agricultural building is not to be used for human habitation; processing, treating or packaging agricultural products; nor shall it be a place used by the public. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building that is permitted in conjunction with a commercial agricultural operation shall be considered a “main building” as to development requirements. Agricultural buildings not located on commercial agricultural operations are to be considered “accessory buildings” as to the development requirements.

“Alley” means a narrow service way, not less than 20 feet wide, providing a secondary public means of access to abutting properties.

“Alteration,” applied to a building or structure, means:

1. A change or rearrangement of the structural parts in the existing facilities; or
2. An enlargement or addition on a building or structure; or
3. Moving a building or structure from one location or position to another; or
4. A change of use.

“Alteration, structural” means any change of supporting members of a building such as bearing walls, columns, beams, or girders.

“Apartment” means a dwelling unit in a multiple-family building.

“Apartment house” means the same as dwelling, multiple-family.

“Area, net site” means the total area within the property lines exclusive of external streets.

“Art studio” means the working place of a painter, sculptor or photographer and/or including the study of an art such as dancing, singing, acting, musical instruments, etc. An art studio does not include uses such as or similar to body painting and pornographic sales or displays.

“Administrator” means the Director of the West Richland Community Development Department or his or her designee(s).

“Amendment” means a change in the wording, content, or substance of this ordinance, adoption of maps hereunder, or a change in the boundaries of maps adopted hereunder.

“Antenna” means the surface from which wireless radio signals are sent from and received by a wireless communication facility.

“Applicant” means any person who files a permit application with the City and is either the property owner of the land in question, a lessee, another person entitled to possession of the property, or an authorized agent of the such entities.

“Assisted living facility” means a home or other institution, licensed by the state of Washington, providing housing, basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC. These facilities may provide care to residents with symptoms consistent with dementia requiring additional security measures.

“Awning sign” means a sign affixed to a fixed or retractable canvas (or other sturdy fabric), wood or metal covering, erected over a window, door, balcony or deck.

“Auto court” means a building or group of buildings, detached or semidetached, containing rooms or apartments having automotive parking or storage space provided directly or in close proximity thereto, where such building or group of buildings is designated, intended, or used primarily for the providing of sleeping accommodations for automobile travelers.

17.09.030 B definitions.

“Banner sign” means a sign consisting of a piece of fabric or similar material, attached by one or more edges to a pole or staff or other device, or to a building facade, intended for display.

“Basement” means a story partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if it is used for business or dwelling purposes.

“Bed and Breakfast Facility” means a private home or inn offering lodging on a temporary basis to transient guests, such as travelers and tourists, and which may provide food services.

“Beehive” means a man-made receptacle used to house a swarm of bees.

“Billboard” means any sign located off premise used for an outdoor display for the purpose of mailing anything known, for the use of which a charge is made for advertising thereon. a ground, wall, or roof sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of pictorial or reading matter attached thereto or posted thereon and available by means of rental to persons other than the owner or lessee of the sign.

“Blade sign” means a sign that is attached to a building, or to a projection from a building, and is perpendicular to the front of a building.

“Board of Adjustment” means the West Richland Board of Adjustment which consists of five members appointed by the Mayor to serve for terms of 4 years, and whose purpose is to hear and decide applications for variances.

~~“Boardinghouse” means any dwelling with less than 20 sleeping rooms in which persons either individually or as families are housed or lodged and are provided meals. A rooming house or furnished rooming house is a boardinghouse.~~

“Building” means a roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

“Building, accessory” means a supplemental building, the use of which is incidental to that of the main or principal building and which is located on the same lot.

“Building, detached” means a building surrounded by open space as required by this title.

“Building facade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves for the entire width of the building elevation.

“Building, front line of” means the line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

“Building height” means the vertical distance measured from the **average** grade plane to the **highest point of a structure; provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height** height of the eaves (excluding gable) on a pitched roof, or to the top of the parapet on a flat roof. For structures other than buildings, it is the vertical distance measured from adjacent grade to the top of the structure.

“Building line” means the line of that face or corner or part of a building nearest the property line.

“Building, main” means a building in which is conducted the principal use of the lot on which it is situated.

“Business; Business Use” means an activity with the intention of earning a profit and which generally relates to commercial and industrial engagements.

17.09.040 C definitions.

“Cannabis” means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and useable cannabis.

“Canopy sign” means a sign attached to a freestanding structure affording protection from the elements to persons or property thereunder.

“Caretaker” means a person engaged to look after or maintain property and who may reside on the subject property.

“Carrier” means an entity that provides wireless communication services.

“Car wash,” or “automatic car wash” means any structure providing equipment such as conveyors, blowers, steam cleaners, high pressure water sprayers (pressure above that maintained by the city), or other mechanical devices for the purpose of laundering motor vehicles.

~~“Campground” means a parcel of land used or intended to be used, let, or rented for occupancy by campers, even though the occupancy by campers shall be trailers, tents, movable or temporary buildings, rooms, or sleeping quarters of any kind.~~

~~“Car laundry,” “ear wash,” or “automatic ear wash” means any structure providing equipment such as conveyors, blowers, steam cleaners, high pressure water sprayers (pressure above that maintained by the city), or other mechanical devices for the purpose of laundering motor vehicles.~~

~~“Cellar” means a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.~~

“Carnival / fair – temporary” means a traveling or temporary show or event that may include amusement shows, performances, music events, games, rides, farm displays, and similar attractions.

“Charging Levels” means the electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2 and 3 are the most common electric vehicle charging levels, and include the following specification:

a. Level 1 is considered slow charging requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet.

b. Level 2 is considered medium charging requiring a 40 amp to 100 amp breaker on a 240-volt circuit.

c. Level 3 is considered fast charging requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

“Child care center” means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours licensed by the Washington State Department of Early Learning, under Chapter 170-295 WAC.

“Church” means a building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall, ~~daycare~~ child care areas, and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

“Classification” means a use category in the broad list of land uses, in which certain uses, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in the same zone or classification. A classification, as the term is employed in this Ordinance, includes provisions, conditions, and requirements related to the permissible location of permitted uses.

“Clinic” means a building designed and used for the medical and surgical diagnosis and treatment of outpatients under the care of doctors and nurses.

“Club, membership” means an organization catering exclusively to members and their guests in premises and buildings for recreational, social, and athletic purposes where such operations are not conducted primarily for gain and also where there are no vending, merchandising or commercial activities except as required generally for the membership and purposes of such club.

“Clubhouse” means an assembly place or facility used for and providing fraternal, social, and/or recreational programs designed to accommodate and serve segments of the community, such as residents of a development.

“Co-applicant” means all persons and/or entities joining with an applicant in an application for a land development/use permit, including the owners of the subject property and any tenants proposing to conduct a development activity subject to a development permit.

“Co-location” means the use of a single tower by more than one licensed wireless communication carrier.

“Commercial coach” means a structure (or unit) that is transportable in one (1) or more sections, is built on a permanent chassis, is used for temporary commercial purposes with or without a permanent foundation and may include plumbing, mechanical, electrical and other systems.

“Commercial Use” means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

“Community Development Department” means the West Richland department responsible for administering the provisions of this Ordinance.

“Community recreation facilities” means development designed and intended for daytime recreational uses, including picnic areas, basketball courts, swimming pools, tennis courts, outdoor kitchens/ cooking areas, and playgrounds.

“Community Recycling Centers” means a principal use of land, devoted to a facility and operation which receives, stores, and redistributes pre-sorted recyclable material, including white goods. Community recycling centers shall be considered a commercial land-use. Operation of the community recycling center shall be restricted to the collection or redemption of recycling material, which may be packaged for shipment and temporarily stored until transported to a separate processing facility. Community recycling centers are intended to be compatible with surrounding commercial land uses and not include on-site processing.

“Comprehensive Plan” means the official document or elements thereof, adopted by the West Richland City Council pursuant to RCW 36.70A, and intended to guide the physical development of the City.

“Comprehensive Plan ~~Districts~~ Land Use Designation” means the official land use ~~districts~~ designation or classification of the West Richland Comprehensive Plan Land Use Map, as adopted by the West Richland City Council pursuant to RCW 36.70A.

“Concealment Technology” means the use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble or placed within, an existing or proposed structure.

“Concurrency” means adequate capital and transportation facilities and services are available when the impacts of development occur or a financing plan is adopted which will fund required improvements within six years.

“Conditional Use” See “Use, Conditional”

“Container storage” means a unit originally or specifically used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers, or multi-modal shipping containers.

“Contractor” means any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof; or who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. “Contractor” includes any person, firm, corporation, or other entity covered by this subsection.

“Contractor Storage Yard” means a site used for the storage of tools, equipment, materials, vehicles, sand, rock, gravel, vegetation, debris and other materials ancillary to work being performed off-site, for another, by a Contractor engaged in such work. This definition of a Contractor Storage Yard excludes private landowners and their personal equipment solely engaged in agricultural activities on their own personal property pursuant to this subsection.

“Coverage” means that percentage of the plot or lot area covered by the building area.

“Curb level” means the officially established grade of the curb in front of the midpoint of the lot.

17.09.050 D definitions.

“Day care center” means a state-licensed entity regularly providing care for 13 or more children for periods of less than 24 hours. A day care center is not 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 open or is separate from the usual quarters of the family.

“Day care provider, ~~family home~~” means an entity regularly providing care during part of the 24-hour day to six or fewer children in the family abode of the person(s) under whose direction the children are placed; or a state-licensed entity regularly providing care during part of the 24-hour day to between six and 12 children in the family abode of the person(s) under whose direction the children are placed. See WAC 365.196.210 (14).

“Day care, mini-center” means a state-licensed entity providing care during part of the 24-hour-day period for 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons.

“Density” means the intensity of activity occurring per unit of land area, ordinarily expressed as the number of families or dwelling units per acre.

“Development” means any physical man-made change to improved or unimproved property, site or parcel including, but not limited to, construction, placement and/or the manipulation of buildings or other structures, clearing, dredging, filling, grading, paving, mining, excavation or drilling operations.

“Directional Sign” means a sign without advertising that directs people to a location. Such signs may include a logo or other business or site identification.

“District” means an area accurately defined as to boundaries and location on the Official Land Use Map or on the West Richland Comprehensive Plan Map. Each District is subject to all the regulations applicable to that District which are contained within this Ordinance.

“Dog kennel” or “cat kennel” means any lot, premises, building, or structure where six or more dogs or six or more cats over six months of age are kept.

“Driveway” means that space or area of a lot that is primarily intended for the movement of motor vehicles within the lot or ~~form~~ from the lot to a public street.

“Dwelling” means a single unit within a building or portion thereof providing a complete independent living space for one household, including permanent facilities for living, sleeping, eating, cooking and sanitation. Dwelling units may be either detached (i.e., freestanding) or attached (i.e., sharing common walls with other such units), as specified by the individual zoning districts, provided attached dwelling units shall be of site-built or modular construction.

“Dwelling, multiple-family” means a building or portion thereof used or designed as a residence for three or more households and containing three or more dwelling units.

“Dwelling, one-family” and “dwelling, single-family” mean a building designed or occupied by not more than one household and containing only one dwelling unit. In determining permitted uses, single-family dwellings include site-built homes, factory-built homes, and designated manufactured homes meeting siting standards of ~~Chapter 17.54 WRMC~~ WRMC 17.54.090. It does not include recreational vehicles, travel trailers, or other structures designed for temporary or recreational use.

“Dwelling, single-room occupancy (SRO)” means a building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons not included in the family unit of the owner or tenant of the premises.

“Dwelling, two-family” or “duplex” means a building designed or occupied exclusively by two households and containing two dwelling units.

17.09.060 E definitions.

“Easement” or “private way” means an interest in land owned by another that entitles its holder to a specific limited use such as for utilities or access.

“Electronic message board” means an electronic sign that is changed electronically and that is illuminated by light bulbs, light-emitting diodes, fiber optic, plasma, cold cathode, EL wire, or other similar technology.

“Elementary school” means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

“Essential public facilities” means public facilities and privately owned or operated facilities serving a public purpose that are typically difficult to site. They include but are not limited to airports, state education facilities, state or regional transportation facilities, prisons, jails, other correctional facilities, and solid waste handling facilities. These facilities are of statewide and regional significance. Local transit service is not considered an essential public facility. Essential public facilities will be allowed in locations appropriate for the services provided and the people served.

“Essential use” means that use for the preservation or promotion of which the use district was created, and to which all other permitted uses are subordinate.

“Equipment Cabinet” means an enclosed structure at the base of the tower, within which are housed batteries, backup power generator, and electrical equipment necessary for the operation of a Wireless Communication Facility. This equipment is connected to the antenna by cable.

“Externally illuminated sign” means a sign that has lighting directed onto its surface externally.

17.09.070 F definitions.

“FAA” means the Federal Aviation Administration.

Family. See “Household.”

“FCC” means Federal Communications Commission.

“Fence” means an upright structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wire, iron, steel or masonry.

“Flags” means a fabric sign attached to a pole, including, but not limited to, official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of nationally or internationally recognized nonprofit organizations.

~~*“Filling station, public gasoline” means any area of land including any structure or part thereof that could be or is used or designed to be used for the supply of gasoline and includes any area or structure used or designed to be used for polishing, greasing, washing, spraying (other than paint), dry cleaning or otherwise cleaning or servicing such motor vehicle.*~~

“Floor area” or “floorspace” means the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces or exterior walls or from the centerline of walls separating two buildings. In particular, the floor area of a building or buildings includes but is not limited to:

1. Basement space;
2. Floorspace for mechanical equipment, with structural headroom of seven feet and six inches or more;
3. Elevator shafts and stairwells at each floor;
4. Penthouses;
5. Attic space, whether or not a floor has actually been laid, providing structural headroom of seven feet and six inches or more;

6. Interior balcony and mezzanines;
7. Enclosed porches;
8. Accessory uses not including space for accessory off-street parking; providing, however, that the floor area or floorspace of the building shall not include:
 - a. Cellar space, except that the cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces, and accessory off-street loading spaces;
 - b. Elevator and stair bulkheads, accessory water tanks and cooling towers;
 - c. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet and six inches;
 - d. Uncovered steps;
 - e. Terraces, breezeways, and open spaces;
 - f. Accessory off-street parking spaces.

“Floor area” or “floorspace ratio” of a building means a quotient of the floor area or floorspace of a building divided by its lot area.

“Flood” means a temporary rise in stream, lake, or tidal water level that results in inundation of areas not ordinarily covered by water.

“Floodplain” means area that would be inundated by a flood of such magnitude that it would occur theoretically at least once in one hundred years.

“Freestanding sign” means a single-faced or multi-faced sign, supported from the ground by one or more columns, uprights, braces or similar support structure, and not attached to any building.

“Food vending vehicle” means the vending of food and/or beverages from a large vehicle that is equipped to both cook and sell food, and that is capable of being moved from place to place.

“Funeral Home” means a building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles; and (3) facilities for cremation. For the purpose of this title, where a funeral home is permitted, a funeral chapel shall also be permitted.

17.09.080 G definitions.

“Game arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under 21 years of age are not restricted.

“Garage, private” means a sheltered or enclosed space designed and used for the storage of motor vehicles or boats of the residents of the premises. Space therein may be used for not more than one commercial vehicle whose gross vehicle weight shall not exceed 8,000 GVW. Temporary storage of farm vehicles for not to exceed three consecutive days is permissible. Space may be rented to not more than two vehicles of other than the occupants of the building to which the garage is accessory.

“Garage, public” means any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

“Garage or Yard Sales” means sales of personal household items conducted on the premises of a residential dwelling and occurring no more frequently than a total of fifteen (15) days in any one calendar year.

“Gas Station” means building and premises for dispensing motor vehicle fuels, oil, grease and related supplies, and which may provide automobile servicing and repair.

“Gross Floor Area” See “Floor Area, Gross.”

~~*“Grade plane” is a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the structure and a point six feet from the building.*~~

“Guest ranch” means a working farm or ranch that provides a farming or ranching experience to tourists for a fee, and includes accessory rooming and boarding for that purpose. A guest ranch may include up to 20 boarding rooms, for tourist use only. Also known as “dude ranch.”

“Guyed Tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

17.09.090 H definitions.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010, except for moderate-risk waste.

“Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC.

“Hazardous waste treatment” means the physical, chemical or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

“Hazardous waste treatment and storage facility, off-site” means treatment and storage facilities which treat and store wastes generated on properties other than those on which the off-site facilities are located.

“Hazardous waste treatment and storage facility, on-site” means treatment and storage facilities which treat and store wastes generated on the same, geographically contiguous or bordering property.

“Height, Wireless Communication Facility” means the distance measured from ground level to the highest point on the WCF even if the highest point is an antenna.

“Height, Building” See “Building Height.”

“Hobby agriculture” means the raising of farm crops including vegetables or fruit for sale on the land on which the crops are grown.

“Home, factory-built” means any structure designed primarily for human occupancy, other than a manufactured or mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site. Factory-built homes conform to all state and local building codes and fall within the land use category of single-family detached dwellings.

Home, Modular. See “Home, factory-built.”

“Home occupation, large-scale” means a business or professional enterprise operated out of a residential dwelling or accessory building by a resident of the household and potentially up to two nonresident employees, which is of a scale and character that does not alter or detract from the residential character of the property or neighborhood, and is incidental and accessory to the primary use of the property for residential purposes.

“Home occupation, small-scale” means a business or professional enterprise operated out of a residential dwelling by a resident of the household, which is of a scale and character that does not alter or detract from the residential character of the dwelling or neighborhood, and is incidental and accessory to the primary use of the dwelling for residential purposes.

“Hospital” unless otherwise specified, includes, but is not limited to, sanitariums, sanitoriums, preventoriums, clinics, rest homes, nursing homes, convalescent homes and any other place for the diagnosis, treatment or care of human ailments.

“Hospital or clinic for small animals” means a hospital or clinic for dogs, cats, birds, and the like, provided any treatment rooms, cages, pens, or kennels are maintained within a completely enclosed, soundproof building and that such hospital or clinic is operated in such a way as to produce no objectionable odors outside its walls.

“Hotel” means a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests, and in which only a general kitchen and dining rooms are provided within the building or an accessory building.

“Household” means an individual, two or more persons related by blood or marriage, a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988, adult family homes as defined under Washington State law, or a group living arrangement where six or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. Up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household. For purposes of this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

17.09.100 I definitions.

Reserved.

“Industrial Use” means facilities for the processing, manufacture, fabrication, assembly, treatment, packing, storage, sales and/or distribution of raw, partially finished or finished materials.

“Industrial Use, Light” means a use involving basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

“Internal illuminated sign” means an illuminated sign having an opaque surface, allowing its contents to be read.

“Internal illuminated letter sign” means an illuminated sign where the sign’s contents are separately lit from inside the letters or logos.

17.09.110 J definitions.

“Junkyard” means a lot or structure or part thereof used primarily for the collecting and/or sale of waste, paper, rags, scrap metal or discarded materials and/or for the collection, dismantling, storage and salvaging of machinery and/or vehicles for the sale of parts.

“Junkyard” means a lot or structure or part thereof used primarily for the collecting and/or sale of waste, paper, rags, scrap metal or discarded materials and/or for the collection, dismantling, storage and salvaging of machinery and/or vehicles for the sale of parts.

17.09.120 K definitions.

Reserved.

“Kennel” See WRMC 17.04.050.

17.09.130 L definitions.

“Land Use District Designation” means a District land use classification and designation located indicated on the City’s Comprehensive Plan Land Use Map.

“Land Use Map” means a map which identifies the boundaries of the various districts land use designations listed within the City’s Comprehensive Plan.

“Large domestic animals” means any emu, ostrich, horses, cows, sheep, goats, llamas, ponies, oxen or other hoofed animals. Swine (hogs and pigs) are not permitted within the city.

“Lattice Tower” means a type of mount that is either self-supporting with multiple legs and cross bracing of structural steel or additionally supported with diagonal cables.

“Laundromat” means a business premises equipped with individual clothes-washing machines for use by retail customers exclusive of laundry facilities provided as accessory use in an apartment house, apartment or hotel.

“Laundry” means a business where clothes and/or other fabrics are sent to be cleaned.

“Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

“Licensed Carrier” means a company authorized by the FCC to build and operate a commercial mobile radio service system.

“Light-duty Truck” means a truck with an empty-scale weight of six thousand (6,000) pounds or less. It includes vehicles such as pickup trucks, vans and utility vehicles.

“Line, street” means the dividing line between the dedicated right-of-way of a street and an adjacent lot.

~~*“Live adult entertainment establishment” means any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or is in such attire, clothing or costume as to expose to view any portion of the female breast below a point directly above the areola, or male or female genitals, vulva, anus, and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of a member(s) of the adult public or advertised for the use or benefit of a member(s) of the adult public, held, conducted, operated or maintained for profit, directly or indirectly.*~~

~~*“Lodginghouse” means a building in which more than two and less than 20 rooms are rented and in which no table-board is furnished.*~~

“Lot” means land occupied or to be occupied by a principal use or a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title having not less than the minimum area required by this title for the lot in a district in which such land is situated. The lot shall also have its principal frontage upon a street or on such other means of access as may be determined by the provisions of this title to be adequate.

“Lot, corner” means *a lot abutting on and at the intersection of two or more streets. land at the junction of and fronting on two or more intersecting streets.*

“Lot coverage” means the percentage of the lot covered by buildings. Covered porches, covered patios, decks 30 inches or more above grade, pools more than 48 inches above grade, pergolas, gazebos, and any other roofed structure, whether structural or decorative, shall be considered a building when calculating lot coverage.

“Lot, depth of corner” means a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

“Lot, interior” means a lot other than a corner lot.

“Lot line” means any line dividing one lot from another.

“Lot, through” means an interior lot having frontage on two parallel or approximately parallel streets, *except that lots with access from a non-arterial, but having frontage on an arterial where there is no access, are not considered through lots for the purpose of setbacks.*

“Lot, width of” means the average width measured at right angles to the depth.

17.09.140 M definitions.

“Manufactured home” means a single-family residence constructed after June 15, 1976, in accordance with U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating compliance (HUD Code – “Red Label”).

“Manufactured home, designated” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long; and
2. Was originally constructed with, and now has, a composition shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

“Manufactured home, new” means any manufactured home required to be titled under RCW Title 46, which was not previously titled to a retail purchaser, and is not a used mobile home as defined in [RCW 82.45.032](#) [RCW 46.04.302](#). (Regulated under the HUD construction and safety standards.)

“Manufactured home park” means a site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. This term shall also include “mobile home park” as that term is used in other titles of the West Richland Municipal Code.

“Manufactured home subdivision” means an existing subdivision created for the placement of manufactured homes on individual lots.

“Manufactured or mobile home, decertified” means a former mobile home or manufactured home that no longer qualifies as such, due to completion of the Department of Labor and Industry decertification process, as outlined in L&I publication F622-063-000, Decertification of Manufactured and Mobile Homes. Decertified mobile and manufactured homes are neither permitted uses, nor permitted accessory structures under this title.

“Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than three-tenths percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this chapter, “cannabis” or “marijuana” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.

“Marquee” means a roof-like projection over the entrance to a store, theater, hotel, or similar building.

“Marquee sign” means a sign attached to a marquee.

“Mini-Storage Facility” means a building or group of buildings containing separate, individual, private and self-contained units for the storage of household or business goods, provided no hazardous substances or conditions are maintained within the facility. A “Mini-Storage Facility” also includes outdoor storage areas suitable for the storage of licensed automobiles, recreational vehicles, boats, commercial vessels, etc.

“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the

state (Chapter 296-150M WAC). Mobile homes are single-family residences, transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

Motel. *See "Auto court," WRMC 17.09.020. See "Hotel."*

"Motor vehicle repair shop" means a building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

"Modification" means the changing of any portion of a structure/use/activity from its description in a previous approved permit.

"Monopole" means the type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

"Mount" means the structure or surface upon which antennas are placed including, but not limited to:

- 1. Roof-mounted. Mounted on the roof of a building.*
- 2. Side mounted. Mounted on the side of a structure including a tower.*
- 3. Ground mounted. Mounted on the ground.*

17.09.150 N definitions.

"Neon sign" means luminous-tube signs that contain neon or other inert gases at a low pressure which glow brightly when high voltage is applied to them.

"Nonconforming use" means:

1. A **lawful** building, structure or use of land existing at the time of the enactment of the ordinance codified in this title, which does not conform to the regulations of the district or zone, or overlay zone in which it is situated; or
2. A building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated as a result of the reclassification of property under the provisions of this title or any amendment thereto; ~~or~~
- ~~3. A building, structure or use which does not conform to the regulations of the district or zone in which it is situated, but which is specifically authorized pursuant to the provisions of WRMC 17.72.140.~~

"Nursery school" means a school designed to provide daytime care and/or daytime instruction for five or more children.

"Nursing or convalescent home" means any building with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state.

"Nurseries or Greenhouses, Retail" means establishments conducting retail sales of plants and related items.

17.09.160 O definitions.

"Open space" may consist of: shrub-steppe habitats; mountains and ridges; special geological and topographical features; meadows; wetlands; riparian habitats and washes; lakes; urban green spaces, parks, sports and play fields; working agricultural and ranch lands; cultural, historical, and archaeological sites; and other valued landscapes and ecosystems. Open spaces may be publicly or privately owned and managed.

“Open space, Natural” may consist of: shrub-steppe habitats; mountains and ridges; special geological and topographical features; meadows; wetlands; riparian habitats and washes; lakes; urban green spaces, parks, sports and play fields; working agricultural and ranch lands; cultural, historical, and archeological sites; and other valued landscapes and ecosystems. Open spaces may be publicly or privately owned and managed and may also mean any land so designed for preservation, according to criteria established in Chapter 84.34 RCW.

“Occupancy” means using or residing in a structure, dwelling, or recreational vehicle, whether temporary or permanently.

“Office, Business or Professional” means any room, studio, suite or building used primarily for the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer’s representatives.

“On-site Sewage Disposal System” means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

1. Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, upon adjacent or nearby property; and
2. Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

17.09.170 P definitions.

“Parapet” means that portion of a building wall which extends above the roof of the building.

“Parking Lot” means an area, not within a building or other structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. For the purpose of this title, a “parking lot” includes a motor vehicle display lot, and a commercial parking lot.

“Park Model” means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers. Recreational Park Trailers are recreational vehicles primarily designed and intended to provide temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels with a gross trailer area not to exceed 400 square feet when set up. Two different types of Recreational Park Trailers are typically commercially available. One is less than 8’6” in width and is designed for frequent travel on highways while the other, is wider than 8’6” (usually 12’ in width), and must be transported with special movement permits issued by the state Department of Transportation. The 8’6” unit is expandable when it reaches its destination utilizing slide-outs or tip-outs. The wider, less mobile units are usually sited in RV Parks for extended terms.

“Parking space” means an off-street space of a size adequate to temporarily park a motor vehicle and having access to a public street.

“Patio” means a concrete slab, wooden deck or other surfacing material, which may be surrounded by a sight screen and which may have a roof.

“Permitted use” means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such district.

“Person” includes individuals, partnerships, associations, or corporations.

“Planning/Technical Committee”. The planning/technical committee membership shall consist of representatives from the city engineering department and the city Planning Community Development Department and such other entities not within city government as the city planner shall establish, such as a representative from the fire department, the post office, the irrigation district, the REA, etc. The city planner shall act as chairperson of the planning/technical committee. The purpose for the committee is to compare the feasibility of a proposed project to city ordinances, codes, and regulations and advise the Planning Commission and the City Council of such comparison in terms of their applicability.

“Playground” means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

“Portable school classroom” means a prefabricated structure consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections and is designed to be used as an educational space with or without a permanent foundation. The structure shall be capable of being demounted and relocated to other locations as needs arise.

“Poultry” means domestic fowl, such as chickens, turkeys, ducks, and geese.

“Principal use” or “primary use” means the use for which a lot, structure, or building, or the major portion thereof, is designed or actually employed.

“Professional office in residence” means professional office/studio located in residence of a physician, surgeon, doctor, lawyer, architect, artist, accountant, teacher, registered nurse. Such use shall be secondary and incidental to residential use of building and may be advertised by a professional nameplate or sign not to exceed 96 square inches that is attached to the main door or suspended in a window and it may be illuminated but not in a flashing manner.

“Public park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. “Public park” does not include trails.

~~“Public safety facilities” means police and fire stations.~~

“Public transit center” means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

“Private” means belonging to or concerning an individual person, company or interest, and is restricted to the individual person, or arising independently of others.

“Property Owner” means the party or parties having the fee interest in land, except that where land is subject to real estate contract “owner” shall mean the contract vendee.

“Prosecuting Authority” means the City of West Richland’s City Attorney, his or her deputies and assistants or such other persons as may be designated by statute.

“Public Facilities” means buildings or uses of land whether owned, leased, or operated by a public entity.

“Public sign” means signs placed in the right-of-way.

“Public Use” means any area, building or structure held, used, or controlled exclusively for public purposes by any department or branch of any government, without reference to the ownership of the building or structure or of the land upon which it is situated.

“Public Utility” means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, wastewater treatment, electric power, gas, irrigation, and transportation of persons or freight.

“Public Utilities, Major” means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services are sized to serve regional needs beyond the immediate parcel, neighborhood or geographic area, and shall include, but are not limited to, overhead transmission lines, power generation plants and underground pipelines.

“Public Utilities, Normal” means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services are sized to serve the immediate parcel, neighborhood or geographic area, and shall include, but are not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping lines, pumping service facilities, communication relay stations, and wireless communication facilities.

17.09.180 Q definitions.

“Quarry,” “sandpit,” “gravel pit,” or “topsoil stripping” means a lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a building permit has been made.

17.09.190 R definitions.

“Reader board” means a sign consisting of tracks to hold the sign’s content to allow frequent changes.

“Readily Transportable (Park Model Trailers)” means that the unit shall remain on its original axle(s) and tires. The trailer tongue, if removed, shall be stored under the unit and shall be able to be re-attached within 2 hours. Skirting, if installed, shall be temporary in nature and easy removed within a 4 hour time frame. Utility connections shall be temporary quick disconnect type such as cord and plug, hose, as traditionally provided in RV parks. Fixed pipe connections for water/sewage or direct wiring into the unit for electrical power is not allowed. The unit shall be transportable within four (4) hours if able to be towed by a light duty truck, or within 48 hours if a vehicle trip permit is required from the WSDOT and towed by a heavy duty truck or semi.

“Readily Transportable (Recreational Vehicles)” means that the recreational vehicle shall not have skirting around the perimeter of the unit, shall remain on their tires and internal jacking and leveling system, the trailer tongue/hitch shall be left attached and ready for use, utility connections, when made, shall be temporary quick disconnect type such as cord and plus, hose, as traditionally provided in RV parks. The unit shall be transportable within four (4) hours either on its own motive power or towed by a light duty truck.

“Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

“Recreational marijuana processing” means to handle or process cannabis in preparation for recreational use.

“Recreational marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to recreational marijuana retailers.

“Recreational marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell recreational marijuana at wholesale to recreational marijuana processors and other recreational marijuana producers.

“Recreational marijuana production” means to manufacture, plant, cultivate, grow or harvest cannabis or marijuana for recreational purposes.

“Recreational marijuana retail outlet” means a location licensed by the State Liquor and Cannabis Board for the retail sale of usable marijuana and marijuana-infused products for recreational purposes.

“Recreational marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell usable marijuana and marijuana-infused products in a retail outlet for recreational purposes.

“Recreational space” means interior or exterior private or public noncommercial areas designed and set aside exclusively for diversion, amusement or entertainment, including, but not limited to, swimming pools, tennis courts, rest areas, or picnicking areas. The recreational area or park land dedication required by Chapter 16.12 WRMC may, at the City Council’s discretion, be included in the requirement for open spaces.

“Recreational Vehicle (RV)” means a vehicular type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes (RCW 43.22.335).

“Recreational Vehicle Park” means a plot of ground upon which two or more recreational vehicles are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation, education, or vacation purposes.

“Recycling Accessory Drop-Boxes” means a temporary device, container, receptacle, or station used for only collecting recyclable materials. Recycling accessory drop-boxes shall be considered incidental and accessory to a primary principal use. Recycling accessory drop-boxes shall include: donation boxes, vending machines, collection drops and bins.

“Recycling Process Plant” means an enclosed building and associated grounds devoted to the receipt, separation, storage, conversion, baling and/or processing of bulk recyclable material and white goods. “Recycling Process Plant” also includes composting facilities established to accommodate organic materials where they will be composted, either mechanically or by-hand, and then redistributed. Recycling process plants shall be considered an industrial land-use which utilize specific processing machinery and equipment, other than for collection.

“Regulation” means a statute, an administrative rule, or an adjudicatory decision.

“Resident hotel” means a building occupied by permanent guests only, not for transients, which may also include restaurants, newsstands, and other accessory services, only if such services are primarily for serving its occupants and only incidentally the public.

“Residential care facility” means a facility that cares for at least five, but not more than 15 functionally disabled persons, that is not licensed pursuant to Chapter 70.128 RCW, Adult Family Home.

“Residential Development” means any development designed and intended for residential use regardless of the type of building in which such residence is located; i.e., conventional single-family dwellings, single-family attached townhouses, duplexes, fourplexes or apartment houses.

“Retail Sales” means the sale and/or rental of goods, merchandise and commodities for use or consumption by the immediate purchaser. “Retail sales” includes the selling of goods and services which may include convenience goods, such as food and drugs, personal services, such as tailoring, shoe repairing and barbershops, and general merchandise, such as apparel, furniture and home furnishings. The term “store” as used in this Ordinance is included in this definition.

“Review Authority” means the entity, whether it be the Community Development Department, a Hearings Examiner, Board or Commission, or City Council, charged with reviewing a permit application and rendering a decision

“Riding academy” means any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

“Right of way” means the land held by the public for road and utility purposes. It usually refers to the land required for the traffic lanes plus the shoulders and drainage structures on both sides of highways, roadways, bikeways and alleys.

“Roof sign” means a sign on the roof or attached behind the parapet of a building that is also attached to the roof or parapet.

“Rowhouse” means a single-family dwelling on its own lot, in a series of two or more similar dwellings in one structure but on separate lots, with interior units sharing common walls along both side property lines and end units sharing a common wall on one side property line, where parking is not incorporated within the dwelling unit.

17.09.200 S definitions.

“Safe injection site” means a medically supervised facility designed to provide a hygienic and stress-free environment in which individuals are able to consume illicit recreational drugs intravenously and reduce nuisance from public drug use.

“Salvage yard” means a lot or structure or part thereof used primarily for the collecting and/or sale of waste, paper, rags, scrap metal or discarded materials and/or for the collection, dismantling, storage and salvaging of machinery and/or vehicles for the sale of parts.

“Sandwich board sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make itself standing.

“Sanitarium” or “sanatorium” means a private hospital, whether or not such facilities are operated for a profit.

“Secondary school” means a high and/or middle school: a school for students who have completed their primary education, usually attended by children in grades seven to 12 and recognized by the Washington State Superintendent of Public Instruction.

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW 71.09.020(10) as described in RCW 71.09.250 or as amended.

“Sensitive land uses” means those land uses which are particularly sensitive to the secondary effects of adult use businesses. “Sensitive land uses” include the following:

1. Churches, or other religious facilities or institutions;
2. Multiple-family and single-family residential zones;
3. Playgrounds, public parks, and libraries; and
4. Public and private schools, technical schools, training facilities which have 25 percent or more students under age 18 and licensed day care facilities.

“Small domestic animals” means any dogs, cats, rabbits, ducks, geese, pigeons, chickens, or other similar animals over the age of six months.

“Solid planting” means planting of evergreen trees and shrubs which prevent a through and unobscured penetration of sight or light.

“Specified anatomical areas” means:

1. Less than completely and opaquely covered male or female genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” means:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“Stable, private” means an accessory building in which horses are kept for private use and not for hire, remuneration or sale.

“Stable, public” means a building in which horses are kept for remuneration, hire, sale, or stabling. It may include structures and/or open roaming areas.

~~“Stock in trade” means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs or similar material) or other items readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not open to patrons.~~

“Storage facilities, bulk” means an enclosed (see “Warehouse”) or outdoor area designated for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards or vehicle sales lots.

“Storage facilities, commercial” means an enclosed storage area(s) (within a structure) designated as support facilities for commercial activities and used for the storage of retail materials.

“Storage facilities, outdoor” means the storage of any materials, products, vehicles, equipment, junk or scrap outside the confines of an enclosed building, and more specifically defined as:

1. Merchandise Display. The display of products and materials, and operable vehicles and equipment for the principal purpose of offering for sale at retail, and incidental to the business on the premises;
2. Equipment and Material Storage. The storage of any equipment in usable condition which are not being specifically displayed as merchandise or offered for sale at retail; and
3. Junk and Scrap Storage. The storage of used products or scrap materials such as wood, cloth, paper, glass, metal, plastic, or rock material which could be refurbished, recycled or converted into usable stock or material.

“Storage facilities, storage units/mini-storage/mini-warehouse” means a building, portion of a building or group of buildings designed and/or used exclusively for the rental or lease of individual compartments which do not exceed 600 square feet in area, and are more specifically defined as:

1. An enclosed area(s) (within a structure) providing storage for residential goods, recreational equipment, and recreational vehicles; and
2. A facility for the storage of goods where storage, retrieval, and transport are the responsibilities of the renter or lessee.

“Story” means the portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between any floor and top surface of ceiling joists above it.

“Story, half” means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two exterior walls are not more than two feet above the floor of such story.

“Story, height of” means the vertical distance from a top surface of a floor to the top surface of the floor next above it. The height of the topmost story is a distance from the top surface of the floor to the top surface of the ceiling joists.

~~“Street” means a public or private way which affords a principal means of access to abutting properties.~~

“Structure” means anything constructed or erected, the use of which requires location on ground or attachment to something having a location on the ground.

“Setback” means the distance that buildings or uses must be removed from their lot lines, except that eave overhangs and ornamental overhangs may extend into required yard areas up to three feet.

“Sign” means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business.

product, service, event, location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The definition of "Sign" excludes such things as murals, public art, etc., unless they include some sort of commercial advertising in the design.

"Sign area" means the smallest circle(s), triangle(s) or rectangle(s), which will enclose the individual actual sign face. The supporting structure, which does not contain any part of the sign face, is not included in this definition. If a sign has back-to-back display faces, the area of only one face will be considered the sign area. If a sign has more than one face, all areas which can be viewed simultaneously will be considered the sign area.

"Sign, Ground" means a sign which is five feet or less in height above the ground and is supported by one or more poles, columns, or supports anchored in the ground.

"Sign, Height" means the vertical distance from the ground at the sign base to the highest point of the sign, including its supporting structure.

"Sign, Off-Premise" means a sign which advertises a product, service, or company not located on the property on which the sign is situated.

"Site" means a portion of a subject property.

"Siting" means the method and form of placement of a use or development on a specific area of a subject property.

"Small Wind Energy Systems (SWES)" means a wind energy conversion system consisting of wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100kW., and which is intended to primarily reduce on-site consumption of utility power.

"Speculation (Spec) Tower" means a tower designed for the purpose of providing location mounts for wireless communication facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

"Store" See "Retail Sales."

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

"Street" means a public or recorded thoroughfare which affords primary means of access to abutting property for the use of the general public, upon which every person has the right to pass and to use it at all times, for the purposes of travel, transportation or parking to which it is adapted and devoted.

"Street Line" means the boundary line between a street and the abutting property otherwise referred to as the street right-of-way line.

17.09.210 T definitions.

"Temporary sign" means a nonpermanent sign not otherwise defined in the sign code intended for use for a limited period of time.

"Theater" means a building or part of a building devoted to showing moving pictures on a paid admission basis.

"Tower" means a mast, pole, or monopole, guyed or free standing lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term tower includes, but is not limited to, microwave towers, common carrier towers, personal communication service (PCS), and cellular telephone/data towers. In regards to Wind Energy Systems, the term "tower" shall mean the monopole, guyed monopole or lattice structure that supports a wind generator.

"Tower Height" means the distance from the grade level of the tower foundation/base to the highest point of the turbine rotator plane.

~~“Theater, moving picture” means a building or part of a building devoted to showing moving pictures on a paid-admission basis.~~

~~“Tourist cabins” means a group of buildings, including either separate cabins or a row of cabins, which:~~

- ~~1. Contain living and sleeping accommodations for transient occupants;~~
- ~~2. Have individual entrances.~~

~~“Tourist home” means a dwelling in which overnight accommodations are provided or offered to transient guests for compensation.~~

“Townhouse” means a single-family dwelling on its own lot, in a series of two or more similar dwellings in one structure but on separate lots, with interior units sharing common walls along both side property lines and end units sharing a common wall on one side property line, and with parking incorporated within the dwelling unit.

17.09.220 U definitions.

“Usable cannabis or usable marijuana” means dried flowers of the cannabis plant. The term “usable cannabis or usable marijuana” does not include marijuana-infused products or cannabis products.

“Use” means a purpose for which a parcel of land, its premises, or a building thereon is designed, arranged, occupied, maintained, or utilized. “Use” also encompasses the terms “activity”, “land development”, and “structure”.

“Use, Accessory” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

“Use, Conditional” means a use permitted in one or more Land Use Districts, as defined by this Ordinance, but because of certain characteristics peculiar to it or because of exact location with reference to surrounding streets and existing improvements or demands upon public facilities, requires a special degree of control to make the use consistent with, and compatible to, other existing and permissible uses, and to ensure that the use is not detrimental to the public interest.

“Use, Principal” means that the primary or principal use is the main use as distinguished from a subordinate accessory use, or the use for which a structure is specifically designed or actually employed.

“Utility facilities” means all physical facilities necessary for provision of the following services: sewer, water, electricity, natural gas, telephone, cable television, wireless communication, storm drainage.

“Utility facilities, major” means those facilities necessary to provide utility services which have a greater potential to impact neighboring properties than minor utility facilities, such as: sewage treatment plants; wastewater lagoons and spray fields; power generation facilities; transmission and distribution substations; natural gas regulator stations; domestic surface water treatment facilities; irrigation canals, ponds, and reservoirs; water towers and reservoirs; outdoor pump stations; television transmission facilities more than 30 feet in height; and utility operation and maintenance centers, as well as including any buildings or structures related to these uses.

“Utility facilities, minor” means those facilities which are necessary to provide utility services and generally involve only minor structures, such as: overhead lines and support poles; underground lines and pipes; transformers; indoor and underground pump stations; public wells; outfalls; stormwater retention ponds, infiltration trenches, and catch basins; telephone and fiber optic switching/booster facilities; cable television receiver and transmission facilities 30 feet or less in height; and private on-site facilities such as septic tanks and wells; as well as including any buildings or structures related to these uses.

17.09.230 V definitions.

~~Reserved.~~

“Variance” means approval to deviate from the dimensional requirements of this title.

“Variance, Major” means a variance request decided by the City’s Board of Adjustment.

“Variance, Minor” means a variance request decided by the Community Development Director.

“Veterinary Clinic or Hospital” means a facility rendering surgical and medical treatment to animals, and having overnight accommodations for small animals such as, but not limited to, dogs, cats and rabbits.

“Vision Clearance Area” means a triangular area of a corner lot at the intersection of two front lot lines, and through which it is necessary to retain vision clearance in the interest of public safety.

17.09.240 W definitions.

“Wall sign” means a sign attached parallel to, but within six inches of, a wall, painted on a building surface, or erected and confined within the limits of the building facade and which displays only one sign face.

“Warehouse” means a structure used for the storage of goods and materials. Also see “Agricultural building.”

“Way” means a street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

“Window sign” means a sign placed within or on a window.

“Wind Turbine” means blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

“Wireless Carrier” means an entity that provides wireless communication services.

~~“Wireless communications facilities” means the site, wireless communications support structures, antennas, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. Wireless communications facilities include, but are not limited to, antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronic, and switching equipment.~~

~~“Wireless communications support structure” means a structure erected to support wireless communications antennas and connecting appurtenances. Wireless communications support structures may include, but are not limited to, lattice towers, monopoles, and guyed towers.~~

“Wireless Communication Facility (WCF)” means an unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices.

17.09.250 X definitions.

Reserved.

17.09.260 Y definitions.

“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.

17.09.270 Z definitions.

Reserved.

“Zoning District” or “District” means the various districts listed in this Title as identified in Chapter 17.12.

“Zoning Map” means the official map which identifies the parcel specific boundaries of the various zoning districts listed in this Title.”

SECTION 4: That West Richland Municipal Code Chapter 17.12 “Districts established”, is hereby amended to read as follows:

“Chapter 17.12

DISTRICTS ESTABLISHED

17.12.010 Use-Zoning districts established.

In order to classify, segregate, and regulate the use of land, buildings, and structures, the city is divided into the following zones, as depicted on the official zoning map:

Symbol	Description
UT	Urban transition use district
CP	City parks district
RL	Low density residential use (RL-40, RL-20)
RM	Medium density residential use (RM-10, RM-6)
MH-P	Manufactured home park use district
MR	Multifamily district (MR)
D-MU	Downtown—mixed use district (D-MU)
C	Commercial use district (C-N, C-L, C-G, C-LI)
LI	Light industrial use district (LI)

<u>Symbol</u>	<u>Description</u>
<u>CP</u>	<u>City Parks (CP)</u>
<u>RL</u>	<u>Low-density residential use (RL-40, RL-20)</u>
<u>RM</u>	<u>Medium-density residential use (RM-10, RM-6)</u>
<u>MH-P</u>	<u>Mobile Manufactured home park use district</u>
<u>M-R</u>	<u>Multifamily district (M-R)</u>
<u>D-MU</u>	<u>Downtown- mixed use district (D-MU)</u>
<u>C</u>	<u>Commercial use district (D-MU, NC C-N, C-L, C-G, C-LI)</u>
<u>LI</u>	<u>Light industrial use district (LI)</u>
<u>UT</u>	<u>Urban Transition use district (UT)</u>

The official zoning map, as adopted, and as hereafter amended, shall be consistent with and implement the adopted comprehensive plan.

17.12.015 District boundaries and GIS mapping.

The official ~~Land Use Database~~ zoning map is a representation of the land use information contained in the West Richland Geographic Information System (GIS) database administered by the Community Development Department. Where features existing on the ground are ~~at variance~~ inconsistent with those shown on the Official ~~Land Use Database~~ zoning map, the Administrator, who is responsible for making district boundary determinations, may review the land use information contained in the GIS for accuracy and comparison purposes. Such determinations shall be subject to a Type I review process pursuant to Title 14.

~~The Administrator shall be responsible for making district boundary determinations. Such determinations shall be subject to a Type I review process pursuant to Title 14. Where uncertainty exists with respect to the boundaries of the various districts as shown on the official Land Use Database, the following rules shall apply:~~

A. The district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights of way or such lines extended, municipal corporation lines, or natural boundary lines such as topography or streams.

B. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the Maps are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district.

C. Where a district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied.

D. The district boundaries shall extend to the ~~Mean~~ Ordinary High Water Mark when adjacent to any water body unless otherwise specified.

E. Where physical or cultural features existing on the ground are ~~at variance~~ inconsistent with those shown on the Official Land Use Map or the West Richland Comprehensive Plan Map, or in other circumstances not covered by Subsections 17.06.050 (1-4) A-D above, the Administrator shall determine the district boundaries.

