

**CHAPTER 18.40
INDUSTRIAL ZONES**

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(Prior Code - **L-I, Light Industrial Zone**: Ord. 1940, 5/9/00; Ord. 1403, 1989; Ord. 1383, 1989; Ord. 1328, 1988; Ord. 1082, 1982; **M-I, Medium Industrial Zone**: Ord. 1941, 5/9/00; Ord. 1404, 1989; Ord. 1384, 1989; Ord. 1329, 1988; Ord. 1083, 1982; **H-I, Heavy Industrial Zone**: Ord. 1942, 5/9/00; Ord. 1405, 1989; Ord. 1385, 1989; Ord. 1330, 1988; Ord. 1084, 1982)

18.40.010 Purpose: The purpose of this chapter is to provide for:

- A. Business and manufacturing employment opportunities for existing residents of the city and those in the adjacent area;
- B. A variety of industrial uses, in limited and appropriate areas, to accommodate existing industries and minimize adverse impacts to the environment and surrounding uses;
- C. Protection of residential and other uses from adverse impacts from manufacturing and industrial uses;
- D. Protection of industrial areas from other uses that may interfere with the purpose and efficient operation of those areas.

The Moses Lake Industrial Park (MLIP) Zone is intended to accommodate small scale light industrial uses such as contractor shops, vehicle repair, storage, and distribution.

The Light Industrial (L-I) Zone is intended to accommodate a variety of light industrial uses including but not limited to manufacturing, warehousing, distribution operations, processing and fabricating, and to preserve land for such use.

Except that the Light Industrial zoned property within one thousand feet (1,000') of West Broadway or Marina shall provide areas for all types of service and commercial establishments in addition to light industrial uses.

The Heavy Industrial (H-I) Zone is intended to accommodate heavy industrial uses and to preserve land for such uses at locations that will permit less restrictive industrial performance standards and bulk regulations than are required in the L-I Zone, thereby providing greater flexibility to accommodate a variety of heavy industrial uses including but not limited to manufacturing, fabricating, processing, warehousing, distribution operations, and assembly. (Ord. 2216, 7/26/05; Ord. 2144, 12/9/03)

18.40.020 Additional Requirements: Additional requirements are found in other chapters of the Municipal Code and other adopted city regulations, including but not limited to the following:

- A. MLMC 18.10, Citywide Regulations
- B. MLMC 18.45, Conservation and Reclamation Zone
- C. MLMC 18.49, Site Plan Review
- D. MLMC 18.51, Conditional and Unmentioned Uses
- E. MLMC 18.53, Flood Hazard Areas
- F. MLMC 18.54, Off-Street Parking and Loading
- G. MLMC 18.57, Landscaping
- H. MLMC 18.58, Signs
- I. MLMC 19.03, Classification and Designation of Resource Lands and Critical Areas and Regulations for the Conservation and Protection of Resource Lands and Critical Areas
- J. MLMC 19.06, Classification and Designation of Wetlands and Regulations for the Conservation and Protection of Wetlands
- K. City of Moses Lake Shoreline Master Program (Ord. 2459, 5/12/09; Ord. 2144, 12/9/03)

18.40.030 Allowed Uses:

- A. The Industrial Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only industrial zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in MLMC 18.40.030.E. Further interpretation of these zones may be obtained as specified in MLMC 20.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The uses are arranged in three (3) categories. There are primary uses, those uses the industrial zones were designed to accommodate; accessory uses; and other uses that are compatible with or support the primary uses, or are not appropriate for other zones because of impacts.
- C. The symbols used in the table represent the following:
 - 1. An "A" in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 - 2. A "C" in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in MLMC 18.51 and any additional standards specified.
 - 3. An "X" in a table cell indicates the use is not allowed in the zone listed at the top of the table.
- D. Procedural requirements for permits are described in MLMC Title 20.

- E. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in MLMC 20.03.020.B. In determining whether a use should be permitted, the Community Development Director shall refer to the purpose statements found in 18.40.010 and the 1987 version of the Standard Industrial Classification Manual.