17.12.020 Subsequent annexations.

All lands hereafter annexed to the city shall be classified by ordinance in one or more of the ~~use zoning~~ districts established by WRMC 17.12.010; provided, classification simultaneously with annexation is not required. ~~In the event land is annexed to the city without simultaneous adoption of a land use classification, the land so annexed shall retain, and be subject to, the same land use classification and use regulations upon annexation as were applied to the land prior to its annexation, until one of the designations of WRMC 17.12.010 can be applied.~~

17.12.030 Official zoning map, form and maintenance.

The official zoning map is adopted by reference and hereby made a part of this title. The official zoning map shall be maintained in electronic form and depicted in various formats and scales as appropriate to the need. The community development director shall be the custodian of the official zoning map. When, in accordance with the provisions of this title, a change to the zoning map is approved, the change shall be promptly made to the official zoning map.

17.12.040 Regulations.

The regulations set by this title within each zone shall apply uniformly to each class or kind of structure or land, and except as provided in this section or pursuant to ~~WRMC 17.72.140 and~~ Chapter 17.69 WRMC.

A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered, unless in conformity with all of the regulations

specified for the zone in which it is located, except as may be specifically provided for in this title. This title does not allow any use which is in violation of any local, state, or federal laws, regulations, codes, and/or ordinances.

B. No building or other structure shall hereafter be erected or altered to:

1. Exceed the height as required by this title;
2. Accommodate or house a greater number of families than allowed in this title;
3. Occupy a greater percentage of lot area than set forth in this title;
4. Have narrow or smaller rear yards, front yards, side yards, or other open spaces than required in this title; or
5. Be in any other manner contrary to the provisions of this title.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building structure or land use for the purpose of complying with this title shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building structure or land use except as may otherwise be specifically provided in this title.

D. No yard or lot shall be created or reduced in dimension or area below the minimum requirements set forth in this title, except as provided by this title.

E. The lot area requirements shall apply in the residential districts and agricultural districts except where a lot has less area than required in this title as shown by any official plat on file in the office of the county auditor or after the time of the effective date of the ordinance codified in this title, as shown by the last conveyance prior to that effective date; provided, however, that these regulations shall not prohibit one private dwelling and its necessary building on such lot as long as 70 percent of the area of the site, including easements, is left in open spaces, free from structures.

*F. Where two rules are found to conflict, the more **stringent and specific** rule shall supersede the general rule or regulation.*

17.12.050 Community development director interpretation of unlisted uses

If a proposed use is not specifically listed in this Title, the Community Development Director may promulgate, announce an interpretation as to whether or not such use is to be a permitted, secondary, or conditional use. The Director shall determine whether it closely resembles another listed use. Any use which is determined not to fit in the zone shall not be permitted. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Director shall determine whether the proposed use meets the following criteria:

A. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zoning district or districts in terms of the following:

- 1. The activities involved in or equipment or materials employed in the use;*
- 2. The effect of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, and aesthetic appearance;*
- 3. The use is consistent with the stated purpose of the applicable district or districts; and*
- 4. The use is compatible with the goals and policies of the West Richland Comprehensive Plan.*

B. The Director's determination may be appealed as provided for in WRMC Title 14 as a Type II review.

17.12.060 Prohibited Regulation of marijuana uses.

The production, processing and retail sales of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in Revised Code of Washington Chapter 6969.50, and implementing regulations in

Chapter 314-55 of the Washington Administrative Code, are each prohibited and not allowed in any zone in the City of West Richland.

17.12.070 Uses within shoreline jurisdiction.

Uses within the shoreline jurisdiction are also subject to additional use restrictions pursuant to WRMC Chapter Title-18.08, Shoreline Master Program.

SECTION 5: That West Richland Municipal Code Chapter 17.16 "Wireless Communications Facilities", is hereby amended to read as follows:

"Chapter 17.16

WIRELESS COMMUNICATION FACILITIES

17.16.010 Purpose and intent.

These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas, while furthering the development of wireless communication services. These standards were designed to comply with the Telecommunication Act of 1996, and as amended. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless communication services.

17.16.020 Applicability.

The City of West Richland desires to accommodate the increasing communication needs of its residents, businesses, and visitors, while protecting the public health, safety and general welfare as well as visual and aesthetic considerations.

A. All wireless communication facilities (WCF) located within the city, whether upon private, public, or city owned lands, shall be subject to the following:

1. No WCF shall be constructed or operated within the city until all necessary approvals and permits have been secured;
2. An application for a WCF shall include both the licensed carrier and the landowner of the subject property;
3. A building permit application approval shall be required for the construction and operation of all WCFs;
4. If co-location is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan;
5. If concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan;
6. All approvals for a WCF shall become null, void, and nonrenewable if the facility is not constructed and placed into service within two (2) years of the date of final approval from the city, or superseding administrative or court decision unless otherwise authorized via permit approval from the governing body;
7. The applicant, co-applicant, or tenant shall notify the Community Development Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within ninety (90) days of the change. Failure to provide appropriate notice shall constitute a violation of the original permit approval;
8. All WCFs must comply with all applicable City regulations and the permit conditions authorizing the WCF;

9. Speculation towers are not permitted;
10. The Review Authority may require a third-party verification of the analysis provided by the applicant at the applicant's expense.

17.16.030 General Requirements.

A. Application submittal requirements.

1. Applications for co-location on existing WCF are subject to a Type I Review process pursuant to the procedures and decided by the Review Authority as established in WRMC 14.01.030. The application must include:
 - a. An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna;
 - b. Documentation demonstrating compliance with Non-Ionizing Electromagnetic Radiation (NIER) emissions standards set forth by the Federal Communication Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radio frequency performance standards;
 - c. Plans showing the connection to utilities/right-of-way cuts, ownership of utilities and associated easements required;
 - d. Documents demonstrating that any necessary easements have been obtained;
 - e. A Notarized Signature of the property owner(s) on the application form, or a notarized statement from the property owner(s), granting authorization to proceed with building permit and land use processes;
 - f. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in WRMC Chapter 9.38;
 - g. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the city from a distant location, and any existing detached WCF of another provider within one (1) mile radius of the proposed site;
 - h. If the WCF is located within 500 feet of the State Route 224 or State Route 225 Corridors, or if interference with State communications facilities is anticipated as determined by the City or the Washington State Department of Transportation (WSDOT), then the applicant must:
 - i. Provide WSDOT with new installation contact information; and
 - ii. If required by either the City or WSDOT, conduct cooperative testing with WSDOT to determine if there are any interference problems and provide mitigation measures as necessary;
 - i. If the WCF is located within 500 of an existing WCF, or if interference with existing WCF is anticipated as determined by the City or existing WCF owner, then the applicant must conduct cooperative testing with City and/or existing WCF owner to determine if there are any interference problems and provide mitigation measures as necessary;
 - j. Documentation demonstrating that the Federal Aviation Administration (FAA) and ~~Washington State Aeronautics Commission~~ WSDOT Aviation have reviewed and approved the proposal, or determined that such review and approval is not required;

k. A certificate from a title insurance company, issued no more than 30 days prior to application, showing ownership of the property involved; and

l. Applications shall be accompanied by a fee to defray the administrative expenses incurred by the city and for costs of review and inspection by the community development director, public works director and other city employees. Said fee shall be in accordance with the City of West Richland adopted fee schedule.

2. Applications for new WCF towers require Conditional Use Permits and are subject to a Type III Review process pursuant to the procedures and decided by the Review Authority as established in WRMC 14.01.030, and are subject to environmental review under SEPA. Applications must include:

a. An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;

b. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower antennas, and ancillary facilities from at least five points within a one mile radius. Such points shall include views from public places including but not limited to parks, rights of-way, and waterways chosen by the Community Development Department at a pre-application conference under WRMC14.02.010, or any amendments thereto, to ensure that various potential views are represented;

c. The distance from the nearest WCF and nearest potential co-location site;

d. If the WCF is located within 500 feet of the State Route 224 or State Route 225 Corridors, or if interference with State communications facilities is anticipated as determined by the City or the Washington State Department of Transportation (WSDOT), then the applicant must:

i. Provide WSDOT with new installation contact information; and

ii. If required by either the City or WSDOT, conduct cooperative testing with WSDOT to determine if there are any interference problems and provide mitigation measures as necessary;

e. If the WCF is located within 500 of an existing WCF, or if interference with existing WCF is anticipated as determined by the City or existing WCF owner, then the applicant must conduct cooperative testing with City and/or existing WCF owner to determine if there are any interference problems and provide mitigation measures as necessary;

f. A report/analysis from a Washington State licensed professional engineer documenting the following:

i. The reason(s) why co-location on an existing WCF is not feasible;

ii. How the application meets the requirements of Subsections 17.16.030 (B)(2) and (3);

iii. The reason why the WCF must be constructed at the proposed height;

iv. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, the potential employment of concealment technology;

v. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

vi. Evidence of structural integrity of the tower structure as required by the Building Official under WRMC Title 15, or any amendments thereto;

- vii. Failure characteristics of the tower; and
- viii. Ice hazards and mitigation measures which can be employed.
- g. Documentation demonstrating compliance with Non-Ionizing Electromagnetic Radiation (NIER) emissions standards set forth by the Federal Communication Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radio frequency performance standards;
- h. A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that all future owners or operators will allow co-location on the tower;
- i. A statement documenting any binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider;
- j. A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size;
- k. Plans showing the connection to utilities/right of- way cuts required, ownership of utilities and easements required;
- l. Documents demonstrating that any necessary easements have been obtained;
- m. Plans showing how vehicle access will be provided and maintained;
- n. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes;
- o. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Subsection 17.16.030.B.2;
- p. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the County from a distant location, and any existing detached WCF of another provider within five (5) miles of the proposed site;
- q. Documentation demonstrating that the FAA and ~~Washington State Aeronautics Commission~~ WSDOT Aviation has reviewed and approved the proposal, or determined that such review and approval is not required;
- r. Full response to approval criteria in Subsection 17.16.030.B, and WRMC 17.66.030, as applicable; and
- s. SEPA Checklist.

B. Approval criteria. To be approved, all applications for a wireless communication facility (WCF) including applications for new towers and for co-location, shall demonstrate compliance with the following:

1. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines);
2. Noise levels shall not exceed five (5) dBA above ambient levels or fifty-five (55) dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. No testing of backup power generators shall occur between the hours of 8 pm and 8 am;

3. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. The facility shall comply with WRMC ~~Chapter~~ Title 18 Environmental Protection, or any amendments thereto;
4. A new tower shall make available space for co-location of other telecommunication facilities; including space for those providing similar and/or competing services;
5. A proposal for a new WCF shall not be approved unless the Review Authority finds that the wireless communication equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following four reasons:
 - a. The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a Washington State licensed professional engineer, and the existing or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment;
 - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a Washington State licensed professional engineer and the interference cannot be prevented;
 - c. Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a Washington State licensed professional engineer; and
 - d. The radio frequency coverage objective cannot be adequately met.
6. All WCFs shall be designed to promote facility co-location and site sharing;
7. Existing sites for potential co-location may include but are not limited to buildings, water towers, existing WCFs and towers, and related facilities provided that such installation preserves the character and integrity of those sites.
8. No commercial WCF operating at an Effective Radiated Power (ERP) of more than seven (7) watts shall be located on any residential structure, including accessory buildings;
9. If co-location is not feasible, the preferred order for locating new WCFs shall be based on the following zoning districts (a is most preferred, f is least preferred):
 - a. Light Industrial (LI);
 - b. Commercial Light Industrial (CLI);
 - c. Urban Transition (UT);
 - d. Commercial General (CG);
 - e. Commercial Limited (CL);
 - f. Neighborhood Commercial (NC);

The Review Authority shall not allow a new WCF to be sited unless the applicant demonstrates with clear and convincing evidence that the applicant's objectives cannot be met by placing the project in an area with a higher preference;

10. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least three co-location facilities if the tower is over one hundred (100) feet in height or for at least two co-location facilities if the tower is between sixty (60) and one hundred (100) feet in height. Towers must be

designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;

11. The review authority may require third party verification of the analysis provided by the applicant at the applicant's expense;

12. Height. Wireless communications facilities shall comply with the following requirements:

- a. WCFs shall not be sited and erected such that the height of the structure would require strobe lighting by the FAA;
- b. Ground mounted WCF's in the following areas shall not exceed the following height restrictions:
 - i. Light Industrial (LI) 150 ft.
 - ii. Commercial Light Industrial (CLI) 100 ft.
 - iii. Urban Transition (UT) 150 ft.
 - iv. Commercial General (CG) 80 ft.
 - v. Commercial Limited (CL) 80 ft.
 - vi. Neighborhood Commercial (CN) 80 ft.

13. Buffer from Residential Areas. Each new WCF must be at least 300 feet away from any City of West Richland residential zones (RL-40, RL-20, RM-10, RM-6, D-MU, MR, and MH-P);

14. Setback/Yard Requirements. All ground mounted towers shall be setback at least 25 feet from any property line. Setback requirements shall be measured from the outside edge of a WCF;

15. The Review Authority may increase or decrease the setback requirements in this subsection if clear and convincing evidence is presented which shows that placing the proposed WCF/accessory structure(s) in another location on the property would make the proposal more visually compatible;

16. The Review Authority may waive the setback requirements in this subsection if clear and convincing evidence is presented which shows that placing the proposed WCF/accessory structure(s) within a setback area would make the proposal more visually compatible;

17. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the review authority minimizes visibility of the WCF to the greatest extent feasible. Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of nonreflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged;

18. Wireless communications storage facilities shall be no taller than twelve (12) feet in height and shall be treated to look like a building or facility typically found in the area;

19. A sight-obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility. The sight-obscuring fence shall surround the tower and the equipment shelter;

20. Exterior building lighting shall follow the requirements of WRMC ~~Title~~ Chapter 17.55;

21. Signs. A 24-hour local emergency contact shall be posted on the site. The use of any portion of a tower for signs other than emergency contact, warning or equipment information is prohibited; and

22. The review criteria included in WRMC 17.66.030 shall apply for applications that require a CUP.

C. Abandonment.

1. At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify the Community Development Department in writing of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations;

2. In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve (12) months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis;

3. Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

a. Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three (3) feet below ground surface;

b. Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site;

c. Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition;

4. If a party fails to remove a WCF in accordance with Subsection 17.16.030.C, the City shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event the City must remove the facility; and

5. If there are two or more carriers/operators of a single tower, then provisions of Subsection 17.16.030.C shall not become effective until all carriers/operators cease using the tower.

17.16.040 Exemptions.

The following uses and activities shall be exempt from the regulations contained in Section 17.16.030:

A. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions;

B. Ham radio, amateur sole source emitters, citizen band transmitters and accessory structures including antennas;

C. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and emergency aid or ambulance services, and the West Richland Public Works Department;

D. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;

E. Military and civilian radar, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

F. Machines and equipment that are designed and marketed as consumer products such as TV satellite dishes, microwave ovens, and remote control toys; and

G. Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than seven (7) watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

17.16.050 Screening.

A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. The perimeter of the site shall be maintained as a sight screen in the following manner:

A. If within 200 feet of available water system, the sight screen shall consist of trees, shrubs, and landscaping that are large and mature enough to provide a solid screen within two years from the time they are planted.

B. If not within 200 feet of available water system, the sight screen shall be a minimum eight-foot-high fence.

C. When determined necessary by the reviewing official due to noise impacts, a solid block wall or other sound mitigating feature(s) of a height necessary to mitigate the noise impacts may be required.

SECTION 6: That West Richland Municipal Code Chapter 17.22 “City Parks District (CP)”, is hereby amended to read as follows:

“Chapter 17.22

CITY PARKS DISTRICT (CP)

17.22.010 Purpose.

The city parks district is the zone classification used by the city to identify lands used for public park and recreational areas.

17.22.020 Essential use.

The essential use of the city parks district is city parks and/or open space areas owned or under the control of the city of West Richland.

17.22.030 Primary permitted uses.

The primary permitted uses in these districts are:

A. City parks and/or open space areas, including conservation sites, and activities associated with such uses.

B. Golf courses.

C. Community centers.

D. Swimming pools.

~~E. Conservancy sites, natural open space, and activities associated with such uses.~~

17.22.040 Secondary permitted uses.

The secondary permitted uses in these districts are:

A. Accessory buildings, subject to WRMC 17.54.055.

B. Festivals.

C. Outdoor concerts.

D. Park and ride facilities.

E. Permitted special events.

F. Temporary / seasonal outdoor public markets.

G. Food vending vehicles, subject to WRMC 17.54.432.

H. Electric vehicles charging stations, subject to WRMC 17.54.043.

I. Clubhouses.

J. Automobile parking as required by Chapter 17.57 WRMC.

K. Recycling or donation drop-off containers (unattended).

17.22.050 Conditional uses.

Uses permitted upon issuance of a **special conditional use** permit, as provided in Chapter 17.66 WRMC, include:

A. Events which may have a large neighborhood impact as determined by the administrator.

17.22.060 Area and dimensional requirements.

Area and dimensional requirements, including setbacks, lot area, lot width, lot depth, building height and lot coverage, are found in ~~Table 17.54.050~~ **Table 17.54.050.3**. Specific exceptions are listed in the notes indexed by ~~Table 17.54.050~~ **17.54.050.3**.

17.22.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, **Article 1, Requirements for All Districts.**

17.22.080 Off-street parking *and loading*.

For provisions on off-street parking *and loading*, see Chapter 17.57 WRMC.”

SECTION 7: That West Richland Municipal Code Chapter 17.23 “Urban Transition Use District (UT)”, is hereby amended to read as follows:

“Chapter 17.23

URBAN TRANSITION USE DISTRICT (UT)

17.23.010 Purpose.

The urban transition (UT) district is intended to be applied to all properties of importance to the future growth of the city but which are outside of the 2017 – 2037 planning horizon as based upon the 2017 city of West Richland comprehensive plan. The purpose of the district is to allow those lands which were annexed into the city prior to the adoption of the Growth Management Act to remain within the city and continue to be used for farming and agricultural activities until such time that demand dictates a change in land use. Furthermore, the purpose of the district is:

A. To allow for interim resource activities and utilization.

B. To prevent the premature division and development of land in a manner which would preclude logical future urban development.

C. To provide for limited interim partitioning, development and use of existing parcels until such time the lands are needed for urban development and easily accessed by public services.

D. To apply innovative zone for the agricultural lands, allowing for “quarter/ quarter” zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land.

17.23.020 Essential use.

The essential use of the urban transition district is existing and ongoing agricultural activities with the allowance of limited low-density development.

17.23.030 Primary permitted uses.

The primary permitted uses in these districts are:

A. One single-family detached dwelling with not less than 1,000 square feet of finished living space.

B. Growing fruits, vegetables, grains, flowers and field crops.

C. Large domestic animals, subject to WRMC 17.54.102 and 17.54.103.

D. Minor utility facilities.

~~E. Public safety facilities.~~

E. Fire stations.

F. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16 WRMC 17.16.

G. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.23.040 Secondary permitted uses.

The secondary permitted uses in these districts are:

A. Accessory buildings, subject to WRMC 17.54.055.

B. Hobby agriculture, subject to the following provisions:

1. Not more than ~~two signs~~ one sign, having an area of not more than ~~six~~ four square feet in each sign, advertising the sale of products raised or grown on the land; such signs shall not be illuminated;

2. Temporary buildings or stands for the display or sale of products raised or grown on the premises upon which such a stand is located; such a stand or building shall be located not less than 20 feet from the street or road right-of-way during the season it is actually being used for sale and display of products; and such temporary stands shall be relocated to other positions appropriate to accessory buildings when not being used for actual sale and display of products.±

C. Small domestic animals, subject to WRMC 17.54.103.

D. Small-scale home occupations.

D. Electric vehicle charging stations, subject to WRMC 17.54.043.

E. Accessory dwelling units that comply with WRMC 17.54.095.

~~F. Private small wind energy systems, subject to WRMC 17.54.110.~~

FG. Automobile parking as required by Chapter 17.57 WRMC.

17.23.050 Conditional uses.

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

A. Bed and breakfast facilities.

B. Cemetery.

C. Large-scale home occupation.

D. Major utility facilities.

E. Wireless Communication Facilities subject to Chapter 17.16 WRMC.

F. Public and private elementary, middle, and high schools, including portable school classrooms.

G. Public parks and playgrounds.

H. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

I. Accessory dwelling units that comply with WRMC 17.54.095; and

I. Automobile, motorcycle, horse and dog racing tracks.

J. Mining and/ or temporary rock crushing activities, related to on or off-site construction or site preparation activities.

K. Golf courses.

L. Private small wind energy systems, subject to WRMC 17.54.110.

17.23.060 Area and dimensional requirements.

Area and dimensional requirements, including setbacks, lot area, lot width, lot depth, building height and lot coverage, are found in ~~Table 17.54.050~~Table 17.54.050.1. Specific exceptions are listed in the notes indexed by ~~Table 17.54.050~~Table 17.54.050.1.

17.23.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article 1 and Article II.

17.23.080 Off-street parking *and loading*.

For provisions on off-street parking *and loading*, see Chapter 17.57 WRMC.”

SECTION 8: That West Richland Municipal Code Chapter 17.24 “Low-Density Residential Use District (RL-40, RL-20)”, is hereby amended to read as follows:

“Chapter 17.24

LOW-DENSITY RESIDENTIAL USE DISTRICTS (RL-40, RL-20)

17.24.010 Purpose.

Low-density residential districts provide for a low-density residential environment which may serve to protect steep slopes from over-development or otherwise address environmental constraints. The districts are also applied to areas where provision of full urban services is unlikely to occur due to existing development patterns and topographical restraints (e.g., isolated portions of Section 6 and Section 8 of Willamette Heights). The RL-40 district may include agricultural uses and activities.

17.24.020 Essential use.

The essential use of the low-density residential use districts is a single-family detached dwelling.

17.24.030 Primary permitted uses.

The primary permitted uses in these districts are:

A. One single-family detached dwelling with ~~not less than 1,000 square feet of finished living space a minimum size of a finished living space / unit of 1,000 square feet.~~

~~B. Manufactured homes (See WRMC 17.54.090).~~

C. ~~Public and private elementary schools, junior high schools,~~ public parks, and playgrounds.

~~C. Public safety facilities;~~

D. Churches and similar places of worship where off-street parking is provided as set forth in Chapter 17.57 WRMC.

E. Parish ~~or clergy~~ houses and religious education buildings.

~~F. Each dwelling is allowed the keeping of small domestic animals over the age of six months and is limited to no more than five;~~

~~F. Fire Stations.~~

G. Minor utility facilities.

H. Adult family home.

I. Family day care ~~home~~ **provider**.

~~J. Growing fruits, vegetables, grains, flowers, and field crops;~~

~~K. The keeping of large domestic animals, subject to the following provisions:~~

~~1. The keeping of swine (hogs or pigs) is not permitted;~~

~~2. Not more than one animal per one-half acre;~~

~~3. Silage or other odorous feedstuffs are not permitted.~~

~~J L.~~ Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16.

K. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.24.040 Secondary permitted uses.

The secondary permitted uses in these districts are:

A. ~~Repealed by Ord. 24-12.~~

B. Accessory buildings, subject to WRMC 17.54.055.

C. Hobby agriculture, subject to the following provisions:

1. **Up to two signs are allowed** ~~Not more than two signs,~~ having an area of not more than six square feet in each sign, **when the signs are** advertising the sale of products raised or grown on the land; such signs shall not be illuminated.

2. Temporary buildings or stands *less than 120 square feet* for the display or sale of products raised or grown on the premises upon which such a stand is located; such a stand or building shall be located not less than ~~20~~5 feet from the street or road right-of-way during the season it is actually being used for sale and display of products; and such temporary stands shall be relocated to other positions appropriate to accessory buildings when not being used for actual sale and display of products.

D. Bed and breakfast **facilities** ~~operations (single family residence providing lodging for guests and travelers see WRMC 17.54.070).~~

E. Accessory dwelling units that comply with WRMC 17.54.095.

F. Small-scale home occupations, subject to WRMC 17.54.047.

G. Growing fruits, vegetables, grains, flowers, and field crops.

H. Small domestic animals, subject to subject to WRMC 17.54.103.

I. Large domestic animals, subject to subject to WRMC 17.54.102 and 17.54.103.

~~**J. Private small wind energy systems, subject to WRMC 17.54.110.**~~

JK. Electric vehicle charging stations, subject to WRMC 17.54.043.

~~**KL. Clubhouses.**~~

~~**LM. Swimming pools.**~~

~~**MN. Automobile parking as required by Chapter 17.57 WRMC.**~~

17.24.050 Conditional uses.

Uses permitted upon issuance of a ~~special~~**conditional use** permit, as provided in Chapter 17.66 WRMC, include:

~~A. Churches and similar places of worship where off-street parking is not provided;~~

A. Municipal office buildings.

B. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

~~C. High schools, colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms, public libraries, and municipal office buildings;~~

~~D. Cemeteries, recreation camps and hospitals;~~

E. Private nursery schools.

~~F. Philanthropic or charitable institutions;~~

~~F. Major utility facilities, subject to WRMC 17.54.452~~

G. Large-scale home occupations, subject to WRMC 17.54.048.

~~I. Convents, monasteries, and other religious institutions;~~

~~I. Hospitals~~*H. Clinics.*

I. Residential care facility.

J. Day care centers and mini-day care centers.

KL. Public library.

LM. Recreation camps.

MN. Public and private elementary, middle, and high schools, including portable school classrooms.

NO. Wireless communication facilities, subject to Chapter 17.16 WRMC.

O. Golf courses.

P. Private small wind energy systems, subject to WRMC 17.54.110.

17.24.060 Area and dimensional requirements.

Area and dimensional requirements, including setbacks, lot area, lot width, lot depth, building height and lot coverage, are found in ~~Table 17.54.050~~ **Table 17.54.050.1**. Specific exceptions are listed in the notes indexed by ~~Table 17.54.050~~ **Table 17.54.050**.

17.24.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, **Article I and Article II**.

17.24.080 Off-street parking *and loading*.

For provisions on off-street parking *and loading*, see Chapter 17.57 WRMC.”

SECTION 9: That West Richland Municipal Code Chapter 17.30 “Medium-Density Residential Use District (RM10)”, is hereby amended to read as follows:

“Chapter 17.30

MEDIUM-DENSITY RESIDENTIAL USE DISTRICT (RM-10)

17.30.010 Purpose.

The medium-density residential use district provides for single-family areas of medium-density, further providing protection against hazards, objectionable influences, building congestion, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.

17.30.020 Essential use.

The essential uses of the medium-density residential use district are single-family dwellings.

17.30.030 Primary permitted uses.

Primary permitted uses of this district are:

A. One single-family detached dwelling with not less than ~~1,000~~ 420 square feet of finished living space.

B. Manufactured homes (See WRMC 17.54.090).

~~*CB. Public and private elementary schools, junior high schools, public parks, and playgrounds;*~~

~~*C. Public safety facilities;*~~

C. Churches and similar places of worship where off-street parking is provided as set forth in Chapter 17.57 WRMC.

D. Parish or clergy houses and religious education buildings.

~~F. Each dwelling is allowed the keeping of small domestic animals over the age of six months and is limited to no more than five;~~

~~E. Fire stations.~~

F. Minor utility facilities.

G. Adult family home.

H. Family day care ~~home~~ provider.

~~J. Growing fruits, vegetables, grains, flowers, and field crops;~~

~~K. The keeping of large domestic animals for personal use and enjoyment, subject to the following provisions:~~

~~1. One half acre of irrigated pasture, or one acre of nonirrigated area per large domestic animal;~~

~~2. All animal pens, corrals, barns, and riding arenas shall observe the following minimum setbacks:~~

~~a. Thirty five feet from property lines;~~

~~b. One hundred feet from any well; and~~

~~c. One hundred feet from any developed park, school, or playground;~~

~~3. A waste management and pest control plan shall be prepared and implemented to prevent any nauseous, foul, offensive, or unhealthy conditions;~~

~~4. All exterior lighting shall comply with the standards of Chapter 17.55 WRMC, Nonresidential Lighting Standards;~~

~~5. The keeping of swine (hogs or pigs) is not permitted;~~

~~6. Silage or other odorous feedstuffs are not permitted.~~

~~I. Municipal office buildings.~~

~~J. Public parks and playgrounds.~~

~~K.L. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to Chapter 17.16 WRMC~~WRMC 17.16~~.~~

~~L. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.~~

17.30.040 Secondary permitted uses.

The following uses are permitted in a RM-10 district in conjunction with, but subordinate to, any of the permitted primary uses in WRMC 17.30.020 and 17.30.030:

A. ~~Repealed by Ord. 24-12.~~

B. Accessory buildings, subject to WRMC 17.54.055.

C. Bed and breakfast facilities operations (single family residence providing lodging for guests and travelers). ~~The guest operation shall not use more than 50 percent of the floor area of the residence, subject to WRMC 17.54.042;~~

D. Accessory dwelling units that comply with WRMC 17.54.095. ~~Not applicable to a lot containing a two family dwelling (duplex)~~

E. Small-scale home occupations, subject to WRMC 17.54.047.

~~F. Growing fruits, vegetables, grains, flowers, and field crops.~~

~~G. Small domestic animals, subject to WRMC 17.54.103.~~

~~H. Private small wind energy systems, subject to WRMC 17.54.110.~~

HI. Electric vehicle charging stations, subject to WRMC 17.54.043.

IJ. Clubhouses.

JK. Swimming pools.

KL. Automobile parking as required by Chapter 17.57 WRMC.

17.30.050 Conditional uses.

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

A. Churches and similar places of worship where off-street parking is not provided.

B. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

C. ~~High schools, colleges, universities,~~ *specialty schools operated for profit, and* schools not otherwise defined, **including portable school classrooms.**

~~public libraries, and~~

~~municipal office buildings;~~

~~D. Cemeteries, recreation camps and hospitals;~~

E. Private nursery schools.

~~F. Philanthropic or charitable institutions;~~

~~F. Major utility facilities, subject to WRMC 17.54.452~~

G. Large-scale home occupation, subject to WRMC 17.54.048.

~~I. Convents, monasteries, and other religious institutions;~~

~~I. Hospitals and~~

~~H. Clinics.~~

I. Residential care facility.

J. Day care centers and mini-day care centers.

~~K. Public libraries.~~

~~L. Recreation camps.~~

~~M. Public and private elementary, middle, and high schools,~~ **including portable school classrooms.**

~~N. Community centers.~~

~~O. Golf courses.~~

P. Private small wind energy systems, subject to WRMC 17.54.110.

17.30.060 Area and dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage, are found in Table 17.54.050.1 ~~Table 17.54.050~~. Specific exceptions are listed in the notes indexed by Table 17.54.050.1 ~~Table 17.54.050~~.

17.30.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article I and II.

17.30.080 Off-street parking and loading.

For provisions on off-street parking loading, see Chapter 17.57 WRMC.”

SECTION 10: That West Richland Municipal Code Chapter 17.31 “Medium-Density Residential Use District (RM-6)”, is hereby amended to read as follows:

“Chapter 17.31

MEDIUM-DENSITY RESIDENTIAL USE DISTRICT (RM-6)

17.31.010 Purpose.

~~The medium-density residential use district provides for single-family areas of higher density than the medium-density zone. The district further provides protection against hazards, objectionable influences, building congestion, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.~~

The medium-density residential use district provides for single-family residential areas of medium-density, further providing protection against hazards, objectionable influences, building congestion, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.

17.31.020 Essential use.

The essential uses of the medium-density residential use district are single-family dwellings.

17.31.030 Primary permitted uses.

Primary permitted uses of this district are:

A. One single-family detached dwelling with not less than 1,000-420 square feet of finished living space.

B. Manufactured homes (see WRMC 17.54.090).

CB. Townhouses/ rowhouses subject to WRMC 17.54.100, to the following standards:

- ~~1. There shall be at least 10 feet on end between groups. This space may either be end unit lots or common open space, and, if so, there may be openings in the end units;~~
- ~~2. The number of connected units shall not exceed eight;~~
- ~~3. The director may approve up to a 10 percent deviation from all standards related to townhouse or rowhouse development;~~

~~4. Townhouse/rowhouse developments are encouraged, but not required, to provide open space or other amenities typical to multifamily residential developments;~~

~~DC. Public and private elementary schools, and junior high schools, public parks, and playgrounds;~~

D. Churches and similar places of worship where off-street parking is provided as set forth in Chapter 17.57 WRMC.

E. Parish or clergy houses and religious education buildings.

~~F. Each dwelling is allowed the keeping of small domestic animals over the age of six months and is limited to no more than two;~~

F. Minor utility facilities.

G. Adult family home.

H. Family day care ~~home~~ provider.

~~J. Growing fruits, vegetables, grains, flowers, and field crops;~~

~~K. The keeping of large domestic animals for personal use and enjoyment, subject to the following provisions:~~

~~1. One half acre of irrigated pasture, or one acre of nonirrigated area per large domestic animal;~~

~~2. All animal pens, corrals, barns, and riding arenas shall observe the following minimum setbacks:~~

~~a. Thirty five feet from property lines;~~

~~b. One hundred feet from any well; and~~

~~c. One hundred feet from any developed park, school, or playground;~~

~~3. A waste management and pest control plan shall be prepared and implemented to prevent any nauseous, foul, offensive, or unhealthy conditions;~~

~~4. All exterior lighting shall comply with the standards of Chapter 17.55 WRMC, Nonresidential Lighting Standards;~~

~~5. The keeping of swine (hogs or pigs) is not permitted;~~

~~6. Silage or other odorous feedstuffs are not permitted.~~

~~I. Fire stations.~~

~~J. Public parks and playgrounds.~~

~~K.L. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to Chapter 17.16 WRMC-17.16.~~

~~L. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.~~

17.31.040 Secondary permitted uses.

The following uses are permitted in a RM-6 district in conjunction with, but subordinate to, any of the permitted primary uses in WRMC 17.31.020 and 17.31.030:

A. Repealed by Ord. 24-12.

B. Accessory buildings, subject to WRMC 17.54.055.

C. Bed and breakfast ~~facilities operations (single-family residence providing lodging for guests and travelers). The guest operation shall not use more than 50 percent of the floor area of the residence; subject to WRMC 17.54.042.~~

D. Accessory dwelling units that comply with WRMC 17.54.095. Not applicable to a lot containing a two-family dwelling (duplex) **or townhouse/ rowhouse.**

E. Small-scale home occupation, subject to WRMC 17.54.047.

F. Growing fruits, vegetables, grains, flowers, and field crops.

G. Small domestic animals, subject to WRMC 17.54.103.

17.31.050 Conditional uses.

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

A. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

B. ~~High schools, e~~Colleges, universities, *specialty schools operated for profit, and* schools not otherwise defined **including portable school classrooms** ~~public libraries, and municipal office buildings;~~

C. Private nursery schools.

~~D. Philanthropic or charitable institutions;~~

~~D. Major utility facilities, subject to WRMC 17.54.452~~

E. Large-scale home occupation, subject to WRMC 17.54.048.

F. Residential care facility.

G. Day care centers and mini-day care centers.

H. Cemeteries.

~~J. Hospitals and~~

~~I. Clinics.~~

~~J. Municipal office buildings.~~

~~K. Public libraries.~~

~~L. Recreation camps.~~

M. **Public and private elementary, middle, and high schools, including portable classrooms.**

N. Community centers.

O. Golf courses.

17.31.060 Area and dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in **Table 17.54.050.1** ~~Table 17.54.050~~. Specific exceptions are listed in the notes indexed by **Table 17.54.050.1** ~~Table 17.54.050~~.

17.31.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article I and II. ~~General regulations for the RM-6 zone shall be the same as general regulations for other single-family districts.~~

17.31.080 Off-street parking *and loading*.

For provisions on off-street parking *and loading*, see Chapter 17.57 WRMC. Off-street parking *and loading* for the RM-6 zone shall be the same as off-street parking *and loading* for other single-family districts.”

SECTION 11: That West Richland Municipal Code Chapter 17.36 “Manufactured Home Park Use District (MH-P)”, is hereby amended to read as follows:

“Chapter 17.36**MANUFACTURED HOME PARK USE DISTRICT (MH-P)****17.36.010 Purpose.**

The manufactured home park use district provides for a residential living environment for owners of manufactured homes located in manufactured home parks. The district further provides protection against hazards, objectionable influences, building congestion, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.

17.36.020 Essential use.

The essential use of the manufactured home park use district is the accommodation of manufactured home parks which are licensed for the placement of individual residential manufactured homes within the approved park boundaries.

17.36.030 Primary permitted uses.

Primary permitted uses of this district are:

A. Manufactured homes, subject to WRMC 17.54.090.

B. Community recreation facilities.

C. Clubhouses.

D. Manufactured Home Park offices and/or community facilities, including swimming pools.

E. Laundry rooms;

E. Storage and similar facilities for use of manufactured home park residents only.

F. Minor utility facilities.

G. Adult family home.

H. Family day care ~~home~~ provider; and

I. Public parks and playgrounds.

J. Mini day care centers;

K. Growing fruits, vegetables, grains, flowers, and field crops

~~J.J.~~ Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to Chapter 17.16 WRMC 17.16.

17.36.040 Secondary permitted uses.

Secondary permitted uses within this district are accessory uses and structures incidental to the convenience needs within the park and related to conformance with the city building code and placed upon the individual site in accordance with the dimensional requirements of this district. The following uses are permitted in a manufactured home district in conjunction with WRMC 17.36.030:

~~A. Bed and breakfast operations (single family residence providing lodging for guests and travelers). The guest operation shall not use more than 50 percent of the floor area of the residence.~~

~~B. Each dwelling is allowed the keeping of small domestic animals over the age of six months and is limited to no more than two.~~

AC. Small-scale home occupations, subject to WRMC 17.54.047.

B. Accessory buildings, subject to WRMC 17.54.055.

C. Small domestic animals, subject to WRMC 17.54.103.

D. Electric vehicle charging stations, subject to WRMC 17.54.043.

E. Automobile parking as required by Chapter 17.57 WRMC.

17.36.050 Conditional uses.

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

~~A. Churches and similar places of worship where off-street parking is not provided;~~

AB. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

~~C. High schools, colleges, universities, schools not otherwise defined, public libraries, and municipal office buildings;~~

~~D. Cemeteries, recreation camps, or hospitals;~~

~~E. Private nursery schools;~~

~~F. Philanthropic or charitable institutions;~~

BG. Major utility facilities, subject to WRMC 17.54.452;

~~H. Large-scale home occupation, subject to WRMC 17.54.048;~~

~~I. Convents, monasteries, and other religious institutions;~~

CJ. Residential care facility.

DK. Day care centers and mini-day care centers.

E. Public and private elementary, middle, and high schools including portable school classrooms.

F. Private nursery schools.

G. Community Centers.

17.36.060 Area and dimensional requirements.

The area and dimensional requirements of this district are:

A. Yard Setbacks.**1. Existing Parks.**

a. Manufactured home parks established prior to the effective date of the ordinance codified in this title shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.

b. Placement of new accessory structures and manufactured homes, either standard or nonstandard, in these parks shall be governed by the setback standards in effect when the park was approved, unless two or more manufactured homes are proposed to be installed adjacent to each other under the flexible setback option set forth in subsection (A)(3) of this section.

c. An existing manufactured home park may be enlarged, provided the proposed enlargement meets the standards set forth in subsection (A)(2) or (A)(3) of this section.

d. All new placements of manufactured homes supported by piers shall be fully skirted.

2. New Parks.

a. A manufactured home park shall be at least five acres in area.

b. Residential densities in a manufactured park shall be as follows:

i. Minimum of 15 feet of separation maintained between all homes on the site, unless the flexible setback option set forth in subsection (A)(3) of this section is used.

ii. Accessory structures shall be located no closer than:

(A) Ten feet to homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;

(B) Five feet, with one-hour fire walls, to accessory structures on adjacent spaces and accessory structures on the same space;

(C) Ten feet to home on the same individual lot, except a carport may be attached to the home, the separation may be waived when accessory structures or garages are constructed of noncombustible materials.

c. No home or accessory building shall be closer than 20 feet to any park boundary or street right-of-way, nor closer than 10 feet to an interior private street.

d. Combustible attachments such as entry landing and steps may intrude a maximum of four feet into the separation distance. This combustible attachment shall not exceed 25 percent of the length of the structure dimension. The facing structures may not have combustible attachments that are parallel or overlapping.

3. Alternative Design Standards.

a. Building separation requirements or setbacks between manufactured/mobile homes and accessory structures on adjacent spaces may be modified, provided:

i. Less than 15 feet separation, homes must have one-hour fire walls on the facing walls.

ii. Six feet or less separation, homes must meet the same requirements as common walls.

iii. The common walls must meet the fire protection standards set forth in the Uniform Building Code and the standards set forth in the Uniform Fire Code for duplexes, multifamily and condominium developments, and:

(A) Rental agreement clauses, bylaws, or other legal mechanisms shall stipulate maintenance responsibilities for structures, fences, and yards.

iv. Private streets may be used with a minimum driving surface of 22 feet in width, provided:

(A) The streets comply in all other respects with the road standards;

(B) All required parking is located off-street;

(C) Such streets shall not:

(1) Directly connect two or more points of vehicular access to the park;

(2) Serve over 100 dwelling units within the park.

v. No home or accessory building shall be closer than 20 feet to any park boundary or street right-of-way, nor closer than 10 feet to an interior private street.

17.36.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article I.

~~17.36.080—Off-street parking.~~

~~A minimum of two off-street parking spaces shall be provided for each manufactured home site. The parking spaces, each 180 square feet in area (nine feet by 20 feet), shall be located within each individual manufactured home site area.~~

Article I. Mobile-Manufactured Home Park Districts-Standards

17.3654.200 Streets and walkways.

A. The street system shall be continuous with no dead ends and with a minimum turning radius of 100 feet.

B. Minimum street width shall be 36 feet from curb to curb where on-street guest parking is provided.

C. All streets shall be paved and ~~provide~~ include curbs and gutters as to meet the City of West Richlands Street Standards for an urban roadway. ~~-be provided with curbs and gutters; however, in mobile home parks operating on August 20, 1979, street dimensions set by previous standards can remain. This exception shall not apply to the paving of unpaved streets and walkways.~~ Streets shall be paved with asphaltic concrete.

D. All walkways to service and/or community buildings shall be a minimum of ~~three~~ five feet in width.

E. Entrance walks shall be a minimum of three feet in width and shall be provided from the street to the mobile home site.

F. Every manufactured home park shall contain direct access to a public street or road having a right of way width of at least fifty (50) feet.

~~17.3654.210 Utilities.~~

~~A. Domestic and irrigation water supplies and sanitary sewerage and disposal systems shall be provided in accordance with the Benton-Franklin District health office and city requirements.~~

~~B. Plumbing shall conform to the current edition of the Uniform Plumbing Code as adopted by the city.~~

~~C. Storm drainage systems shall meet city requirements.~~

17.3654.220 Additions and improvements – Permit required.

A. Building permits are required to erect, construct, enlarge, alter or repair any additions, carports, patio, utility sheds, fence or site screen on a mobile home site. All such work shall be accomplished in accordance with the city building code.

B. No permanent additions shall be made to any mobile home parked in a mobile home park without written approval of the Washington State Department of Labor and Industries and the mobile home park management and the City of West Richland Community Development Department.

C. No portion of any building or structure shall be permitted to encroach the required front, side or rear yards of any mobile home site.

17.3654.230 Street names – Site numbering.

Every private street within the mobile/manufactured home park boundaries shall be named and the names clearly posted. Every mobile/manufactured home site shall have a number which will be clearly visible from the roadway at all times.

17.3654.240 Screening – Planting strips – Maintenance.

A. A planting strip, not less than 20 feet in width, shall be located along all lot lines of a mobile home park not bordering a public street; except such distance may be reduced to 10-5 feet if a ~~solid~~ six-foot masonry wall ~~or fence~~ is provided. Such planting strips shall consist of not less than one row of deciduous and/or evergreen trees, spaced not more than 40 feet apart and not less than three rows of shrubs, spaced not more than eight feet apart, of which the trees will grow to a height of seven feet or more after one full growing season and of which the shrubs will eventually grow to a height of not less than six feet.

B. The setback areas of a mobile home park adjoining a public street shall be planted in lawn or shrubbery.

C. All such required lawn and/or landscaping shall be maintained in a healthy living condition for the life of the mobile home park.

17.3654.250 Recreational areas – Manufactured home parks.

~~In the MH-P district, a~~ A central recreation area shall be established in each mobile/manufactured home park created pursuant to the provisions of this title.

A. The minimum land area set aside for recreational activities shall be at least ~~300-150~~ square feet times the number of mobile home sites in the mobile home park of which no more than 50% may be lawn/grass area.

B. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities, provided the total recreation areas meet the above stated minimum size.

C. The recreational areas shall be easily accessible, improved, and maintained in such a manner to provide adequate recreational facilities for the residents of a mobile/manufactured home park.

~~17.3654.260 Fire protection.~~

~~A. Mobile/manufactured home parks shall have an adequate public fire flow system as determined by the city engineer and fire marshal.~~

~~B. Mobile/manufactured home parks shall comply with local and state electrical fire prevention, and fire protection regulations.~~

~~C. Any natural gas or liquefied petroleum gas piping system shall be installed and maintained in accordance with the Uniform Plumbing Code as adopted by the city or state standards administered by the State Fire Marshal, who shall be responsible for the enforcement of these standards.~~

17.3654.270 License required.

~~It is unlawful for any person to permit a mobile/ manufactured home park to be operated or maintained upon any property owned or controlled by that individual within the city limits, without having first secured a business license from the city finance director.~~

17.3654.280 Office required—License display requirements.

~~In every mobile home park, an office shall be designated within which shall be displayed a copy of the park business license, health department permit, and certificate of occupancy.~~

17.3654.290 Manager – Duties.

It shall be the duty and responsibility of the mobile/ manufactured home park manager or attendant together with the licensees to:

A. Keep at all times a register of occupants showing:

1. Names and addresses;
2. Make, model and license number of each mobile / manufactured home;
3. The state and county issuing the mobile/ manufactured home license;
4. Date of arrival and departure;

B. Notify park occupants of all applicable provisions of the regulations and inform the occupants of their responsibilities;

C. Supervise the placement and removal of each mobile/ manufactured home on its site, and shall in particular be responsible for the connection of the mobile home or recreational vehicle to sewer and water connections;

D. Ensure provisions of this title are complied with and enforced and report promptly to the proper authorities any violations of this title or other violations of ordinances or laws which come to his or her attention;

E. Prevent the running at large of dogs, cats or other animals or pets belonging to residents of the park;

F. Maintain the park in a clean, orderly and sanitary condition at all times and prevent the accumulation of combustible materials, equipment or weeds adjacent to or under the mobile home or recreational vehicle;

G. Refuse the rental of space to mobile homes or recreational vehicles which are dilapidated or are a fire or health menace;

H. Maintain, in designated places, fire extinguishers approved by the fire department;

~~*I. Prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate; in the absence of identifiable design features, 750 cubic feet per person shall be used in calculating maximum capacity;*~~

~~*J. Prohibit the parking of any mobile home so that it will obstruct a walkway or roadway;*~~

~~*I. Prohibit the parking of any mobile/manufactured home or recreational vehicle so that it will obstruct a walkway or roadway;*~~

~~*K. Prohibit the parking of an occupied mobile home in that park when a site is not available.*~~

~~*J. Prohibit the parking of a mobile/manufactured home or recreational vehicle in that park when a site is not available.*~~

17.36.300 Off-street parking – Manufactured home park.

A minimum of two off-street parking spaces shall be provided for each manufactured home site. The parking spaces, each 180 square feet in area, (nine feet by 20 feet) shall be located within each individual manufactured home site area and shall not be part of the minimum pavement width for internal circulation.

17.36.310 Design standards for new manufactured home parks.

A. Manufactured home parks shall require approval of a binding site plan and site plan review pursuant to WRMC Title 16, ~~Subdivision Regulations~~ Division of Land.

B. Manufactured home park density shall not exceed 15 units per acre. A minimum of five manufactured home spaces shall be required per park. The minimum home site (space) shall not be less than two thousand nine hundred (2,900) square feet.

C. Manufactured home parks shall provide not less than 10 percent of the gross area of the park for common open space for the use of its residents.

D. Each manufactured home space shall have direct frontage on a public or private street.

E. Required open space shall be accessible to all residential units and shall be suitable for active and passive recreational purposes, subject to the following:

1. Open space shall not include required yards, parking areas, required landscaped areas or required spacing between structures;

2. The amount of open space may be reduced by up to 25 percent where at least two of the following amenities are provided:

a. Play or sports courts;

b. Playgrounds with equipment;

c. Trails or pedestrian walkways not required for access to residential units or parking areas;

d. Swimming pools;

e. Gazebos; or

f. Clubhouses.

3. Where stormwater facilities are of sufficient size and designed as amenities, the required open space may be reduced by an additional 25 percent;

4. In no event shall the amount of required open space be reduced by more than 50 percent;

5. Facilities and equipment, for which credit is requested, where provided, shall generally meet all requirements for handicap access.

17.36.320 Other conditions for compatibility.

The review authority may impose other conditions, such as additional parking, improved access, landscaping or minimum screening to ensure the proposed use is compatible with the surrounding character."

SECTION 12: That West Richland Municipal Code Chapter 17.39 "Multifamily Residential Use District (MR)", is hereby amended to read as follows:

“Chapter 17.39

MULTIFAMILY RESIDENTIAL USE DISTRICT (MR)

17.39.010 Purpose.

The purpose of this classification and its application is to establish areas permitting a greater dwelling density than is allowed in more restrictive residential classifications, while protecting against hazards, objectionable influences, building congestion, and lack of light, air and privacy. The multifamily district may be utilized as a transition area between lower-density residential areas, which are less intensive areas and commercial classifications areas, which are more intensive. Certain essential and compatible public service facilities and institutions are permitted in this district.

17.39.020 Essential use.

The essential use of the multifamily residential use districts is multifamily residential dwelling units.

17.39.030 Primary permitted uses.

Primary permitted uses of these districts are:

A. Multifamily dwellings which contain not less than ~~750-420~~ square feet of finished living space per dwelling unit.

~~B. Existing single family detached dwellings;~~

~~BC. Townhouses/rowhouses subject to WRMC 17.54.100, to the following standards:~~

~~1. There shall be at least 10 feet on end between groups. This space may either be end unit lots or common open space, and, if so, there may be openings in the end units;~~

~~2. The number of connected units shall not exceed eight;~~

~~3. The director may approve up to a 10 percent deviation from all standards related to townhouse or rowhouse development;~~

~~4. Townhouse/rowhouse developments are encouraged, but not required, to provide open space or other amenities typical to multifamily residential developments;~~

~~CD. Two family dwellings (duplexes), provided that each dwelling unit has with a minimum of 420 square feet finished living space.~~

~~E. Single room occupancy dwellings;~~

~~F. Public and private elementary and junior high schools, high schools, public parks and playgrounds;~~

~~G. Public safety facilities;~~

~~DH. Churches and similar places of worship where off-street parking is provided as set forth in Chapter 17.57 WRMC.~~

~~EI. Parish or clergy houses and religious education buildings.~~

~~FJ. Minor utility facilities.~~

~~GK. Adult family home.~~

~~HL. Family day care home provider.~~

~~M. Mini-day care centers;~~

~~N. Boardinghouses and single room occupancy dwellings;~~

~~JO. Retirement centers/convalescent homes, assisted living centers;~~

~~P. Growing fruits, vegetables, grains, flowers, and field crops.~~

I. Clubhouses.

J. Fire stations.

K. Public parks and playgrounds.

L. Single family residences with not less than 420 square feet of finished living space.

M. ~~Q.~~ Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16~~WRMC 17.16~~.

N. Commercial coaches for temporary uses, not to exceed 120 days.

O. Manufactured homes (See WRMC 17.54.090).

P. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.39.040 Secondary permitted uses.

The following uses are permitted in a multifamily district in conjunction with, but subordinate to, any of the primary uses permitted by WRMC 17.39.030:

A. Repealed by Ord. 24-12.

B. Accessory buildings, subject to WRMC 17.54.055.

C. Each dwelling is allowed the keeping of small domestic animals over the age of six months and is limited to no more than two; Small domestic animals, subject to WRMC 17.54.103.

D. Small-scale home occupation, subject to WRMC 17.54.047.

E. Parking lot – private, subject to Chapter 17.57 WRMC.

F. Electric vehicles charging stations, subject to WRMC 17.54.043.

G. Private small wind energy systems, subject to WRMC 17.54.110.

GH. Swimming pools.

HI. Automobile parking as required by Chapter 17.57 WRMC.

17.39.050 Conditional uses.

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

A. Churches and similar places of worship where off street parking is not provided;

AB. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.

BC. High schools, colleges, universities, *specialty schools operated for profit, and* schools not otherwise defined, including portable classrooms, *public libraries, and municipal office buildings;*

~~CD. Cemeteries, recreation camps or hospitals;~~

~~E. Private nursery schools;~~

~~D.F. Philanthropic or charitable institutions;~~

~~E.G. Major utility facilities, subject to WRMC 17.54.452;~~

FH. Large-scale home occupation, subject to WRMC 17.54.048.

~~I. Convents, monasteries, and other religious institutions;~~

GJ. Residential care facility.

HK. Day care centers and mini-day care centers.

I. Hospitals

I. Clinics.

J. Municipal office buildings.

K. Public libraries.

L. Recreation camps.

M. Public and private elementary, middle, and high schools, including portable school classrooms.

N. Private nursery schools.

O. Retirement centers/convalescent homes, assisted living centers.

P. Private small wind energy systems, subject to WRMC 17.54.110.

17.39.060 Area dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in Table 17.54.050.1. Specific exceptions are listed ~~in the notes indexed by in Table Section~~ 17.54.050.

17.39.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Articles I and III.

17.39.080 Off-street parking and loading.

For provisions on off-street parking and loading requirements, see Chapter 17.57 WRMC.”

SECTION 13: That West Richland Municipal Code Chapter 17.40 “Neighborhood Commercial Use District (C-N)”, is hereby amended to read as follows:

“Chapter 17.40

NEIGHBORHOOD COMMERCIAL USE DISTRICT (C-N)

17.40.010 Purpose.

The neighborhood commercial use district provides for small commercial and service businesses, as well as financial and service offices, to serve the needs of the local neighborhood.

17.40.020 Essential use.

The essential use of this district is office or other commercial buildings, for the use of businesses providing professional or commercial services to the local neighborhood.

17.40.030 Primary permitted uses.

The primary permitted uses of this district are described as:

A. Art studios.

B. Banks, including automatic teller machines.

~~C. Business offices;~~

~~CD. Churches and similar places of worship where off-street parking is provided as set forth in Chapters 17.54 and 17.57 WRMC.~~

~~DE. Convenience store or mini-market (no gasoline sales or drive-up service windows are permitted).~~

~~EE. Day care centers and mini-day care centers, subject to WRMC 17.54.041.~~

~~G. Public safety facilities;~~

~~FG. Fire stations.~~

~~GH. Microbreweries.~~

~~HI. Minor utility facilities.~~

~~IJ. Municipal office buildings.~~

~~K. Personal service shops (barber, beauty, and similar services);~~

~~JK. Post offices.~~

~~KL. Professional offices.~~

~~LM. Restaurants (no drive-thru allowed).~~

~~MN. Retail, sales and service businesses.~~

~~P. Electric vehicle charging stations subject to 17.54.043.~~

~~NO. Public parks and playgrounds.~~

~~OP. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to Chapter 17.16WRMC.-17.16.~~

P. Electric vehicles charging stations, subject to WRMC 17.54.043.

Q. Clubhouses.

R. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.40.040 Secondary permitted uses.

The following uses are permitted in the C-N district in conjunction with, but subordinate to, permitted or conditional uses:

A. Accessory buildings, subject to WRMC 17.54.055.;

~~B. Automobile parking areas as required by Chapter 17.57 WRMC~~ Parking lot – private, subject to Chapter 17.57 WRMC.

C. Residential use in ~~connection with secondary to a~~ business enterprise, provided the dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the Uniform Fire Code and Uniform Building Code.

D. Bed and Breakfast facilities, subject to WRMC 17.54.042.

E. Automobile parking as required by Chapter 17.57 WRMC.

17.40.050 Conditional uses.

The following uses are permitted in the C-N 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 by the planning commission:

A. ~~Public and private elementary or junior high schools, high schools, c~~Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable classrooms.

B. Major utility facilities, ~~subject to WRMC 17.54.452;~~

~~C. Public uses and uses related to the welfare of the community;~~

C. Recreation building or area operated by membership clubs for the benefit of members and not for gain.

D. ~~Public and private elementary, middle, and high schools,~~ including portable school classrooms.

E. Private nursery schools.

F. Wireless communication facilities, subject to ~~Chapter 17.16 WRMC~~WRMC 17.16.

G. Retail businesses operating in a building space that exceeds 15,000 square feet in area, upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhood.

17.40.060 Area and dimensional requirements.

Area and dimensional requirements, including setbacks, lot area, lot width, lot depth, building height and lot coverage, are found in ~~Table 17.54.050~~Table 17.54.050.3. Specific exceptions are listed in the notes indexed by Table 17.54.050.3~~Table 17.54.050.~~

17.40.070 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC Article I and III.

17.40.080 Off-street parking and loading requirements.

For provisions on off-street parking and loading requirements, see Chapter 17.57 WRMC.

17.40.090 Transition regulations.

For provisions on transition ~~regulations~~requirements, see ~~Chapter 17.75 WRMC~~ Section 17.54.300 through 17.54.330.

17.40.100 Neighborhood Commercial Use District (C-N) performance standards.

All uses permitted in the C-N district must comply with this title and other applicable provisions of this code; in addition, permitted uses in the C-N district must comply with the following performance standards:

A. All business, service or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking;

B. Outdoor display shall be limited to include only those quantities sold in a day's operation;

C. Outdoor storage is prohibited;

D. Processing or handling of hazardous substances is prohibited;

E. On-site storage or treatment of hazardous waste is prohibited; and-

F. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.

17.40.110 Special screening requirements in the C-N district – Applicability.

The development of a commercial use on property adjoining a public street across which is a residential district shall landscape the street frontage with a shrubbery border a minimum of eight feet in depth adjoining the street right-of-way and tree plantings with a minimum of 22 feet from the street right-of-way and a maximum of 31 feet on center. There shall be a minimum of driveways interrupting the continuity of the landscaping requirements.

17.40.112 Perimeter – Landscaping and screening in the C-N district.

The perimeter of C-N districts shall be landscaped to a depth of 12 feet from the property line and maintained as a sight screen in the following manner:

A. Street Frontage. Street frontages, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or deciduous shrubs and trees, and perennial or annual flowers, to create and maintain a maximum residential character. Such shrubs shall not be permitted to grow beyond a height of 36 inches above the crown of the adjacent street nor shall the foliage of trees located therein be permitted to obstruct the view between the C-N district and the street within the area within 36 inches and 96 inches above the street level. No tree or sight screening shrub shall be located or permitted to grow as to obstruct the view of a walk or driveway crossing. Any area in which the banks or groups of shrubs, perennial or annual flowers do not occupy at least 40 percent of such area shall be planted in lawn.

B. Side Lines of Property. The portions of the perimeter other than street frontage shall be sight screened from adjoining residential districts by a solid planting of evergreen trees and evergreen shrubs. The initial minimum height of trees forming a part of such sight screen shall be 12 feet. Such trees shall be spaced on the perimeter of the site with a maximum distance of 25 feet center to center. The shrubs used in the perimeter screen shall be so located that there will be a minimum of two shrubs in depth in the screen. The minimum initial height of shrubs which are a part of the sideline screen shall be three feet and the maximum height at maturity shall be limited to six feet. **Alternatively, the screening requirement can be met with a 6 foot tall block wall, that is landscaped with a combination of shrubs and trees, spaced with an average of three plantings for every 12 feet, for the length of the wall.**

C. For further provisions on screening, refer to WRMC 12.08.060, Visibility.

17.40.114 Landscaping and screening in the C-N district – Plot plan approval required.

The plot plan of proposed landscaping and screening shall be approved by the community development department before permits for buildings are granted.”

SECTION 14: That West Richland Municipal Code Chapter 17.46 “Commercial Limited Use District (C-L)”, is hereby amended to read as follows:

“Chapter 17.46

COMMERCIAL LIMITED USE DISTRICT (C-L)

17.46.010 Purpose.

The commercial limited use district provides for a low to medium intensity of commercial uses, which generally serve the surrounding community

17.46.020 Essential purpose.

The essential uses of this district are retail business, financial, professional, and personal service establishments, and limited cultural or entertainment enterprises that serve the community.

17.46.030 Primary permitted uses.

The primary permitted uses in this district are:

~~A. Stores and shops for the conduct of retail business, except those requiring conditional use permits as listed in WRMC 17.46.050 Retail, sales and services businesses.~~

B. Professional offices.

~~C. Specialty schools operated for profit;~~

~~D. Shops for repair and similar services;~~

~~C. Restaurants, except those requiring a conditional use permit as listed in WRMC 17.46.050 (no drive-thru allowed).~~

~~D. Convenience stores or mini-markets; except where a conditional use permit is required for sales of gasoline, and drive-up service windows; except that no gasoline sales or drive-up service windows are permitted.~~

E. Laundromats.

~~H. Public safety facilities, municipal buildings or facilities;~~

~~F. Fire Stations.~~

~~I. Public utility buildings;~~

~~G. Churches and similar places of worship, where off street parking is provided in compliance with Chapters 17.54 and 17.57 WRMC;~~

H. Minor utility facilities.

~~L. Adult family home;~~

I. Day care centers and mini-day care centers.

~~N. Growing fruits, vegetables, grains, flowers, and field crops.~~

~~O. Electric vehicle charging stations subject to WRMC 17.54.043;~~

~~J. Hospitals; and~~

~~K. Clinics.~~

~~L. Municipal office building.~~

~~M. Parish or clergy houses and religious education buildings.~~

~~N. Business office;~~

~~N. Banks, including automatic teller machines.~~

~~O. Public parks and playgrounds.~~

~~P. Art studios.~~

~~Q. Automotive repair and maintenance, under hood and under car.~~

~~RO. — Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16 WRMC 17.16.~~

~~S. Electric vehicle charging stations, subject to WRMC 17.54.043.~~

~~T. Clubhouses.~~

~~U. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.~~

17.46.040 Secondary permitted uses.

The following uses are permitted in the C-L district in conjunction with, but subordinate to, a permitted or conditional use:

A. Accessory buildings, subject to WRMC 17.54.055.

~~B. Parking lot – private, subject to Chapter 17.57 WRMC. Automobile parking as required by Chapter 17.57 WRMC;~~

~~C. Outdoor display where the footprint of the display area is equal to or less than 25 percent of the primary building footprint;~~

~~D. Parks, plazas, or open spaces;~~

~~E. Small scale home occupation, subject to WRMC 17.54.047.~~

C. Automobile parking as required by Chapter 17.57 WRMC.

D. Residential use secondary to a business enterprise provided dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the International Fire Code and International Building Code.

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;~~

~~AD. Car washes, automatic, full-service, and self-service, subject to WRMC 17.54.420.~~

~~BE. Hotels and motels.~~

~~CF. Garden nurseries and landscape garden centers with storage area for equipment and materials.~~

~~DG. Movie theaters.~~

~~EH. Undertaking establishments.~~

~~FI. 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;~~~~FJ. Art studios;~~

~~GK. Public or pPrivate nursery schools;~~

~~L. Public or private museums and libraries;~~

~~HM. Storage units/mini-storage/boat or recreational vehicle storage;— subject to Section 17.54.430 and 17.54.434, except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~

~~N. 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;~~

~~IQ. 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).~~

~~K. Boat/ RV Storage, subject to Chapter~~

~~J. Gas stations;~~

~~M. Public & Private elementary or junior high schools; Public and private elementary, middle, and high schools, including portable school classrooms.~~

~~K. High schools, colleges, universities, specialty schools operated for profit; and schools not otherwise defined, including portable classrooms;~~

~~L. Lumber or building material sales & storage yards;~~

~~M. Museums;~~

~~N. Public library;~~

~~O. Performing arts theaters;~~

~~P. Wireless Communication Facilities, subject to WRMC Chapter 17.16 WRMC 17.16;~~

~~Q. Automotive Collision Repair, provided that paint booths aren't allowed.~~

~~R. Carnival/ Fair (Temporary).~~

~~T. Community centers.~~

17.46.060 Performance standards.

All uses permitted in the C-L district must comply with this title and other applicable provisions of this code; in addition permitted uses in the C-L district must comply with the following performance standards:

A. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, sales of gasoline, and self-serve car washes.

B. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than an eight-foot-high fence and shall be visually screened from adjoining properties.

C. Outdoor display and storage areas may not infringe on required parking areas.

~~D. This district is generally in an area of not less than 10 acres of contiguous commercially zoned land, and may serve as a transition between residential areas and more intensive commercial districts.~~

~~DE. This district requires careful design consideration in terms of landscaping, building design, vehicular and pedestrian access in order for these uses to be compatible with the surrounding neighborhood.~~

~~DE. Storage yards in connection with and incidental to a permitted use shall be surrounded by a 6-foot high sight-obscuring fence or hedge for screening the yard from abutting property and the street. The fence, wall, or hedge shall conform to setback requirements for buildings on street frontage. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well maintained and free from litter, posters, signs, and trash. Additional requirements which apply to fencing are found in WRMC 17.54.040 Chapter 17.56 WRMC, Fencing, Screening and Landscaping, and Chapter 12.50 WRMC, Vegetation Obstructions.~~

~~E. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhood.~~

17.46.070 Area and dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in ~~Table 17.54.050.3 Table 17.54.050.~~ Specific exceptions are listed in the notes indexed by ~~Table 17.54.050.3 Table 17.54.050.~~

17.46.080 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC Article I and III.

17.46.090 Off-street parking *and loading* requirements.

For provisions on off-street parking *and loading* requirements, see Chapter 17.57 WRMC.

17.46.100 Transition regulations.

For provisions on transition ~~regulations~~requirements, see Sections 17.54.300 through 17.54.330 Chapter 17.75 WRMC.”

SECTION 14: That West Richland Municipal Code Chapter 17.48 “Commercial General Use District (C-G)”, is hereby amended to read as follows:

“Chapter 17.48

COMMERCIAL GENERAL USE DISTRICT (C-G)

17.48.010 Purpose.

The commercial general use district provides land for a full range of commercial uses that require extensive retail contact and serve the community and regional commercial markets.

17.48.020 Essential uses.

The essential uses of this district are intensive retail business, financial, professional and personal service establishments; and cultural or entertainment enterprises.

17.48.030 Primary permitted uses.

Primary permitted uses of this district are:

A. ~~Stores and shops for the conduct of retail business~~ Retail, sales and services businesses;

B. Banks, including automatic teller machines.

C. Restaurants.

~~D. Specialty schools operated for profit;~~

~~E. Shops for repair and similar services;~~

D. Laundromats.

~~G. Locksmith shops;~~

~~E. Fire stations.~~

~~F. Business offices / Professional offices.~~

~~I. Membership clubs;~~

~~J. Laundries and dry cleaning establishments employing not more than five persons;~~

G. Municipal office buildings.

H. Museums.

I. Hotels and motels.

J. Taverns and cocktail lounges.

K. Undertaking establishments.

~~N. Express offices;~~

~~L. Post offices.~~

M. Convenience stores or mini-markets.

N. Movie theaters.

~~Q. Philanthropic or charitable institutions;~~

~~Q. Wholesale businesses;~~

~~R. Theaters of performing arts;~~

~~O. Performing art theaters.~~

P. Art studios.

~~T. Public safety facilities, municipal buildings or facilities;~~

~~T. Public utility buildings;~~

Q. Minor utility facilities.

R. Churches and similar places of worship, ~~where off-street parking is provided in compliance with Chapters 17.54 and 17.57 WRMC;~~

~~W. Public or private nursery schools;~~

~~S. Temporary/Seasonal Outdoor Public Markets.~~

T. Public ~~or private museums and~~ libraries.

U. Hospitals. ~~and~~

V. Clinics.

~~Z. Adult family homes;~~

W. Day care centers and mini-day care centers, **subject to WRMC 17.54.041.**

~~BB. Growing fruits, vegetables, grains, flowers, and field crops;~~

~~CC. Retirement centers/convalescent homes, assisted living centers.~~

~~X. Animal clinics / veterinary hospitals.~~

~~Y. Car washes, automatic, full-service, and self-service, subject to WRMC 17.54.420.~~

~~Z. Commercial parking lot, subject to Chapter 17.57 WRMC.~~

~~AA. Commercial entertainment and event Recreational Uses (entertainment related uses and event facilities, such as stadiums, auditoriums, exhibition halls, etc.).~~

BB. Electric vehicle charging stations, subject to WRMC 17.54.043.

CC. Food vending vehicles, subject to WRMC 17.54.440/17.54.432.

DD. Gas stations.

EE Manufactured home sales.

FF. Microbrewery.

GG. New & used car sales / repair.

HH. Parish or clergy houses and religious education buildings.

MM. Personal Service Shops (Barber, Beauty, etc.);

NN. Public Uses and Uses Related to the welfare of the community;

OO. Recreational vehicle parks, subject to 17.54.059;

II. Service stations.

JJ. Recreational vehicle sales/ repair.

KK. Lumber or building material sales.

LL. Private nursery schools.

MM. Public parks and playgrounds.

NN. Retirement centers/convalescent homes and assisted living centers.

OO. Wholesale businesses.

PP. Wine tasting / sales.

QQ. Wineries.

RR. Service stations.

SS. Automotive repair and maintenance, under hood and under car.

TT. Creameries, bottling, ice manufacturing and cold storage plants.

UU. ~~DD.~~ Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to **WRMC Chapter 17.16** WRMC 17.16.

VV. Clubhouses.

WW. Recycling or donation drop-off containers (unattended).

XX. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.48.040 Secondary permitted uses.

The following uses are permitted in the C-G district in conjunction with, but subordinate to, a permitted or conditional use:

A. Accessory buildings, subject to WRMC 17.54.055.

B. Outdoor display;

~~BC. Parking lot – private, subject to Chapter 17.57 WRMC.~~

~~Automobile parking as required by Chapter 17.57 WRMC;~~

~~D. Parks and plazas;~~

~~E. Drive-up or drive-thru services;~~

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

~~G. Small scale home occupation, subject to WRMC 17.54.047.~~

~~C. Residential use secondary to a business enterprise, provided the dwelling unit has a minimum of 420 square feet finished living space.~~

D. Commercial coaches for temporary uses, not to exceed 120 days.

E. Automobile parking as required by Chapter 17.57 WRMC.

F. Residential use secondary to a business enterprise provided dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the International Fire Code and International Building Code.

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;~~

~~AD. Precision development m~~ Machine shops

~~B. Massage parlors or sauna baths;~~

BF. 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;~~

~~CH. 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;~~

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

~~DF. Storage units/mini-storage /recreational and boat vehicle storage – subject to WRMC 17.54.430 and WRMC 17.54.434, except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~

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

~~FL. Major utility facilities. subject to WRMC 17.54.452;~~

~~M. Family day care home when within a residential use secondary to a business enterprise (subsection G of this section);~~

GN. Amusement parks.

HQ. Animal control facilities (indoor).

~~P. 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;~~

~~Q. Care facilities for small animals, such as veterinary clinics, grooming parlors, training and boarding.~~

I. Garden nurseries and landscape garden centers.

L. Public and private elementary or junior high schools;

J. High schools, colleges, universities, specialty schools operated for profit, and schools not otherwise defined including portable school classrooms.

K. Recreation building or area operated by membership clubs for the benefit of members and not for gain.

Q. Retirement Centers/Convalescent Homes and Assisted Living Centers

P. Boat/ RV Storage, subject to Chapter —

L. Commercial parking lot, subject to Chapter 17.57 WRMC.

M. Public and private elementary, middle, and high schools, including portable school classrooms.

N. Wireless communication facilities, subject to WRMC Chapter 17.16.WRMC 17.16

O. Recreational Vehicle Parks.

P. Automotive Collision Repair provided that paint booths aren't allowed.

Q. Carnival/ Fair (Temporary).

R. Community recreation facilities.

S. Community centers.

T. Festivals.

U. Outdoor concerts.

V. Park and ride facilities.W. Retail, sales and services businesses, where the gross square footage of any building exceeds 50,000 square feet.**17.48.060 Performance standards.**

All uses permitted in the C-G district must comply with this title and other applicable provisions of this code; in addition all uses in the C-G district shall comply with the following performance standards:

- A. Due to the uses allowed and the large number of people served, these districts should be located along major travel routes, in activity centers, and at intersections of major arterials;
- B. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than an eight-foot-high fence and shall be visually screened from adjoining properties;
- C. Outdoor display and storage areas may not infringe on required parking areas;

D. Storage yards in connection with and incidental to a permitted use shall be surrounded by a 6-foot high sight-obscuring fence or hedge for screening the yard from abutting property and the street. The fence, wall, or hedge shall conform to setback requirements for buildings on street frontage. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well-maintained and free from litter, posters, signs, and trash. Additional requirements which apply to fencing are found in ~~WRMC 17.54.040~~ WRMC Chapter 17.56 Fencing, Screening and Landscaping, and Chapter 12.50 WRMC, Vegetation Obstructions.

D. This district is generally not less than 20 acres of contiguous commercially zoned land located along major arterials and may serve as a transition between residential areas and more intensive industrial districts.

17.48.070 Area and dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in ~~Table 17.54.050~~ Table 17.54.050.3. Specific exceptions are listed in the notes indexed by Table 17.54.050.3 ~~Table 17.54.050~~.

17.48.080 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC Article I and III.

17.48.090 Off-street parking and loading requirements.

For provisions on off-street parking and loading requirements, see Chapter 17.57 WRMC.

17.48.100 Transition regulations.

For provisions on transition ~~regulations~~ requirements, see Sections 17.54.300 through 17.54.330 ~~Chapter 17.75~~ WRMC.”

SECTION 15: That West Richland Municipal Code Chapter 17.49 “Downtown – Mixed Use District (D-MU)”, is hereby amended to read as follows:

“Chapter 17.49**DOWNTOWN – MIXED USE DISTRICT (D-MU)****17.49.010 Purpose.**

The downtown – mixed use district is intended to ~~provide land use, development, and design standards that~~ promote a pedestrian-oriented mix of commercial uses, including small-scale retail, restaurants, and professional services, with residential uses intermixed, within the community center in support of an attractive, sustainable, “downtown”

business core. This chapter includes land use, development, and design standards to foster a pleasing mix of compatible uses.

17.49.020 Essential uses.

The essential uses of this district are existing single-family residential development, multifamily residential development, and retail/commercial and/or professional services that directly support the city.

17.49.030 Primary permitted uses.

Primary permitted uses of this district are:

A. Art studios.

B. Banks, including automatic teller machines;

~~C. Business offices;~~

C. Clubhouses.

D. Convenience stores or mini-markets.

E. Duplexes, with a minimum of 420 square feet finished living space.

~~G. Public safety facilities; 17.49~~

~~F. Fire stations.~~

G. Gas stations and/or auto repair service stations;

H Hotels and motels.

I. Manufactured homes (*replacement of an existing mobile/manufactured home only – see WRMC 17.49.060(G) ~~WRMC 17.49.060(F)~~);

J. Microbreweries.

K. Minor utility facilities.

L. Multifamily dwellings, which contain not less than 420 square feet of finished living space.

M. Municipal office buildings.

~~O. Parks;~~

~~N. Food vending vehicles, subject to WRMC 17.54.432.~~

~~P. Personal service shops (barber, beauty and similar services);~~

O. Post office.

P. Professional offices.

~~R. Residential use in connection with business enterprise provided dwelling unit is constructed in compliance with the International Fire Code and International Building Code;~~

Q. Restaurants.

R. Retail, sales and service businesses.

S. Single-family residence, with a minimum of 420 square feet finished living space.

T. Townhouses/rowhouses subject to the following standards WRMC 17.54.100.

- 1. There shall be at least 10 feet on end between groups. This space may either be end unit lots or common open space, and, if so, there may be openings in the end units;
- 2. The number of connected units shall not exceed eight;
- 3. The director may approve up to a 10 percent deviation from all standards related to townhouse or rowhouse development;
- 4. Townhouse/rowhouse developments are encouraged, but not required, to provide open space or other amenities typical to multifamily residential developments;

~~X. Drive thru establishments;~~

U. Service stations.

V. Wine tasting rooms.

W. Electric vehicle charging stations subject to ~~section~~ WRMC 17.54.043.

X. Parish or clergy houses and religious education buildings.

Y. Museums.

Z. Public parks and playgrounds.

AA. Taverns and cocktail lounges.

BB. Wine tasting/ sales.

CC. Wineries.

DD. Adult family home.

EE. Churches and similar places of worship.

FF. Family day care ~~home~~ provider.

GG. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16.~~WRMC 17.16.~~

HH. City parks and/or open space areas, including conservancy sites, and activities associated with such uses.

17.49.040 Secondary permitted uses.

The following uses are permitted in the D-MU district in conjunction with, but subordinate to, a permitted or conditional use:

- A. Accessory buildings, subject to WRMC 17.54.055.
- B. Automobile parking as required by Chapter 17.57 WRMC.
- C. Small domestic animals, subject to WRMC 17.54.103.
- D. Small-scale home occupation, subject to WRMC 17.54.047.
- E. Bed and Breakfast facilities, subject to WRMC 17.54.042.

F. Private small energy wind systems, subject to WRMC 17.547.110.**G. Swimming pools.****H. Recycling or donation drop-off containers (unattended).****I. Residential use secondary to a business enterprise, provided the dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the International Fire Code and International Building Code.****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, subject to Chapter 17.57 WRMC.
- C. Commercial **event and entertainment** ~~recreational~~ uses (~~entertainment related uses and event facilities~~, such as stadiums, auditoriums, exhibition halls and other similar facilities).
- D. Large-scale home occupations, **subject to WRMC 17.54.048.**
- E. Major utility facilities., ~~subject to WRMC 17.54.452~~
- ~~F. Public uses and uses related to the welfare of the community;~~
- F. Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- G. Temporary/seasonal outdoor public markets.
- H. **Public and private elementary, middle, and high schools, including portable school classrooms.**
- I. ~~Performing arts theaters.~~
- J. ~~Private nursery schools.~~
- K. ~~Day care centers and mini-day care centers, subject to WRMC 17.54.041.~~
- L. ~~Automotive repair and maintenance, under hood and under car.~~
- M. ~~Carnival / fair (temporary).~~
- N. Community centers.**
- O. Festivals.**
- P. Outdoor concerts.**

~~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.~~

17.49.060 Downtown – mixed use district (D-MU) performance standards.

All uses permitted in the D-MU district must comply with this title and other applicable provisions of this code; in addition, permitted uses in the D-MU district must comply with the following performance standards:

A. All business, service or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking. ~~and limited outdoor display meeting the following:~~

~~1. Outdoor display shall be limited to the width of the building frontage;~~

~~2. Outdoor display shall not impede required pedestrian access or occupy required parking stalls or vehicle circulation routes;~~

B3. Outdoor display shall only include those quantities sold in a day's operation.

CB. Outdoor storage ~~may only be permitted through the issuance of a conditional use permit reviewed pursuant to Chapter 17.66 WRMC;~~ is prohibited.

DC. Processing or manufacturing hazardous substances is prohibited.

ED. On-site storage or treatment of hazardous waste is prohibited.

FE. Existing mobile/manufactured home parks are allowed to continue, but shall not be expanded.

GF. Existing mobile/manufactured homes on residential lots can only be replaced with new improved manufactured homes (see WRMC 17.54.090) ~~that are not more than three years of age from date of permit application or stick-built homes. Manufactured homes older than three years old may be authorized by the director through the Type I review process when he/she determines that the proposed home is a substantial improvement over the dwelling it is replacing or is otherwise compatible with the surrounding residential neighborhood.~~ or stick-built homes.

17.49.070 Area and dimensional requirements.

Area and dimensional requirements including lot area, lot width, lot depth, building height and lot coverage are found in Tables included in WRMC 17.54.050 ~~except that WRMC 17.49.080 provides additional regulations that take precedence;~~ ~~Specific exceptions are listed in the notes indexed by Table 17.54.050.~~

17.49.080 General building development standards.

The following development standards shall apply in the downtown – mixed use district to all buildings constructed after the effective date hereof:

A. Building Height. The maximum height for any new commercial or multifamily building within the downtown – mixed use district shall be 40 feet. ~~However, new commercial or multifamily buildings proposed to be greater than 40 feet in height may be allowed provided a conditional use permit reviewed pursuant to Chapter 17.66 WRMC has been granted.~~ The maximum height for any ~~new or~~ replacement single-family residence shall be 28-35 feet. Rooftop mechanical equipment shall not be considered part of the building for height calculation purposes.

B. Rooftop mechanical equipment:

1. Shall be set back a minimum of 15 feet from the street facing building edge; and
2. Shall be screened from view of the adjacent street or sidewalk. Screening may be accomplished utilizing one of the following techniques:
 - a. Provide parapets that are at least as tall as the tallest equipment;
 - b. Incorporate an architectural screen around the equipment; or
 - c. Set the equipment back from the building edge a minimum of three feet for every one foot of equipment height, but in no case by less than 15 feet as required above.

17.49.090 Building setback requirements.

The following building setbacks shall apply in the downtown – mixed use district to all buildings constructed after the effective date hereof:

A. Setback Requirements.

1. A minimum building setback of five feet (5') from all property lines shall be required for all new commercial and multifamily structures. Commercial or Multifamily.

a. Front yard: five feet.

b. Rear yard: zero feet.

c. Side yard: zero feet.

d. Side yard, corner: shall comply with the clear zone area requirements set forth in WRMC 12.08.060.

2. The replacement of existing single-family residences with new single-family residences shall comply with the following setbacks: Single-Family Residences.

a. Front yard: 20 feet.

b. Rear yard: eight feet.

c. Side yard: five feet.

d. Side yard, corner: 15 feet.

17.49.100 Off-street parking *and loading* requirements.

For provisions on off-street parking *and loading* requirements, see Chapter 17.57 WRMC.

17.49.110 Architectural design requirements - Applicability.

A. Architectural design standards shall apply to all new construction and renovations of existing structures within the downtown – mixed use district, ~~excepting~~ ~~except~~ those project types specifically exempted.

B. The following project types shall be exempt from design standards detailed in this section:

1. Interior remodels;

2. Normal or routine maintenance and repair of buildings, ancillary structures, parking lots, and pedestrian areas;

3. Any type of construction that does not require a building permit;

~~43.~~ Temporary structures as allowed per zoning code, and emergency structures; and

~~54.~~ Single-family detached dwellings ~~and accessory structures.~~

C. Determinations on the architectural design features are subject to a Type II review process pursuant to WRMC 14.01.030.

17.49.120 Architectural design requirements.

The following architectural design features shall be required in all new construction and renovations that are subject to the requirements of this section:

A. Prohibited Materials. The following materials shall be prohibited for use on ~~the building facades that are~~ street facing ~~or~~ , alley facing, ~~or and for a~~ building facade facing a parking lot:

1. T-111 or similar sheet materials;

2. Vinyl siding;

3. Asphalt shingles;

4. ~~Wood-Log siding and construction; and~~

5. Mirrored, translucent, or otherwise nontransparent windows.

B. Color Palette. The following limitations and restrictions in the color palette shall be required:

1. Each building shall be limited to no more than three principal facade colors.
2. Bright colors that have intense and bright hues (such as primary or neon colors) shall be prohibited as principal facade colors.
3. For the purpose of these requirements, "principal facade color" shall be defined as any color encompassing greater than 30 percent of the building facade (excluding the area of windows for the purpose of this calculation).

~~[DELETE: C. Architectural Design Standards. The Design goals: the]~~

C. Architectural Design Standards: The design proposed by the developer must be demonstrated to incorporate design elements which meet the objectives of each of the following design goals:

1. Pedestrian-Oriented Ground Floors. To design street and sidewalk facing facades to be inviting and easily accessible to passersby; to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.
2. Reinforced Corner. To create dynamic public gathering spaces and building entries where streets intersect; to enhance way finding and the comprehension of the downtown (applicable only to projects located on a corner at the intersection of two streets).
3. Tripartite Facade. To have street facing and front building facades that create a clear and distinct base, middle and top to break up the vertical mass, utilizing horizontal bands, changes in colors, and/or changes in materials. This goal applies to buildings of all heights and numbers of stories.
4. Cohesive Architectural Elements. To enhance the experience of passing motorists, pedestrians, and bicyclists by incorporating architectural design elements into the ground floor street facing and front building facades (and alley facing facades where feasible).
5. Semipublic Spaces. To create safe, friendly and more intimate gathering zones (that relate to the functions inside the building) while allowing people to stop, sit, people watch and dine (applicable only to buildings located on lots with public street frontage).
6. Weather Protection. To protect pedestrians from sun, wind, and rain.
7. Materials. To use building materials and construction to evoke a sense of permanence; incorporate materials that are compatible with the surrounding built and natural environment, utilizing indigenous materials, when possible.

17.49.130 Permit review process.

A. Application Requirements. A completed administrative architectural design review checklist, submitted concurrently with the building permit and site plan application, shall be required. Said application shall list all design elements which are incorporated into the project design to address each of the applicable design criteria, as detailed above.

B. Process. Administrative design review is completed by city staff concurrently with the site plan and building plan reviews.

C. Standard for Approval:

1. The proposal incorporates all architectural design requirements; and

2. The applicant has demonstrated that the proposal addresses each of the applicable architectural design criteria, utilizing elements or approaches identified for each criteria.

D. Decision.

1. Upon granting or denying an application, the city staff shall specify in writing the basis of decision, the reasons for approval or denial, and the actions, if any, that the applicant could take to obtain approval.

2. An affected party may appeal the decision to the city council.

17.49.140 Outdoor lighting standards

All outdoor lighting within the Downtown Mixed Use District shall conform to the outdoor lighting standards detailed in Chapter 17.55 of this Title.

17.49.150 Fencing, Screening and Landscaping

All landscaping and fencing, screening and landscaping within the Downtown Mixed Use District shall conform to the landscaping and fencing standards detailed in Chapter 17.56 WRMC of this title.

17.49.160 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article I, II, III and IV.

17.49.170 Transition regulations.

For provisions on transition requirements, see Sections 17.54.300 through 17.54.330 WRMC."

SECTION 16: That West Richland Municipal Code Chapter 17.51 "Combined Commercial/Light Industrial Use District (CLI)", is hereby amended to read as follows:

"Chapter 17.51

COMBINED COMMERCIAL/LIGHT INDUSTRIAL USE DISTRICT (CLI)

17.51.010 Purpose.

The purpose of the combined commercial/light industrial use district is to provide areas where products are processed, manufactured, warehoused, distributed, wholesaled, and retailed, in concentrated proximity to support an industry or trade, for example: wineries, tasting/sales rooms, and wine related industries; specialty foods processors with retail sales; artisan centers; and business incubators with a retail component. Because many of the uses in the district are often tourist attractions, tourist support uses such as restaurants, shops and boutiques, hotels, and recreational facilities are also permitted. The zone is located along major transportation corridors, such as Van Giessen and Keene Road.

Except as provided in WRMC 17.51.040, development on the front portion of those parcels immediately along the major transportation corridor is to be devoted to retail/commercial use, while the portions of the buildings or lots removed from the major roadway is primarily reserved for processing, manufacturing, storage, and other nonretail uses, but may also include commercial uses. The light industrial component is limited to uses that will not be noxious or injurious due to the production of excessive dust, smoke, refuse, odor, fumes, noise, vibration or harmful emissions.

17.51.020 Permitted uses.

The permitted uses of these districts are:

A. Commercial Uses.

1. Retail, Sales & Service Businesses. Stores and shops for the conduct of retail business;
2. Banks, including automatic teller machines.
3. Restaurants, ~~delicatessens, espresso/juice bar establishments;~~
4. ~~Bakeries;~~
4. Fire stations.
5. ~~Personal services shops (Spas, beauty shops, and barbershops);~~
5. Hotels and motels.
6. Taverns and cocktail lounges.
7. Municipal office buildings.
8. Professional offices.
8. ~~Day care centers and mini-day care centers;~~
9. ~~Growing fruits, vegetables, grains, flowers, and field crops;~~
9. Wine tasting/sales.
11. ~~Bookstores;~~
10. Public libraries.
11. Movie theaters.
12. Recreation building or area operated by membership clubs for the benefit of members and not for gain. Recreation buildings/facilities;
13. ~~Theaters of p~~ Performing arts theaters.
14. Art studios.
16. ~~Amusement parks;~~
15. Electric vehicle charging stations, subject to WRMC 17.54.043.
16. Minor utility facilities.
18. ~~Small scale home occupation, subject to WRMC 17.54.047;~~
19. ~~Clinics. These uses are only allowed upon those properties zoned combined commercial/light industrial use district (CLI) within the plat of Belmont Business District and upon Lot 4 and that portion of Lot 2 located south of Keene Road of Short Plat No. 3449.~~
1720. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16. WRMC 17.16.
18. Animal clinics/ veterinary hospitals.
19. ~~Business offices;~~

19. Car washes, automatic, full-service, and self-service, subject to WRMC 17.54.420.

20. Service stations.

21. Convenience Store or Mini-Market.

22. Gas stations.

23. Food vending vehicles, subject to WRMC 17.54.432.

24. Laundromat.

25. Lumber or building material sales & storage yards.

26. Microbreweries.

29. Shops for repair and similar services;

27. Undertaking establishments.

28. Post offices.

29. Public parks and playgrounds.

30. Automotive repair and maintenance, under hood and under car.

31. Automotive Collision Repair; including paint booths.

32. Clubhouses.

33. Commercial coaches for temporary uses, not to exceed 120 days.

B. Light Industrial/Manufacturing Uses, When Located According to WRMC 17.51.040.

1. Warehousing and distributing.

2. Wholesale businesses.

3. Wineries.

4. Food processing.

~~5. Offices;~~

5. Minor utility facilities.

~~7. Large-scale home occupation, subject to WRMC 17.54.048.~~

6. Heavy Machinery Sales & Service.

7. Creameries, bottling, ice manufacturing and cold storage plants.

C. Public safety facilities

17.51.025 Secondary uses.

The following uses are permitted in the CLI district in conjunction with, but subordinate to, a permitted or conditional use:

A. Accessory buildings, subject to WRMC 17.54.055.

B. Parking lot – private, subject to Chapter 17.57 WRMC.

C. Commercial coaches in association with an existing building.

D. Automobile parking as required by Chapter 17.57 WRMC.

E. Recycling or donation drop-off containers (unattended).

F. Residential use secondary to a business enterprise, provided the dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the International Fire Code and International Building Code.

17.51.030 Conditional uses.

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

A. A single family dwelling secondary to a commercial use provided:

1. ~~The dwelling shall be within the same building as the principal use and be not less than 750 square feet;~~
2. ~~If the dwelling unit is located on the ground floor, the dwelling unit shall be to the rear of the commercial use and not exceed 30 percent of the gross floor area of the structure;~~

~~B. 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;~~

AC. Major utility facilities, subject to WRMC 17.54.452.

B. Day care centers and mini-day care centers, subject to WRMC 17.54.041.

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

~~D. Boat/ RV Storage, subject to Chapter~~ D. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to Chapter 17.16 WRMC. 17.16.

E. Commercial parking lot, subject to Chapter 17.57 WRMC.

F. Commercial entertainment and event ~~Recreational Uses (entertainment related uses and event facilities, such as stadiums, auditoriums, exhibition halls, etc.).~~

G. Electronic industries

G. Garden nurseries and landscape garden centers.

H. High schools, colleges, universities, specialty schools operated for profit, and schools not otherwise defined including portable school classrooms.

I. Animal control facility – indoor.

J. Manufactured home sales.

L. Massage parlors or sauna baths;

K. Museums.

L. New and used car sales/repair.

M. On-site Hazardous waste treatment and storage facilities.

P. Processing or handling of hazardous substances:

Q. Public and private elementary or junior high schools:

N. Public and private elementary, middle, and high schools, including portable school classrooms.

R. Public utility buildings:

O. Recreational vehicle sales/ repair.

T. Specialty schools operated for profit:

P. Storage units/mini-storage / recreational vehicle and boat storage – subject to WRMC 17.54.430 and WRMC 17.54.434.

Q. Temporary / seasonal outdoor public markets.

R. Recreational vehicle parks.

S. Automobile, motorcycle horse and dog racing tracks.

T. Carnival / Fair (temporary).

U. Private nursery schools.

V. Amusement parks.

W. Community centers.

X. Festivals.

Y. Park and ride facilities.

17.51.040 Combined commercial/ light industrial use performance standards. Location requirements.

Except as provided in the exception below, the light industrial/manufacturing uses and conditional uses listed in this zone are to be removed from the major transportation corridor by either retail/commercial storefronts, or stand-alone retail/commercial buildings, in order to maintain continuity of the retail component of the district. When the required retail/commercial component does not exist prior to, or in conjunction with, the proposed light industrial/manufacturing use, a retail/commercial pad site must be reserved on the premise that the future commercial use will require a depth of at least 100 feet from the major transportation corridor.

Exception: Light industrial/manufacturing uses and conditional uses established prior to the commercial/retail use may be located closer than 100 feet from the major transportation corridor when it can be demonstrated to the satisfaction of the director (**under a Type II review process**) that landscaping and/or building features (height, modulation, openings, rooflines, construction materials, etc.) portray characteristics of modern (or appropriate theme) retail storefronts.

17.51.050 Area and dimensional requirements.

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in ~~Table 17.54.050~~Table 17.52.050.3.

17.51.060 General regulations.

~~The general regulations applicable to this zone are dependent on the proposed use. Commercial uses of this zone are subject to the commercial/office provisions found in Chapter 17.54 WRMC, Article V. The light industrial/manufacturing uses of this zone are subject to the light industrial provisions found in Chapter 17.54 WRMC, Article VI. For provisions on general regulations, see Chapter 17.54 WRMC Article I and IV.~~

17.51.070 Off-street parking and loading requirements.

For provisions on off-street parking and loading requirements, see Chapter 17.57 WRMC.

17.51.080 Transition regulations.

For provisions on transition ~~regulations~~requirements, see Sections 17.54.300 through 17.54.330 ~~Chapter 17.75~~ WRMC.

SECTION 17: That West Richland Municipal Code Chapter 17.52 “Light Industrial Use District (LI)”, is hereby amended to read as follows:

“Chapter 17.52

LIGHT INDUSTRIAL USE DISTRICT (LI)

17.52.010 Purpose.

The light industrial district provides areas for the location of light manufacturing, wholesale trade and distribution, and bulk retail businesses which are largely devoid of nuisance factors and hazards, and may involve the fabrication, processing and handling of products.

17.52.020 Primary permitted uses.

Primary permitted uses of this district are:

~~A. Heavy machinery sales and service.~~

~~A. Lumber or building material storage yards;~~

~~B. Carting, express or storage yards;~~

B. Contractors, plant or storage yards.

C. Agri-chemical distributors.

~~E. Electrical central power stations;~~

~~D. Food processing.~~

~~F. Laboratories, experimental;~~

E. Automotive ~~assembly and repair (major);~~and maintenance, under hood and under car.

F. Creameries, bottling, ice manufacturing and cold storage plants.

G. Blacksmith, welding, or other metal shops, excluding punch presses over 20 tons rated capacity, drop hammers and the like.

H. Foundries casting nonferrous metals or electric foundries not causing noxious fumes or odors.

~~K. The manufacturing, compounding, processing, packaging of cosmetics, pharmacology and food products not causing noxious fumes or odors;~~

~~L. Wood, coal or oil fuel yards provided no noxious fumes or odors are emitted;~~

~~M. Electronic industries;~~

I. Minor utility facilities.

J. Recycling processing facilities.

K. Animal control facilities (indoor).

~~Q. Growing fruits, vegetables, grains, flowers, and field crops;~~

~~R. Public safety facilities.~~

~~Q. Electric vehicle charging stations, subject to 17.54.043;~~

L. Gas stations.

M. Laundromats.

N. Machine shops.

O. Wholesale businesses.

P. Wine tasting / sales.

Q. Wineries.

R. Warehousing and distributing.

S. Wireless Communication Facilities – Co-location with an existing facility (Co-location is allowed on towers that were existing prior to adoption of ORD 6-19) subject to WRMC Chapter 17.16.~~WRMC 17.16.~~

T. Public parks and playgrounds.

U. Post offices.

V. Microbreweries.

W. Automotive Collision Repair, including paint booths.

X. Fire stations.

Y. Food vending vehicles, *subject to WRMC 17.54.432.*

Z. Garden nurseries and landscape garden centers.

AA. Electric vehicle charging stations, subject to WRMC 17.54.043.

BB. Commercial coaches for temporary uses, not to exceed 120 days.

CC. Outdoor concerts.

17.52.025 Secondary uses.

The following uses are permitted in the LI district in conjunction with, but subordinate to, a permitted or conditional use:

A. Accessory buildings, subject to WRMC 17.54.055.

~~B. Business offices;~~

~~CB. Retail, Sales & Service Business.~~

~~DC. Car washes, automatic, full-service and self-service, subject to WRMC 17.54.420.~~

D. Professional offices.

E. Commercial coaches in association with an existing building or use.

F. Automobile parking as required by Chapter 17.57 WRMC.

G. Recycling or donation drop-off containers (unattended).

17.52.030 Conditional uses.

Uses permitted upon issuance of a ~~special~~ **conditional use** 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/ fields;~~

D. On-site hazardous waste treatment, transfer, 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;~~

E. Off-site hazardous waste treatment, transfer, 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;~~

F. Storage units/mini-storage / recreational vehicle storage; ~~except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan, subject to WRMC 17.54.430 and subject to WRMC 17.54.434.~~

G. Major utility facilities, ~~subject to WRMC 17.54.452;~~

~~I. Jails and secure community transition facilities subject to WRMC 17.54.452 and conforming to the standards of WRMC 17.54.453;~~

~~J. Landfills, subject to WRMC 17.54.452;~~

~~I. Boat/ RV Storage, subject to Chapter — J. Processing or handling of hazardous substances;~~

H. Waste transfer stations.

I. Airports and heliports.

~~M. Race tracks, drag strips, motocross tracks, and similar racing facilities;~~

J. Animal control facilities (outdoor).

K. Public and private elementary, middle, and high schools, including portable school classrooms.

L. Private nursery schools.

M. Carnival / fair (Temporary).N. Mining and/ or temporary rock crushing activities, related to on or off-site construction or site preparation activities.

O. Wireless Communication Facilities subject to WRMC Chapter 17.16~~WRMC 17.16~~.

P. Amusement parks.Q. Festivals.**17.52.040 Area and dimensional requirements.**

Area and dimensional requirements including setbacks, lot area, lot width, lot depth, building height and lot coverage are found in ~~Table 17.54.050~~Table 17.54.050.3. Specific exceptions are listed in the notes indexed by Table 17.54.050.3~~Table 17.54.050~~.

17.52.050 General regulations.

For provisions on general regulations, see Chapter 17.54 WRMC, Article I and IV.

17.52.060 Off-street parking and loading requirements.

For provisions on off-street parking and loading requirements, see Chapter 17.57 WRMC.

17.52.070 Transition regulations.

For provisions on transition requirements, see Sections 17.54.300 through 17.54.330 WRMC ~~Chapter 17.75~~ WRMC.

Architectural design.

~~All buildings and developments in the LI district, so located that they orient to or face a more restrictive district, shall achieve a high standard of architectural design, generally institutional in character such as currently contemporary schools, banks, hospitals, office buildings, etc. No buildings of a strictly utility nature devoid of the fundamentals of aesthetics or architectural design shall be permitted in a perimeter location.~~

Storage yards.

~~In the LI district, storage yards in connection with and incidental to a permitted use shall be screened from any arterial street by an eight foot high sight obscuring fence or hedge. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well maintained and free from litter, posters, signs, and trash. Additional requirements that apply to fencing are found in WRMC 17.54.040.~~

17.52.080 Storage yards.

Storage yards in connection with and incidental to a permitted use shall be surrounded by a 6-foot high sight-obscuring fence or hedge for screening the yard from abutting property and the street. The fence, wall, or hedge shall conform to setback requirements for buildings on street frontage. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well-maintained and free from litter, posters, signs, and trash. Additional requirements which apply to fencing are found in WRMC Chapter 17.56 Fencing, Screening and Landscaping and Chapter 12.50 WRMC, Vegetation Obstructions.

17.52.090 Traffic circulation plan – Approval required.

The traffic circulation plan for an industrial development and the location and design of access to or from the arterial or adjoining streets must be approved by the city engineer.

17.52.100 Landscaping and parking plans – Approval required.

The vicinity of the principal public entrance to any building in an industrial district and the public and/or employee parking in connection with the principal entrance shall be landscaped and maintained. Landscaping shall include lawn, ornamental shrubs and trees. Plans showing the extent and design of the landscaping and parking areas shall be part of the plans required for a building permit.”

SECTION 18: That West Richland Municipal Code Chapter 17.54 "General Regulations", is hereby amended to read as follows:

"Chapter 17.54

GENERAL REGULATIONS

Article I. Requirements for All Districts

17.54.010 Use regulations – Subject to general provisions.

The use regulations and restrictions contained in this title are subject to the general provisions, conditions and exceptions contained in this chapter.

17.54.020 Yards – Establishment of building line.

City council, on recommendation from the planning commission after a public hearing held by the planning commission, may pass a resolution to establish a building line along certain streets throughout certain zones or throughout certain natural areas other than the usual setback requirements ~~as established on the various zones by these regulations~~ when it is found that to do ~~doing~~ so will protect public health, welfare, and safety, and implement the development comprehensive plan.

17.54.030 Curbs, gutters, sidewalks, and driveways.

Curbs, gutters, sidewalks, and driveways within easements shall meet the engineering standards of the city as enacted by ordinance.

17.54.035 Swimming pool requirements.

A. ~~The Swimming pools shall not be located in a front yard, and shall be located at least five feet from any side or rear property line not adjacent to a street. , and a~~ A minimum three-foot-wide clear area shall be maintained around the perimeter of the pool. Swimming pools shall observe setbacks from streets, as noted in ~~Table 17.54.050, Table 17.54.050.1 or Note K of WRMC 17.54.050, as applicable.~~

B. ~~The Swimming pools~~ shall not be located within an easement.

~~17.54.040 – Fences.~~

~~The city will not require a building permit for the construction of all fences; see fees resolution for fee amount. In addition, fences above six feet in height shall require engineered construction plans, and provide engineering data indicating the fence's ability to withstand the windloads expected in the city. Finally, no fence shall form a sight obstruction per WRMC 12.08.060, Visibility, and 12.50.010, Vegetation obstructions. Fences are permitted as follows:~~

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

~~1. Six 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.~~

~~3. Wire mesh fences constructed in conjunction with public playgrounds, public utilities and other public installations up to the street right-of-way line, and 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. Six 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.~~

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

~~3. 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).~~

~~4. Fences up to six 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.~~

17.54.045 — Electric fences.

~~A. Electric fences are permitted in the city only in areas zoned to allow large domestic grazing animals, and only for the purpose of containing large domestic grazing animals. For the purpose of this section, "large domestic grazing animals" are defined as cattle, horses, sheep, goats and llamas.~~

~~B. Electric fences shall be constructed of single-strand smooth wire. Electric fences shall not be constructed of barbed wire or twisted or serrated wire.~~

~~C. Electric fences shall be posted with permanent signs a minimum of 36 square inches in area at intervals of 15 feet stating that the fence is electrified.~~

~~D. Electric fences and related appliances, equipment and materials used in connection therewith shall be listed or labeled by a qualified testing agency, carry the "U.L. Approved" seal and shall be installed in accordance with the manufacturer's specifications and in compliance with the National Electrical Code, and shall not be modified in any manner from their original manufactured condition.~~

~~E. Electric fences shall be set back at least six inches from a second and more substantial fence which runs along a property line which is parallel with and adjacent to public rights of way or public facilities; provided, that the second and more substantial fence, as provided for herein, may not be constructed of barbed wire or twisted or serrated wire, or any material which will easily catch or entangle clothing; and provided further, however, that the construction and location of all fences shall comply with all applicable laws, including zoning laws.~~

~~F. Electric fences shall be set back at least 36 inches from any nonsubstantial fence. A "nonsubstantial fence" is defined as any fence less than six feet in height, or any fence of open construction such as a picket fence, split rail or rail fence, wire fence, wire mesh or metal fabric.~~

17.54.041 Day care centers and mini-day care centers.

Day Care Centers and Mini-Day Care Centers are subject to the following conditions:

A. A Washington State day care or mini-day care license is required.

B. The operation must comply with all building, fire safety, health code, and business licensing requirements at all times.

C. Setbacks, screening, landscaping, lot size, building site, and lot coverage must conform with the regulations of the applicable zoning district.

D. Parking requirements must conform to ~~WRMC 17.10~~ Chapter 17.57.

E. Mini-Day Care Centers located in the family abode are only allowed in residential zoning districts upon approval of a Conditional Use Permit in accordance with ~~WRMC 17.22~~ Chapter 17.66.

F. A ~~four~~ 4 foot high solid board fence, masonry wall, or screened chain link fence must surround ~~the~~ all outdoor play areas.

G. Any license required by the State or County must be obtained before issuance of a City business license.

H. No structural or decorative alteration is allowed which will alter the residential character of an existing residential structure used for a mini-day care center. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.

I. Limitations in use of family residence. No mini-day care center shall be located in a private family residence unless the portion of the residence where 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.

J. Land use permits are not required for day care centers and mini-day care centers when established in conjunction with a church, school or similar public or quasi-public residential use, and the use is considered accessory to the principal use in these cases. A four 4 foot high solid board fence, masonry wall, or screened chain link fence must surround the outdoor play area. Any license required by the State or County must be obtained before issuance of a City business license.

K. Accessory use. A day care center or mini-day care center, if sited on the premises of a public or quasi-public use shall be considered accessory to the principal use of the property concerned.

17.54.042 Bed and breakfast facilities.

Bed & Breakfast Facilities are permitted as specified for each of the different Land Use Districts in certain zoning districts, subject to the following regulations:

A. Bed and breakfast facilities shall meet the following criteria:

1. Bed and breakfast facilities shall meet all applicable State and local health, safety and building codes, including minimum State Business licensing requirements;

2. The exterior of the building shall retain a residential appearance while the facility shall be operated in a way that will prevent unreasonable disturbance to area residents;

3. In addition to the minimum off-street parking requirements for the residential dwelling listed in ~~WRMC Title Chapter 17.10~~ 17.57 one additional off-street parking space shall be provided for each guest room;

4. One sign, bearing only the name of the facility and/or operator measuring no more than four (4) square feet and constructed according to the signage standards contained in WRMC Title 19 is permitted on the premise;

5. All bed and breakfast facilities shall be located in single-family residences or appurtenant structures and shall exhibit no outward appearance of a business or of a nonresidential nature other than permitted signs;

6. All bed and breakfast **facility** operations managers shall live on the premises during those times that the establishment is occupied by guests;

7. All bed and breakfast **facilities** shall obtain a city business license and be inspected by the city's fire marshal and building official prior to their establishment;

8. The Administrator/review body may impose other conditions such as additional parking, improved access, landscaping or minimum screening to ensure the proposed facility is compatible with the surrounding area.

17.54.043 Electric vehicle infrastructure.

The purpose of this section is to facilitate adequate and convenient electric vehicle infrastructure to serve the needs of the traveling public, provide opportunities for West Richland residents to have safe and efficient personal electric charging stations located at their place of residence, and to provide the opportunity for commercial and industrial developments to supply electrical vehicle charging station services to their customers and employees.

A. Where Authorized

1. **Charging** Level 1, 2 and 3 charging stations shall be permitted uses within all Commercial and Industrial districts, and accessory uses in all other districts.

2. Battery exchange stations shall be permitted uses within all Commercial and Industrial districts only.

B. Review Process

1. Charging stations. In general, charging stations do not require permits from the City unless their installation involves new construction, additions and/or structural alterations to existing buildings, or if their installation is governed by other requirements of ~~county~~ city code. Electrical installations are under the administration of the Washington State Department of Labor and Industries and no aspect of the electrical infrastructure is administered by the City.

2. Battery exchange stations. Installation of a battery exchange station shall be processed in accordance with Title 14 as a **Type II application**, for full administrative review of applications. Applications shall be reviewed concurrently with other required permit applications.

C. Design Criteria

1. Design criteria for electric vehicle charging stations or battery exchange stations within Commercial and Industrial districts:

a. Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only.

b. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Signage should include identifying voltage and amperage levels, time of use, fees or safety information.

c. Installation of wayfinding signs should be conveniently located to effectively guide motorists to the charging station space(s).

d. Where charging station equipment is provided adjacent to a pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility requirements of WAC 51-50-005, or as amended.

e. Design should be appropriate to the location and use and comply with any architectural requirements set forth by the City. Facilities should be able to be readily identified by electric car users but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.

17.54.044 Family day care homeprovider

A family day care home shall be permitted by right in all zoning districts permitting residences and shall be subject to the following requirements:

- A. A Washington family day care home license is required.
- B. Comply with all building, fire safety, health code, and business licensing requirements.
- C. Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure.
- D. A safe passenger loading area must be provided.
- E. No structural or decorative alternative, which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted.
- F. One (1) sign is permitted that complies with WRMC Title 19.

17.54.045 Health care facilities.

Rest homes, nursing homes, congregate care, and convalescent homes, hospitals, and similar health facilities must have any required State or County license before occupancy.

17.54.046 Public utility transmission facility.

Public utility transmission facilities shall comply with the following conditions

- A. The utility company shall secure the necessary property or right-of-way to assure for the ~~property~~ **proper construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility.**
- B. All support structures for electric transmission lines shall have their means of access located a minimum of 10 feet above ground.
- C. The height of any structure above ground ~~does~~ **shall not exceed 125 feet.**

17.54.047 Small-scale home occupations.

A. The purpose of ~~the small-scale home occupations provision is to support~~ **provide** local residents ~~by providing them with~~ the option to use their residence for small-scale business activities that do not interfere with the residential character of their neighborhood. A small-scale home occupation permit may be authorized when the business meets all of the following requirements:

1. The home occupation must be clearly incidental and accessory to the residential use.
2. All on-premises work and storage must occur within the main residence or attached garage. The home occupation shall not occupy more than 500 square feet of the residence and any attached garage.
3. All on-premises activities related to the home occupation are to be conducted only by members of the household.
4. No structural alteration or addition may be made to accommodate the home occupation, unless it is made in such a manner that the area would be suitable for typical residential purposes if it were not occupied by the home occupation.
5. No equipment shall be installed, no products shall be stored, and no activities shall be conducted that would violate the fire or building code limitations for a nonrated wooden structure (Construction Type V-B), regardless of the construction type of the dwelling.

6. No offensive noise, vibration, smoke, dust, odor, glare, electrical interference (including but not limited to cable, phone, radio, satellite, or television), or other detriments to neighboring properties or dwelling units shall be produced.

7. There shall be no exterior indications of the home occupation, other than those indications complying with subsections (A)(8) through (A)(12) of this section.

8. No more than a total of two vehicles/trailers associated with the home occupation shall be on or near the premises at any time. In addition, the vehicle(s) shall not be larger than a typical passenger van or one-ton pickup and the trailer(s) no more than 18 feet long (overall length). Box-style cargo vans, semi tractors/trailers, heavy equipment, and similar vehicles are not authorized.

9. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g., no parking on the front lawn).

10. The combined number of customer, delivery, and employee vehicles visiting the property with the home occupation shall not typically exceed six per day, and they shall not arrive earlier than 7:00 a.m., nor leave later than 7:00 p.m. each day.

11. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems, or represent a substantial increase in traffic through the residential area.

12. Signage must comply with the provisions set forth in WRMC 19.04.020(L), which allows one nameplate up to two square feet to be placed on the house.

13. The operator of the home occupation must receive a home occupation permit from the community development department. The permit shall be issued after receipt of an application demonstrating that the home occupation complies with the requirements of this title.

Examples of possible small-scale home occupations include:

- a. Artist;
- b. Consultant;
- c. Computer work (accountant, architect, drafter, engineer, typist);
- d. Internet (online)/mail/telephone sales (off-site delivery);
- e. Music instructor;
- f. Photographer;
- g. Seamstress/tailor;
- h. Teacher/tutor.

B. The following uses are not permitted as small-scale home occupations, due to their nonresidential character and/or potential impacts to neighboring properties:

1. On-premises ~~bookstores-retail~~ or entertainment establishments;
2. Barber or beauty parlors, with more than one chair;
3. Equipment rental;
4. Funeral home or crematorium;

5. Animal kennel, stable, day care, and training;
6. Lodging or boardinghouse;
7. Machining, welding, or metal shop;
8. Slaughter and meat processing services;
9. Towing services;
10. Vehicle or heavy equipment alteration, repair (including body, engine and chassis), painting, sales, service, impound, or storage;
11. Wholesale sales, on-premises;
12. Any use generating, storing or utilizing hazardous materials in amounts greater than a typical household.

C. Applications for small-scale home occupations are ~~to be~~ processed as Type II permits, pursuant to WRMC ~~Title 14.01.030~~. In granting approval of a small-scale home occupation permit, the director may require additional conditions, so that the home occupation does not detract from the residential character of the neighborhood.

D. Any small-scale home occupation that is granted approval may be subject to inspection and review at any reasonable time for purposes of verifying compliance. If, at any time, any of the small-scale home occupation requirements are not met, the director may revoke the permit. If a permit is revoked, there shall not be another home occupation permit issued for the applicant's property for a period of six months, at which time the applicant may reapply. A decision to revoke a home occupation permit may be appealed to the city council, subject to Chapter 14.06 WRMC. Any appeal must be filed within 10 working days of when the permit was revoked.

17.54.048 Large-scale home occupations.

A. The purpose of the large-scale home occupation land use ~~category permit~~ is to provide an option for consideration of businesses or professional enterprises that ~~somewhat~~ exceed the limitations of the small-scale home occupation category, but ~~that~~ which still nonetheless maintain such characteristics and/or are located such that they are able to operate in a manner that does not interfere with the residential character of ~~the~~ their neighborhood.

B. A large-scale home occupation is considered through the conditional use permit process. ~~In addition to the~~ The conditional use permit criteria of Chapter 17.66 WRMC applies, and large-scale home occupations shall also meet the following requirements:

1. The home occupation must be clearly incidental and accessory to the residential use.
2. All on-premises work and storage areas must be conducted within the home, garage, or an accessory structure.
3. All on-premises activities related to the home occupation are to be conducted only by members of the household, provided up to two nonresident employees may work on the premises, when authorized through the conditional use permit review.
4. No structural alteration or addition may be made to accommodate the home occupation, unless it is made in such a manner that the area would be suitable for typical residential purposes if it were not occupied by the home occupation.
5. No equipment shall be installed, no products shall be stored, and no activities shall be conducted in the dwelling or attached garage that would violate the fire or building code limitations for a nonrated wooden structure (Construction Type V-B), regardless of the construction type of the dwelling. Any accessory structure used in the home occupation shall meet the fire and building code requirements applicable to its use.

6. No offensive noise, vibration, smoke, dust, odor, glare, electrical interference (including but not limited to cable, phone, radio, satellite, or television), or other detriments to neighboring properties or dwelling units shall be produced.
7. There shall be no exterior indication of the home occupation, other than those indications complying with subsections (B)(8) through (B)(12) of this section.
8. No more than a total of four vehicles/trailers associated with the home occupation shall be on or near the premises at any time.
9. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g., no parking on the front lawn).
10. The combined number of customer, delivery, and employee vehicles visiting the property with the home occupation shall not typically exceed eight per day, and they shall not arrive earlier than 7:00 a.m., nor leave later than 7:00 p.m. each day.
11. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems, or represent a substantial increase in traffic through the residential area.
12. Signage must comply with the provisions set forth in WRMC 19.04.020(L), which allows one nameplate up to two square feet to be placed on the house.

Examples of possible large-scale home occupations include:

- a. Small-scale manufacturing or fabrication in an accessory building (no use of production line or automated equipment).
- b. Contractors not meeting the small-scale home occupation requirements of WRMC 17.54.047.
- c. Small-scale repair services.

C. The following uses are not permitted as large-scale home occupations, due to their nonresidential character and/or potential impacts to neighboring properties:

1. On-premises bookstores or entertainment establishments;
2. Barber or beauty parlors, with more than one chair;
3. Equipment rental;
4. Funeral home or crematorium;
5. Animal kennel, stable, day care, and training;
6. Lodging or boardinghouses;
7. Storage facilities (also known as mini-storage), *subject to WRMC 17.54.430; as defined in WRMC 17.09.200;*
8. Restaurants/drinking establishments;
9. Slaughter and meat processing services;
10. Towing services;
11. On-premises vehicle or heavy equipment repair (including body, engine and chassis), impound, and dismantling/wrecking.

D. Any large-scale home occupation may be subject to inspection and review at any reasonable time for purposes of verifying compliance with the requirements of this section and the conditional use permit. If, at any time, any of the large-scale home occupation requirements are not met, the planning commission may revoke the permit pursuant to WRMC 17.66.070. If a permit is revoked, there shall not be another home occupation permit issued for the applicant's property for a period of six months, at which time the applicant may reapply. A decision to revoke a large-scale home occupation permit may be appealed to the city council, subject to Chapter 14.06 WRMC. Any appeal must be filed within 10 working days of when the permit was revoked.

17.54.049 Special building heights.

A. The following uses listed under subsection (B) are permitted as primary and/or secondary uses in industrial districts as described below and may be permitted in all other districts subject to review in accordance with WRMC Title Chapter 17.66 and other applicable provisions of this code and the issuance of a conditional use permit by the planning commission; such that certain structures as listed below may be erected to a greater height than the limit established for the district in which such use or structure is located; provided, however, that all structures above the height otherwise permitted in all districts are designed and constructed to have a fall zone entirely within the area defined by the legal description of the property in which the structure is to be erected.

B. These structures include: church spires; belfries; cupolas and domes; monuments; water towers; observation towers; flagpoles; radio and television transmission towers; outdoor theater screens; smokestacks; cooling towers; grain elevators; and other structures when manufacturing process requires greater height, and single poles or metal towers erected for the purpose of supporting aerials for radio operators; provided, however, that no portion of the supporting structure overhangs or extends over any abutting property.

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:

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 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 private access easement.

Table 17.54.050.1 Residential site development standards table

KEY:

- Residential Low-Density (RL-20, RL-40) Neighborhood-Commercial (CN)
- Residential Medium-Density (RM-6, RM-10) Commercial Limited (CL)
- Manufactured Home Park (MH-P) Commercial General (CG)
- Multifamily Residential (MR) Commercial Light Industrial (CLL)
- Downtown-Mixed Use (D-MU) Light Industrial (LI)
- Urban Transition (UT)

Planned Unit Development (PUD)

	<u>RL-40</u>	<u>RL-20</u>	<u>RM-10</u>	<u>RM-6</u>	<u>MR</u>	<u>D-MU</u> (1)	<u>UT</u>	<u>PUD</u>
Minimum Dimensions/ Sizes (6):								
<u>Single-Family Lot Area</u> (if served by <u>City Water and Sewer Dwelling Unit</u>)	40,000 s.f.	20,000 s.f.	10,000 s.f. (12,500 s.f. for corner lots)	6,000 s.f. (7,500 s.f. for corner lots)	3,000 s.f.	3,000 s.f.	1 per 200 Acres 1 acre (4)	<u>Under-lying zone</u>
<u>Single-Family Lot Area</u> (if not served by <u>City Sewer</u>)	5 Acres (8)	5 Acres	10 Acres	10 Acres	10 Acres	N/A	1 acre (4)	<u>Under-lying zone</u>
<u>Townhouse/ Rowhouse Lot Size</u>	-	-	-	1,800 s.f. Not to exceed 9 units/acre	1,800	1,800	-	<u>Under-lying zone</u>
<u>Duplex Lot Area per Dwelling Unit</u>	-	-	-	-	2,000 4,000	2,000	-	<u>Under-lying zone</u>

Minimum

								40' Multi-Family & Commercial
(1)								<u>Setbacks, when adjacent to a private road or driveway easement, are established from the inner edges of the road or driveway easement and are the same as noted above.</u>
(2)								<u>Minor Projections Allowed. Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows no more than 12 feet long and which cantilever beyond the foundation of the structure, uncovered stairways, and uncovered decks or balconies, may extend into a required setback up to two feet in residential districts. However, they may not be less than three feet of a lot line when a setback is required. Wheelchair ramps are allowed to project into the setback. Attached mechanical equipment such as heat pumps, air conditioners, emergency generators and water pumps are allowed to project into the side or rear setback only.</u>
(3)								<u>A covered porch, covered patio, deck 30 inches or higher, pergola, and any other roofed structure shall be considered a part of a building in the determination of the size of the yard or lot coverage.</u>
(4)								<u>Side yard setbacks are not applicable to Townhouse or Rowhouses.</u>
(5)								<u>The UT district has agricultural "Quarter/quarter zoning" which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land.</u>
(6)								<u>Setbacks and maximum building heights for certain accessory buildings are reduced, as detailed in WRMC 17.54.055(B)(3)</u>
(7)								<u>Exceptions to the setback requirements may be considered in accordance with WRMC 17.54.020, when applicable to a group of multiple lots. A setback exception pertaining only to an individual lot is to be considered through the variance process of Chapter 17.69 WRMC.</u>
(8)								<u>Minimum setbacks for separate garages or accessory buildings ordinarily appurtenant to the conduct of farming, including barns and storage shed for large farm machinery, shall not be less than 60 feet from the front lot line.</u>
(9)								<u>The minimum lot size in the RL-40 zoning district remains at 40,000 square feet when a lot to be divided is greater than 500 feet from city sewer, and served with city water.</u>
(10)								<u>Not applicable to a garage door and/or carport opening which must maintain the front yard setback.</u>
(11)								<u>New commercial and/or multifamily buildings within the downtown – mixed use district over 40 feet in height shall be reviewed via the conditional use permit process set forth in Chapter 17.66 WRMC.</u>
								<u>The standards of WRMC 17.49.080 apply.</u>

Table 17.54.050.2 Manufactured home park minimum setbacks table

	<u>Minimum setback from the property lines of individual in park spaces</u>			<u>Minimum setback from the boundary of the manufactured home park</u>		
	<u>Front and Flanking Street Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Right-of-Way</u>
<u>Manufactured homes</u>	5'	5'	5'	10'	10'	20'
<u>Patio covers, decks, landings, awnings</u>	5'	5'	5'	5'	5'	20'
<u>Carpools</u>	5'	5'	5'	5'	5'	20'

At least (10) feet of separation shall be maintained between mobile or manufactured homes (including additions/porches, pop-outs, etc.). All accessory structures shall maintain a five (5) foot separation from the mobile or manufactured home unless it is permanently attached, and shall be setback at least five (5) feet from all lot lines of the specific space within which it is placed.

Table 17.54.050.3 Non-residential site development standards table

KEY:

- City Parks District (CP)
- Commercial General (CG)
- Neighborhood Commercial (CN)
- Commercial Limited (CL)
- Commercial – Light Industrial (CLI)
- Downtown-Mixed Use (D-MU)
- Light Industrial (LI)

	<u>Parks</u>		<u>Commercial</u>			<u>Mixed Use</u>		<u>Industrial</u>
	<u>CP</u>	<u>CG</u>	<u>CN</u>	<u>CL</u>	<u>CLI</u>	<u>D-MU</u>	<u>LI</u>	
<u>Minimum Dimensions / Sizes</u>								
<u>Minimum front and flanking yard setback⁽¹⁾</u>	15'	15'	20'	20'	15'	See WRMC. 17.49.080 090	25'	
<u>Minimum rear yard setback⁽¹⁾</u>	8'	0'	0'	0'		See WRMC. 17.49.080 090	0	
<u>Minimum side yard setback⁽¹⁾</u>	5' (25' for	0'	0'	0'		See WRMC. 17.49.080 090	10'	

	<u>corner lot</u>							
<u>Minimum lot area</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>10,000 s.f.</u>
<u>Minimum width of street frontage</u>	<u>N/A</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum lot depth</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Dimensions/ Sizes</u>								
<u>Maximum building height</u>	<u>30'</u>	<u>3035'</u>	<u>3035'</u>	<u>3035'</u>	<u>3035'</u>	<u>40</u> 45'	<u>See WRMC 17.49.080 08.680</u>	<u>40</u> 45'
<u>Maximum lot coverage (%)</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Maximum impervious surface (% of lot area)</u>	<u>None</u>	<u>90%</u>	<u>90%</u>	<u>90%</u>	<u>90%</u>	<u>90%</u>	<u>90%</u>	<u>95%</u>

(1) Transition requirements may apply to office, commercial, industrial, and other nonresidential buildings. See WRMC 17.54.330.

STANDARDS	CP	UT	RL-40	RL-20	RM-10	RM-6	MHP	MR	C-N	C-L	C-G	CH	LI	D-MU
Minimum setbacks of structure (feet): (H) (I) (K) (R)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Front yard	(C) 15	200	(B) 25	(B) 25	20	20	See WRMC-17.36.060	(B) 15	20	(C) 20	(C) 15	(C) 15	(C) 25	See WRMC-17.49.090
Rear yard (G)	(C) 8	200	(F) 40	(F) 20	8	8	See WRMC-17.36.060	10	0	(C) 0	(C) 0	(C) 0	-	See WRMC-17.49.090
Side yard (G) (M)	(C) 5	200	(F) 20	(F) 10	5	5	See WRMC-17.36.060	(C) 0	0	(C) 0	(C) 0	(C) 0	(C) 10	See WRMC-17.49.090
Side yard, corner lot (G) (L)	25	200	20	15	15	15	See WRMC-17.36.060	15	15	15	15	15	15	See WRMC-17.49.090
Minimum lot area, interior lot, acres or thousand square feet (I)	-	200 acres	40	20	(M) 10	(M) 6	(A) 5	2,000	-	-	-	-	10	Single-family development = 4,000 s.f. Multifamily development (including townhouses and rowhomes) = 2,000 s.f. per unit Commercial development = No min. lot size
Minimum lot area, corner lot, acres or thousand square feet (I)	-	200 acres	40	20	12.5	7.5	(A) 5	2,000	-	-	-	-	10	Single-family development = 4,000 s.f. Multifamily development (including townhouses and rowhomes) = 2,000 s.f. per unit Commercial development = No min. lot size
Minimum width of street frontage (in linear feet)	-	1,000	45	45	40	40	40	30	40	40	40	40	40	-
Depth of lot, minimum	-	1,000	90	90	80	80	80	-	-	-	-	-	-	-
Maximum building height	(E) 28	28	(E) 28	(E) 28	(E) 28	(E) 28	28	30	30	30	30	40	40	(P) (C) 40
Maximum lot coverage (%)	-	0.50	30	50	40	50	60	60	-	-	-	-	-	-
Maximum impervious surface (% of lot area)	-	-	-	-	-	-	-	-	90	90	90	90	95	90

Notes to Table 17.54.050

- A. Minimum setbacks for separate garages or accessory buildings ordinarily appurtenant to the conduct of farming, including barns and storage sheds for large farm machinery, shall not be less than 50 feet from the front lot line.
- B. No buildings shall be erected or altered so that any portion thereof shall be nearer to the front lot line than 25 feet, or nearer than 50 feet from the center of the right-of-way, whichever provides the greater setback; provided, these patent rights of way/assessments within Section 6 and Section 8 of Willette Heights that do not contain developed streets or driveways and are not shown as planned roadways or access easements on the adopted local roadway plan, require no setback. In such case, the building and any of its projections (eaves, etc.) are to be located outside of the patent rights of way/easements.
- C. Transition requirements may apply to office, commercial, industrial, and other nonresidential buildings. See Chapter 17.75 WRMC.

D. *Reserved.*

E. 1. Maximum building height as measured from grade plane to the height of the eaves (excluding gable) on a pitched roof, or to the top of the parapet on a flat roof, shall not exceed 28 feet; provided, that if the building is on a sloped lot, the downhill half of the building perimeter (measured along the exterior wall, but excluding bay windows, porches, decks and other minor projections) is permitted to be up to 38 feet in height, subject to the following:

a. The majority of the portion of the structure that is required to be 28 feet or less in height shall be directly and easily accessible to fire apparatus, as determined by the fire official; or

b. The building shall be sprinkled according to the standards of the International Building/Fire Code.

When the downhill portion of the house exceeds 28 feet, the top of the downhill portion of the building shall not extend above the elevation of the top of the uphill portion of the building.

2. If the building is a nonresidential structure such as a school, church or hospital and has a flat roof, building height may be up to 40 feet. Subsection G of this section also applies.

F. Accessory buildings greater than 200 square feet in area or greater than eight feet in height shall be set back from the lot line a minimum of 10 feet.

G. 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 (see definition of "Yard, front"); however, when the lot is bordered by two or more streets, the setbacks for residential structures are authorized to be reduced 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 one of the streets is a limited access roadway, as specified by Chapter 10.24 WRM, 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 for one nonhabitable accessory structure that is 200 square feet or less per lot.

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 nonhabitable 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 planning 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 private access easement.

H. Exceptions to the setback requirements may be considered in accordance with WRM 17.54.020, when applicable to a group of multiple lots. A setback exception pertaining only to an individual lot is to be considered through the variance process of Chapter 17.69 WRM.

I. Easements. Notwithstanding the setbacks specified in Table 17.54.050, no building is to be located within an established easement, or as permitted by WRM 17.54.055(B)(3)(D) pertaining to Sections 6 and 8 of Williamsette Heights.

J. Lot Size. The minimum lot sizes indicated in Table 17.54.050 apply when the lot is served with city water and city sewer services. When the lot is not served with city water and city sewer, minimum lot size for new lots is 10 acres excluding the RL zoning district which may reduce to five acres with the following exception:

Exception: Minimum lot size in the RL-40 zoning district shall remain at 40,000 square feet when the existing lot (before division or reconfiguration) is greater than 500 feet from city sewer, and served with city water.

K. Setbacks for Minor Utility Facilities. Minor utility facilities shall generally be exempt from the setback requirements of Table 17.54.050, provided they shall not be permitted to violate WRM 12.08.060,

visibility, or other applicable setback requirements from other codes (fire, building, health, etc.).

L. Not applicable to a garage door and/or carport opening which must maintain the front yard setback.

M. Two-Family Dwellings (Duplexes).

1. Side yard setbacks for the common wall of a duplex shall be zero;

2. Minimum lot size when subdividing shall be three-fourths the minimum lot size for that zone (e.g., in the RM-10 zone the minimum lot size for one side of the duplex is 7,500 square feet), not to be less than 5,000 square feet.

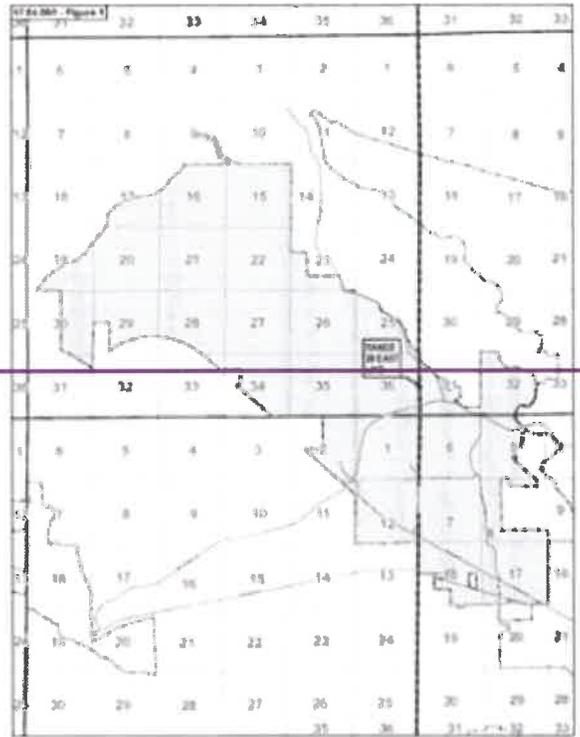
N. Side setbacks when adjoining a single-family zoning district shall be 10 feet.

O. Side yard setbacks not applicable to townhouse/rowhouse developments—zero lot line permitted.

P. New commercial and/or multifamily buildings within the downtown mixed use district over 40 feet in height shall be reviewed via the conditional use permit process set forth in Chapter 17.66 WRM.

Q. Refer to WRM 17.49.080.

R. Refer to WRM 12.04.040(B).



17.54.054 Trash enclosures.

All garbage cans, bins, dumpsters, containers, and other garbage receptacles with Multifamily, Commercial and Industrial zoning districts and uses must be within a completely enclosed building or screened from view by a sight-obscuring wall or fence at least six feet (6') high and with a gate or door or similar sight-obscuring material to provide access. All enclosures shall be at least 20 feet from the property line of parcel with a ~~any residential use.~~ Property owners and/or business operators must ensure that ~~No no garbage, trash, waste, or other refuse may be allowed to accumulates around or within the enclosure.~~

17.54.055 Accessory building requirements – Residential uses.

The following regulations apply to accessory buildings in the residential zoning districts, except the MH-P zone:

A. General Standards.

1. Accessory buildings shall not be built prior to the principal structure (primary dwelling unit), but may be built in conjunction therewith.
2. Accessory buildings are for personal use only and may not be used for dwelling or business activities, unless authorized through permit(s) provided for elsewhere in this title (e.g., accessory dwelling unit or *major-large scale* home occupation).
3. For purposes of this section (**regarding** height and size limitations, setbacks, lot coverage, etc.), residential accessory buildings include sheds, shops, garages, carports, greenhouses, and similar structures, which are detached from the residence, or connected to the residence by only a breezeway, hallway, or other minor attachment. Residential accessory buildings also include patio covers, pergolas, gazebos, cabanas, decks 30

inches or more above grade, and similar structures, when detached from the main residence. If any of the types of structures mentioned in this subsection are attached to the residence, they shall be considered as part of such, and subject to the zoning requirements pertaining to the primary residential structure.

4. Cargo shipping containers and similar enclosures are not a permitted accessory structure in any residential zone. Container storage, as defined in WRMC 17.09.040, is not permitted.

5. Accessory buildings shall not be located within an easement, with the exception of lots located within Section 6 and Section 8 of Willamette Heights may have accessory buildings within the patent rights-of-way/easements, provided:

a. The accessory building is on a nonpermanent foundation;

b. The accessory building is 200 square feet or less in area and has a roof ridge height of 12 feet or less;

c. The patent/easement is not shown as a "planned roadway" or "access easement" on the adopted local roadway plan;

d. The patent/easement does not contain an established driveway or road;

e. The patent/easement does not contain any utilities (e.g., water, sewer, power, phone, cable, irrigation);
and

f. 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.

6. The placement of all accessory buildings shall require written approval from the ~~planning community development~~ department, whether or not a building permit is required. The application shall include a site plan, floor plan and elevation drawing.

7. Accessory buildings requiring a building permit that are located on a property with an on-site sewage system (septic) shall ~~require approval~~ be approved by ~~from~~ the Benton-Franklin Health District for placement, prior to building permit submittal.

8. All accessory structures shall be separated from the primary building by at least five (5) feet. This standard may be reduced by the Administrator if the applicant can demonstrate that the proposed accessory building or structure is to be physically attached to the primary building or dwelling, alternative means of emergency access to the sides and rear of the property are readily available, and the proposed structure meets all other applicable requirements.

B. Development Standards.

1. Height. In the ~~RM-6, RM-10 and D-MU MR, RM-6 and RM-10~~ zoning districts, the maximum building height to the top of the roof ridge shall not exceed 20 feet. In the RL-20 zone the maximum building height to the top of the roof ridge shall not exceed 25 feet in height. The maximum height in the RL-40 and UT zoning districts is as indicated in Table 17.08.070~~Table 17.54.050.1.~~

2. Lot Coverage. Total lot coverage is limited as set forth in Table 17.54.050.1. In addition to the total lot coverage limitation, no individual accessory building in the ~~RM-6, RM-10 or D-MU MR, RM-6 and RM-10~~ zoning districts shall ~~cover more than 10 percent of the lot, or exceed 960-1,200 square feet, whichever is less.~~ In the RL-20, ~~RL-40 and UT zone~~ zoning districts, the maximum size is according to the maximum lot coverage as set forth in Table 17.08.070. Exceeding the 1,200 square-foot and/or lot coverage limitations may only be considered through the conditional use permit process ~~a variance application. no individual accessory building shall cover more than 10 percent of the lot, or 2,000 square feet, whichever is less.~~

Exceeding the 960 square foot and 2,000 square foot and/or lot coverage limitations may only be considered through the conditional use permit process.

3. Setbacks.

a. Accessory buildings that are 200 square feet or less in size and have a roof ridge height of 12 feet or less, and are at least six feet from any other accessory building on the property, shall have a minimum setback of **three feet five feet** from a side and rear property line that is not adjacent to a street; provided, the location is not within an easement. *Also see Note I of WRMC 17.54.050.*

b. Accessory buildings that are greater than 200 square feet in size or have a roof ridge height that is greater than 12 feet must meet the minimum setbacks for that zone, **except in the RL-40 and RL-20 zoning districts. In the RL-40 and RL-20 zoning districts, the minimum setback for such structures is reduced to 10 feet for all rear and side yards that are not on a corner lot.**

c. Accessory buildings shall observe setbacks from streets, as set forth in **Table 17.54.050 Table 17.54.050.1**, or **Note G of WRMC 17.54.050(C)**.

~~d. Animal barns, shelters and coops shall maintain minimum setbacks of 50 feet from all neighboring residentially-zoned property.~~

e. Decks and other platforms higher than two inches above average grade are not to be located within the required front yard setback, as stated in WRMC 17.09.260.

~~f. Lots in Section 6 and Section 8 of Willamette Heights may have accessory buildings within the patent rights of way/easements, provided:~~

~~i. The accessory building is on a nonpermanent foundation;~~

~~ii. The accessory building is 200 square feet or less in area and has a roof ridge height of 12 feet or less;~~

~~iii. The patent/easement is not shown as a "planned roadway" or "access easement" on the adopted local roadway plan;~~

~~iv. The patent/easement does not contain an established driveway or road;~~

~~v. The patent/easement does not contain any utilities (e.g., water, sewer, power, phone, cable, irrigation);~~

~~vi. 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.~~

~~g. Fire and/or building codes may have additional requirements and/or setbacks. In the case of a conflict, the most restrictive shall apply.~~

C. 4-Architectural Design. Accessory buildings greater than 300 square feet shall have exterior siding materials typical of conventional site-built residences, such as stucco, lap siding, textured panel siding, or "board and batten" coordinated to match with existing structures. Alternatively, sheet metal siding may be used if the color of the siding and trim is coordinated to match the siding and trim of the main residence; ~~and minimum 12-inch eaves are provided.~~ Accessory buildings greater than 300 square feet shall have minimum 12-inch eaves.

D. Accessory Dwelling Unit use. ~~5-~~ If an accessory building, or portion thereof, is to be used as an accessory dwelling unit, it must also comply with WRMC 17.54.095.

17.54.055.1 Accessory building requirements – Commercial uses.**A. General Standards.**

1. For purposes of this section (regarding height and size limitations, setbacks, lot coverage, etc.), accessory buildings include sheds, shops, garages, carports, greenhouses, and similar structures, which are detached from a building, or connected to a building by only a breezeway, hallway, or other minor attachment. Accessory buildings also include patio covers, pergolas, gazebos, cabanas, decks 30 inches or more above grade, and similar structures, when detached from the main structure. If any of the types of structures mentioned in this subsection are attached to the structure, they shall be considered as part of such, and subject to the zoning requirements pertaining to the primary structure and its use.
2. Cargo shipping containers and similar enclosures are not a permitted accessory structure in any zone, however in non-residential zones they may be placed on a property and used on a temporary basis for storage only, when a building permit is active.
3. Accessory buildings shall not be located within an easement.
4. The placement of all accessory buildings shall require written approval from the community development department, whether or not a building permit is required. The application shall include a site plan, floor plan and elevation drawing.
5. Accessory buildings requiring a building permit that are located on a property with an on-site sewage system (septic) shall be approved by the Benton-Franklin Health District for placement, prior to building permit submittal.
6. All accessory structures shall be separated from the primary building by at least five (5) feet. This standard may be reduced by the Administrator if the applicant can demonstrate that the proposed accessory building or structure is to be physically attached to the primary building or dwelling, alternative means of emergency access to the sides and rear of the property are readily available, and the proposed structure meets all other applicable requirements.

B. Development Standards.

1. Height. Per Table 17.54.050.3.
2. Lot Coverage. Per Table 17.54.050.3.
3. Setbacks.
 - a. Accessory buildings that are 200 square feet or less in size and have a roof ridge height of 12 feet or less, and are at least six feet from any other accessory building on the property, shall have a minimum setback of five feet from a side and rear property line that is not adjacent to a street; provided, the location is not within an easement.
 - b. Accessory buildings that are greater than 200 square feet in size or have a roof ridge height that is greater than 12 feet must meet the minimum setbacks for that zone.
 - c. Accessory buildings shall observe setbacks from streets, as set forth in Table 17.54.050.1, or WRMC 17.54.050(C).
 - e. Decks and other platforms higher than two inches above average grade are not to be located within the required front yard setback, as stated in WRMC 17.09.260.
 - f. Fire and/or building codes may have additional requirements and/or setbacks. In the case of a conflict, the most restrictive shall apply.

17.54.056 Other accessory structures.**A. Tower, private (ham radio operator) provided:**

1. A building permit for the private tower is obtained from the City, reviewed and approved by the community development department—~~planning division~~;
2. The applicant shall furnish a site plan showing the height and location of the private tower;
3. The applicant shall furnish a copy of the tower manufacturer's construction and erection specifications;
4. The private tower shall be erected in accordance with the manufacturer's specifications;
5. That generally a residence has to be on the same site as the private tower, except for a private repeater facility or remote base operations; and
6. That the height limitation of the zone is not exceeded (without approval of a variance).

B. Tower (does not include wireless communication facilities) provided:

1. A conditional use permit pursuant to WRMC 17.2217.66 is obtained;
2. The tower base shall be enclosed by a fence not less than six feet in height with a locking gate;
3. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;
4. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and
5. Before issuance of a conditional use permit, the applicant shall have demonstrated all the applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.
- 6. The standards and requirements of WRMC 17.54.049 shall apply.**

17.54.058 Recreational vehicles.

A. Recreational vehicles shall not be used as permanent or temporary dwelling units in any residential zone. ~~Guests~~ However, guests may park and/or occupy a recreational vehicle while visiting the occupants of a dwelling unit located on the same lot for not more than thirty days in one consecutive twelve-month period. The intent is to accommodate visiting guests and not to allow the recreational vehicle to be used as a dwelling unit.

B. Recreational Vehicles – Use & Storage:

1. All recreational vehicles shall be readily transportable at all times, shall not be permanently affixed to the ground, ~~not on an unimproved lot~~, and shall not be used as a permanent dwelling unit.
2. Recreational vehicles shall not be stored in the front yard setbacks, excluding boats less than 22-feet in length and tent trailers.
3. Recreational vehicles shall not be stored upon undeveloped properties.

C. Long-term occupancy: A recreational vehicle may be temporarily occupied for a period not exceeding one year with specific approval granted in writing by the Administrator, if the applicant can demonstrate the following:

1. The property on which the RV is to be located has a current and active building permit, and measurable progress is being made on the project. At the conclusion of one year, the RV shall be immediately unhooked from utilities and stored on the lot according to the storage standards contained within Subsection

~~17.30.140.A 17.54.058(B), or removed from the site within thirty days after the building permit is voided, closed out, or finalized by the Building Official; or~~

~~2. The RV is to may be used as a temporary dwelling in the case of caring for a sick family member. At the conclusion of one year, the need shall be re-evaluated by the Administrator, or his/her designees, and approval for another year of temporary usage may be granted. When this specific use is no longer needed, the RV shall either be removed from the site or disconnected from all utilities and store on the site according to the storage standards contained within WRMC Title 17.08.080.B 17.54.058(B).~~

17.54.059 Recreational vehicle parks.

~~Recreational Vehicle Parks are permitted as specified for each of the different Land Use Districts certain zoning districts, subject to the following regulations:~~

~~A. Recreational Vehicle Parks shall meet the following criteria:~~

~~1. Every recreational vehicle park shall contain direct access to a public street or road having a minimum right-of-way width of fifty (50) feet;~~

~~a. Recreational Vehicle parks less than or equal to ten (10) acres size shall develop at least ten percent (10%) of the total land area for recreation or open space purposes. Recreational Vehicle parks greater than ten (10) acres in size, shall be required to develop up to twenty percent (20%) of the total land area for recreation or open space purposes;~~

~~B. The minimum width for internal access roads shall be twenty (20) feet. An additional six (6) feet of width shall be provided on each side of the internal roadway if roadside parking is permitted. The internal access roads shall be paved;~~

~~C. The recreational vehicle park shall be adequately screened from the view of adjoining properties and the public roadway with a combination of fencing, landscaping or other devices as required by Chapter 17.56 WRMC 17.14;~~

~~D. One parking space shall be provided for each RV site and shall not be part of the minimum pavement width for internal circulation;~~

~~E. All signage shall be consistent with WRMC Title 19, Signs.~~

~~F. The review authority may impose other conditions, such as additional parking, improved access, paving, landscaping or minimum screening to ensure the proposed use is compatible with the surrounding character.~~

Article II. Requirements for Single-Family Residential Districts and Dwelling Units in the Downtown Mixed-Use District

17.54.060 Parking and area requirements.

In residential districts, the number of motor vehicles for which graveled or paved space must be provided as accessory to an authorized use shall be a minimum of two motor vehicle spaces for each dwelling. One space for an additional motor vehicle may be approved. The garage area is regarded as exclusive of this requirement.

~~A. In addition, parking for bed and breakfasts shall comply with the following:~~

~~1. All bed and breakfasts shall be located in single-family residences and shall exhibit no outward appearance of a business or of a nonresidential nature other than permitted signs.~~

~~a. All bed and breakfast operations managers shall live on the premises during those times that the establishment is occupied by guests.~~

~~b. A bed and breakfast shall provide designated off-street parking spaces for the operator guests which shall be compatible with adjacent properties.~~

~~*e. All bed and breakfasts shall obtain a city business license and be inspected by the city's fire marshal and building official prior to their establishment.*~~

17.54.070 Yard setbacks.

A. Building eaves, cornices, belt courses or similar ornamentations and fireplaces may project over a front, side or rear yard setback by not more than two feet in residential districts, **provided that there is no projection over an easement.**

~~*B. Except for the air conditioning compressors of detached single-family residential, Cooling towers and similar accessory structures are required to observe all front, side, or rear yards setbacks. Except for the air conditioning compressors of detached single-family residential buildings.*~~

17.54.080 Porches, patios, and decks.

A covered porch, covered patio, deck 30 inches or higher, pergola, and any other roofed structure shall be considered a part of a building in the determination of the size of the yard or lot coverage.

17.54.090 Design standards for m Manufactured homes on individual lots.

All manufactured homes placed outside of the MH-P zoning district shall meet the following standards:

A. Pursuant to the requirements of RCW 35.21.684, the City does not discriminate against consumers' choices in the placement or use of a home that is not equally applicable to all homes. This section applies only to manufactured housing units placed on individual lots. All manufactured homes placed within the UT, MR, RL-20, RL-40, RM-6, RM-10 and D-MU zoning districts shall meet the following standards of subsections (B)- (F):

B. Homes built to 42 U.S.C. 70 Sections 5401 through 5403 standards (as they may be amended) are regulated for the purposes of siting in the same manner as site-built homes, factory-built homes, or homes built to any other state construction or local design standard; provided, however, that the manufactured home shall:

1. Be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved product which can be either load-bearing or decorative; and

2. Comply with all local design standards, including the requirement for a pitched roof with a slope of not less than 3:12, applicable to all other homes within the neighborhood in which the manufactured home is to be located;

3. Have a pitched roof with a slope of not less than 3:12;

34. Be thermally equivalent to the state energy code; and

54. Otherwise meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

CA. The manufactured home shall be a new manufactured home unless located in the RM-6 zoning district. Manufactured homes located in the RM-6 zoning districts shall not be more than three years old; provided, the ~~planning director~~ administrator, through the Type I review process, may authorize a manufactured home ~~in the RM-6 zoning district~~ that is more than three years old when he/~~she~~ determines the proposed home is a substantial improvement over the dwelling it is replacing or is otherwise compatible with ~~the~~ surrounding residential neighborhood.

~~*B. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative. This method is commonly referred to as "pit setting."*~~

~~*C. The manufactured home shall comply with all design standards applicable to other homes in the neighborhood.*~~

D. The manufactured home shall be thermally equivalent to the state energy code in effect at its time of manufacture.

E. This section does not override any legally recorded covenants or deed restrictions of record.

F. An existing single wide manufactured home that has been damaged may be replaced with a new single wide manufactured home, when replacement is initiated within 12 months of the date of damage which represents less than 80 percent of market value, or upon removal of existing habitable single wide manufactured home.

G. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.

17.54.095 Accessory dwelling units (ADUs).

Accessory dwelling units established in conformance with the provisions of this section may be allowed as secondary uses on lots zoned for single-family dwellings, as specified by the applicable zoning district:

A. An accessory dwelling unit may be created through:

1. Internal conversion within an existing single-family dwelling;
2. Inclusion within a single-family dwelling at the time of its construction;
3. Conversion of an existing residential attached garage, when the garage to be converted is set back at least 40 feet back from the front property line;
4. The addition of new square footage to an existing single-family dwelling, when the addition is located at least 40 feet from the front property line. Attaching the addition by a breezeway or other nonsubstantial method, as determined by the planning director, shall cause the addition to be considered a "separate detached dwelling unit" for the purpose of all ADU zoning provisions; or
5. A separate detached dwelling unit on the same lot as the primary dwelling unit, when the accessory dwelling unit is located at least 10 feet behind the rear of the primary dwelling unit and is of site-built construction.

B. Development Standards. Accessory dwelling units shall comply with the following development standards:

1. Number. No more than one accessory dwelling unit (ADU) per legal lot is permitted and it must be accessory to a single-family residence. A lot occupied by two or more dwellings shall not be permitted to have an accessory dwelling unit. A lot featuring a townhouse/rowhouse shall not be permitted to have an accessory dwelling unit.
2. Lot Area. No accessory dwelling unit shall be permitted on a lot less than 10,000 square feet. Minimum lot size for a detached accessory dwelling unit is 15,000 square feet.
3. Compliance. The ADU shall comply with applicable building, fire, and health and safety codes. The ADU shall be assigned a separate address, in conformance with Chapter 12.13 WRMC. If whole numbers are exhausted, then a single building number shall be utilized with sequential letter designations used for each separate occupant.
4. Lot Coverage, Setbacks and Height. An accessory dwelling unit shall conform to requirements for the primary residence, including, but not limited to: lot coverage; front, side and rear yard setbacks; and width of lot at the building line. Maximum building height for a detached ADU is 20 feet (the standard building height requirements of the underlying zone apply in each of the other situations).
5. Outbuilding Size. Where an ADU will occupy only a portion of an accessory structure, the lot coverage of the entire accessory structure may not exceed 10 percent.
6. Total Floor Area. The total gross floor area of an accessory dwelling unit shall not exceed 40 percent of the living area of the primary dwelling, or 1,000 square feet, whichever is less, except as provided in subsection

(B)(6)(a) or (b) of this section. In calculating living area, uninhabitable floor areas, such as the garages and unheated storage areas, are excluded.

a. If the ADU is to be completely located on a single floor of an existing house (e.g., situation where the basement is to be used as an ADU), the planning director may allow up to the entire floor to be used, when it is not otherwise feasible to use the area representing the difference between the entire floor area and the normally permitted ADU size. Provided, in the case of such exception, the size of the ADU shall not exceed 50 percent of the total living area of both dwellings.

b. Attached ADUs located in RL-40 zoning districts shall not exceed 40 percent of the living area of the primary dwelling, or 1,200 square feet, whichever is less.

7. Number of Bedrooms. An accessory dwelling unit shall not contain more than one bedroom.

8. Occupancy. No more than three people, of which no more than two are 16 years of age or older, shall reside in an accessory dwelling unit.

9. Parking. An accessory dwelling unit shall have a minimum of one on-site parking space. This space shall be in addition to the two on-site parking spaces for the primary dwelling.

10. Architectural Design. The exterior appearance of an accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style; exterior building materials and color; roof material, form and pitch; window style and placement; and other architectural features.

11. Entrances. The primary entrance to the ADU shall be located and designed in such a manner as to be unobtrusive and clearly subordinate as compared to the main entrance, when observed from the same view of the building which encompasses the entrance to the primary use, the single-family dwelling unit.

12. Utilities. To establish an accessory dwelling unit, both the primary dwelling and the ADU must be connected to city water and be served with a fire hydrant capable of providing the required fire flow.

a. If public sewer is available, both units shall connect to public sewer.

b. If public sewer is not available, the situation must be reviewed and approved by the Benton-Franklin Health District for suitability of the on-site septic system(s) and replacement area(s) prior to issuance of the building permit. The health district must be informed as to the number of proposed bedrooms, kitchens, and laundry facilities and the applicant's intent to include an accessory dwelling unit, to allow the district to conduct an adequate analysis for the specific proposal. If the health district determines that two separate systems would be needed for the project but there is not suitable area to install both systems, the city shall deny the ADU application.

c. Where connections are made to city water and/or sewer, there cannot be separate meters or service connections for the individual dwelling units.

13. Connection Charges and Impact Fees. Connection charges and impact fees shall be as specified by the applicable ordinances and resolutions. ADUs are subject to impact fees.

14. Owner Occupancy. Prior to the issuance of a building permit establishing an accessory dwelling unit, the property owner shall record a deed restriction with the Benton County auditor's office. The document shall be in a form prescribed by the planning director and include a description of the location and size of the ADU and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency for at least six months out of the year, and at no time receive rent for, or otherwise allow to be occupied the owner occupied unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of this title and is subject to the enforcement actions.

C. Determination of Proposed ADUs. Building plans and permit applications submitted to the city which include, or would result in, what appears to be an accessory dwelling unit but does not include an application for one, will be evaluated by the community development director.

1. The community development director will review building plans for new residences or additions/remodels to existing residences whenever there is more than one indoor kitchen proposed for a structure.
2. The community development director will determine if a proposal would result in the creation of an ADU. To make the determination, the director will consider the entire proposal and the features of the dwelling, such as the presence of more than one laundry facility, the general layout, exterior access, etc.
3. If the director determines that plans require an application for an ADU, the building permit shall be returned to the applicant. The applicant must re-submit the plans with an application for an ADU, and must make any modifications necessary for the additional dwelling unit to conform to the ADU requirements, such as any reduction of square footage.
4. The determination of the director is a Type II decision (administrative interpretation) and may be appealed to city council in accordance with Chapter 14.01 WRMC.

17.54.100 Townhouse/ Rowhouse standards.

A. There shall be at least 10 feet of separation on end between groups. This space may either be end unit lots or common open space, and, if so, there may be openings in the end units;

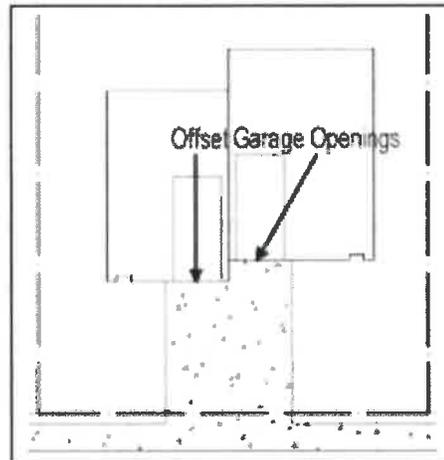
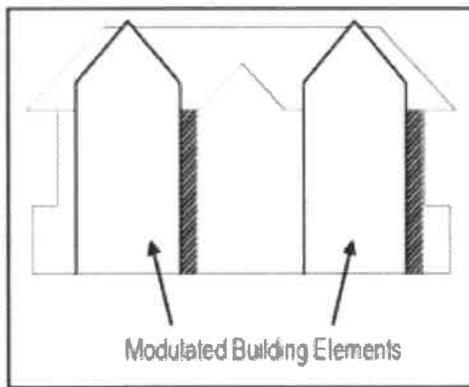
B. The number of connected units shall not exceed eight;

C. The director may approve up to a 10% deviation from all standards related to townhouse or rowhouse development.

D. Townhouse/ rowhouse developments are encouraged, but not required, to provide open space or other amenities typical to multifamily residential developments. Such common areas (including landscaping in private tracts, shared driveways, etc.) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

E. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots to implement the City's standards.

F. Building articulation and modulation shall be incorporated into the design of a townhouses/rowhouses so as to reduce the mass of the structure (e.g., singular continuous rooflines not allowed across the units, garage openings offset; see diagrams).



17.54.101 Garage and yard sales.

Garage and/or Yard Sales are allowed in each residential district subject to the following conditions:

A. No residential premises shall have more than six (6) sales per year for a total of not more than eighteen (18) days per year.

B. All signs advertising garage or yard sales shall comply with WRMC Title 19.

17.54.102 Stables, corrals and riding arenas.

*Public and private stables, corrals and riding arenas shall be located on a parcel of at least one (1) acre in a residential zoning district which allows for such uses. In addition to any setbacks required under ~~Table 17.08.070~~ **Table 17.54.050.1**, stables and animal barns may be no closer than 20 feet to any property line, no closer than 50 feet to a neighboring residentially-zoned property, and must be at least 60 feet from the front lot line.*

17.54.103 Animal raising and keeping.

*A. Each dwelling is allowed to keep no more than five (two in RM-6) small domestic animals over the age of six months (See ~~WRMC 17.54.103.B~~ **subsection (B)** for poultry);*

*B. Poultry shall be permitted at 1 hen per 1,000 sf of lot area in addition to the small domestic animal allowed under **subsection (A) 17.54.103.A**. Roosters are not permitted.*

C. The keeping of large domestic animals for personal use and enjoyment, is subject to the following provisions:

*1. The lot on which large domestic animals are kept must have a minimum of ~~One-half~~ **one-half** acre of irrigated pasture, or one acre of non-irrigated area per large domestic animal;*

2. A waste management and pest control plan shall be prepared and implemented to prevent any nauseous, foul, offensive, or unhealthy conditions;

3. The keeping of swine (hogs or pigs) is not permitted;

4. Silage or other odorous feedstuffs are not permitted;

D. No building or structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, coop, hutch or similar enclosure, or any manure pile, shall be located within the front yard nor be closer than 10 feet from any side or rear property line and shall be kept in a clean and sanitary condition, however the spacing requirement increases to 50 feet from all neighboring residentially zoned property;

ED. In residential areas, beekeeping is subject to the following conditions:

1. The number of beehives shall be limited to one beehive per 4,356 gross square feet (one-tenth of an acre) of lot area;
2. Beehives shall be set back a minimum of five feet from a side or rear property line and 20 feet from the front or flanking street property line;
3. A flyaway barrier shall be provided that shall be at least six feet high and consisting of a solid wall, solid fencing material, dense vegetation or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
4. Beekeepers shall maintain an adequate supply of water for bees located close to the hives;
5. The beekeeper shall be certified by the Washington State Beekeeper's Association.
6. The hives shall be registered with the Washington State Department of Agriculture, in accordance with Section 15.60.021 RCW.

17.54.110 Wind-Private small wind energy systems.

A. General standards for private small wind energy systems:

1. Private Small Wind Energy Systems (SWES) shall only be allowed as an accessory structure/use in conjunction with a single-family residence and shall only supply electrical power solely for the on-site owner's use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, the utility company may use excess electrical power generated and not presently needed for on-site use. Power shall not be used for commercial generation purposes.
2. Private SWES may be permitted on parcels with a minimum of 21,780 square feet (.50 acres) or greater.
3. Only one (1) SWES, including related support structures and other associated improvements, per tax lot or parcel.
4. Rooftop MET's or SWES's are prohibited.
5. Setbacks:
 - i. Setbacks shall be measured horizontally from the property lines to the outer edge of the base of the MET/SWES structure. Guide cables and other accessory support structures may be located within setback areas.
 - ii. Each tower shall be setback from the nearest property line a distance of 1 horizontal foot for each vertical foot of tower height.
 - iii. No part of the overall system, including the tower, turbine and guy wire anchors, shall be closer than twenty (20) feet to any property boundary.
6. Tower Height. Maximum tower height shall not exceed the maximum height of the underlying zoning district. Tower height means the distance from grade level of the tower foundation/base to the highest point of the turbine rotator plane.
7. Safety:
 - i. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than twenty (20) feet, as measured at the lowest point of the arc of the blades.

ii. The tower shall be designed and installed so as not to provide accessibility to the public for a minimum height of 15 feet above the ground.

iii. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

iv. Appropriate warning signage (e.g. electrical hazards) shall be placed on or near all wind electrical systems.

v. All wind electric systems shall be equipped with overspeed controls to limit rotation of blades to a speed below the designed limits of the system. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.

vi. Any wind electrical system found to be unsafe by the Administrator shall be repaired by the landowner to meet minimum federal, state and local safety standards or removed within 90 days.

8. Sound Level: Noise generated from a wind energy system must comply with WAC 173-60 Maximum Environmental Noise Levels, except during short term events such as severe windstorms.

9. Signs: All signs including flags, streamers and decorative items, both temporary and permanent, are prohibited on any of the wind energy systems and its associated structures, except for manufacturer identification or appropriate warning signs.

10. Visual Requirements:

i. The wind generator and tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.

ii. The wind generator and tower shall not be lit with artificial lighting unless required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights.

11. FAA Regulations: The MET/SWES/WES shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installation close to airports.

12. Compliance with International Building Codes: All wind energy systems shall comply with the Washington State Building Code and adopted International Building Code.

13. Compliance with National Electrical Code: All wind energy systems shall comply with requirements per the Washington State Department of Labor & Industries (L&I) and the current adopted edition of the National Electric Code (NEC).

14. All wind energy systems that are connected to the utility grid shall comply with the requirements of Chapter 80.60, RCW, Net Metering of Electricity.

15. Abandonment: At such time that a wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Director in writing of the proposed date of abandonment or discontinuation of operations. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of abandonment or discontinuation of use. Failure to comply with this abandonment requirement shall cause the violator to be subject to enforcement procedures.

B. Application submittal requirements.

1. A development permit application form and other applicable forms provided by the department;

2. Site plan and supporting maps/documents detailing:

i. Vicinity map;

ii. Property lines and physical dimensions of the applicant's property;

iii. Location, dimensions, and types of existing structures on the property, all property points of access, easements of record, utilities (water, sewer, power, gas, phone, cable) etc.;

iv. Location of the proposed wind energy system, foundations, guy anchors and associated equipment;

v. Wind energy system setbacks to property lines, structures on-site, structures off-site, roads, driveways, etc.;

vi. Public or private right-of-ways that are contiguous with the property; and

vii. Locations of any underground or overhead utility lines.

3. An engineering analysis, including drawings, of the tower, turbine and all components, showing compliance with the State Building Code and the International Building Codes. A professional engineer licensed in the State of Washington shall certify all standard drawings and engineering analysis;

4. Documentation that the small wind energy system is certified by a national safety certification program recognized by the Washington State Department of Labor & Industries;

5. Copy of electrical application and permitting from the Washington State Department of Labor & Industries;

6. Wind energy systems specification including manufacturer, model, rotor diameter, tower height, tower type and nameplate generation capacity;

7. Manufacturer's installation manual;

8. Evidence from the electric utility service provider that serves the proposed site that they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan to connect the small wind energy system to the electricity grid;

9. Copy of the sound level analysis prepared by the wind generator manufacturer or qualified engineer; and

10. Evidence that the wind energy system complies with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installation close to airports.

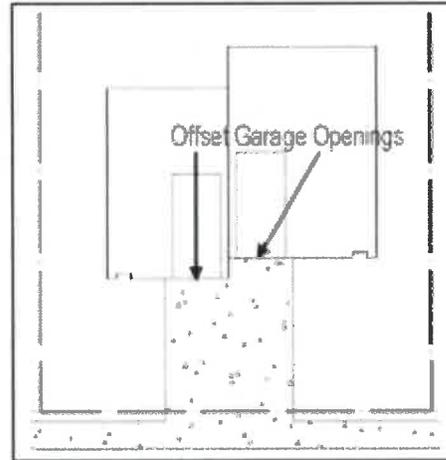
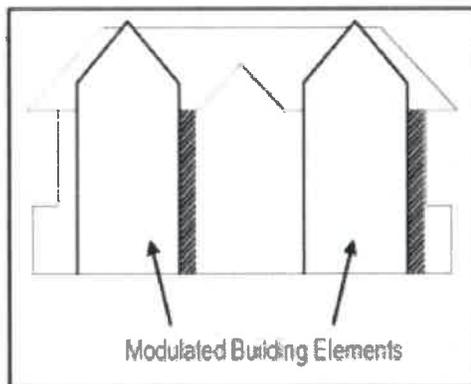
Article III. Requirements for Multifamily Residential Districts and Multifamily Developments in the Downtown Mixed-Use District

17.54.110 — Conformity required.

Where a proposed multifamily apartment development faces or adjoins the front, side or rear yard of an existing group of relatively new, contemporary single family dwellings which have established an aesthetic quality or character for the immediate vicinity, the proposed multifamily development shall observe and respect the established character of the existing residences, be harmonious in site arrangement, compatible in site development and landscaping, and reasonably integrated in such detail as roof shape, finish, materials, color, etc.—

17.54.120 Building articulation.

Building articulation and modulation shall be incorporated into the design of a multifamily building so as to reduce the mass of the structure (e.g., singular continuous rooflines not allowed across the units, garage openings offset; see diagrams).



17.54.130 Usable outdoor space – Recreational areas – Multi-family Development.

Recreation areas shall be established in each multifamily development (excluding duplexes, townhouses and rowhouses) in accordance with the following requirements:

A. One hundred fifty (150) square feet of recreational area times the number of dwelling units, of which no more than 50% may be grass/lawn area.

B. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities, provided the total recreation areas meet the above stated minimum size.

C. The recreation areas shall be easily accessible, improved and maintained in such a manner as to provide adequate recreational facilities for the residents of a multifamily development.

D. Development of usable outdoor space aboveground in a multifamily dwelling such as roof terraces, roof decks or balconies **may be counted as useable outdoor space (recreation area)** may be considered in an addition to the area of the site. The minimum dimension of such balcony, terrace or deck shall be six feet and the minimum area 60 square feet. Such roof terraces, decks or balconies may in turn be roofed and may have screening walls. Such terraces, decks or balconies shall be surfaced for use, but shall not be usable by vehicles. Measurements shall be taken from inside of walls or railings. **The area of such terraces, decks or balconies added to the lot area shall not exceed the area of the dwelling unit or units having access to such usable outdoor space.**

17.54.140 Landscaping and parking plans required.

Plans showing the extent and design of the landscaping and parking areas shall be part of the plans required for a building permit. The deferred submittal of such plans is prohibited.

17.54.150 Automobile parking – Double use – Addition to site area.

Automobile parking for multifamily dwellings provided under the floors of, or on the roof of, habitable parts of the building may consider such area as being put to double use and may add to the area of the site two square feet for every square foot of such parking area.

17.54.160 Yard setbacks.

A. Building eaves, cornices, belt courses or similar ornamentations and fireplaces may project over a front, side or rear yard not more than two feet in residential districts, **provided that there is no projection over an easement.**

B. Except for the air conditioning compressors of detached single-family residential **buildings**, cooling towers and similar accessory structures are required to observe all front, side, **and** ~~or~~ rear yards **setbacks**. **The city's noise ordinance applies to such items.**

17.54.160—Parking areas and driveways—Screening.

~~Parking areas and driveways provided in a rear or side yard location, roofed or unroofed, shall be screened from adjoining properties by solid fencing or planting of evergreen materials that will constitute a solid screen within two years.~~

17.54.170—Landscaping—Maintenance.

~~A. An underground irrigation system shall be provided to irrigate landscaped areas.~~

~~B. Shrubs and trees in the landscaping and screening shall be maintained in a healthy growing condition.~~

~~C. Dead or dying trees or shrubs shall be replaced and the planting area shall be maintained reasonably free of weeds and trash.~~

17.54.190—Recreational areas.

~~In a multifamily district, recreation areas shall be established in each multifamily development in accordance with the following requirements:~~

~~A. One hundred fifty square feet of recreational area times the number of dwelling units, of which no more than 50 percent may be grass/lawn area.~~

~~B. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities, provided the total recreational areas meet the above stated minimum size.~~

~~C. The recreation areas shall be easily accessible, improved and maintained in such a manner as to provide adequate recreational facilities for the residents of a multifamily development~~

Article IV. Mobile Home Park Districts**17.54.200—Streets and walkways.**

~~A. The street system shall be continuous with no dead ends and with a minimum turning radius of 100 feet.~~

~~B. Minimum street width shall be 36 feet from curb to curb where on-street guest parking is provided.~~

~~C. All streets shall be paved and be provided with curbs and gutters; however, in mobile home parks operating on August 20, 1979, street dimensions set by previous standards can remain. This exception shall not apply to the paving of unpaved streets and walkways. Streets shall be paved with asphaltic concrete.~~

~~D. All walkways to service and/or community buildings shall be a minimum of three feet in width.~~

~~E. Entrance walks shall be a minimum of three feet in width and shall be provided from the street to the mobile home site.~~

17.54.210—Utilities.

~~A. Domestic and irrigation water supplies and sanitary sewerage and disposal systems shall be provided in accordance with the Benton-Franklin District health office and city requirements.~~

~~B. Plumbing shall conform to the current edition of the Uniform Plumbing Code as adopted by the city.~~

~~C. Storm drainage systems shall meet city requirements.~~

17.54.220—Additions and improvements—Permit required.

~~A. Building permits are required to erect, construct, enlarge, alter or repair any additions, carports, patio, utility sheds, fence or site screen on a mobile home site. All such work shall be accomplished in accordance with the city building code.~~

~~B. No permanent additions shall be made to any mobile home parked in a mobile home park without written approval of the Washington State Department of Labor and Industries and the mobile home park management.~~

~~C. No portion of any building or structure shall be permitted to encroach the required front, side or rear yards of any mobile home site.~~

17.54.230 — Street names — Site numbering.

~~Every private street within the mobile home park boundaries shall be named and the names clearly posted. Every mobile home site shall have a number which will be clearly visible from the roadway at all times. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.240 — Screening — Planting strips — Maintenance.

~~A. A planting strip, not less than 20 feet in width, shall be located along all lot lines of a mobile home park not bordering a public street; except such distance may be reduced to 10 feet if a solid six-foot wall or fence is provided. Such planting strips shall consist of not less than one row of deciduous and/or evergreen trees, spaced not more than 40 feet apart and not less than three rows of shrubs, spaced not more than eight feet apart, of which the trees will grow to a height of seven feet or more after one full growing season and of which the shrubs will eventually grow to a height of not less than six feet.~~

~~B. The setback areas of a mobile home park adjoining a public street shall be planted in lawn or shrubbery.~~

~~C. All such required lawn and/or landscaping shall be maintained in a healthy living condition for the life of the mobile home park. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.250 — Recreational areas.

~~In the MHP district, a central recreation area shall be established in each mobile home park created pursuant to the provisions of this title.~~

~~A. The minimum land area set aside for recreational activities shall be at least 300 square feet times the number of mobile home sites in the mobile home park.~~

~~B. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities, provided the total recreation areas meet the above stated minimum size.~~

~~C. The recreational areas shall be easily accessible, improved, and maintained in such a manner to provide adequate recreational facilities for the residents of a mobile home park. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.260 — Fire protection.

~~A. Mobile home parks shall have an adequate public fire flow system as determined by the city engineer and fire marshal.~~

~~B. Mobile home parks shall comply with local and state electrical fire prevention, and fire protection regulations.~~

~~C. Any natural gas or liquefied petroleum gas piping system shall be installed and maintained in accordance with the Uniform Plumbing Code as adopted by the city or state standards administered by the State Fire Marshal, who shall be responsible for the enforcement of those standards. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.270 — License required.

~~It is unlawful for any person to permit a mobile home park to be operated or maintained upon any property owned or controlled by that individual within the city limits, without having first secured a business license from the city finance director. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.280 — Office required — License display requirements.

~~In every mobile home park, an office shall be designated within which shall be displayed a copy of the park business license, health department permit, and certificate of occupancy. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

17.54.290 — Manager — Duties.

~~It shall be the duty and responsibility of the mobile home park manager or attendant together with the licensees to:~~

A. Keep at all times a register of occupants showing:

1. Names and addresses;
2. Make, model and license number of each mobile home;
3. The state and county issuing the mobile home license;
4. Date of arrival and departure;

B. Notify park occupants of all applicable provisions of the regulations and inform the occupants of their responsibilities;

C. Supervise the placement and removal of each mobile home on its site, and shall in particular be responsible for the connection of the mobile home or recreational vehicle to sewer and water connections;

D. Ensure provisions of this title are complied with and enforced and report promptly to the proper authorities any violations of this title or other violations of ordinances or laws which come to his attention;

E. Prevent the running at large of dogs, cats or other animals or pets belonging to residents of the park;

F. Maintain the park in a clean, orderly and sanitary condition at all times and prevent the accumulation of combustible materials, equipment or weeds adjacent to or under the mobile home or recreational vehicle;

G. Refuse the rental of space to mobile homes or recreational vehicles which are dilapidated or are a fire or health menace;

H. Maintain, in designated places, fire extinguishers approved by the fire department;

I. Prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate; in the absence of identifiable design features, 750 cubic feet per person shall be used in calculating maximum capacity;

J. Prohibit the parking of any mobile home so that it will obstruct a walkway or roadway;

K. Prohibit the parking of an occupied mobile home in that park when a site is not available.

Article IV. Office and Commercial Requirements for Non-Residential Districts

17.54.300 Transitional regulations – Design – Advertising – Screening.

A. Permitted uses that are nonresidential shall have exterior designs that are compatible with developments on adjacent or the nearest surrounding residential properties.

B. Parking areas and service yards must be sight screened from any adjoining parcels that are zoned residential properties.

C. All buildings and developments in a commercial district ~~that are~~ so located such that they orient to or face a more restrictive district, shall achieve a high standard of architectural design, generally institutional having a character such as analogous to currently contemporary schools, banks, hospitals, office buildings, etc. No buildings of a strictly utility-utilitarian nature, devoid of the fundamentals of aesthetic or architectural design, shall be permitted in a perimeter location in this case.

17.54.310 Transitional regulations – Nonresidential building adjoining family residential – Conformance required.

Nonresidential buildings on property adjoining a single-family or multifamily district shall observe and respect the established or potential residential character of that district, be harmonious in site arrangement, compatible in site development and landscaping, and reasonably integrated in such detail as finish material, color, etc.

~~17.54.320 — Special screening requirements in the C-N district — Applicability.~~

~~The development of a commercial use on property adjoining a public street across which is a residential district shall landscape the street frontage with a shrubbery border a minimum of eight feet in depth adjoining the street right of way and tree plantings with a minimum of 22 feet from the street right of way and a maximum of 31 feet on center. There shall be a minimum of driveways interrupting the continuity of the landscaping requirements.~~

~~17.54.330 — Perimeter Landscaping and screening in the C-N district.~~

~~The perimeter of C-N districts shall be landscaped to a depth of 12 feet from the property line and maintained as a sight screen in the following manner:~~

~~A. Street Frontage. Street frontages, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or deciduous shrubs and trees, and perennial or annual flowers, to create and maintain a maximum residential character. Such shrubs shall not be permitted to grow beyond a height of 36 inches above the crown of the adjacent street nor shall the foliage of trees located therein be permitted to obstruct the view between the C-N district and the street within the area within 36 inches and 96 inches above the street level. No tree or sight screening shrub shall be located or permitted to grow as to obstruct the view of a walk or driveway crossing. Any area in which the banks or groups of shrubs, perennial or annual flowers do not occupy at least 40 percent of such area shall be planted in lawn.~~

~~B. Side Lines of Property. The portions of the perimeter other than street frontage shall be sight screened from adjoining residential districts by a solid planting of evergreen trees and evergreen shrubs. The initial minimum height of trees forming a part of such sight screen shall be 12 feet. Such trees shall be spaced on the perimeter of the site with a maximum distance of 25 feet center to center. The shrubs used in the perimeter screen shall be so located that there will be a minimum of two shrubs in depth in the screen. The minimum initial height of shrubs which are a part of the sideline screen shall be three feet and the maximum height at maturity shall be limited to six feet.~~

~~C. For further provisions on screening, refer to WRMC 12.08.060, Visibility.~~

17.54.320 Transitional regulations – Noise and vibration – Baffling required.

Air conditioning units, exhaust fans, compressors or other noise-producing equipment, and service entrances, loading doors, garbage cans and containers shall be so located and baffled that no disturbing sound or vibrations materially affect adjacent residential zoned property, and to be consistent with Chapter 9.38 WRMC.

17.54.330 Transitional regulations – Setbacks for development adjacent to residential.

Where an office, commercial, industrial, or other nonresidential building is located on a lot which abuts a lot in a residential district, there shall be provided at least a 10 foot setback from the residential district, provided, when a project covers multiple parcels in common ownership, the setback shall only apply from the property lines at the perimeter of the ownership area.

17.54.335 — Landscaping in C-L and C-G districts

~~A. The vicinity of the principal entrance to any building in the C-L or C-G districts and the public and/or employees' parking in connection with the principal entrance shall be landscaped and maintained. Landscaping shall include lawn, ornamental shrubs and trees. Plans showing the extent and design of the landscaping and parking areas shall be part of the plans required for a building permit.~~

~~B. The development of a commercial use on property adjoining single family or multifamily zones shall be sight screened with a minimum eight foot high fence or planting of evergreen trees and shrubs which will provide a solid screen within two years; or when determined necessary by the reviewing official due to noise impacts, a solid block wall or other sound mitigating feature(s) of a height necessary to mitigate the noise impacts (usually six to eight feet) may be required.~~

17.54.340 — Perimeter screen in C-L and C-G districts, Shrub requirements

~~Whenever such perimeter screen is required on property bounded on two sides by intersection streets, the sizes and locations of shrubs falling within the sight areas shall be controlled by the standards of WRMC 12.08.060, Visibility.~~

17.54.350 — Landscaping and screening — Maintenance.

~~An underground irrigation system shall be installed to irrigate landscaped and screening areas. Dead or dying shrubs and trees in the landscaping and screening areas shall be replaced and the planting areas shall be maintained reasonably free of weeds and trash.~~

17.54.360 — Landscaping and screening in the C-N district — Plot plan approval required.

~~The plot plan of proposed landscaping and screening shall be approved by the community development department before permits for buildings are granted.~~

17.54.370 Traffic circulation plan – Approval required.

The traffic circulation plan for a commercial development and the location and design of access to or from the arterial or adjoining streets must be approved by the city engineer.

17.54.380 — Noise and vibration — Baffling required.

~~Air conditioning units, exhaust fans, compressors, or any other noise producing equipment, and service entrances, loading doors, garbage cans or containers, shall be so located and baffled that no disturbing sound or vibrations materially affect adjacent residential properties.~~

17.54.390 — Architectural design.

~~All buildings and developments in a commercial district, so located that they orient to or face a more restrictive district, shall achieve a high standard of architectural design, generally institutional in character such as currently contemporary schools, banks, hospitals, office buildings, etc. No buildings of a strictly utility nature devoid of the fundamentals of aesthetic or architectural design shall be permitted in a perimeter location.~~

17.54.400 — Lighting

~~Lighting in commercial districts, including permitted illuminated signs, shall be shielded or arranged so not to reflect or cause glare to extend into any residential district or interfere with safe operation of vehicles.~~

17.54.410 Conditional residential buildings.

A. Any building used for conditional residential purposes on the first or second floor shall have a side yard as specified for such dwelling in the RM-10 district.

B. Any building erected to include conditional residential use shall have a rear yard as specified for such dwellings in the RM-10 district. The transition regulations of Chapter 17.75 WRMC shall prevail in all commercial districts.

17.54.420 — Motor vehicle repair shops — Plan approval required.

~~In a C-L or C-G district, a motor vehicle repair shop shall not be permitted as an accessory use unless the plan for such accessory use has been submitted to the planning commission and the positive recommendation of such planning commission obtained. The planning commission in passing upon a request for recommendation may consider the type of machinery and equipment to be used and the methods of operation to be employed.~~

17.54.430 — Garage and filling stations — Plan approval required.

~~In a C-L or C-G district, plans for the erection or structural alteration of any garage for more than five motor vehicles, or a filling station, shall be submitted to the planning commission and city council for approval for changes relative to yards, location of pumps and buildings, and construction of buildings as may be deemed best suited to ensure safety, to minimize traffic difficulties, and to safeguard adjacent properties.~~

17.54.420 Car Washes, vehicular access/circulation/fencing/operation:

Where allowed, car washes shall be subject to the following:

A. Noise:

1. Manufacturer's specifications clearly indicating level of noise submitted to City for review.
2. Noise shall be measured at receiving property in dBA to be conducted and approved by qualified professional acceptable to City.
3. Nearest property shall receive noise level not to exceed 57 dBA.
4. Noise generated by all associated equipment on site including vacuums must be designed, oriented and soundproofed to the extent that noise does not exceed that allowed in **Chapter 9.38 WRMC-9.38**.

B. Vehicular Access and Circulation: Stacking length shall provide at least two (2) vehicle spaces per wash line. All maneuvering area, stacking lanes, and exit aprons shall be located within the car wash parcel itself. Public streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.

C. Fencing (when abutting residential property):

1. Minimum six-foot tall sight obscuring fence is required in conjunction with 10-foot wide solid (visual) screen landscaping.
2. The "solid screen" must be on the car wash side of the fence.
3. The fence shall be constructed of masonry, wood, or tight-boards with the support on the car wash (site) side of the fence.
4. The fence, solid landscape screen and other landscaping shall be permanently maintained and shall be kept structurally sound and safe.

D. Operation: Business hours shall be limited as according to the regulations of Chapter 9.38 WRMC to between 6:00 a.m. through 8:00 p.m., except if automated and unmanned, a car wash would be available at all times.

E. All other applicable site planning standards as required by the West Richland Municipal Code shall apply.

17.54.430 Mini-storage development standards

The following requirements are applicable to all new mini-storage complexes and to expansions of existing facilities:

A. Access driveways to all storage units shall be paved and shall include a storm water drainage system designed and certified by a professional engineer in the State of Washington and be in conformance with the adopted City of West Richland standards.

B. Lighting shall comply with **Chapter 17.55 WRMC 17.12 – Outdoor Lighting Standards**.

C. Mini-storage complexes shall be screened from view from adjacent Commercial and Residential zones. Screening shall be accomplished in one or a combination of the following manners:

1. A six-foot (6') masonry wall.
2. A six-foot (6') fence with 20-foot wide a solid landscape screen.
3. Open style wrought iron fencing with masonry columns or similar may be used along street abutting property lines when complimentary landscaping and building design comparable to the commercial design standards is used along the street.

D. All buildings shall have an eave of at least one (1) foot.

E. All buildings shall have a minimum of four feet of masonry wainscoting on the building exterior if visible from a public street.

F. Mini-storage complexes shall meet the requirements of Chapter 17.57 WRMC 17.57 and Chapter 17.56 WRMC 17.56 for the office and parking lot areas as well as street frontage landscaping requirements.

G. Roofing materials shall be designed to be non-reflective to minimize glare on adjacent properties and public ways.

H. Setbacks:

1. Front: Fifteen (15) feet;

2. Rear: Fifteen (15) feet;

3. Side: Five (5) feet;

4. Other: Mini-storage buildings shall be located at least 150 feet from any street right-of-way arterial or collector.

17.54.432 Food vending vehicles

Food vending vehicles (including mobile trailer units) shall obtain permit approval from the City of West Richland prior to becoming established on a property.

A. Food vending vehicles shall only be authorized within the following zoning districts:

1. Commercial General Use (C-G)

2. Downtown Mixed Use (D-MU)

3. Combined Commercial / Light Industrial Use (CLI)

4. City Parks (CP)

5. Light Industrial Use (LI)

B. A food vendor permit application shall be submitted along with:

1. Detailed site plan showing the dimensions of the property, existing development (i.e., buildings and other structures), location of the proposed food vending vehicle, existing and proposed parking spaces, ingress/egress, the location of all public utilities, the location, size and appearance of any proposed advertising (a separate sign permit may be required), the location of proposed restroom and refuse facilities, and any other information deemed necessary by the City.

2. Written narrative that addresses the proposed hours of operation, the location of restroom facilities (if any), the types of goods that will be offered for sale, etc.

3. Detailed floor plan showing the location of sinks, refrigerators, ovens, stoves, food prep areas, etc.

34. Written authorization from the Benton-Franklin Health District (Food Service Permit and Mobile Unit Identification Number).

45. Proof of an approved Washington State Business License (UBI#) as well as a City of West Richland Business License.

56. Proof of Washington State Department of Labor & Industries approval (where applicable).

67. Applicable Fees per the West Richland master fee schedule.

C. For those businesses whose base for operations will be their home (within the City of West Richland), a small-scale home occupation permit shall also be obtained from the City of West Richland, and is subject to WRMC 17.54.047.

D. Operational standards

- 1. Any food vending vehicle shall be in full operational condition. The vehicle shall be licensed to operate or ride on the roadways of this state, and must be capable of leaving a site at any time under its own power or that of an available towing vehicle.**
- 2. Vehicle-based food service vendors shall not operate within any public right-of-way.**
- 3. Unless operating for only a very limited time (i.e. only 1-2 hours) on a given day, vendors must ensure on-site or adjacent restroom facility access for employees. Such facilities shall supply running hot and cold water. Vendors are not authorized to locate at any site where such facilities are unavailable.**
- 4. Outdoor seating and equipment is permitted; provided, that the placement of any outdoor seating or equipment shall not be placed in a manner so as to reduce the amount of available off-street parking below the minimum off-street parking required for the site in accordance with Chapter 17.57.**
- 5. Vendors shall maintain the area in and around the vehicle, keep the area free from litter and waste, and shall supply a suitable container for waste collection. Vendors are responsible for the proper collection and disposal of on-site litter and waste.**
- 6. Vendors must ensure free passage of pedestrians and vehicles, and shall not create congestion on public streets or pathways. Vehicles shall not be located within 25 feet of a driveway or intersection.**

17.54.434 Recreational vehicle storage

The following requirements are applicable to all new recreational vehicle storage areas and to expansions of existing facilities:

A. Access driveways shall be paved and storage areas shall be paved or prepared with six inches of 5/8 minus gravel and shall include a storm water drainage system designed and certified by a professional engineer licensed in the State of Washington.

B. All areas shall be maintained in a weed free conditions, be re-graveled as necessary to eliminate dust and shall be subject to a designated and approved customer parking plan that includes physical markers for storage areas and barriers for access drives.

C. Exterior lighting shall comply with ~~WRMC~~ Chapter 17.55 WRMC.

D. In addition to the requirements of ~~WRMC~~ Chapter 17.56 WRMC, Fencing, Screening and Landscaping, all storage complexes shall have a minimum five (5) foot landscaped area when adjacent to a residential zoning district.

E. Roofing materials shall be designed to be non-reflective to minimize glare on adjacent properties and public ways.

F. Recreational vehicle storage complexes shall be screened from view from adjacent Commercial and Residential zones. Screening shall be accomplished in one or a combination of the following manners:

1. A six-foot (6') masonry wall.

2. A six-foot (6') fence with a 20-foot wide solid-landscape screen.

3. Open style wrought iron fencing with masonry columns or similar may be used along street abutting property lines when complimentary landscaping and building design comparable to the commercial design standards is used along the street.

G. Recreational vehicle storage complexes shall be located at least 150 feet from any street right-of-way arterial or collector.

17.54.436 Veterinary clinic or hospital

All animals must be confined inside the veterinary clinic or hospital; except animals may be kept in exterior pens and runs if authorized a conditional use permit in accordance with **WRMC Title Chapter 17.66 WRMC.**

Deceased animals must be disposed of in accordance with all applicable state regulations.

17.54.440 Storage yards.

In the C-L and C-G districts, storage yards in connection with and incidental to a permitted use shall be surrounded by an eight-foot high sight-obscuring fence or hedge for screening the yard from abutting property and the street. The fence, wall, or hedge shall conform to setback requirements for buildings on street frontage. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well maintained and free from litter, posters, signs, and trash. Additional requirements which apply to fencing are found in **WRMC 17.54.040 and Chapter 12.50 WRMC, Vegetation Obstructions.**

17.54.450 Adult use business – ~~Locational~~ Location requirements.

A. Adult use businesses shall be prohibited from locating ~~within the city~~ within 500 feet of any area zoned for residential purposes in the City of West Richland, ~~or of the city or in adjoining jurisdictions, or in unincorporated lands zoned for residential purposes.~~

B. Adult use businesses shall be prohibited from locating ~~within the city~~ within 500 feet of any of the following ~~existing sensitive land uses~~ **or other adult use businesses**, whether such existing use is located within or outside the jurisdiction of the city.:

- ~~1. Any church or other religious facility or institution;~~
- ~~2. Any public or private school, technical school or training facility;~~
- ~~3. Any playground, public park or library;~~
- ~~4. Any other adult use business as defined in this title.~~

C. The distances provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use business exists or is proposed to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is or is to be separated.

D. Nothing within the locational requirements set forth herein shall preclude an adult use business from conducting more than one adult use activity within a single structure provided the adult use business shall comply with provisions of this chapter and all other chapters.

E. In the event an adult use business is legally established in accordance with the requirements of this chapter and a sensitive land use ~~described as defined~~ in WRMC 17.09.200 locates within the required separation distance, the zoning conformity of the legally established adult use shall not be affected.

F. Nothing in this section is intended to authorize, legalize or permit the establishment, ~~operating operation~~, or maintenance of any business, building or use which violates any West Richland Municipal Code or statute of the state of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

17.54.452 Essential public facilities.

A. The land uses subject to this section are interpreted to have such regional or area-wide impacts that the applicant proposing to locate such use at a new location shall conduct and provide a written summary of a site selection process incorporating the following:

1. A justification of the need for the proposed facility in the proposed location. The applicant shall demonstrate that less impacting alternatives have been considered and found ~~not to be feasible~~ **to be infeasible**.
2. The applicant shall also describe the process used to identify and evaluate alternative sites.
3. An evaluation of the sites' capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services.
4. The sites' relationship to the service area and distribution of other similar public facilities within the service area or jurisdiction, whichever is larger.
5. A description of the relative environmental impacts associated with locating the proposed facility at each of the sites that meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize adverse impacts.

B. Inter-jurisdictional agreements may be required to be developed to mitigate any disproportionate financial burdens that may fall on the local jurisdiction within which a facility of a state, regional, or county-wide nature is located.

C. If the use will generate substantial traffic, as determined by the city's traffic engineer, such a facility shall be located near a major transportation corridor.

17.54.453—Special provisions for specific types of essential public facilities.

~~A. Secure community transition facilities conforming to the standards set forth below may be approved by conditional use permit following notice to all property owners and occupants of record within 1,500 feet of the proposed site.~~

~~1. Secure community transition facilities shall conform to all substantive, procedural and operational requirements set forth in Chapter 71.09 RCW and rules, regulations, and policy guidelines promulgated under the authority thereof or in response thereto.~~

~~2. Secure community transition facilities shall provide the following staffing and security measures:~~

~~a. The owner and operator of the secure community transition facility shall submit and maintain a plan for staffing, security measures, procedures for immediate public notification of escapes, and escapee search procedures ("the plan"), all in a form and content satisfactory to the planning official. The security measures shall indicate the types of security measures/facilities proposed for the secure community transition facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW unless otherwise ordered by a court. The plan, along with documentation of the planning official's concurrence or rejection of the plan, shall be included in materials submitted to and reviewed by the reviewing official, provided the security plan made part of the public record shall not be in such detail that security of the facility would be compromised.~~

~~b. The owner and operator of the secure community transition facility shall enter into a contract with the city in a form and content satisfactory to the city attorney, committing the owner and operator to comply with and maintain the plan for the life of the facility.~~

~~c. Applicant shall install an eight foot high fence, in character with the surrounding area, between the facility and all property boundaries. The reviewing official may waive or lessen this requirement upon finding that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.~~

~~d. The facility shall have a backup power source.~~

~~3. No such facility shall be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility (defined in RCW 71.09.020) that is in existence or permitted at the time a site is considered. Line of sight has been estimated to be 600 feet from a risk potential activity or~~

facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line of sight to less than 600 feet. For purposes of this subsection, those specific risk potential activities and facilities described in the applicable state law shall be interpreted as follows and shall include such facilities located within the city of West Richland and all neighboring jurisdictions: public and private schools and grounds; school bus stops; licensed child day care and preschool facilities; public parks; publicly dedicated trails; sports fields, playgrounds; recreational and community centers; places of worship such as churches, synagogues, temples, and mosques; public libraries; or any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services with respect to siting a secure community transition facility.

4. No such facility may be located within 600 feet of any residentially zoned property.

Article VI. Industrial Districts

17.54.457 — Provisions adopted by reference.

The provisions of WRMC 17.54.450, 17.54.452, and 17.54.453 shall also apply in the industrial zoning districts.

17.54.460 — Architectural design.

All buildings and developments in the LI district, so located that they orient to or face a more restrictive district, shall achieve a high standard of architectural design, generally institutional in character such as currently contemporary schools, banks, hospitals, office buildings, etc. No buildings of a strictly utility nature devoid of the fundamentals of aesthetics or architectural design shall be permitted in a perimeter location.

17.54.463 — Traffic circulation plan — Approval required

The traffic circulation plan for an industrial development and the location and design of access to or from the arterial or adjoining streets must be approved by the city engineer.

17.54.464 — Noise and vibration — Baffling required.

Air conditioning units, exhaust fans, compressors or other noise producing equipment, and service entrances, loading doors, garbage cans and containers shall be so located and baffled that no disturbing sound or vibrations materially affect adjacent residential zoned property.

17.54.470 — Landscaping and parking plans — Approval required.

The vicinity of the principal public entrance to any building in an industrial district and the public and/or employee parking in connection with the principal entrance shall be landscaped and maintained. Landscaping shall include lawn, ornamental shrubs and trees. Plans showing the extent and design of the landscaping and parking areas shall be part of the plans required for a building permit.

17.54.480 — Screening

The development of an industrial use including storage and refuse areas on property adjoining a residential zoning shall be sight screened with an effective combination of street trees, ground cover, shrubbery and trees, fences and walls to serve as a screening (buffer area) between the site and abutting nonindustrial districts. Further, when a site abuts a residential district, landscaping shall be at least six feet in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type. When determined necessary by the reviewing official due to noise impacts, a solid block wall or other sound mitigating feature(s) of a height necessary to mitigate the noise impacts (usually six to eight feet) may be required between the industrial use and adjoining residentially zoned property.

17.54.090 — Landscaping maintenance

~~Shrubs and trees as required in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced immediately and the planting areas shall be maintained reasonably free of weeds and trash.~~

~~17.54.495 — Storage yards.~~

~~In the LI district, storage yards in connection with and incidental to a permitted use shall be screened from any arterial street by an eight-foot high sight-obscuring fence or hedge. Fences, walls or hedges surrounding or obscuring storage yards must be kept reasonably well maintained and free from litter, posters, signs, and trash. Additional requirements that apply to fencing are found in WRMC 17.54.040.~~

~~17.54.500 — Lighting.~~

~~Lighting in industrial districts, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential district, or to interfere with the safe operation of motor vehicles."~~

SECTION 19: That West Richland Municipal Code Chapter 17.55 "Nonresidential Lighting Standards", is hereby amended to read as follows:

"Chapter 17.55

NONRESIDENTIAL-OUTDOOR LIGHTING STANDARDS

17.55.010 Purpose.

This chapter is established for the following purposes:

- A. To regulate exterior lighting to avoid unsafe and unpleasant conditions.
- B. To discourage excessive lighting.
- C. To regulate the types of fixtures, lamps and standards installed in the city.
- D. To protect all residential zones from the ill effects of nonresidential-outdoor lighting.
- E. To create a safe environment during hours of darkness.

17.55.020 Applicability.

- A. All new construction proposals for nonresidential projects and all proposals for nonresidential remodeling, redevelopment and/or expansion. These regulations also apply to multifamily development including triplexes, apartments, and rowhouses and to residential common areas
- B. These regulations do not apply to single-family or duplex residential construction ~~(single-family, multifamily, duplexes, triplexes, apartments and rowhouses) or to residential common areas.~~
- C. These regulations do not apply to traffic lights; light standards installed on street rights-of-way; lighting necessary for emergency equipment and work conducted for the health, safety, and welfare of the community; or temporary holiday lighting.
- D. These regulations do not apply to sign lighting (see WRMC Title 19).
- E. These regulations do not apply to safety lighting, hazard warning lighting, or other similar lighting which may be required by state or federal agencies.

17.55.030 General requirements.

The installation of new outdoor lighting or the extension, modification or expansion of existing outdoor lighting is subject to the following requirements:

A. All outdoor lights shall include a light source and reflector that controls the light beam so that unshielded light does not extend across any bounding property line between incompatible uses (such as residences) or into the public right-of-way.

B. Outdoor lighting fixtures shall be designed so that the light source is shielded at any bounding property line except where topographical characteristics make this impossible, but should be downward directional.

C. Lighting designed to accent landscaping features or architectural elements, including the illumination of pole-mounted flags of the United States, shall be concealed or positioned so that the light source is not visible ~~at~~ from adjacent property lines.

DA. Light trespass from nonresidential uses onto adjacent residential zones shall be minimized.

EB. Except for intermittent security lighting on motion detectors, all lights more than seven feet above the ground shall be downward directional lighting. The fixture's housing must be totally opaque. Clear or refractive lenses shall not extend below the housing.

EC. Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

GD. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

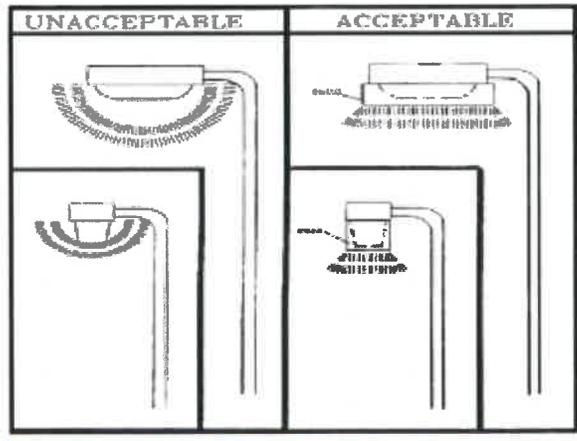
EE. Fixtures and lighting systems established for safety and security shall be in good working order and shall not be diverted to other uses.

GF. Applications for commercial development, including apartments will be evaluated by the Community Development Director to determine if a lighting (photometric) plan is required to assess and mitigate impacts. The need for a lighting (photometric) plan will be based on the scope and scale of the project, compatibility with surrounding uses, and anticipated light impacts. If required, the plan will include the following:

Project applicants shall submit an overall exterior lighting plan containing information sufficient to determine that the provisions of this chapter will be satisfied. The exterior lighting plan shall include the following:

1. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for each type of proposed lighting fixture.
2. The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
3. Structural illumination drawings shall be provided for all illuminated elevations and shall include: fixture locations, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for all remote light fixtures.
4. The city may require additional supporting documents for a proposed lighting plan if necessary. Such additional information could include:
 - a. A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
 - b. Photometric data, color rendering index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) cut-off fixtures.

- c. Computer generated photometric grid showing foot-candle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the community development director. Iso-footcandle contour line style plans are also acceptable.
- d. Landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.



17.55.040 Lighting standards for uses within 50 feet of residential zones.

A. For exterior lighting installations and fixtures within 50 feet of a residential zone, the following requirements shall apply:

1. Lighting fixtures shall be no higher than 15 feet from grade.
2. Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures should be of a type or adequately shielded to prevent glare from normal viewing angles.
3. Additional landscaping may be required by the city to provide adequate light screening between commercial zones and existing residential zones.

17.55.050 Outdoor parking lot lighting.

A. Parking lots shall comply with the standards of this section in addition to the requirements of Chapter 17.57 WRMC, Off-Street Parking and Loading Standards ~~(B-P)~~.

- B. For multilevel parking facilities, the roof level shall be considered an outdoor parking lot.
- C. Lighting shall be designed to provide adequate vision, comfort and safety.
- D. Lighting shall be designed to provide uniform lighting throughout the facility.
- E. Lighting shall be designed to provide the minimum level of lighting necessary for user safety and identification of features.
- F. Lighting shall not cause direct illumination on adjacent or nearby properties and streets. Fixtures shall be adequately shielded to prevent glare from normal viewing angles on adjacent and nearby properties and streets.
- G. Light fixtures shall direct illumination only in a downward direction.
- H. The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture:

1. The maximum permissible mounting height of lighting fixtures within 50 feet of a residential zone shall be 15 feet.
2. The maximum permissible mounting height of lighting fixtures on top or roof level of parking structures shall be 15 feet.
3. Lighting fixtures shall be no higher than the average height of the adjacent roofline with the maximum height being no more than 25 feet.
4. New lighting fixtures installed in, or adjacent to, an existing outdoor parking lot shall be no higher than those already in use in the contiguous parking areas.
 - a. Increases from allowable lighting levels when risk to individual or property security is demonstrated may be approved administratively.

17.55.060 Exterior and parking lot lighting in transition areas overlays.

A. See Chapter 17.75 WRM C when compliance with transitional regulations is required for location of transition overlays and identification of protected and complying zones.

AB. Where an office, commercial, industrial, or other nonresidential building abuts a lot in a residential district, - Within transition overlays, exterior lighting shall be designed, located, constructed, and maintained to minimize light and reflected light trespass into protected zones.

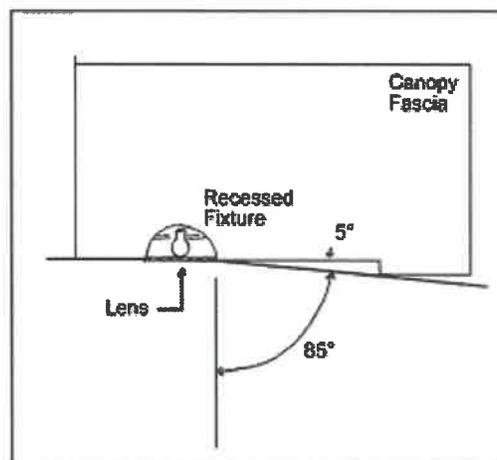
BC. Where an office, commercial, industrial, or other nonresidential building abuts a lot in a residential district, - Within transition overlays, interior parking structure lighting shall be designed, located, constructed, and maintained so light and reflected light does not spill over or intrude into protected zones. The structure shall be designed and constructed so that light from moving and parked cars within the structure does not spill over or intrude into protected zones.

17.55.070 Canopy lighting and lighting of service stations.

A. Lighting levels shall be adequate to facilitate activity in such locations.

B. To minimize extent of direct glare, light fixtures mounted to canopies shall be recessed so the lens cover does not extend below the bottom surface (ceiling) of the canopy or fixture housing and the emitted light is restrained to 85 degrees or less from vertical (see following illustration).

Recessed Fixture



C. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

D. Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides (fascias of the canopy) shall not be illuminated in a manner other than as prescribed in WRMC Title 19.

17.55.080 Outdoor performance, sport and recreation facilities and playfields.

A. Lighting levels for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.

B. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

C. The main lighting shall be turned off as soon as possible following the end of the event.

~~D. The requirements of WRMC 17.55.040 shall apply to uses identified in this section.~~

17.55.090 Security lighting.

A. "Security lighting" is defined as lighting designed and used to discourage crime and undesirable activity.

B. Security lighting should use the lowest possible illumination to effectively allow surveillance.

C. The use of sensor technologies, timers or other means to activate lighting in times when it is needed may be required by the city to conserve energy, provide safety, and promote compatibility between different land uses.

D. In order to direct light downward, all security lighting fixtures shall be full cut-off fixtures.

E. Lighting shall be shielded and aimed so that illumination is directed to the areas of concern.

F. Where security lighting is proposed, IESNA minimum and maximum guidelines are to be followed.

17.55.100 Architectural accent lighting.

A. Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features.

B. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property or streets.

C. Exterior lighting which may be considered a nuisance or hazard may be reduced or restricted or otherwise controlled upon such a determination by the community development director or other authorized administrator. Such action shall be provided to the building owner and/or manager within 10 days of the initial use and inspection of the exterior lighting installation.

D. Flags of the United States or Washington State may be illuminated from below, provided such lighting is focused primarily on the individual flag or flags.

17.55.110 Landscape lighting.

Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

17.55.120 Exceptions.

The following are exempt from requirements of this chapter.

A. Navigation and airport lighting required for the safe operation of boats and airplanes.

B. Emergency lighting required by police, fire, and rescue authorities.

C. Lighting for state and federal highways authorized by the Washington State Department of Transportation.

D. Internal lighting of permitted signs.

E. Outdoor lighting for public monuments.

F. In-pool lighting for private swimming pools.

G. Holiday decorations.

17.55.130 Prohibited lights.

The following lights are prohibited unless a temporary permit is obtained for specific events with specific times of operation:

A. Laser source light, strobe lights and similar high intensity light sources, except those associated with approved activities of the City of West Richland. High intensity lights for which a temporary permit is issued shall not project above the horizontal plane nor extend into the public right-of-way.

B. Searchlights.

17.55.140120 Temporary lighting.

~~A. Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the temporary use permit process.~~

~~B. The city may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title. The director may authorize temporary exceptions not to exceed 30 days for good cause shown.~~

17.55.150130 Effect on other codes.

The provisions of this title are intended to supplement other applicable codes and requirements. Compliance with all applicable provisions of building, electrical and other codes must be observed. In the event of a conflict between the requirements of this code and other requirements, the more restrictive requirement shall apply.

17.55.160140 Nonconforming fixtures.

A. All outdoor lighting fixtures existing and legally installed and operative before the effective date of the ordinance codified in this title are exempt from the requirements of this title.

~~B. When a nonconforming fixture is replaced, the replacement shall meet the requirements of this title. Nonconforming, preexisting fixtures may not be relocated to any location on or within an individual property or project site within the city limits without a variance to do so.~~

17.55.150 Severability.

~~The provisions of this chapter are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of this application to other persons or circumstances."~~

SECTION 20: That West Richland Municipal Code Chapter 17.56 "Fencing, Screening and Landscaping", is hereby amended to read as follows:

“Chapter 17.56**FENCING, SCREENING AND LANDSCAPING****17.56.010 Purpose and intent.**

The use of fencing and screening reduces visual, noise and lighting impacts on adjacent properties and provides visual separation and physical buffers between land uses. It also serves to protect the health, safety and welfare of the community by eliminating dangerous conditions and preserving property values.

17.56.020 General provisions – Fencing.

*Fences not over six (6) feet high are exempt from the requirements for a building permit, but do require a placement permit prior to construction or erection of any fence or fences in order to verify compliance with all applicable fence regulations. The location shall be based upon a scaleable site plan provided by the applicant and shall show all existing structures on the property, all existing easements and property lines, and all new fence proposals. The location shall be binding upon the applicant for all purposes and requirements of the West Richland Municipal Code (WRMC). The location placement permit shall not require payment of any permit fees. In order to obtain a building permit for a fence over ~~seven~~ **six**-feet in height, the applicant shall submit the necessary application form and fees, along with engineered construction plans and engineering data indicating the fence’s ability to withstand the windloads expected in the city. Otherwise, fences are permitted as follows:*

17.54.040—Fences.

The city will not require a building permit for the construction of all fences; see fees resolution for fee amount. In addition, fences above six feet in height shall require engineered construction plans, and provide engineering data indicating the fence’s ability to withstand the windloads expected in the city. Finally, no fence shall form a sight obstruction per WRMC 12.08.060, Visibility, and 12.50.010, Vegetation obstructions. Fences are permitted as follows:

A. Wire Mesh Fences without Slats.

1. ~~Six~~ **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.
3. Wire mesh fences constructed in conjunction with public playgrounds, public utilities and other public installations up to the street right-of-way line. ~~and~~ 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. ~~Six~~ **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 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.

35. 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).

64. Fences up to ~~six~~ 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.”

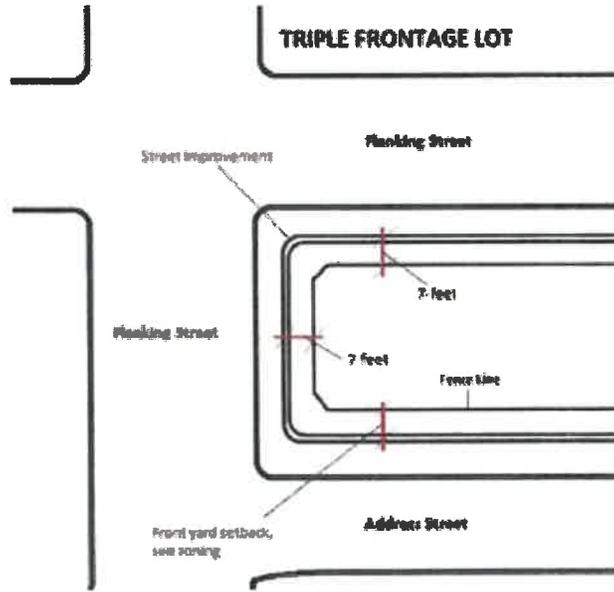


Diagram 1

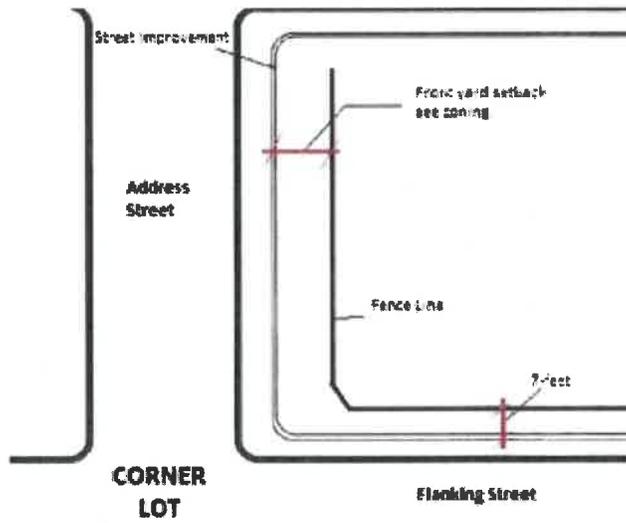


Diagram 2

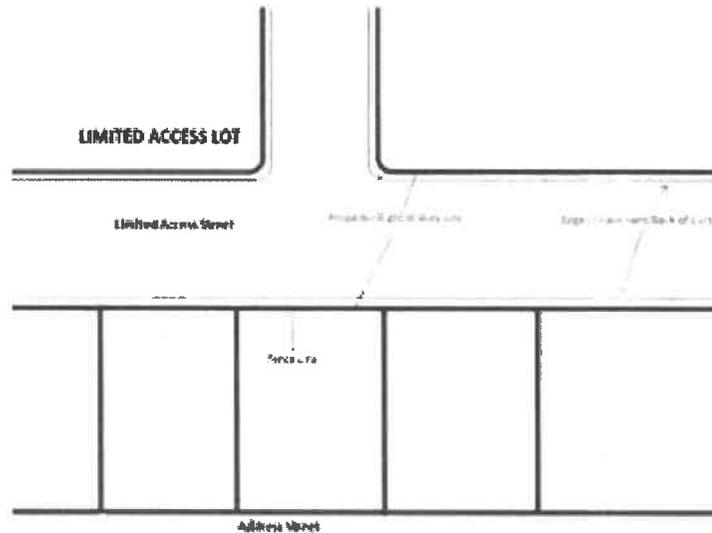


Diagram 3

17.54.045—17.56.030 Electric fences.

A. Electric fences are permitted in the city only in areas zoned to allow large domestic grazing animals, and only for the purpose of containing large domestic grazing animals. For the purpose of this section, “large domestic grazing animals” are defined as cattle, horses, sheep, goats and llamas.

B. Electric fences shall be constructed of single-strand smooth wire. Electric fences shall not be constructed of barbed wire or twisted or serrated wire.

C. Electric fences shall be posted with permanent signs a minimum of 36 square inches in area at intervals of 15 feet stating that the fence is electrified.

D. Electric fences and related appliances, equipment and materials used in connection therewith shall be listed or labeled by a qualified testing agency, carry the Underwriters Laboratories “U.L. Approved” seal and shall be installed in accordance with the manufacturer’s specifications and in compliance with the National Electrical Code, and shall not be modified in any manner from their original manufactured condition.

E. Electric fences shall be set back at least six inches from a second and more substantial fence which runs along a property line which is parallel with and adjacent to public rights-of-way or public facilities; provided, that the second and more substantial fence, as provided for herein, may not be constructed of barbed wire or twisted or serrated wire, or any material which will easily catch or entangle clothing; and provided further, however, that the construction and location of all fences shall comply with all applicable laws, including zoning laws.

F. Electric fences shall be set back at least 36 inches from any nonsubstantial fence. A “nonsubstantial fence” is defined as any fence less than ~~six~~ seven feet in height, or any fence of open construction such as a picket fence, split-rail or rail fence, wire fence, wire mesh or metal fabric.

17.56.040 Landscaping development standards.

A. The landscape development standards contained in this chapter shall be administered by the Director. The Director shall be responsible for reviewing and approving planting specifications in the implementation of this chapter. The director is authorized to make modifications when reviewing site plans based on topographical conditions or other factors unique to the site.

B. Credit may be given against the requirements of this chapter for certain existing trees that are preserved in accordance with the provisions of this chapter for preservation and protection of existing trees.

C. Ornamental trees at least six feet in height may be substituted for no more than thirty percent of the required deciduous trees.

D. All required plant materials shall be compatible with the United States Department of Agriculture (USDA) Hardiness Zone for West Richland and shall not have characteristics detrimental to the public welfare such as susceptibility to disease and wind damage or a tendency to interfere with utilities or public rights-of-way.

E. No tree shall be planted where the soil **quality** is too poor to ensure growth. An adequate sized hole shall be excavated with the unsuitable soil removed and replaced with suitable soil.

F. Irrigation systems, root barriers and other mechanical devices may be required to assure planting viability.

17.56.050 Landscape plans/approval.

A. A plan of the proposed landscaping and screening shall be provided, which may be incorporated into plans submitted for preliminary plat, site plan or building permit review. Landscaping plans shall be approved by the **community development** director prior to issuance of development permits. Preliminary landscape plans with general descriptions of types, locations, and quantities of required landscape elements will be sufficient for applications for conditional use permits, subdivisions and planned developments; provided, however, that final landscape plans shall be approved by the director prior to notice of decision. Director approval is not required for landscaping of public improvement projects planned in accordance with the comprehensive plan; provided, however, such projects are subject to the requirements of the West Richland Municipal Code and all other applicable review and approval processes.

B. Landscaping Plans – General.

1. All landscaping plans shall be submitted to **the community development department and shall be prepared** at a scale as required by the director. All landscaping plans shall be consistent with the provisions of this chapter. ~~Plans to show~~ **shall include a North arrow with graphic and numeric scales.**

2. Unless otherwise approved by the director, landscaping plans shall be prepared by a certified landscape architect, Washington State-certified nursery professional, Washington State-certified landscaper or other qualified person with experience in landscape design.

3. Landscaping plans are not required for single-family residential development or on lots of ten thousand square feet or less.

C. Plan Requirements. Landscape design plans should include the following:

1. Landscaping plans shall identify the locations, species and size of all existing trees six inches or more in diameter (measured at four and one-half feet above ground level) and any such trees proposed to be removed;

2. Natural features or vegetation left in natural state and protective measures for retained vegetation including the means of providing water to and protection of the root system during the construction period;

3. Quantity, size, location and type of material to be planted including trees by caliper inch measured four and one-half feet above grade. All plant material listed shall be keyed to plan(s) and defined by botanical and common name. By separate plan or overlay show plants to scale at mature size;

4. Existing or proposed structures, fences, curbing, **pavers and hardscapes**, and other impervious surfaces, including parking lots;

5. The location, type, size and height of existing or proposed fencing or structural screening and buffer plantings required by ~~ordinance~~ **this Title**;

6. The location of outdoor storage areas and trash receptacles and the type and size of screening;

7. Natural or manmade features and water bodies;

8. An irrigation plan that displays full coverage for planted areas;

9. Grading plan showing existing and proposed contours shown by contour lines, spot elevations, sections or other means; and

10. Name, address and qualifications of person, firm or organization that prepared the landscape plans.

D. No permits are required for normal maintenance or for the replacement of dead or diseased plants.

17.56.060 General landscape requirements – All zoning districts.

A. Coverage. All planting areas should have plant materials that provide at least seventy-five percent coverage within four years after the time of planting.

B. Irrigation.

1. To the extent practicable, all landscaping which needs regular watering should have a permanent irrigation system;

2. All irrigation systems shall be equipped with an approved means of providing premises isolation;

3. All irrigation systems should be equipped with a controller capable of programming (timers should be set to reduce evaporation);

4. Irrigation systems shall be designed and operated to minimize runoff and overspray to nonirrigated areas;

5. Irrigation requirements for remodels on lots less than ~~seven thousand five hundred~~ 7,500 square feet may receive special consideration and exceptions as approved by the Director.

C. Landscape Materials.

1. New landscaping materials should include species native to the southeastern region of Washington State or noninvasive species adapted to the climatic conditions of the southeastern region of Washington State.

2. Deciduous trees should have a caliper of at least one and three-quarters inches at the time of planting measured from **the diameter at breast height (-DBH)** or 4.5' from top of root ball. Caliper of all the trees may be averaged, but no individual tree should have a caliper of less than one and one-half inches.

3. Evergreen trees should be at least six feet in height measured from treetop to the ground at the time of planting.

4. All ~~specified~~ plant materials should meet standards as found in the latest addition of American Standard for Nursery Stock, Published by ~~American Association of Nurserymen, Inc.~~ **AmericanHort**¹.

5. Shrubs should be:

a. Equivalent to two-gallon size at time of planting;

b. At least eighteen to twenty-four inches in height at time of planting;

c. Maintained at a height not exceeding four feet for parking lot landscaping.

6. Ground covers should be planted and spaced to result in total coverage of the required ground cover planting area within four years as follows:

¹ As of the date of this ordinance, the latest version is the 2014 American Standard for Nursery Stock (ANSI Z60.1) which is available for free from AmericanHort and may be downloaded at AmericanHort.org/standard.

- a. Rooted cuttings, twelve inches on center; or
- b. Four-inch pots at eighteen to twenty-four inches on center; or
- c. One-gallon or greater sized containers at twenty-four to thirty inches on center; provided, however, that spacing up to sixty inches may be allowed for larger initial planting sizes or species better suited for wider spacing; or
- d. In landscaping areas not intended to serve as a full screen, grass may be used as ground cover; provided, that the grass area should:
 - i. Constitute no more than seventy percent of such landscape areas; and
 - ii. Be at least five feet wide at the smallest dimension.

7. All fences shall be placed on the inward side of any required perimeter landscaping.

8. Required street landscaping may be placed within the city street rights-of-way subject to (a) the permit requirements of Chapter 12.49 and (b) approval of the City Engineer ensuring planting is current with infrastructure design or adequate space is available to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

D. Landscape Installation. All landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures for the type of plant materials called for in this chapter or any approved planting plan. Landscaped areas shall be protected from vehicular and pedestrian encroachment during and after construction. The director or designee may inspect all completed landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided or performance assurance is provided pursuant to this chapter.

17.56.070 Commercial and industrial zones.

A. Landscaping within commercial and industrial zones should enhance the aesthetic and environmental quality of these zones within the city; minimize the impact of lighting, noise and views of surface parking areas; serve to visually break up large building facades; provide a transition between buildings and parking or transportation corridors; and ~~to~~ provide a buffer when situated where sites are adjoining residential zoning districts, public parks, and schools.

B. Tree Classifications

1. Class I trees are small trees: Heights up to 25', for planting strips 3' to 5' wide, including Cherry trees, Dogwoods, Lilac, Plums, and certain Maples (paperbark and Japanese). Evergreens of a similar size are also included.
2. Class II trees are medium trees: 25' -- 50' height range, for planting strips 5' -- 8' wide, including Ash trees, certain Beech trees (Dawyck Purple and Tricolor), Birch, Ginkgo, certain Lindens (Redmond and Chancellor), certain Maples (Armstrong and October glory) and Yellowwood. Evergreens of a similar size are also included.
3. Class III trees are large trees: 50' -- 70' in height, for planting strips 8' to 15' wide, including certain Lindens (Sentry and Little leaf), certain Maples (Cleveland, Crimson King, Emerald Queen, Sugar), Sweet gum, and Hackberry. Evergreens of a similar size are also included.
4. Class IV trees are very large trees: 70' or more in height for planting strips 15' or more wide, including certain Lindens (American and Silver), the Tulip Tree, and Beech trees. Evergreens of a similar size are also included.

B. Landscaping – Street Frontages.

1. A continuous area of landscaping along the street right-of-way may be required.
2. The length of landscaping areas should be the entire frontage of property along the street right-of-way, except driveway entrances and building entrances. In no event, however, should the length of the landscaping area be less than fifty percent of the length of the property line along the street right-of-way. In those circumstances where access, building location, utilities, or other factors restrict the ability to meet the minimum fifty percent standard, the applicant shall be required to provide the landscaping elsewhere on the property.
3. The landscaping area should consist of trees, shrubs, and ground cover as follows:
 - a. Trees spaced no more than forty feet on center:
 - i. Tree spacing will be based on tree class (I through IV).
 - Class I spacing: 20' on center
 - Class II spacing: 25' on center
 - Class III spacing: 30' on center
 - Class IV spacing: 40' on center
 - ii. Trees shall not be located closer than three feet to the curb of the public right-of-way or parking lot.
 - b. Shrubs not exceeding a height of four feet spaced with at least an average of one shrub for each fifty square feet of planting area.
 - c. Ground cover pursuant to the general landscape material requirements set forth in this chapter.
 - d. In no case shall sight-obscuring landscaping be located within the clear view triangle area.

C. Perimeter Landscaping.

1. Landscape buffers shall be required along those commercial development perimeter property lines located abutting or facing residential zoning districts, public parks or schools, except along street frontage as required above. Consideration shall be given to terrain (slope) when applying these requirements and developing plans.
2. Perimeter landscape buffers, when required, should be at least ten feet in width; except, where abutting a public park, then such landscaping strip should be increased to twenty feet in width.
3. The perimeter landscaping area (buffer) should generally consist of a mix of evergreen plantings, deciduous trees, shrubs, ground cover, and fencing.
 - a. No more than sixty percent of the trees shall be deciduous;
 - b. Trees should be planted at intervals no greater than thirty feet on center.

D. Perimeter Landscape Screening.

1. Perimeter landscape screening should achieve one hundred percent sight obstruction of outdoor storage areas and waste dumpsters, and eighty percent sight obstruction of parking lots, when viewed from abutting or facing residentially zoned property or public parks or schools.
2. Perimeter landscape screening should also provide visual relief of outside lighting, buildings, or other parts of the development that might cause a nuisance characteristic to the abutting or facing residential zoning district, public parks or schools.

E. Facade Buffer – Foundation Planting.

1. Landscaping along the perimeter of buildings facing the public right-of-way, except alleys, may be required for any building setback more than fifteen feet from the front property line to create a softening effect by reducing the amount of visual, straight line architecture. Landscaping within ten feet of the building foundation, including any landscaping required elsewhere by this chapter, shall satisfy this requirement.

a. The facade buffer or foundation planting area should be at least five feet in width (average) and should occupy at least fifty percent of the perimeter of the building facade facing the public right-of-way.

b. The plantings should include ground cover and shrubs.

2. Any building facade setback more than fifteen feet from the front property line with a wall surface greater than two thousand square feet shall include a facade buffer or foundation planting meeting the following standards:

a. Trees planted at an interval averaging twenty-five feet except for buildings set back less than fifteen feet from the front property line.

b. Ground cover and shrubs pursuant to the general landscape material requirements set forth in this chapter.

c. A planting area with an average width of at least six feet in width which occupies at least fifty percent of the perimeter of each building facade facing the public right-of-way.

17.56.080 Performance surety.

A. A certificate of occupancy may be denied until the required landscaping is in place. If, however, landscaping installation is incomplete at the time of formal application for occupancy due to weather related reasons or other unforeseeable circumstance, the city may authorize a certificate of occupancy subject to submitting a bond or other surety acceptable to the city at a value of one hundred fifty percent of the estimated cost of installation.

B. Upon completion of the landscape installation, the city shall promptly release the performance surety. If the required landscaping improvements are not made within six months of occupancy of the building, the city may use the surety to install the landscaping.

17.56.090 Maintenance requirements.

A. All shrubs, trees and vegetative material used in the screening or landscaping shall be perpetually maintained in a healthy, growing condition. Irrigation systems shall be kept operational. Dead, diseased or dying plant material shall be replaced immediately, and planting areas shall be maintained reasonably free of trash and weeds.

B. Fences used in screening and landscaping shall be perpetually maintained in an attractive and structurally sound condition.

C. A maintenance surety in the form of a bond, cash deposit, or other security acceptable to the city covering twenty percent of the cost of the original plant materials in place ~~may~~ shall be required for one year following installation to ensure compliance with this code.

1. If a maintenance surety is required under this section, the property owner shall provide the city with a non-revocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.

2. The maintenance surety may be used by the city to perform any maintenance, and to reimburse the city for documented administrative costs associated with the maintenance activity.

3. Upon completion of the one year maintenance period, the city shall promptly release the maintenance surety or any remaining portion thereof.

17.56.100 Landscaping of parking areas.

The following requirements apply to landscaping of all off-street parking and outdoor automobile sales lots in order to provide visual relief along the street frontage of off-street parking areas, and to break up continuous surfaces of parking lots within and between off-street parking areas and to locate parking lots in areas that are as visually unobtrusive as possible. Parking lot landscaping should be used to reinforce pedestrian and vehicular circulation, including parking lot entrance and exit, ends of drive aisles and defining pedestrian walkways through parking lots.

A. The standard for landscaping of parking lots with more than five spaces shall be ten percent of the total parking area, in addition to the specific screening requirements, perimeter landscaping requirements and street tree requirements.

B. Landscaping should consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

C. Every parking and automobile sales lot area that abuts property in any residential district shall be separated from such property by a combination of solid wall or view-obscuring fence, and compact evergreen composition landscaping at least six feet in height.

D. No parking stall should be located more than fifty feet from a landscaped area.

E. Landscaping of parking lots and automobile sales lots which border directly on a street should include an eight-foot-wide planting area along the entire street frontage (except for driveways) between the property line and the parking area.

F. Landscaping should be proportionately distributed throughout the parking or automobile sales lot area in a manner which best fulfills the objectives of the chapter.

G. Wherever possible, landscaping should include deciduous trees in order to provide shade for up to at least twenty percent of the vehicle accommodation area.

H. Site plans shall specifically demonstrate how each of the requirements of this section are met.

I. A bond or other security acceptable to the city in an amount sufficient to secure the completion of all landscaping required in this section and its survival in a healthy condition or replacement for a minimum period of twelve months from the date of completion shall be submitted to the city. Upon completion of the landscape installation and expiration of the twelve-month survival period, the city shall promptly release the performance surety.

J. All landscaping shall be installed prior to occupancy unless seasonally impractical, in which case the director may grant an extension to a specified date when such installation will be practical, subject to the bonding requirements of this chapter.

K. Landscaping – Street Frontages. Off-street parking and outdoor automobile sales areas shall provide landscaping areas along the street frontage consistent with the requirements in the underlying zoning district in which the activity will be located.

L. Landscaping Interior. The following amounts of landscaping should be provided in the internal area of parking lots and outdoor automobile sales areas. These are in addition to the landscaping required to be provided along street frontages or perimeter landscaping.

1. If the parking area contains more than five but not more than fifty spaces, the following landscaping may be required:

a. At least thirty square feet of landscaping for each parking space;

b. One Class III or Class IV tree per ten parking spaces;

c. Landscaped islands planted with shade trees and shrubs or groundcover;

d. Landscaped areas should be placed at the end of each parking row and between adjoining parking lots under separate ownership or control, and as needed to fulfill the area requirements of this chapter.

2. If the parking area contains more than fifty spaces, the following landscaping may be required:

a. At least thirty square feet of landscaping for each parking space for the first fifty parking spaces, and at least forty square feet of landscaping for each parking space in excess of fifty parking spaces;

b. One Class III or Class IV tree per eight parking spaces;

c. Landscaped islands planted with shade trees and shrubs or groundcover;

d. Landscaped areas should be placed at the end of each parking row and between adjoining parking lots under separate ownership or control, or as needed to fulfill the area requirements of this chapter.

3. Required interior landscaped areas should not be less than sixty-four square feet in area or eight feet in width.

4. No parking stall should be located more than fifty feet from a landscaped area.

5. Landscaping planted within interior parking areas shall be planted and maintained to prevent the obstruction of driver visibility of pedestrians and other vehicles.

6. Landscaping should be selected and planted so as to withstand foot traffic.

7. All landscaping areas bordering driveways and parking areas shall be protected therefrom by curbing, wheel stops, or other similar protective devices. Such protective devices shall be shown on landscape plans.

8. When off-street parking is located within a parking structure under a building or within an enclosed garage, the landscaping required in the internal area of parking lots need not be provided for the parking spaces contained within such structures.

17.56.110 Screening requirements.

A. At a minimum, all developments except single-family residences and duplexes shall provide a sight obscuring fence (six feet in height minimum) or dense evergreen landscaping designed to constitute a solid planting to a minimum height of six feet in the following situations:

1. On common property lines which abut residential districts.

2. On common property lines which abut districts designated for less intensive uses.

3. On property lines in commercial or industrial districts, the director shall evaluate the need for screening between uses, and may require screening on a case-by-case basis.

4. Around the perimeter of any parking area abutting residential districts.

5. Screening of Trash Collection and Recycling Areas, Service Areas, and Loading Areas. Trash collection and recycling areas, service areas, and loading areas should be screened on all sides so that no portion of such area is visible from public streets and alleys and adjacent properties. Required screening shall include walls/fences and plantings.

6. Outdoor Service Yards and Storage Areas. Service yards and outdoor storage areas in commercial and industrial areas shall be screened from public areas, streets, alleys, and adjacent areas through the use of a combination of walls/fencing and plantings.

B. Screening requirements for loading areas for commercial and industrial uses shall be determined on a case-by-case basis by the director.

C. Blank building walls that are forty feet or more in length and not located on a property line shall be buffered by landscaping including trees planted in front of the wall.

17.56.120 Clearview triangle.

All screening and landscaping established in association with land development activities shall comply with the height and location requirements for sight obstruction in WRMC ~~Section~~ 12.08.060.

17.56.130 Existing vegetation.

A. The applicant may be required to retain significant vegetation on the subject property to the maximum extent possible where such vegetation is considered equal to or better than that required by this chapter. Significant existing vegetation shall include but is not limited to:

1. Significant trees: Any trees in good condition at least six inches in diameter (DBH).
2. Riparian vegetation within a critical water course or wetland site, subject to the city's critical areas ordinance."

SECTION 21: That West Richland Municipal Code Chapter 17.57 "Off-Street Parking", is hereby amended to read as follows:

"Chapter 17.57

OFF-STREET PARKING AND LOADING STANDARDS (B-P)

17.57.010 Purpose.

The purpose of these standards is to provide safe on-site circulation for motorists, bicyclists and pedestrians and to provide adequate parking, pedestrian facilities and access.

17.57.010 — Reservation and designation — Required.

Reservation and designation of an area to provide off-street parking facilities is required for a land use, in accordance with the standards and requirements of this chapter.

17.57.020 — Building establishments and use — Adequate parking provision required.

The continued use of a building or structure is dependent on the continued existence and maintenance of off-street parking area(s) as required by this chapter. If the required parking area ceases to exist or ceases to be maintained, any occupancy or use of the building or structures is illegal and the occupancy permit is void.

A. For a new building or structure, there shall be established and maintained a permanent off-street parking area in conjunction with the building.

B. For existing buildings or structures, deficient in the number of required parking stalls, there shall be established and maintained a permanent off-street parking area within 1,000 feet, measured along a normal pedestrian route from a public entrance to the building.

17.57.030 — Plans — Approval required — Procedure.

Before the granting of a building permit for any new building or structure, or for the enlargement thereof, or change of use in any building, the applicant for the building permit shall present evidence in writing that arrangements have

~~been made to provide off-street parking and/or loading space in accordance with this title, or that the required amount of parking facilities has been provided by a satisfactory written contract, or present evidence of participation in an association which is providing adequate public off-street parking so required. Parking area plans shall be submitted to the city engineering and planning departments for their determination that the plans meet the requirements of this title and other city ordinances. Record of approval by the engineering and planning departments shall be written on the face of the plan and filed with the city. No use other than parking shall be permitted on the area so designated during the continued use of the building.~~

17.57.020 17.57.040 Spaces—Computation Vehicle Parking.

Parking areas shall contain at least the number of parking stalls or spaces as designated below for the following uses, with the exception of those commercial or industrial zoned properties, less than two acres in size, located between the Yakima River Bridge and N. 62nd Avenue and whose primary access is off of Van Giesen Street (Hwy. 224), which may reduce the overall minimum number of required parking spaces by 50 percent:

A. The number of required off-street parking spaces shall be based on the following:

1. "Gross square feet" shall mean the total area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be ~~constructed~~ rounded up to the nearest whole number.
3. Uses not specified in Table 17.57.2 shall provide parking based on a use of similar nature.
4. New Construction. Prior to occupancy of a new structure, off-street vehicle parking shall be provided pursuant to Table 17.57.2.
5. Expansion of Existing Use. Prior to occupancy of an expanded (enlarged) floor area, off-street vehicle parking shall be provided pursuant to Table 17.57.2 based on the expanded square footage.
6. Change of Occupancy. If a change in the occupancy classification is required, off-street parking shall be provided pursuant to Table 17.57.2 based on the proposed use prior to occupancy.
7. In the case of multiple-use occupancies, other than shopping centers, in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately.
8. Tandem spaces shall not count as required parking for more than one (1) vehicle.
9. All required parking, maneuvering and loading areas shall be paved.
10. The Director may allow a reduction up to 25 percent when the applicant makes a written request demonstrating site conditions that prohibit compliance with these requirements (not applicable to those commercial or industrial zoned properties less than two acres in size, located between the Yakima River Bridge and N. 62nd Avenue and whose primary access is off of Van Giesen Street (Hwy. 224), which may reduce the overall minimum number of required parking spaces by 50 percent:224)).
11. If the Planning Director administrator finds that parking demands on the use may be sporadic or seasonal, he may reduce the required parking by 50 percent if the decreased parking is available when needed within 400 feet.

A. Apartment houses: two for each dwelling unit;

B. Banks, business and professional offices: one for each 200 square feet of gross floor area of the building;

C. Bowling alleys: four for each alley;

D. Churches, mortuaries, funeral homes, mausoleums, crematoriums, and columbariums: one for each four seats in the chapel or nave;

~~E. Drive-in restaurants, ice cream or soft drink refreshment establishments or similar drive-in uses which service auto-borne customers both within the building and outside the building: one for each 60 square feet of gross floor area of building;~~

~~F. Hotels and motels: one for each room and one for each two employees;~~

~~G. Hospitals, sanitariums, convalescent homes, nursing homes and rest homes: one for each five regular beds, plus one for each regular employee;~~

~~H. Industrial or manufacturing establishments: one for each 300 square feet of gross floor area of the building;~~

~~I. Medical and dental clinics: one for each 200 square feet of gross floor area of the building;~~

~~J. Mixed uses and basements: one for each 200 square feet of gross floor area of the building; basements with daylight and indirect public access, one for each 400 square feet of gross floor area; basements for storage only, no parking requirements;~~

~~K. Mobile home and/or recreational vehicle sales yard: one for each employee and one for each 100 square feet of gross floor area in the office and salesroom with a minimum of six parking spaces provided;~~

~~L. Other retail establishments such as furniture, appliance and hardware stores, household equipment service shops, clothing or shoe repair or service shops: one for each 400 square feet of gross floor area of the building, providing that each must have at least four parking spaces;~~

~~M. Outdoor sports area or parks without fixed seats: subject to review by the planning commission;~~

~~N. Restaurants, taverns, and any establishment for the sale and consumption within a building of food, alcoholic beverages, or refreshments: one for each 100 square feet of gross floor area of the building;~~

~~O. Shopping centers, markets, and food stores having not more than 2,000 square feet of gross floor area, exclusive of basement: one for each 400 square feet of gross floor area of the building;~~

~~P. Shopping centers, markets and food stores having more than 2,000 square feet but not more than 5,000 square feet of gross floor area, exclusive of basement: one for each 300 square feet of gross floor area of the building;~~

~~Q. Shopping centers, markets and food stores having more than 5,000 square feet of gross floor area, exclusive of basement: one for each 200 square feet of gross floor area of the building;~~

~~R. Theaters, stadiums, sports arenas, auditoriums and other places of assembly with fixed seats: one for each four seats or one for each six lineal feet of seating area of benches;~~

~~S. Theaters, stadiums, sports arenas, auditoriums, and other places of assembly without fixed seating: one for each 40 square feet of gross floor area;~~

~~T. Wholesale houses, warehouses, storage buildings, boat sales, motor vehicle or machinery sales: one for each two employees in the shop or warehouse areas and separate defined customer and employee parking at one for each 400 square feet of gross floor area in the office, sales or showroom portions of the building;~~

~~U. Schools: two spaces per classroom, plus one space per every full-time employee~~

B. Location of parking spaces, except as follows:

1. All parking spaces required herein shall be located on the same parcel with the building or use served unless:

a. The parking is located on a contiguous parcel or parcels under the same ownership and title notice is filed identifying the parking serving the other building or use; or

b. If the required parking for a building or use is located on a parcel(s) other than described in subsection (B)(1) of this section, the owner of the parcel upon which the proposed parking is located executes a joint parking agreement in a form acceptable to the City Attorney, stating that the parcel is devoted in whole or in part to required parking for the use of a parcel or parcels under separate ownership. The agreement shall be binding on both properties and shall be recorded with the Benton County Auditor’s office and filed with the West Richland Department of Community Development;

c. Where shared parking is proposed, the minimum number of parking spaces for all shared uses shown on Table 17.57-2 shall be calculated. When these totals are applied to the percentages shown on Table 17.57-1, the minimum number of parking spaces required is the largest sum of the individual totals for each time period;

d. Parking not provided on the same site as the use or structure shall not be separated from the use or building by a street designated as an arterial.

Table 17.57.1: Shared Use Allowances

<u>General Land Use Classification</u>	<u>Weekdays</u>			<u>Weekends</u>		
	<u>1:00 a.m. – 7:00 a.m.</u>	<u>7:00 a.m. – 6:00 p.m.</u>	<u>6:00 p.m. – 1:00 a.m.</u>	<u>1:00 a.m. – 7:00 a.m.</u>	<u>7:00 a.m. – 6:00 p.m.</u>	<u>6:00 p.m. – 1:00 a.m.</u>
<u>Office</u>	5%	100%	5%	0%	15%	0%
<u>Retail sales and services</u>	0%	100%	80%	0%	100%	60%
<u>Restaurant (not 24-hr.)</u>	20%	70%	100%	30%	75%	100%
<u>Residential</u>	100%	60%	100%	100%	75%	95%
<u>Theater</u>	0%	60%	100%	0%	80%	100%
<u>Hotel</u>	-	-	-	-	-	-
<u>Guest rooms</u>	100%	55%	100%	100%	55%	100%
<u>Tavern/bar/lounge</u>	100%	55%	100%	100%	55%	100%
<u>Conference rooms</u>	0%	100%	100%	0%	100%	100%
<u>Religious institution</u>	0%	25%	00%	0%	100%	00%

3. Up to 50 percent of the parking facilities required by this chapter for a “daytime use” may be provided by the parking facilities of a “nighttime” use or vice versa; provided, that the parking area shall be subject to a reciprocal parking agreement and the conditions set forth herein.

4. Up to 100 percent of the weekend and/or nighttime parking facilities required by this chapter for a church, auditorium, stadium, and/or other assembly areas incidental to public or private schools may be supplied by parking facilities required for school use.

Table 17.57.2: Required Parking Spaces for Specific Activities

<u>USE ^(A)</u>	<u>REQUIRED PARKING SPACES (MINIMUM)</u>
<u>Agriculture and Animal</u>	
<u>Animal processing/handling</u>	<u>1 per staff on largest shift</u>
<u>Greenhouse/nursery, commercial</u>	<u>1 per 300 gross square feet</u>

<u>USE (A)</u>	<u>REQUIRED PARKING SPACES (MINIMUM)</u>
<u>Community Services</u>	
<u>Church, temple, mosque, synagogue and house of worship</u>	<u>1 per 4 fixed seats or 1 per 100 square feet of gross floor area</u>
<u>Community hall, club or lodge</u>	<u>1 per 300 gross square feet</u>
<u>Funeral home</u>	<u>1 per 300 gross square feet</u>
<u>Daycare</u>	
<u>Day care, adult and child</u>	<u>1 per 200 gross square feet</u>
<u>Education</u>	
<u>Schools, college or university</u>	<u>1 per 600 gross square feet of classroom and 1 per 5 seats in principal assembly room</u>
<u>Schools, K through 8</u>	<u>2 per classroom, plus one space per every full-time employee</u>
<u>Schools, 9 through 12</u>	<u>5 per classroom, plus one space per every full-time employee</u>
<u>Schools, professional, vocational and trade</u>	<u>1 per 600 gross square feet</u>
<u>Schools, specialized training studios</u>	<u>1 per 300 gross square feet</u>
<u>Entertainment</u>	
<u>Casino</u>	<u>1 per 300 gross square feet</u>
<u>Cultural facilities</u>	<u>1 per 800 gross square feet</u>
<u>Major event entertainment and indoor theaters</u>	<u>1 per 4 fixed seats or 1 per 100 square feet of floor area</u>
<u>Recreation facility, indoor</u>	<u>1 per 300 gross square feet</u>
<u>Recreation facility, outdoor</u>	<u>20 per acre of site</u>
<u>Food and Beverage Service</u>	
<u>Brewery, winery and/or distillery</u>	<u>1 per 1,000 gross square feet, plus one space per every full-time employee</u>
<u>Espresso establishment, restaurant, tavern/night club, tasting room</u>	<u>1 per 200 gross square feet, min. of 2, plus one space per every full-time employee</u>
<u>Group Living</u>	
<u>Assisted living facility/convalescent/nursing home</u>	<u>1 per 4 residents plus 1 per staff on largest shift</u>
<u>Community residential facility</u>	<u>1 per 4 residents</u>
<u>Dwelling, congregate</u>	<u>1 per sleeping room</u>
<u>Industrial, Light and Heavy</u>	
<u>Assembly/manufacturing/processing, light</u>	<u>1 per 600 gross square feet</u>
<u>Assembly/manufacturing/processing, heavy</u>	<u>1 per 1,000 gross square feet</u>
<u>Wrecking, recycling, junk and salvage yards</u>	<u>1 per 2,000 gross square feet</u>
<u>Industrial Service</u>	

<u>USE (A)</u>	<u>REQUIRED PARKING SPACES (MINIMUM)</u>
<u>Carpet/rug cleaning, dry cleaning, laundry, linen supply plant, commercial</u>	<u>1 per 1,000 gross square feet</u>
<u>Laboratories (all bio safety labels)</u>	<u>1 per 1,000 gross square feet</u>
<u>Lodging</u>	
<u>Bed and breakfast, hotel/motel</u>	<u>1.25 per guest room and 1 per staff on largest shift</u>
<u>Medical</u>	
<u>Hospital</u>	<u>1 per 200 gross square feet</u>
<u>Medical/dental clinic</u>	
<u>Two or less professionals</u>	<u>1 per 400 gross square feet</u>
<u>Three or more professionals</u>	<u>1 per 300 gross square feet</u>
<u>Office</u>	
<u>Animal clinic/veterinary</u>	<u>1 per 300 gross square feet</u>
<u>Call center</u>	<u>1 per 200 gross square feet</u>
<u>Office, professional and general</u>	<u>1 per 200 gross square feet</u>
<u>Residential</u>	
<u>Dwelling, accessory units</u> <u>Accessory dwelling units</u>	<u>1 per dwelling unit, excluding garage</u>
<u>Dwelling, within a multifamily structure</u>	<u>2 per dwelling unit, excluding garage</u>
<u>Dwelling, single-family</u>	<u>2 per dwelling unit, excluding garage</u>
<u>Manufactured (mobile) home park</u>	<u>2 per dwelling unit</u>
<u>Retail Sales</u>	
<u>Appliance and furniture sales/service</u>	<u>1 per 1,000 square feet of display area</u>
<u>Building supply and home improvement</u>	<u>1 per 300 gross square feet</u>
<u>Convenience store</u>	<u>1 per 400 gross square feet</u>
<u>Equipment sales, rental, maintenance and repair</u>	<u>1 per 1,000 gross square feet</u>
<u>Landscape materials sales</u>	<u>1 per 1,000 gross square feet</u>
<u>Retail sales, indoor, including shopping centers</u>	<u>1 per 300 gross square feet</u>
<u>Retail sales, outdoor</u>	<u>1 per 5,000 gross square feet of display area</u>
<u>Showroom</u>	<u>1 per 2,000 gross square feet</u>
<u>Retail Services</u>	
<u>Personal services</u>	<u>1 per 300 gross square feet</u>
<u>Banks, savings and loan, and other financial institutions, post office, postal centers, and other similar uses</u>	<u>1 per 300 gross square feet</u>
<u>Vehicle Services</u>	
<u>Automobile parts, accessories and tires</u>	<u>1 per 300 gross square feet</u>

<u>USE ^(A)</u>	<u>REQUIRED PARKING SPACES (MINIMUM)</u>
<u>Automobile/taxi rental, passenger vehicle sales, service and repair</u>	<u>1 per 1,000 gross square feet of building footprint and 1 per 5,000 square feet of indoor/outdoor display area</u>
<u>Automobile/truck/RV/motorcycle service, painting, repair, body and fender works</u>	<u>1 per 300 gross square feet</u>
<u>Boat and RV sales, and service and repair</u>	<u>1 per 1,000 gross square feet of building footprint and 1 per 5,000 square feet of indoor/outdoor display area</u>
<u>Car wash, self-service</u>	<u>1 per 200 gross square feet</u>
<u>Fueling station</u>	<u>1 per 4 pumps</u>
<u>Warehouse, Wholesale, and Freight Movement</u>	
<u>Freight forwarding</u>	<u>1 per 2,000 gross square feet</u>
<u>Storage, general indoors, warehouse</u>	<u>1 per 3,000 gross square feet</u>
<u>Storage, general outdoors, display</u>	<u>1 per 1,000 gross square feet</u>

^(A) Some uses may be listed in the table that are not allowed in any zones. Inclusion of uses in this table does not indicate that the use is allowed.

17.57.050 — Areas — Locations.

Off-street parking areas shall be designed to be located on privately owned land. However, where the dedicated right of way is less than 60 feet, or where there is no right of way dedicated, the off-street parking area required shall be designed as though a 60 foot dedicated public right of way existed. Also where a dedicated public right of way exists greater than 60 feet, and the improved street is less than the dedicated right of way, the portion of the dedicated right of way which is both in excess of 60 feet and also in excess of the improved street may be treated as private property in the design of the required off-street parking area.

17.57.060 — Mixed occupancy — Computation method for spaces required.

In the case of mixed uses, the total off-street parking requirements shall be the sum of the requirements for the various uses computed separately.

17.57.070 Unspecified uses – Requirements designated by community development director.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be the same as the above-mentioned use which in the opinion of the community development director is the most analogous.

17.57.080 Off-Street Parking Design Standards and Minimum Dimensions.

Parking for one-way and two-way traffic patterns shall be as set forth in the tables below:

A. One-way traffic:

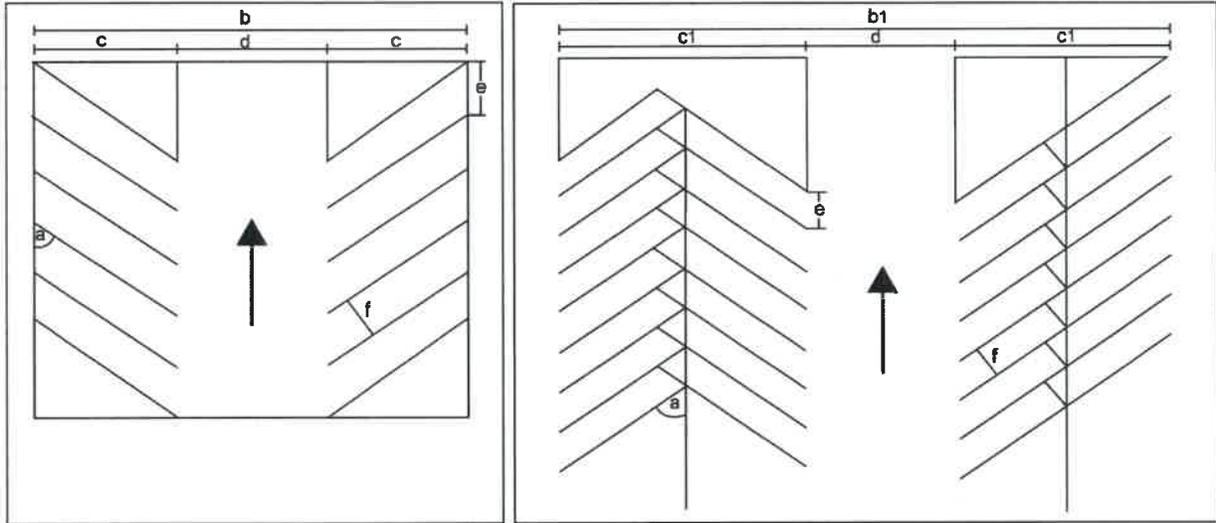


Table 17.57.3: One-Way Traffic Parking Dimensions

A	B	C	D	E	F	B1	C1
Parking Angle	Parking Section Width	Parking Bank Width	Traffic Aisle Width	Curb Length per Car	Car Stall Width	Parking Section Width	Parking Bank Width
0°	28'	8'	12'	23'	8'		
35°	48'	18'	12'	14.8'	8.5'	41'	14.5'
40°	49'	18.5'	12'	13.2'	8.5'	42'	15'
45°	50'	19'	12'	12'	8.5'	43'	15.5'
50°	51'	19.5'	12'	11.1'	8.5'	45'	16.5'
55°	53'	20'	13'	10.4'	8.5'	48'	17.5'
60°	55'	20'	15'	9.8'	8.5'	50'	17.5'
65°	57'	20'	17'	9.7'	8.8'	53'	18'
70°	59'	20'	19'	9.6'	9'	56'	18.5'

B. Two Way Traffic:

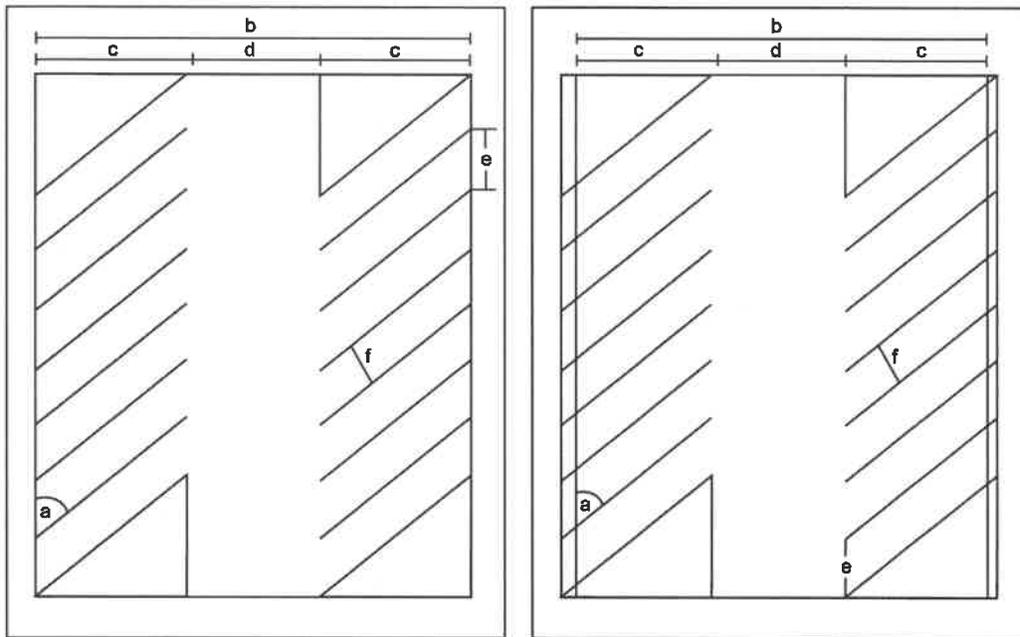
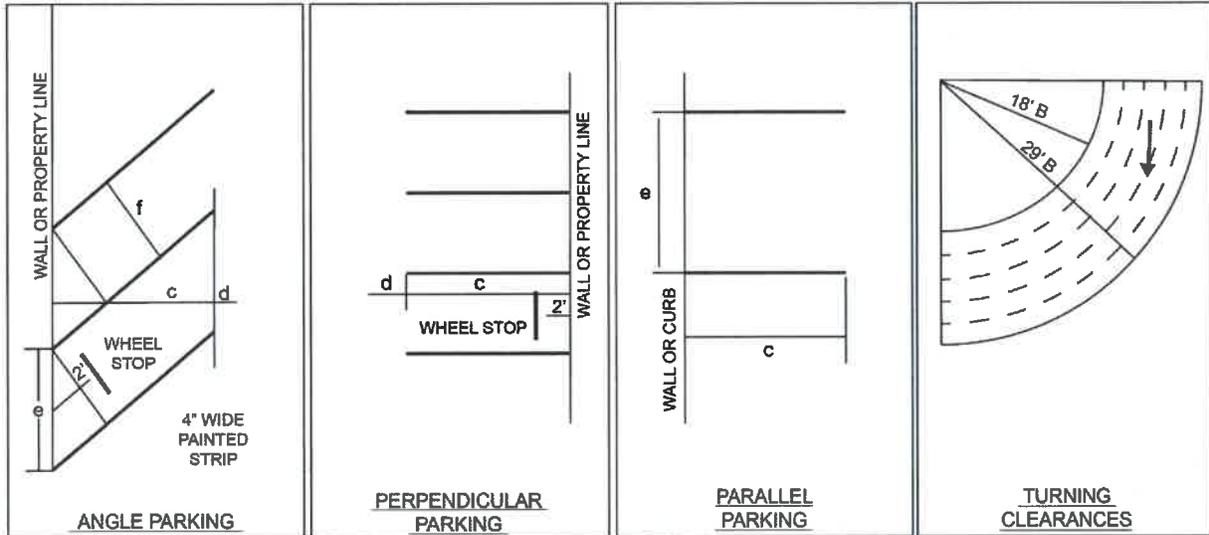


Table 17.57.4: Two-Way Traffic Parking Dimensions

A	B	C	D	E	F	B1	C1
Parking Angle	Parking Section Width	Parking Bank Width	Traffic Aisle Width	Curb Length per Car	Car Stall Width	Parking Section Width	Parking Bank Width
0°	36'	8'	20'	23'	8'		
35°	56'	18'	20'	14.8'	8.5'	49'	14.5'
40°	57'	18.5'	20'	13.2'	8.5'	50'	15'
45°	58'	19'	20'	12'	8.5'	51'	15.5'
50°	59'	19.5'	20'	11.1'	8.5'	53'	16.5'
55°	60'	20'	20'	10.4'	8.5'	55'	17.5'
60°	60'	20'	20'	9.8'	8.5'	55'	17.5'
65°	60'	20'	20'	9.7'	8.8'	56'	18'
70°	60'	20'	20'	9.6'	9'	57'	18.5'
90°	64'	20'	20'	9'	9'		



C. Compact Car Allowance.

1. A maximum of 25 percent of the total required off street parking stalls may be permitted and designated for compact cars.
2. Each compact stall shall be designated as such, with the word "COMPACT" printed onto the stall, in a minimum of eight inch letters and maintained as such over the life of the use of both the space and the adjacent structure it serves.
3. Dimensions of compact parking stalls shall be eight feet by 17 feet.
4. Compact spaces shall be designated in one specific area of the off street parking facility.

C. All traffic circulation lanes and fire lanes must be maintained free and clear of merchandise, carts and any other materials to allow for emergency access.

E. Other Improvements. Barriers, curbs or tire stops must be installed if a parking area abuts a structure, adjacent properties – except when such property is a parking area, or public right-of-way. Traffic controls must be installed if deemed necessary by the City Engineer for public safety.

E. When a parking lot is to be landscaped, the landscaped areas are to be surrounded by a minimum six-inch high curb, be serviced by a sprinkler-head water system, be maintained and kept free of all weeds and debris.

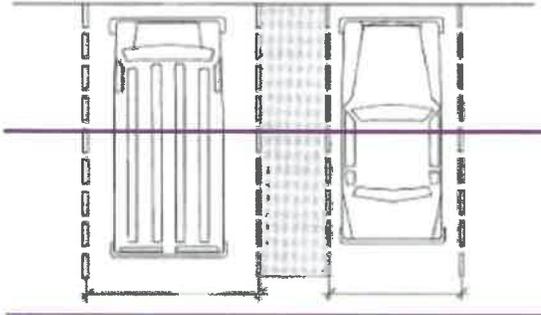
G. Accessible Parking. The intent of this subsection is to comply with the Americans with Disabilities Act (ADA) by allowing a person with a physical disability to independently get to a site, facility, building or element (American National Standards Institute, Inc.).

1. Location. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
2. Hospital Outpatient Facilities. Ten percent of patient and visitor parking spaces provided shall be accessible.

3. Rehabilitation Facilities and Outpatient Physical Therapy Facilities. Twenty percent but not less than one of the portion of patient and visitor parking spaces shall be accessible.

4. Van Spaces. For every six or fraction of six accessible parking spaces, at least one shall be a van accessible parking space.

Figure 22.50-2



5. Accessible car and van parking space size shall be as follows:

a. Car parking spaces shall be eight feet (96 inches) minimum in width.

b. Van parking spaces shall be 11 feet (132 inches) minimum in width and shall include an adjacent access aisle at least eight feet (96 inches) minimum in width. Two van accessible parking spaces may share a common adjacent access aisle.

Note: A sign shall be erected at the head of each access aisle that prohibits parking in any access aisle located adjacent to an accessible parking space reserved for a person with a physical disability. The sign may include additional language such as, but not limited to, an indication of any penalty for parking in an access aisle.

Table 17.57.5: Accessible Parking Spaces Required

<u>Total Parking Spaces Provided</u>	<u>Minimum Number of Accessible Spaces</u>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1,000</u>	<u>2% of total</u>
<u>More than 1,000</u>	<u>20, plus one for each 100 over 1,000</u>

17.57.090 Off-street loading.

A. Every building or part thereof erected or occupied for retail business, service, wholesale, manufacturing, storage, warehousing, hotel/motel, industrial or any other similar use that receives or distributes materials or merchandise shall may provide loading spaces on site in accordance with the following requirements:

- 1. All parking, loading and maneuvering of trucks shall be conducted on private property and shall not interfere with parking spaces or landscaping.*
- 2. Loading spaces shall be located a minimum of 60 feet from any front property line. The director may allow exceptions when the applicant makes a written request demonstrating conditions that prohibit compliance with this requirement.*
- 3. The minimum dimensions of off-street loading spaces shall be 12 feet wide by 30 feet long and the designated loading space(s) shall be clearly delineated on the project site.*
- 4. Required passenger vehicle parking shall not be allowed within the truck dock apron space.*
- 5. The minimum number of off-street loading spaces shall be pursuant to Table 17.57.6:*

Table 17.57.6: Loading Spaces Required

<u>USE / GROSS SQUARE FEET</u>	<u>REQUIRED LOADING SPACES</u>
<u>Industrial, manufacturing wholesale, warehouse, similar uses</u>	
10,000 – 40,000 square feet	1 space
40,001 – 60,000 square feet	2 spaces
60,001 – 100,000 square feet	3 spaces
Over 100,000 square feet	1 space for each 50,000 square feet or part thereof
<u>Restaurants</u>	
20,000 – 60,000 square feet	1 space
60,001 – 100,000 square feet	2 spaces
Over 100,000 square feet	1 space for each 50,000 square feet or part thereof
<u>Hospitals, convalescent/nursing homes and similar institutions</u>	
10,000 – 40,000 square feet	1 space
40,001 – 100,000 square feet	2 spaces
Over 100,000 square feet	1 space for each 50,000 square feet or part thereof
<u>Department stores, retail and other commercial uses</u>	
10,000 – 20,000 square feet	1 space
20,001 – 50,000 square feet	2 spaces
50,001 – 100,000 square feet	3 spaces
Over 100,000 square feet	1 space for each 50,000 square feet or part thereof

17.57.100 Bicycle parking.

Bicycle parking shall be provided by all uses in multifamily residential, commercial, mixed use, office, and light industrial zoning districts pursuant to subsections A through F of this section. Bicycle parking is not required when the primary use of a business is to service vehicles.

A. Bicycle parking shall consist of permanent bicycle racks capable of accommodating two or more bicycles.

B. Multifamily developments shall provide ~~one~~ bike racks, with one bike rack space for every unit plus ~~for every two buildings, five spaces for any including clubhouse and or rental offices.~~

C. All other uses shall provide bike spaces pursuant to Table 17.57.7.

Table 17.57.7: Required Bicycle Spaces

<u>Total Parking Spaces Required</u>	<u>Minimum Number of Bicycle Spaces Racks Required</u>
<u>1 to 24</u>	<u>1</u>
<u>25 to 50</u>	<u>2</u>
<u>51 to 100</u>	<u>4</u>
<u>101 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>8</u>
<u>More than 300</u>	<u>10</u>

D. Required bicycle parking shall be located within 50 feet of an entrance to the building or use.

E. The location of the bicycle racks shall be visible from the street to promote usage and enhance security.

F. All bicycle parking shall be separated from motor vehicle traffic by a barrier, curb, post, bollard, landscaping or other similar device.

G. The Director may allow exceptions when the applicant makes a written request demonstrating site conditions that prohibit compliance with these requirements.

17.57.110 Landscaping in parking areas.

See ~~WRMC~~ Chapter 17.56 ~~WRMC~~, Fencing, Screening and Landscaping.

17.57.080 — Adjoining facilities — Less space permitted — Approval required.

Where adjoining facilities of two or more businesses can be developed as one facility, and where efficiency of parking, circulation and economy of space will result from joint development, and where the total parking area involved is 10,000 square feet or greater, a reduction of the total combined required parking space shall be permitted subject to community development director approval.

17.57.090 — Loading spaces.

An off-street loading space, having access to a public thoroughfare, is required adjacent to each business building hereafter erected or enlarged, and such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building. No part of the truck or van using the loading space may project into the public thoroughfare.

17.57.100 — Plans — Contents — Approval required.

The party developing a B-P area shall submit a plan of the parking area showing adjacent streets, proposed circulation of traffic, proposed drainage, proposed artificial lighting, proposed landscaping, fencing or screen planting to the city engineering and planning departments for their approval.

17.57.110 — Building permits — Contingent upon evidence.

Before the granting of a building permit for any new building or structure, or for any enlargement thereof, or change of use in any building involved in any of the uses listed in WRMC 17.57.040, the applicant for the building permit shall present evidence in writing to the building inspector that arrangements have been made to provide off-street parking and/or loading space to be designated B-P (business parking) in accordance with these provisions, or that the required amount of parking facilities designated as a business parking area on the city zoning maps has been provided by a satisfactory written contract or present evidence of participation in an association which is providing adequate public off-street parking so designated.

17.57.120 — Entrances and exits — City engineer's authority.

A. The city engineer has the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

B. Parking area entrances or exits should not be located closer than 20 feet to a public street pedestrian crosswalk. A submitted plan showing a dimension less than 20 feet must be specifically approved by the city engineer.

17.57.130 — Occupancy permit — Issuance after designated requirements fulfilled.

All off-street parking areas designated B-P (business parking) or public off-street parking areas required under WRMC 17.57.110 shall be hard surfaced and completed to the required standards before an occupancy permit for the building use is issued.

A. All traffic-control devices such as parking stripes designating stalls, directional arrows or signs, bull rails, curbs, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows.

B. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed, or raised six inches above the lot surface.

C. All driveways, off-street parking areas and public off-street areas immediately adjacent to a service driveway which leads to a hard surfaced public street shall be hard surfaced with a minimum of two inches of asphaltic concrete, and for a driving distance of at least 50 feet from the public street.

D. Parking areas, service yards or other vehicle areas which slope down to adjoining properties or streets, or such areas which have a drop-off grade separation in relation to adjoining streets or properties, shall provide a wall, sturdy railing or other installation which will prevent a slow moving or driverless car from escaping such areas. All car stalls within a B-P or public parking area shall be entered from within the B-P or public parking area.

17.57.140 — Driveways — Minimum dimensions.

When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides an access to the rear parking area, such driveway shall require a minimum width of 12 feet and three feet minimum width sidewalk adjoining the building, curbed or raised six inches above the driveway surface.

17.57.150 — Landscaping — Required.

Parking areas shall include landscaping as a part of their design and shall include tree and shrub plantings within the parking area at approximately every 70 feet on-center each way. Trees shall be a minimum of six feet in height at the time of planting.

17.57.160 — Landscaping — Maintenance.

Shrubs and trees in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced immediately and the planting area shall be maintained reasonably free of weeds and trash.

17.57.170 — Minimum dimensions.

Off street parking area dimensions shall be not less than as shown on Plates 1, 2 and 3."

SECTION 22: That West Richland Municipal Code Chapter 17.60 "Zone Change Application Procedures and Criteria", is hereby repealed:

Chapter 17.60

~~ZONE CHANGE APPLICATION PROCEDURES AND CRITERIA~~

Sections:

~~17.60.010 — Review — Application procedure.~~

~~17.60.020 — Rezoning request — Criteria.~~

~~17.60.030 — Annexation requests — Review criteria.~~

~~17.60.040 — Conclusions — Notification procedure.~~

~~17.60.010 — Review — Application procedure.~~

~~Application for planning commission review shall be submitted to the planning department and shall include such information as the planning commission may require on forms provided for such purpose. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

~~17.60.020 — Rezoning request — Criteria.~~

~~In determining whether an area shall be rezoned, the planning commission and city council shall consider and be guided by the following criteria:~~

~~A. The unique characteristics, if any, of the property or circumstances of the owner;~~

~~B. Any hardship that may result in the event the rezone is not granted;~~

~~C. The manner in which the proposed rezone conforms to patterns in adjacent zones;~~

~~D. Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones;~~

~~E. Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title;~~

~~F. The benefits or detriments accruing to the city which would result from the granting or denial of this special permit;~~

~~G. Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone;~~

~~H. Whether the proposed rezone represents spot zoning and whether a larger area should be considered;~~

~~I. Impacts on the environment and public safety. [Ord. 15-17 § 1 (Exh. A), 2017; Ord. 40-07 § 1, 2007].~~

~~17.60.030 — Annexation requests — Review criteria.~~

~~The planning commission shall review annexation requests and shall recommend appropriate zones for the land to be annexed. In reviewing annexation requests, the planning commission and city council shall consider and be guided by the following criteria:~~

~~A. The land use recommendations of the comprehensive plan;~~

~~B. The unique characteristics of the land or special circumstances of the owner(s);~~

~~C. The suitability of the owner's wishes insofar as they are compatible with the orderly development and welfare of the city;~~

~~D. The establishment of transportation and utility access into, as well as through, the annexed parcel to provide for orderly traffic flow and access to adjacent parcels;~~

~~E. The practicality of the proposed zones with respect to present zones and to present and future utilities and service requirements;~~

~~F. The social and direct costs of the proposed zones affecting owners, developers, buyers, and citizens of West Richland;~~

~~G. The impact of the annexed parcel and recommended zones on the environment and public safety;~~

~~H. Provisions for a balance in the variety of land use patterns and population densities to ensure that growth is in the direction of balancing the residential economic levels and living styles of the present and future city;~~

~~I. The suitability of the present zoning, if zoned in Benton County, with respect to the comprehensive plan intent.~~

17.60.040 — Conclusions — Notification procedure.

~~Upon conclusion of public hearings and reviews the planning commission shall publicly state its conclusions and shall communicate the same to the city council in writing within 30 days from the time of the conclusion of the action. The planning commission may include in its recommendations and/or conclusions such conditions as may be appropriate to the criteria of WPMC 17.60.030 or to formalize commitments made by the annexation applicant(s)~~

SECTION 23: That West Richland Municipal Code Chapter 17.63 "Board of Adjustments", is hereby repealed as follows:

Chapter 17.63

BOARD OF ADJUSTMENT

Sections:

- ~~17.63.010 — Board of adjustment — Created.~~
- ~~17.63.020 — Board of adjustment — Rules and procedures.~~
- ~~17.63.030 — Board of adjustment — Powers and duties.~~
- ~~17.63.050 — Variance — Applications.~~
- ~~17.63.060 — Variance — Notice of hearing.~~
- ~~17.63.070 — Variance — Findings.~~
- ~~17.63.080 — Variance — Limitations — Conditions.~~
- ~~17.63.090 — Appeal from board of adjustment.~~
- ~~17.63.100 — Repealed.~~
- ~~17.63.110 — Application resubmittal.~~

17.63.010 — Board of adjustment — Created.

~~There is created a board of adjustment for the city, consisting of five members appointed by the mayor and confirmed by a majority of the city council. Members shall be selected without regard to political affiliation and shall serve without compensation. The city council may, by a majority vote, remove any member of the board. The terms of the first five members appointed to the board of adjustment shall expire at the end of December of the following years: Position Number 1, 1996; Position Number 2, 1997; Position Number 3, 1998; Position Number 4, 1999; Position Number 5, 2000. Members shall serve staggered terms of five years and until their successors are appointed and confirmed.~~

17.63.020 — Board of adjustment — Rules and procedures.

The board of adjustment shall elect from among its members a chairman and vice chairman and shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this title. Not less than one regular meeting shall be held each month of each year; provided, however, if no issues over which the board of adjustment has jurisdiction are pending, a meeting may be canceled. All meetings shall be open to the public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public records maintained by the city of West Richland. Three members of the board of adjustment shall constitute a quorum for the transaction of business. A majority vote shall be sufficient for the accomplishment of certain actions; provided, however, concurring votes of three members of the board of adjustment shall be necessary to decide in favor of an application for a variance. Where a majority vote is not forthcoming, the matter shall be considered denied unless further action is taken by the board of adjustment.

17.63.030 — Board of adjustment — Powers and duties.

The board of adjustment shall have the following powers and duties:

A. To hear, decide and grant or deny variances to the regulations contained in this title, when such variances are in harmony with the general purpose and intent of this title and are in accord with the general and specific rules contained herein.

17.63.050 — Variance — Applications.

A. A variance from the terms of this title shall not be granted by the board of adjustment unless and until a written application for variance is submitted demonstrating:

- 1. That special conditions and circumstances exist which are peculiar to the lands, structures or buildings in the same district.*
- 2. The literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.*
- 3. That the special conditions and circumstances do not result from the actions of the applicant.*
- 4. That granting the variance will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.*

B. The application for a variance shall be accompanied by evidence of ownership of the property involved, an accurate legal description of the property involved, a list of the names and addresses of all owners of record of property within 600 feet of the subject property, a written narrative from the applicant that explains the request, and the application fee.

C. The application shall also be accompanied by a plot plan of the property showing location and dimensions of existing and proposed improvements, and the proposed location of accessory facilities such as automobile parking areas. If new building construction is involved, tentative plans and sketches shall also be submitted. Where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes shall be submitted.

17.63.060 — Variance — Notice of hearing.

Notice of the date, time, place, and purpose of the public hearing on a request for variance shall be given as set forth in Chapter 14.03 WRMC.

17.63.070 — Variance — Findings.

The board of adjustment shall approve an application for a variance only when all of the following conditions are found:

A. That the granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located.

~~B. That the granting of such variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounds of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located.~~

~~C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.~~

~~**17.63.080 — Variance — Limitations — Conditions.**~~

~~No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.~~

~~The board of adjustment shall not grant a variance under any circumstances to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.~~

~~In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title.~~

~~The board of adjustment shall prescribe a time limit within which the action for which variance is granted is started or completed, or both. Failure to start or complete, or both, such section within the time limit set shall void the variance. Said time limits may be extended by the board of adjustment for good cause shown.~~

~~**17.63.090 — Appeal from board of adjustment.**~~

~~The actions of the board of adjustment shall be final and conclusive, unless appealed to Benton County superior court by a party of record, pursuant to WRMC 14.06.060.~~

~~**17.63.100 — Fees.**~~

~~Repealed by Ord. 16-15.~~

~~**17.63.110 — Application resubmittal.**~~

~~Any application disapproved by the board of adjustment may not be resubmitted for a period of 12 months.~~

SECTION 24: That West Richland Municipal Code Chapter 17.66 “Conditional use Permits”, is hereby amended to read as follows:

“Chapter 17.66

CONDITIONAL USE PERMITS

17.66.010 Purpose.

A conditional use permit is a permit issued for those uses authorized in ~~any a~~ given zone, but permitted to locate only after review as provided herein upon finding that the granting of a conditional use permit imposing such performance standards, specified in this title, will make the use compatible with other uses permitted in the same or neighboring districts.

17.66.015 Authority.

A. The city shall have the authority to grant approval, conditional approval, or denial of conditional use permits. In granting a conditional use permit, certain safeguards may be required, and certain conditions may be established to accomplish the following:

1. To protect the health, safety, convenience, and general welfare of the public;

2. To assure that the purposes of the zoning code shall be maintained with respect to the particular conditional use on the particular requested site;
3. To consider the location, use, building, traffic characteristics, and environmental impact(s) of the proposed use;
4. To consider existing and potential uses within the general area in which the requested conditional use is proposed.

B. Conditions of Approval. The conditions of approval required by the review authority in granting a conditional use permit may include, but are not limited to, provisions concerning access, aesthetics, appearance, driveways, environmental ~~attenuation~~mitigation, general character, height, hours of operation, lighting, loading, neighborhood compatibility, noise attenuation, on- and off-site improvements, open spaces, parking, prevention of vandalism or graffiti, revocation dates, security of persons and property, setbacks, signs, site plan, size, street right-of-way dedication, time limits for commencing construction or use authorization, use, walls, yards, and any other conditions the review authority may deem appropriate and necessary to carry out the purpose of the zoning code.

17.66.020 Plan – Applications.

The application shall:

A. Be submitted on forms supplied by the community development department. The owner or owner's representative must sign the application;

B. Be accompanied by the following ~~if required by the community development director~~:

1. A site plan;
2. A variance report, prepared by a title company, showing the names and addresses of the owners of the property and the names and addresses of surrounding land owners within 600 feet of the property subject to the application(s). The variance report shall be submitted to the city in both paper format and electronic format with names and addresses acceptable to the city;
3. An application fee in accordance with the ~~adopted master fee schedules~~ schedule;
4. An State Environmental Policy Act (SEPA) environmental-checklist (SEPA);
 - i. However, a SEPA checklist is not required for Conditional Use Permit applications for accessory buildings.
5. Such additional information ~~if required by the community development director~~, such as parking areas, traffic access, circulation analysis, open spaces, landscaping, and other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this title and adequately mitigates any significant adverse environmental impacts that could occur; and
6. A written narrative ~~if required by the community development director~~, outlining mitigation measures and methods proposed to reduce or control impacts caused by the proposed use, including, but not limited to, light, heat, glare, traffic, noise, access, etc.

17.66.030 Criteria for review of applications.

The burden of proof is on the applicant. The project permit application must be supported by convincing proof that it conforms to the applicable elements of the city's development regulations and comprehensive plan. The applicant must also prove that any significant adverse environmental impacts have been adequately mitigated. A conditional use permit shall be denied unless the applicant demonstrates with clear and convincing evidence that the proposed conditional use meets all of the criteria set forth below:

A. The conditional use is designed in a manner which is compatible and in harmony with the existing development in the vicinity of the subject property; and the use will not allow conditions which will tend to generate nuisance conditions to adjoining properties;

B. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the conditional use;

C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

D. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;

E. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and

F. The conditional use is not in conflict with the health and safety of the community, nor detrimental to the public interest.

17.66.040 Notification and processing.

The notification and processing of the conditional use permit application shall proceed in accordance with the requirements for Type III permits, as outlined in WRMC Title 14.

17.66.050 Existing violation – No permit issued.

No permit shall be issued for a conditional use where there is an existing violation of this title.

17.66.060 Expiration – Transferability.

The permit shall be deemed to authorize only one particular use and may be conditioned to expire at such a time as is specified by the review authority as being reasonable and necessary. Conditional use permits shall expire when the permittee has ceased the use for 12 consecutive months or more, or when a Conditional use permit has been granted but no building permit has been applied for and/or use has commenced.

Conditional use permits issued for uses where a majority of the property value is directed to that use shall be transferable as a property right and do not expire except where terms of the permit are not being honored, or as otherwise provided by the permit.

17.66.070 Revocation – Review procedures.

A. The review authority may initiate proceedings to revoke a conditional use permit. Individuals who are aggrieved may petition the entity having jurisdiction to initiate revocation or modification proceedings.

B. Procedures for revoking or modifying a conditional use permit are governed by the notification and processing requirements for Type III permits, as outlined in WRMC Title 14.

C. The review authority, after a public hearing, may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. General noncompliance of permit conditions;
2. That the approval was obtained by deception, fraud, or other intentional and misleading representation;
3. That the use for which such approval was granted has at any time ceased for a period of 12 consecutive months or more;
4. That the use for which such approval was granted has been abandoned;
5. That the permit granted is exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation;
6. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety.”

SECTION 25: That West Richland Municipal Code Chapter 17.69 “Variances”, is hereby amended to read as follows:

“Chapter 17.69

VARIANCES

17.69.010 Purpose.

Where practical difficulties exist that render compliance with the provisions of this title or other land use regulatory codes of the city impractical, and such compliance would create unnecessary hardships to the owner or use of land or buildings, the board of adjustment-city may grant a variance in harmony with the general purpose and intent of such codes so long as the spirit and benefits of such codes will be preserved. The city has established a two-tier variance process in which minor variances are reviewed through an Administrative review process and all other variance requests are reviewed through the Board of Adjustment.

17.69.020 ~~Application-Authority.~~

~~No application for a variance from the terms of this title or any other land use regulatory ordinance or municipal code provision shall be granted unless the board of adjustment enters findings in accordance with the provisions of WRMC 17.63.~~

The city shall have the authority to grant approval, conditional approval, or denial of variance permits. In granting a variance permit, certain safeguards may be required, and certain conditions may be established to accomplish the following:

1. To protect the health, safety, convenience, and general welfare of the public;

2. To provide relief from a specific hardship; and

3. To assure that the purposes of the zoning code shall be maintained with respect to the particular variance on the particular requested site.

17.69.030 ~~Pre-condition.~~

~~Before a person may apply for a variance permit, the Administrator must find that the applicant is not able to mitigate adverse impacts associated with the applicant’s proposal so that a variance is not needed. The decision of the Administrator is subject to a Type I review process as described within Title 14.~~

17.69.040 ~~Variance – Limitations – Conditions.~~

~~No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.~~

The city shall not grant a variance under any circumstances to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.

In granting any variance, the city may prescribe appropriate conditions and safeguards in conformity with this title.

~~17.69.050~~17.69.030 Specific nature.

The variance shall be granted only for specified item(s) and shall not grant exception to other zoning provisions. Such variances as are granted shall be considered as individual cases.

~~17.69.040 — Grant — Details required.~~

~~The grant of the variance shall state the precise zoning requirement for which a variance is sought and shall state the degree of variance (e.g., Table 17.54.050 specifies a minimum front yard depth of 25 feet for a RM-10 district. This variance shall permit a front yard depth of 22 feet).~~

~~17.69.060 — Existing violation — No permit issued.~~

~~No variance shall be issued where there is an existing violation of this title~~

SECTION 26: That West Richland Municipal Code Chapter 17.70 “Administrative Variances”, is hereby amended to part of Chapter 17.69 “Variances” to read as follows:

Chapter 17.70

ADMINISTRATIVE VARIANCES

Sections:

~~17.70.010 — Purpose.~~

~~17.70.020 — Application.~~

~~17.70.030 — Granting and denial — Details and findings required.~~

~~17.70.040 — Authority to grant — Applicability and appeal.~~

~~17.70.050 — Application requirements.~~

~~17.70.060 — Administrative variance — Public notice.~~

~~17.70.070 — Existing violation — No permit issued.~~

~~17.70.010 — Purpose.~~

~~Where practical difficulties exist that render compliance with the provisions of this title or other land use regulatory codes of the city impractical, and such compliance would create unnecessary hardships to the owner or use of land or buildings, the community development director as authorized by WRMC 17.70.040 may grant administrative variances in harmony with the general purpose and intent of such codes so long as the spirit and benefits of such codes will be preserved.~~

~~17.70.020 — Application.~~

~~No administrative variance from the terms of this title or any other land use regulatory ordinance or municipal code provision shall be granted unless the community development director provides for findings in the decision as required by WRMC 17.70.030.~~

~~17.70.030 — Granting and denial — Details and findings required.~~

~~A. The granting of the variance shall state the precise zoning requirement for which a variance is sought and shall state the degree of variance (e.g., Table 17.54.050 specifies a minimum front yard depth of 25 feet for the RM-10 district. This variance shall permit a front yard depth of 22 feet).~~

~~B. The decision shall include findings as to how the application requirements are or are not met.~~

~~17.70.040 — Authority to grant — Applicability and appeal.~~

17.69.060 Minor Variance – Administrative Review

A. The community development director shall have the authority to grant an administrative variance for the following applications:

1. Setbacks. Up to 25 percent of the numerical standard for setbacks from lot lines as found in Tables 17.54.050.1, 17.54.050.2, or 17.54.050.3, Area and Dimensional Regulations. The yard setbacks may be reduced no more than five feet overall.

2. Lot Depth and Width. Dimensions may be reduced by 10 percent.
3. Lot Coverage. May be increased by up to five percent.
4. Fences and Walls. May be up to eight feet in height for commercial developments and zoning district transitions where residential zoning abuts commercial and/or industrial zoning districts.
5. Fences up to four feet in height in the front yard setback where safe sight distance(s) can be demonstrated in accordance with WRMC 12.08.060, Visibility, and 12.50.010, Vegetation obstructions.
6. Required Parking Stalls. May be reduced by up to 10 percent which may not include required handicapped stalls.

B. The administrative variance may not be used to violate or invalidate any other portions of the municipal code or easements.

C. The administrative variance process is not applicable to new development where the proposed structure(s), specifically buildings, can be redesigned or otherwise relocated on the site to accommodate the current zoning regulations. The administrative variance application process is intended to apply to additions, infill redevelopment and similar conditions.

17.69.070 Major Variance – Board of Adjustment review.

A request for variance to any development standard contained within Title 17 not specifically identified within Section 17.69.060 (Minor Variance – Administrative Review) shall be reviewed by the Board Adjustment via a Type III review process as outlined within Title 14.

~~D. An approved variance shall become void after the expiration of one year from the date of approval if no substantial construction has taken place.~~

~~E. Parties of record and with legal standing may appeal the decision in accordance with the Type II review process as found in WRMC 14.01.030.~~

17.70.050 Application requirements.

~~The applicant shall pay the applicable application fee(s); submit required site plans, elevations, etc., as required by the application forms. The applicant must address the following questions which enable the director to make an informed decision:~~

~~A. Unusual or special circumstances or conditions apply to the property and/or to the intended use that do not apply to other property in the same vicinity or zone. Unusual circumstances may include the size, shape, topography, location or surroundings of the property;~~

~~B. The proposal does not detract from the desired character and nature of the vicinity in which it is proposed;~~

~~C. The proposal enhances or protects the character of the neighborhood and/or the vicinity, protecting natural features, historic sites, open space or other resources;~~

~~D. The proposal does not interfere or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;~~

~~E. The proposal does not constitute a threat to the public health, safety and general welfare within the city;~~

~~F. The proposal is the minimum adjustment necessary for the reasonable use of the land.~~

17.69.080 Plan – Applications.

In order to apply for a variance request from the city, the applicant shall submit a complete application which includes the following:

A. Be submitted on forms supplied by the Community Development Department. The owner or owner's representative must sign the application;

B. Be accompanied by the following if required by the Community Development Director:

1. A site plan;

2. A variance report, prepared by a title company, showing the names and addresses of the owners of the property and the names and addresses of surrounding land owners within 600 feet of the property subject to the application(s). The variance report shall be submitted to the city in both paper formal and electronic format with names and addresses acceptable to the city;

3. An application fee in accordance with the adopted fee schedules;

4. Such additional information as parking areas, traffic access, circulation analysis, open spaces, landscaping, locations of critical areas or buffers, and other pertinent information including any special reports (i.e. geotechnical report, wetland delineation) that may be necessary to determine if the proposed conditional use meets the requirements of this title and adequately mitigates any significant adverse environmental impacts that could occur; and

5. A written narrative outlining mitigation measures and methods proposed to reduce or control impacts caused by the proposed use, including, but not limited to, light, heat, glare, traffic, noise, access, etc.

17.69.090 Criteria for review of applications.

When a determination is made according to WRMC 17.69.030 that an applicant cannot eliminate the need for a variance, the applicant may seek a variance permit. The burden of proof is on the applicant. The project permit application must be supported by convincing proof that ~~it~~ **the variance** conforms to the applicable elements of the city's development regulations and comprehensive plan. A variance shall be denied unless the applicant demonstrates with clear and convincing evidence that the requested variance meets all of the criteria set forth below:

A. That special conditions and circumstances **which create a hardship exist.**

~~B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.~~

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

C. That the special conditions and circumstances do not result from the actions of the person seeking the variance.

~~D. That granting the variance will not confer on the person seeking the variance any special privilege that is denied by this title to other lands, structures or buildings under similar circumstances~~ **that is inconsistent with the limitation upon other uses of properties in the vicinity and in the zone in which the property on behalf of which the application is located.**

E. That the variance requested is the minimum necessary to afford relief; and

~~F. That to afford relief the requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated~~ **contrary to the public interest.**

In granting any variance, the Governing Body shall prescribe such conditions and safeguards as are necessary to protect the public interest.

17.69.100 Granting and denial – Details and findings required.

A. The granting of the variance shall state the precise zoning requirement for which a variance is sought and shall state the degree of variance (e.g., "Table 17.54.050.1 specifies a minimum front yard depth of 20 feet for the RM-10 district. This variance shall permit a front yard depth of 18 feet") along with specific written findings addressing the criteria contained in Section 17.69.090.

B. No variance from the terms of this title or any other land use regulatory ordinance or municipal code provision shall be granted unless the Governing Body provides for findings in the decision..

17.69.110 Existing violation – No permit issued.

No permit shall be issued for a variance where there is an existing violation of this title.

17.69.120 Minor variance – Public notice.

Public notice shall be mailed to those properties adjacent to the subject site.

17.69.130 Major variance – Public notice.

The notification and processing of a variance application reviewed by the Board of Adjustment shall proceed in accordance with the requirements for Type III permits, as outlined in WRMC Title 14.

17.69.140 Expiration.

Any variance granted pursuant to this Title becomes null and void if not exercised within the time specified in such permit or, if not date is specified, within one (1) year from the effective date of approval of said variance.

17.69.150 Revocation – Review procedures.

A. The review authority may initiate proceedings to revoke a variance permit. Individuals who are aggrieved may petition the entity having jurisdiction to initiate revocation or modification proceedings.

B. Procedures for revoking or modifying a variance permit are governed by the notification and processing requirements established for that particular type of variance, as outlined in WRMC Title 14.

C. The review authority, after a public hearing, may revoke or modify a variance permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. General noncompliance of permit conditions;
2. That the approval was obtained by deception, fraud, or other intentional and misleading representation;
3. That the permit granted is exercised contrary to the terms or conditions of such approval or in violation of any statute, resolutions, code, law or regulation.
4. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety.

~~**17.70.060 Administrative variance – Public notice.**~~

~~Public notice shall be mailed to those properties adjacent to the subject site~~

~~**17.70.070 Existing violation – No permit issued.**~~

~~No variance shall be issued where there is an existing violation of this title~~

17.69.160 Appeal.

The actions of the Governing Body shall be final and conclusive, unless appealed to Benton County Superior Court by a party of record, pursuant to WRMC 14.06.060."

SECTION 27: That West Richland Municipal Code Chapter 17.71 "Application Fees", is hereby repealed as follows:

“Chapter 17.71

APPLICATION FEES

Sections:

~~17.71.010~~ — ~~Application fees.~~

17.71.010 — **Application fees.**

Each application to be processed under the provisions of this title shall be accompanied by a fee as set by city council in the master fee schedule and said application shall not be processed until the application fee is paid in full. All application fees are nonrefundable.

If it is necessary to reschedule a public hearing at the applicant’s request, the applicant shall be required to pay a fee as set by city council in the master fee schedule for each name required to be provided with a separate mailing of notice.”

SECTION 28: That West Richland Municipal Code Chapter 17.72 “Nonconforming Use”, is hereby amended to read as follows:

“Chapter 17.72

NONCONFORMING LOTS, STRUCTURES AND USES USE

~~17.72.010~~ — ~~17.72.050 Purpose and Aapplicability of chapter.~~

A. It is the purpose of this chapter to establish limitations on the expansion and extension of nonconforming uses and structures which adversely affect the development and perpetuation of desirable residential, commercial and industrial areas with appropriate groupings of compatible and related uses.

B. Policy for nonconforming situations. A change in zoning standards is not intended to force all nonconforming situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with city policy, and, eventually, bring them into conformance. The intent is to protect the character and function of the area by reducing the negative impacts from nonconforming situations. At the same time, the standards assure that the situations may continue and that the zoning standards will not cause unnecessary burdens.

C. The provisions of this chapter shall apply to buildings, structures, lands, and uses which became nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title, or any subsequent amendments thereto. If a use ~~validly~~ validity was legally established prior to the effective date of the ordinance codified in this title, or a use originally authorized by a variance, conditional use permit or any other valid use permit prior to the effective date of the ordinance codified in this title, is located within a zone in which such use is not permitted by the terms of this title, such use shall be a nonconforming use. The following also addresses nonconformities, and in the case of conflict between any two or more development standards or criteria, the more stringent and specific shall apply:

1. West Richland Municipal Code Chapter 18.08 Shoreline Master Program - Chapter 6 (Administration), item J, “Non-Conforming Development;”

2. West Richland Municipal Code Chapter 18.25 (Critical Areas), Section 18.25.580 “Nonconforming uses.”

17.72.010015 Vesting of development rights prior to effective date of adoption.

To avoid undue hardship, nothing in this Title shall require any change in the plans, construction, alteration or designated use of any property, building or structure for which a permit has been applied for, meeting the definition of technical completeness (vested), prior to the adoption of the ordinance codified in this Title. ~~An application for development that meets the definition of technical completeness prior to the effective date of this Ordinance and according to Title 14 WRMC, or any amendment thereto, is considered vested, and nothing in this Ordinance shall require a change in said plans, construction or designated use of any property, building or structure.~~

17.72.020 Discontinuance – Reversion prohibited.

Discontinuance of a nonconforming use of land, structure or building for a period of one year shall be prima facie evidence of intention to abandon. Any further use of such land, structure or building shall be in conformity with the provisions of this title. Once a conforming use has been extended to displace a nonconforming use, it shall not revert back to a nonconforming use. No nonconforming use shall be extended to displace a conforming use.

17.72.030 Destruction or removal – Conformance required.

If any nonconforming building or structure is destroyed or removed, every future use of land on which the building or structure was located shall conform to the provisions of this title, and any future building or structure shall be subject to all other provisions of this title.

17.72.040 Reconstruction – Permitted when.

A nonconforming building that is damaged or partially destroyed (by fire, explosion, other casualty, act of God or the public enemy), may be restored and occupancy or use of such building or part thereof which existed at the time of such damage or partial or total destruction, may be continued. Such reconstruction shall be completed within 12 months of the date of damage or partial or total destruction, and shall duplicate the original use and footprint. The nonconformity of use and/or structure shall not be increased. The reconstructed nonconforming building shall be subject to all other provisions of this title.

17.72.050 Structural alteration and maintenance – Restrictions.

A. Unless otherwise specifically provided in this title, nonconforming buildings may not be enlarged or structurally altered unless an enlargement or structural alteration makes the building more conforming, or as required by law. However, where a building or buildings and customary accessory buildings are nonconforming only by reason of substandard yards, open spaces, area or height, the provisions of this title prohibiting structural alteration or enlargements shall not apply, provided any structural alterations or enlargements of any existing building under such circumstances do not increase the degree of nonconformity and any such enlargement of new buildings and structures observes the yard and open space requirements.

B. Structural alterations may be permitted if necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement necessary to adapt to new technologies shall be authorized only by a variance.

C. Upkeep, repair, and maintenance of a nonconforming building is permitted, provided the value of the repair or maintenance does not exceed 60 percent of assessed valuation of the building as determined for the year in which work is done.

17.72.060 Health or safety improvements.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the building official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.

17.72.060 Churches—Alteration or expansion permitted—Requirements.

Nonconforming churches may be structurally altered or enlarged, provided the requirements of this title for off-street parking shall be met and maintained for a seating capacity in excess of that which existed immediately prior

~~to the alterations or additions, whether provided by additional seats in the nave or by additional floor space to be used simultaneously for assembly purposes if there are no fixed seats.~~

17.72.070 Exterior improvements – Conformance required.

Where a use legally exists on the date ~~the ordinance codified in~~ this title becomes effective and such use is nonconforming only because it does not meet the requirements of this title with respect to improvement of outside areas used for storage, parking or landscaping, such use shall be made to conform to the requirements of this title with respect to such features within a period of not to exceed two years from the date of notification of nonconformity as required in ~~WRMC 17.72.120~~ by the director.

17.26.080 Nonconforming uses and activities.

Any nonconforming use or activity that legally exists on the effective date of this Title shall be “grandfathered.” Any such “grandfathered” use or activity which is abandoned for twelve (12) consecutive months loses its “grandfathered” status, and thereafter the use or activity must conform to the requirements of this Title. Additionally, such use and activities may not be enlarged, increased, intensified, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this code. The use may not be moved in whole or in part to any other portion of the lot or parcel. The use and activities may not be changed to another nonconforming use or activity.

17.26.090 Nonconforming Lots.

Any preexisting legal nonconforming lot that is located in a Land Use zoning District shall be permitted to develop and be used in a manner consistent with the provisions of the Land Use zoning District in which the lot is located (even though although the lot does not meet the minimum lot size requirement of the Land Use zoning District), provided that the terms of any minimum yard setback requirements are met and that any other land use and health regulations are satisfied.

17.26.100 Nonconforming structures and buildings.

A nonconforming structure may remain and be used; provided, that:

A. Changes to the structure that would alter or increase the nonconformity are not permitted.

1. Any vertical or horizontal extension of a nonconforming wall must meet the applicable standards.
2. Adding to the footprint of a nonconforming structure is permitted as long as the addition meets the requirements of WRMC Title 17;

B. If moved for any reason or any distance whatsoever, the structure shall be made to conform to the regulations for the zone in which it is located after it is moved;

C. If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements for the zone in which it is located; and

D. Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal.

17.72.080 Five year period of nonconformance.

~~A nonconforming use existing on the effective date of the ordinance codified in this title shall be allowed to exist for a period of five years from the effective date of the ordinance codified in this title and for such additional period of time as the planning commission may determine to adequately protect property rights involved, after which time the land use shall conform to the provisions of this title.~~

17.72.090 Established residential units permitted – Replacement.

~~Residential units may continue in the districts in which they are established; provided, that if they are removed from the lot on which they are established, the replacement residential unit must meet minimum area and dimensional regulations of the district.~~

17.72.100 — Agricultural or suburban uses — Tract reduction prohibited.

~~Agricultural or suburban uses and accessory structures which become nonconforming in any zone may be continued so long as the area of the tract is not reduced.~~

17.72.110 — Trailer parks — Expansion conformance required.

~~Nonconforming trailer parks may continue in the use districts in which they are established; provided, that any expansion of such use shall conform to the requirements and regulations of establishing a mobile home park.~~

17.72.120 — Abatement or conformance required — Notification procedure.

~~When any nonconforming condition exists which is subject to abatement, it shall be the responsibility of the city planning director to ascertain the date upon which the nonconforming use was established or acquired. The city planning director shall notify the owner and lessee of the subject property of intent to consider the matter and date of such consideration. The planning commission shall consider all pertinent data in connection therewith and provide the opportunity for the owner or lessee to present such evidence which properly relates to each case. The planning commission shall establish the facts upon which the determination is made to require such property owner to abate or make the use conforming, and shall formally notify the owner of record and the occupant in writing of the decision and of the date by which such use or uses shall be abated or made conforming. Such formal notification shall be by certified mail to the property owner and a copy mailed to the occupant at the address of the premises. Determination made under this section is subject to the appeal provisions of WRMC 17.72.130. Appeal of the planning commission's decision regarding the abatement of a nonconforming condition must be filed with the city community development director within 10 days of receipt of the certified formal notification of abatement. The appeal is to be heard by the city council.~~

17.72.130 — Appeal — Time extension granted when.

~~The planning commission may, upon the filing of an application which demonstrates unusual hardship, extend the time of abatement or required conformance of a nonconforming use of land wherein no structure or building is involved, or of accessory buildings and structures in connection with the nonconforming use of open land, or the nonconforming use of a conforming building.~~

17.72.140 — Exceptions — Permitted when — Time limit.

~~The planning commission may, after public hearing, recommend that the city council authorize a special permit for the construction of a nonconforming building, or for the nonconforming use of any area or building for a specific period of time, provided the planning commission finds that the public convenience and advantage will be served by such use and that the building or use will not be materially detrimental to the public welfare. In making such determination, the planning commission shall consider the intent and purpose of the ordinance codified in this title, which establish the use district wherein the property lies and shall not authorize nonconforming buildings or uses which will be adverse to the general intended character of the district.~~

SECTION 29: That West Richland Municipal Code Chapter 17.75 "Transition Regulations", is hereby repealed as follows:

"Chapter 17.75**TRANSITION REGULATIONS****Sections:**

~~17.75.010 — Front yard depth.~~

~~17.75.020 — Yard width or depth next to residential zone.~~

~~17.75.030 — Garage entrance or exit.~~

17.75.010—Front yard depth.

~~Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as office, commercial or industrial, the front yard depth in the office, business or industrial district shall be equal to the required front yard depth in the residential district.~~

17.75.020—Yard width or depth next to residential zone.

~~Where an office, commercial, industrial, or other nonresidential building abuts a lot in a residential district, there shall be provided a setback from the residential district equal to one and one fourth times the building height; provided, when a project covers multiple parcels in common ownership, this setback shall only apply from the property lines at the perimeter of the ownership area.~~

17.75.030—Garage entrance or exit.

~~No public garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within 50 feet of the residential district.”~~

SECTION 30: That West Richland Municipal Code Chapter 17.78 “Amendments and Rezoning”, is hereby amended to read as follows:

“Chapter 17.78

AMENDMENTS AND REZONING

17.78.010 Amendments and types.

A. Whenever public necessity, convenience, and general welfare require, the boundaries of the zones established on maps or by ordinance, the classification of property uses therein or the provisions of this title may be amended in accordance with the provisions of this chapter. Amendments to the Comprehensive Plan are addressed in Chapter 14.09 WRMC.

B. There shall be three types of amendments to the zones established by maps or by ordinances or to the classification of property and the provisions of this title.

1. Area-Wide Rezone. A rezone shall be treated as an area-wide rezone when:

a. It is initiated by the city and a significant class of property is similarly affected by the proposed rezone; and

b. It is either:

i. Based upon an adopted or ongoing comprehensive planning process or undertaken to ensure compliance with or to implement the provisions of the Growth Management Act; or

ii. Part of process that includes amending text of this title where such amendments will have significant impact on a large area of the city.

2. Site-Specific Rezone. A rezone will be treated as a site-specific rezone when it does not meet the requirements of the area-wide rezone as set forth above, or when the rezone is initiated by the property owner for a specific parcel or parcels of property, and the rezone will not have area-wide impact.

3. Amendments to the text of this title.

17.78.020 Amendment – Initiation methods.

Amendments to the text of this title or the reclassification of zoning or boundaries of zones may be initiated by the following methods:

A. Amendments to the text of this title are considered legislative in nature, and may be initiated by the following methods:

- 1. By adoption of a motion by the city council requesting the planning commission to consider an amendment to the text of this title, and thereafter make recommendations to the city council concerning the same; or
- 2. By adoption of a motion by the planning commission recommending an amendment to the text of this title to the city council; or
- 3. By recommendation of the ~~city planning director~~ **community development director** following consideration by the planning commission.

B. The amendments to or the reclassification of zoning or boundaries of zones for parcels of property may be initiated by the following methods:

- 1. By adoption of a motion by the city council requesting the planning commission consider an amendment, conduct an open records hearing thereon, and thereafter recommend to the city council; or
- 2. By adoption of a motion by the planning commission recommending the amendment to the city council following an open records hearing; or
- 3. By the verified application of one or more owners of property which is proposed to be rezoned.

17.78.030 Open records hearings – Notification requirements.

Notification for amendments to boundaries of zones, for reclassification of property or for amendment to this title shall be given as follows:

- A. Area-Wide Rezone. An area-wide rezone is a legislative action, requiring notice of the public hearing in accordance with the requirements of Chapter 14.03 WRMC and RCW 36.70A.035.
- B. Site-Specific Rezone. Written notice of the public hearing for the proposed rezone shall be provided as outlined in WRMC Title 14.
- C. Amendment to the Text of This Title. Notice of the proposed action shall be provided by mailing notice of the meeting of the planning commission and city council at which the amendment will be considered to all persons who, within the last 12 months, have made a written request to be notified of the proposed change; said notice to be mailed at least 15 days prior to the date of the meeting.

17.78.040 Site-specific rezones – Application requirements.

*A. The owner of any land, or his/her authorized agent, desiring a site-specific rezone of property shall present to the city ~~planning-community development~~ department an application signed and acknowledged by him or her on forms provided by the city, setting forth in detail his or her proposal. In addition, the applicant shall submit dimensional drawings delineating the proposed rezone and shall submit such specific detail with regard to the application as is established by the ~~city planning community development director~~ **administrator**. In addition, the applicant shall submit with the application a report from a title insurance company showing the current names and addresses of all property owners within the area proposed for rezone.*

B. The ~~city community development – planning director~~**administrator** shall forward the completed application to the city planning commission if the ~~city community development – planning director~~**administrator** determines that the proposed rezone is consistent with the West Richland comprehensive plan.

17.78.050 Public hearings and decision – Legislative actions.

Zoning ordinance text amendments and area-wide rezones are legislative actions, to be heard and decided as outlined in the procedures of WRMC 14.01.050 Title 14.

17.78.060 Public hearings and decision – Site-specific rezones.

Site-specific rezones are to follow the procedures ~~for Type III applications~~, outlined in WRMC Title 14.

17.78.070 Rezoning request – Criteria.

In determining whether an area shall be rezoned, the planning commission and city council shall consider and be guided by the following criteria:

A. The unique characteristics, if any, of the property or circumstances of the owner;

B. Any hardship that may result in the event the rezone is not granted;

C. The manner in which the proposed rezone conforms to patterns in adjacent zones;

D. Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones;

E. Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title;

F. The benefits or detriments accruing to the city which would result from the granting or denial of the rezone;

G. Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone;

H. Whether the proposed rezone represents spot zoning and whether a larger area should be considered;

I. Impacts on the environment and public safety.

17.78.100 City council – Power to initiate zoning change – Procedure.

When it deems it to be in the public interest, the city council may initiate consideration of an amendment or a reclassification.

17.78.120 Nonregulatory amendment – No public hearing required.

~~An amendment to the text of this title which~~ The correction of Scribner's error or typographic errors or omissions that does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land or buildings shall be processed in the same manner prescribed by this chapter for the adoption of other amendments, except that no public hearing shall be required either by the planning commission or by the city council.

17.78.130 Rezone petition – Resubmittal after six-month wait permitted.

A petition for rezone which has been disapproved by the city council cannot be resubmitted within six months of the date of disapproval.

17.78.170 Planning commission – Administrative exception – Lot line interpretations.

Where the street or lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the zoning map, the planning commission, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this title. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation on the zoning map may be made

to the planning commission and a determination shall be made by the planning commission. Such determination is a Type III action and shall be considered in accordance with the procedures for such actions as set forth in Title 14.”

SECTION 31: That West Richland Municipal Code Chapter 17.79 “Annexations”, is hereby amended to read as follows:

“Chapter 17.79

ANNEXATIONS

17.79.010 Purpose.

The purpose of this chapter is to establish the type of action, contents of a complete application, criteria for approval, and comprehensive plan and zoning requirements for annexations. An annexation is the addition of land to the corporate limits of the city.

17.79.015 Type of Action.

An annexation is a Type VI action and shall be considered in accordance with the procedures for such actions as set forth in Title 14 and Chapter 35A.14 RCW, Annexation by Code Cities.

17.79.020 Contents of a complete application.

Information required to initiate annexation proceedings shall be as set forth in Chapters 35A.14 and 36.93 RCW.

17.79.030 ~~Annexation requests—Review criteria~~Criteria for approval.

The planning commission shall review annexation requests and shall recommend appropriate zones for the land to be annexed. No property shall be annexed which is outside the adopted urban growth area. In reviewing annexation requests, the planning commission and city council shall consider and be guided by the following criteria:

A. The land use recommendations of the comprehensive plan;

B. The unique characteristics of the land or special circumstances of the owner(s);

C. The suitability of the owner’s wishes insofar as they are compatible with the orderly development and welfare of the city;

D. The establishment of transportation and utility access into, as well as through, the annexed parcel to provide for orderly traffic flow and access to adjacent parcels;

E. The practicality of the proposed zones with respect to present zones and to present and future utilities and service requirements;

F. The social and direct costs of the proposed zones affecting owners, developers, buyers, and citizens of West Richland;

G. The impact of the annexed parcel and recommended zones on the environment and public safety;

H. Provisions for a balance in the variety of land use patterns and population densities to ensure that growth is in the direction of balancing the residential economic levels and living styles of the present and future city;

I. The suitability of the present zoning, if zoned in Benton County, with respect to the comprehensive plan ~~intend~~designation;—

J. State annexation regulations as set for the in Chapter 35A.14 and 36.93 RCW; The ability of the city to provide public services at a level equal to or better than that available from current service providers;

K. The ability of the city to provide public services at the city's adopted levels of service;

L. Whether the annexation would follow logical boundaries, such as streets, waterways, or substantial topographic changes;

M. Whether the annexation would eliminate an irregularity or irregularities in the city's boundaries, thereby improving service delivery;

N. The relative costs to serve the proposed annexation versus the revenue to be derived from the annexation.”

SECTION 32: That West Richland Municipal Code Chapter 17.80 “Planned Unit Development”, is hereby amended to read as follows:

“Chapter 17.80

PLANNED UNIT DEVELOPMENT

17.80.010 Purpose.

The purpose of a planned unit development is to provide opportunities to create a desirable environment through the application of flexible design and development standards to tracts of land under common ownership or control. Planned unit development is intended to encourage a creative approach in the development of land in an efficient and aesthetic manner and to provide a desirable use of open areas, while maintaining substantially the same dwelling unit density and area coverage permitted in the zone in which the project is located. It is intended to achieve economy in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation and compatible relationships between different land uses.

17.80.020 Land areas included.

Planned unit developments may be established only in districts zoned to permit residential uses as an essential or primary use and only in accordance with the provisions of this chapter.

17.80.030 Permitted uses.

Only residential uses as allowed in the underlying zone are permitted within planned unit developments; provided, that for purposes of this planned unit development chapter, a dwelling, one-family, as defined in WRMC 17.09.050, may be constructed to include dwellings attached by common walls; and provided further, that accessory incidental limited retail uses or commercial uses incidental to a residential neighborhood may be permitted where such uses enhance the character of the planned unit development. Building permits or occupancy permits for such commercial or retail uses shall not be issued until all streets and utilities are completed and one-half of the total project residential units are completed.

17.80.040 Application of zoning regulation.

The approval of a planned unit development may include modifications in the requirements and standards of the underlying zoning classifications of the property upon which the project is located, subject to the limitations provided by the standards set forth in this chapter. If the land within the proposed planned unit development is also to be subdivided or short subdivided, compliance with applicable West Richland Municipal Code and Washington code provisions is also required.

17.80.050 Standards.

The following standards and requirements shall apply to all planned unit developments:

- A. The maximum number of developable units or the dwelling unit density allowed is determined by dividing the minimum lot area allowed in the underlying zone into the net land area of the project. Development occurring in a single-family residential district may exceed by 10 percent the average dwelling unit density permitted by the underlying zone. Development occurring in multifamily districts may exceed by 20 percent the average dwelling unit density permitted by the underlying zone;
- B. The perimeter of the project shall be aesthetically compatible with the land use of adjoining properties. Perimeter lots adjoining or abutting property outside the project shall comply with the requirements of the underlying zone, or shall be screened in an aesthetic manner from adjoining properties so as to protect such adjacent lots from visual and audible impacts from the project which are inconsistent with the underlying zoning;
- C. Improvements on the site shall be visually muted by adequate landscaping so as to provide a compatible effect as seen from the adjoining properties;
- D. One or more major egress circulation points must be functionally connected to a public arterial or collector street or streets;
- E. Open space shall be arranged so as to be an integrated part of the project, not isolated and apart therefrom;
- F. A minimum of 40 ~~25~~ percent of the land area of every planned unit development project shall be comprised of open space, as defined in WRMC ~~17.80.260~~ 17.09.160, of which required recreational space, as defined in WRMC ~~17.80.260~~ 17.09.190, may be included;
- G. Water and sewer systems shall be publicly owned and designed to city standards;
- H. Streets may be private or public.

17.80.060 Application.

- A. The process to be followed in the application for a planned unit development shall consist of four procedures:
1. Conceptual review by the planning/technical committee in accordance with WRMC 17.80.080;
 2. Review of the preliminary development plan by the planning commission and recommendation to the city council in accordance with WRMC 17.80.090 through 17.80.110;
 3. Approval of the preliminary development plan by the city council in accordance with WRMC 17.80.120; and
 4. Approval of the utility and street plans by the city engineer and approval of the final development plan by the city council in accordance with WRMC 17.80.160 and 17.80.180.
- B. Application and review of the planned unit development preliminary development plan and application and review for final approval of the planned unit development final development plan may be combined and reviewed together.
- C. If any property within the proposed planned unit development is also to be subdivided, then preliminary plat approval of the subdivision shall not be granted until such time as the final development plan of the planned unit development is approved by the city council.

17.80.070 Phased development.

Construction of a planned unit development project may be phased. If construction of the planned unit development is to be phased, the application for the planned unit development shall include all property to be included in the completed planned unit development and shall include a description of each phase of the project and a time schedule for completion of each phase.

17.80.080 Conceptual review.

Prior to making application for preliminary development plan review the applicant shall meet with the planning/technical committee to study and review the proposed planned unit development. Prior to said meeting, the

applicant shall submit to the planning/technical committee such plans and information as the committee may require.

17.80.090 Application procedure – Preliminary development plan.

The applicant shall submit to the *planning-community development* department copies of the preliminary plan material, including the following:

- A. Legal description of the project and site location map of the property;
- B. A proposed site plan and/or drawings showing the principal topographic contours and designated placement, location and principal dimensions of buildings, streets, parking areas, recreational areas, other open space and landscaping areas;
- C. Preliminary elevation and perspective drawings of project structures and improvements;
- D. Description of the special features of the development;
- E. A text describing conditions or features which cannot be adequately displayed on maps or drawings;
- F. A description of plans for covenants, restrictions, uses and continuous maintenance provisions for the project;
- G. The following plans and diagrams:
 - 1. A survey of the property, showing existing features, including contours, buildings, structures, streets, utility easements, rights-of-way, and existing land use;
 - 2. An off-street parking plan;
 - 3. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development and to and from existing and planned thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown;
 - 4. Preliminary landscape plans;
 - 5. A topographic map or model of the site and surrounding vicinity;
 - 6. Preliminary drainage plan;
 - 7. Proposed source of water supply, electric supply, and sewage disposal;
 - 8. Preliminary layout of water and sewer system;
 - 9. Lighting plan;
 - 10. Plot plan showing minimum lot area, lot dimensions, lot coverage and yard requirements and the building heights;
- H. Filing fee;
- I. A report from a title insurance company showing ownership of the property involved and a list of names and addresses of all property owners within 600 feet of the proposed planned unit development;
- J. A completed *State Environmental Policy Act (SEPA)* checklist on forms provided by the city; and
- K. A proposed development schedule.

17.80.100 Public hearing on preliminary development plan.

~~When the planning department finds that an application meets the filing requirements for preliminary development plans, the department shall accept the plan and assign the plan for public hearing before the planning commission.~~

~~The planning department shall advertise notice of such hearing in a newspaper of general circulation delivered within the city at least 10 days before the public hearing. In addition, at least 10 days prior to the scheduled public hearing, the city shall post three notices of said public hearing on the property which is the subject of the application for the planned unit development. Said notices shall be visible from property adjacent to the proposed planned unit development. Property owners within 600 feet of any exterior boundary of the project shall be notified by mail at least 10 days prior to the planning commission hearing of the time and place of the meeting at which the matter will be heard. The notices required by this section shall set forth the date, time, and place for the public hearing and the purpose of the public hearing.~~

As per WRMC Title 14.

17.80.110 Planning commission recommendation.

The planning commission shall review the application and the preliminary development plan, preliminary plat drawings, and preliminary plan materials at a regular meeting and may, after public hearing, on the vote of a majority of the total members of the planning commission, disapprove the application or recommend to the city council that preliminary approval be granted, subject to such changes therein or impose such conditions of approval, if any, as are in its judgment necessary to ensure conformity to all pertinent standards and regulations. A recommendation shall be based on the planning commission's written findings of fact as to:

- A. Whether the proposed project will be detrimental to present and potential surrounding land use or will have a beneficial effect;
- B. Whether land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible;
- C. Whether streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project;
- D. Whether utility services and other improvements, existing and proposed, are adequate for development;
- E. Whether each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment;
- F. Whether the proposed development will implement the goals and objectives of the comprehensive plan and WRMC 17.80.010 through 17.80.050.

The determination of the planning commission to approve the application or to approve the application with modifications shall be forwarded to the city council.

17.80.120 Council consideration of preliminary development plan.

Upon receipt of an application for a planned unit development from the planning commission other than an appeal of the planning commission's disapproval of an application, the city council shall approve the planning commission's decision with or without modifications, or remand the application to the planning commission for reconsideration, or disapprove the application. The public hearing before the planning commission, as provided for by WRMC 17.80.100, shall constitute the public hearing by the city council and no further public hearing before the city council shall be required.

17.80.130 Planning commission disapproval of application – Council consideration of appeal.

Disapproval of an application for a planned unit development by the planning commission shall be final unless appealed in writing to city council within 14 days of the date of the decision. If the decision of disapproval is appealed to the city council, the council shall schedule a public hearing, notice of which shall be given as set forth in WRMC 17.80.100, and review the planning commission's findings of fact and either affirm the decision of the planning commission and deny the application, remand the application for further consideration by the planning commission or, based upon the council's own findings of fact, approve the application with or without modifications.

17.80.140 Decision of the city council final – Statute of limitations for appeal.

The decision of the city council, either approving the application or denying the application of the planned unit development, shall be final unless appealed to the superior court of the state of Washington within 14 days from the date of the decision.

17.80.150 Final development plan.

Within 12 months following approval of the preliminary development plan, the applicant shall file with ~~the planning community development~~ department a final development plan conforming to the approved preliminary development plan. Failure of the applicant to file a final development plan within 12 months following the approval of the preliminary development plan shall automatically revoke the city council's approval of the application for the planned unit development and shall be deemed a denial and disapproval of the application and terminate all of the applicant's rights under the application.

In addition to the information required under WRMC 17.80.090 for the preliminary development plan, the final development plan shall include the following:

- A. Elevations and perspective drawings of project structures and improvements, including architectural features, exterior finishings, aesthetic details and landscaping;
- B. Agreements, covenants, restrictions or other provisions which will govern the use and maintenance and assure continued protection of the planned unit development in a form sufficient to be recorded with the county auditor;
- C. A preliminary plat or a final plat of the area if subdivision of the planned unit development is intended or required;
- D. Development schedule of construction;
- E. Originals of the final utility improvements plans, street plans, etc.;
- F. Plan review and inspection fee;
- G. Quantity take-off and cost estimate of public improvements;
- H. Any other information necessary to demonstrate compliance with the approval of the preliminary development plan;
- I. Properly executed deeds or easements for roads, utilities, recreational areas or other property to be transferred to the city.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form as required by the ~~planning community development~~ department.

17.80.160 Public meeting – Final development plan.

The final development plan shall be considered at a public meeting before the city council.

17.80.170 Bond required.

No final development plan shall be implemented until the applicant files with the city finance director a performance bond or cash in lieu of bond, approved by the city, executed by a surety company authorized to do business in the state of Washington, in an amount equal to 125 percent of the ~~engineering-public works~~ department's estimate of the cost of all public improvements, utilities, and all landscaping portions of the final development plan, and further conditioned upon the petitioner's completion of said public improvements, utilities and landscaping portions of the project according to the submitted final development plan and the provisions of this chapter and, in addition; provided, that no change, extension of time, alteration or addition to the project will in any way affect the obligation of the bond or cash deposit.

17.80.180 Final development plan – Effect.

Approval by the city council of the final development plan for a planned unit development and filing of a bond as provided in WRMC 17.80.170 shall authorize the owner or owners of the parcel or parcels encompassed within the

planned unit development to proceed with the project, acting in concert, and shall bind such owner or owners to the implementation of such final development plan and to the construction, inspection and maintenance of the planned unit development in strict accordance with such approved plan and the provisions of this or other applicable ordinances and regulations.

17.80.190 Permits.

The building inspector shall issue building permits for buildings and structures which conform with the final development plan of the planned unit development and with all other applicable city ordinances and regulations. The building inspector shall issue a certificate of occupancy for completed building or structure which conforms to the requirements of the approved final development plans and all other applicable city ordinances and regulations; provided, however, that the construction and development of all public improvements, utilities, landscaping, open spaces and public and recreation facilities of each project phase must be completed before any certificate of occupancy will be issued.

17.80.200 Adjustments.

No change may be made in the approved final development plans during the construction of the project except upon application to the planning-community development department, approval by the planning commission, after public hearing held thereon with notice given in the manner provided in WRMC 17.80.100 and approval by the city council; provided, however, that the mayor is authorized to allow minor adjustments in the development schedule, landscape plan, location, placement, height, or dimension of buildings and structures or the adjustment of lot lines, not to exceed an alteration of two feet in height or 10 feet in any other direction, if such minor changes and alterations are required by engineering and other circumstances not foreseen or reasonably foreseeable at the time of approval of the final development plan; provided, that such adjustments shall not increase the total amount of floor space authorized in the approved final development plan, or the number of dwelling units or density, or decrease the amount of parking or loading facilities, or permit buildings to locate closer to any boundary line, or change any points of ingress or egress to the site.

17.80.210 Termination of planned unit development.

A. If construction of the public improvements, streets, and utilities has not commenced within two years from the date of approval of a final development plan, or if the project is a phased construction project, within two years from the date that construction of the particular phase was scheduled to commence, or if construction of the public improvements, streets and utilities has commenced but work has been abandoned for a period of one year or more, and if no extension of time has been granted as in WRMC 17.80.220 and 17.80.230, the authorization granted for the planned unit development project shall terminate without further notice or proceedings and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

B. In the alternative and at the city's sole discretion, the city may elect to proceed against the bond provided by the applicant in accordance with WRMC 17.80.170, or seek any other legal remedy.

17.80.220 Extension of time.

A. Upon request from the applicant/developer for an extension of time or adjustment in the time schedule, a public hearing, with notice given as provided in WRMC 17.80.100, shall be held before the planning commission. The planning commission may either deny the request or recommend to the city council approval of the request; provided, that approval of the request shall be based on good cause as shown by the applicant/developer and only upon specific findings by the planning commission that:

1. Unforeseen circumstances or conditions have caused the delay in development; and
2. Termination of the authority for the project would result in an unreasonable hardship to the developer or to the owners of the land involved; and
3. An extension of time will not cause substantial detriment to the neighboring property owners or to the community.

B. The city council, at a public meeting, shall either approve the specific findings of the planning commission and grant the extension of time or adjustment in the time schedule or deny the request.

C. Any extension of time or adjustment in the time schedule shall not exceed a period of one year.

17.80.230 Enforcement – Failure to meet approved development plan.

A. If the applicant/developer fails to follow the approved development plan and/or schedule, the city may initiate proceedings to repeal the authorization granted for the planned unit development. After public hearing, the planning commission shall recommend to the city council either repeal of the authorization granted for the planned unit development or, based upon good cause shown by the applicant/developer, that the city council grant an extension of time or adjustment of the time schedule for the development; provided, that a recommendation for an extension of time or adjustment in the time schedule shall be only after the planning commission makes the specific findings as set forth in WRMC 17.80.220(A). Any extension of time or adjustment in the time schedule shall not exceed one year.

B. The city council, at a public meeting, shall act on the recommendation of the planning commission to repeal the authorization for the planned unit development or to grant an extension of time or adjustment in the time schedule. The decision of the city council to repeal the authorization for the planned unit development shall be final unless appealed to the superior court of the state of Washington within 14 days of the date of the decision.

C. Nothing contained in this section or any other section of this chapter shall prohibit the city from proceeding against the bond posted by the developer.

17.80.240 Application.

The provisions of this chapter shall apply to all planned unit development projects for which applications are filed after the effective date of the passage of the ordinance codified in this chapter.

17.80.250 Fee.

Repealed by Ord. 16-15.

17.80.260—Definitions.

For the purpose of interpreting this chapter, the following terms or words are defined for use in this chapter:

“Open space” means land area unoccupied by buildings, roads, streets, or parking areas. Such open space includes but is not limited to sidewalks, walkways, landscape areas, gardens, courtyards, or lawns. Specialties, including, but not limited to, sheltered picnic areas, covered play areas, or open-walled structures, may be considered on their merits as qualifying for open space characterization. Open space may include common areas as well as privately owned yards.

Planning/Technical Committee. The planning/technical committee membership shall consist of representatives from the city engineering department and the city planning department and such other entities not within city government as the city planner shall establish, such as a representative from the fire department, the post office, the irrigation district, the REA, etc. The city planner shall act as chairperson of the planning/technical committee. The purpose for the committee is to compare the feasibility of a proposed project to city ordinances, codes, and regulations and advise the planning commission and the city council of such comparison in terms of their applicability.

“Recreational space” means interior or exterior private or public noncommercial areas designed and set aside exclusively for diversion, amusement or entertainment, including, but not limited to, swimming pools, tennis courts, rest areas, or picnicking areas. The recreational area or park land dedication required by Chapter 16.12 WRMC may, at the city council’s discretion, be included in the requirement for open spaces.

17.80.270 Severability.

The provisions of this chapter are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of this application to other persons or circumstances.”

SECTION 33: That West Richland Municipal Code Chapter 17.81 “Administration and

Enforcement”, is hereby amended to read as follows:

“Chapter 17.81

ADMINISTRATION AND ENFORCEMENT

17.81.010 Interpretation and application of this title.

In interpreting and applying the provisions of this title, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare; therefore, when these chapters impose a greater restriction upon the use of buildings or premises, or require larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this title shall control.

17.81.020 Violation – Complaint filing – Appeal procedure.

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereto, shall be filed with the ~~city building inspector~~ *administrator*, who shall record properly such complaint, investigate, and take action thereon as provided by this title. Decisions of the building inspector may be appealed through the city council.

17.81.030 Enforcement – Conformance required.

It shall be the duty of the ~~city building inspector~~ *administrator* or duly authorized administrative official to enforce this title through proper legal channels. The building ~~inspector~~ *official* shall not authorize the issuance of any permit for construction, alteration, or repair of any building or part thereof unless such plans and intended use of such buildings or land conform in all respects with the provisions of this title.

17.81.040 Violations – Penalties.

A. Any person convicted of a violation of any provision of this title shall be punished by a fine of not more ~~than \$5,000~~ *\$5,300* or by imprisonment for not more than one year, or by both such fine and imprisonment.

For any violation of a continuing nature, each day’s violation shall be considered a separate offense and subject the offender to the above penalties for each offense.

B. In addition to the enforcement provisions of this section, any violation of any of the provisions of WRMC 17.54.450 is declared to be a public nuisance, per se, which shall be abated by the city attorney by way of civil abatement procedures.

17.81.050 Severability.

If any section, subsection, sentence, clause, or phrase of any portion of this title is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council of the city of West Richland hereby declares that it would have adopted this title and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.”

SECTION 34: That West Richland Municipal Code Chapter 2.22 “Board of Adjustments”, is hereby created to read as follows:

“Chapter 02.22

BOARD OF ADJUSTMENT

Sections:

- 2.22.010 Board of adjustment – Created.
- 2.22.020 Board of adjustment – Rules and procedures.
- 2.22.030 Board of adjustment – Powers and duties.
- 2.22.050 Variance – Applications.
- 2.22.060 Variance – Notice of hearing.
- 2.22.070 Variance – Findings.
- 2.22.080 Variance – Limitations – Conditions.
- 2.22.090 Appeal from board of adjustment.
- 2.22.100 Repealed.
- 2.22.110 Application resubmittal.

2.22.010 Board of adjustment – Created.

There is created a board of adjustment for the city, consisting of five members appointed by the mayor and confirmed by a majority of the city council. Members shall be selected without regard to political affiliation and shall serve without compensation. The city council may, by a majority vote, remove any member of the board. The terms of the first five members appointed to the board of adjustment shall expire at the end of December of the following years: Position Number 1, 1996; Position Number 2, 1997; Position Number 3, 1998; Position Number 4, 1999; Position Number 5, 2000. Members shall serve staggered terms of five years and until their successors are appointed and confirmed.

2.22.020 Board of adjustment – Rules and procedures.

The board of adjustment shall elect from among its members a chairman and vice-chairman and shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this title. Not less than one regular meeting shall be held each month of each year; provided, however, if no issues over which the board of adjustment has jurisdiction are pending, a meeting may be canceled. All meetings shall be open to the public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public records maintained by the city of West Richland. Three members of the board of adjustment shall constitute a quorum for the transaction of business. A majority vote shall be sufficient for the accomplishment of certain actions; provided, however, concurring votes of three members of the board of adjustment shall be necessary to decide in favor of an application for a variance. Where a majority vote is not forthcoming, the matter shall be considered denied unless further action is taken by the board of adjustment.

2.22.030 Board of adjustment – Powers and duties.

The board of adjustment shall have the following powers and duties:

A. To hear, decide and grant or deny variances to the regulations contained in this title, when such variances are in harmony with the general purpose and intent of this title and are in accord with the general and specific rules contained herein.

2.22.050 Variance – Applications.

A. A variance from the terms of this title shall not be granted by the board of adjustment unless and until a written application for variance is submitted demonstrating:

- 1. That special conditions and circumstances exist which are peculiar to the lands, structures or buildings in the same district.*
- 2. The literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.*
- 3. That the special conditions and circumstances do not result from the actions of the applicant.*
- 4. That granting the variance will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.*

B. The application for a variance shall be accompanied by evidence of ownership of the property involved, an accurate legal description of the property involved, a list of the names and addresses of all owners of record of

property within 600 feet of the subject property, a written narrative from the applicant that explains the request, and the application fee.

C. The application shall also be accompanied by a plot plan of the property showing location and dimensions of existing and proposed improvements, and the proposed location of accessory facilities such as automobile parking areas. If new building construction is involved, tentative plans and sketches shall also be submitted. Where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes shall be submitted.

2.22.060 Variance – Notice of hearing.

Notice of the date, time, place, and purpose of the public hearing on a request for variance shall be given as set forth in Chapter 14.03 WRMC.

2.22.070 Variance – Findings.

The board of adjustment shall approve an application for a variance only when all of the following conditions are found:

A. That the granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located.

B. That the granting of such variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounds of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located.

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

2.22.080 Variance – Limitations – Conditions.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

The board of adjustment shall not grant a variance under any circumstances to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title.

The board of adjustment shall prescribe a time limit within which the action for which variance is granted is started or completed, or both. Failure to start or complete, or both, such section within the time limit set shall void the variance. Said time limits may be extended by the board of adjustment for good cause shown.

2.22.090 Appeal from board of adjustment.

The actions of the board of adjustment shall be final and conclusive, unless appealed to Benton County superior court by a party of record, pursuant to WRMC 14.06.060.

2.22.100 Fees.

Repealed by Ord. 16-15.

2.22.110 Application resubmittal.

Any application disapproved by the board of adjustment may not be resubmitted for a period of 12 months.”

Section 35. 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

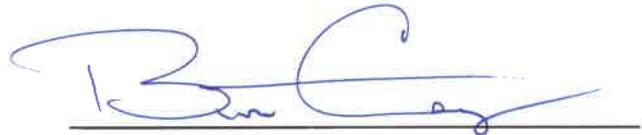
numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 36. 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 37. 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.

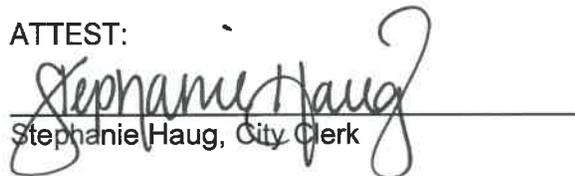
Section 38. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

**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