TABLE 1: LAND USES IN INDUSTRIAL ZONES			
USE CATEGORIES	MLIP	L-I	H-I
Primary uses			
Assembly of parts	A	A	C
Bus barns and maintenance facilities	C	A	X
Hazardous waste treatment and storage, from off-site	X	X	C
Hazardous waste treatment and storage, generated on-site ¹	A	A	A
Machine shop	A	A	A
Manufacturing, processing, or packaging of products using raw materials	C	C	C
Manufacturing, processing, or packaging of previously prepared materials ²	A	A	A
Manufacturing, processing, or packaging of food products, excluding meat products, seafood products, distilling, fermenting, canning, slaughtering, rendering, curing, and tanning	C	A	A
Manufacturing, processing, or packaging of food products such as meat products, seafood products, distilling, fermenting, and canning. Excludes slaughtering, rendering, curing, and tanning	X	C	A
Slaughtering, rendering, curing, and tanning	X	X	C
Outside storage as a primary use ³	X	A	A
Printing, publishing, and allied products manufacturing including such processes as lithography, etching, engraving, binding, and blueprinting	A	A	A
Recycling collection site and recycling facilities	C	A	A
Solid waste processing facilities	X	X	C
Storage, warehousing, and distribution facilities	A	A	A
Technological uses such as scientific research, testing and experimental development laboratories	C	A	A
Transportation services such as freight consolidation, shipping documents preparation, rental of railroad cars, packing and crating	A	A	A
Uses that serve the agricultural industry, such as feed and seed stores, farm equipment repair and sales, and agricultural services such as soil preparation services, lawn care services, potato curing, seed cleaning, and sorting, grading, packing, and packaging of fruits and vegetables	A	A	A
Welding or metal fabrication	A	A	A
Wrecking yards, salvage yards, or junk yards	X	A	A

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USE CATEGORIES	MLIP	L-I	H-I
Accessory Uses			
Accessory use appurtenant to any primary use and not otherwise prohibited	A	A	A
Construction site storage in cargo containers or semi-trailers ⁴	A	A	A
Day care, primarily for children of on-site employees or customers	C	A	A
Dwelling unit for on-site security or maintenance personnel and family ⁵	C	A	A
Offices related to permitted uses conducted on the same site	A	A	A
Storage in cargo container, in compliance with MLMC 18.76	C	C	C
Other allowed uses			
Animal shelter, kennel, or veterinary clinic with outdoor boarding of animals or care of livestock	C	A	C
Building material or lumber yard, retail or wholesale	X	A	X
Commercial and service uses that are permitted in the C-2 Zone shall be allowed within 1,000' of West Broadway or Marina	X	A or C ⁶	X
Commercial recreation requiring large land area and/or generating noise, such as go-carts, target shooting, race tracks, etc	X	C	C
Contractors establishments, including offices, shops, and storage yards	A	A	X
Government or public facilities compatible with the intent of the zone, such as maintenance shops, substations, well houses, lift stations, local and regional utilities	A	A	A
Industrial laundry or dry cleaning plant	C	A	A
Mini-storage	A	A	X
Nurseries and greenhouses for the growing and sale of plants	A ⁷	A	X
Power generating facilities	X	C	A
Public park	A	A	A
Repair and service of vehicles and equipment	A	A	X
Retail and wholesale sales of goods or products manufactured on site, or utilized in manufacturing, repairing, or servicing activities which are permitted in the zone	A	A	A

TABLE 1: LAND USES IN INDUSTRIAL ZONES			
USE CATEGORIES	MLIP	L-I	H-I
Sales or service use, which primarily serve the needs of the industrial district or its employees without attracting a significant number of patrons from outside the district, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area, including but not limited to the following examples: 1. Sale and rental of electronic equipment, forklifts, heavy equipment, trucks, and office equipment 2. Services: dry cleaner, barber shop, shoe repair, sandwich shop, restaurant, espresso stand, vehicle wash, gas station, convenience store. These uses must be located on an arterial street or within 1000' of similar types of uses. ⁸ 3. Professional and business services, such as engineering, mailing, copying, fumigating, servicing of fire extinguishers, sign painting and lettering 4. Other retail and service uses within the same structure as a permitted manufacturing, warehousing, distribution, or office use and occupying no more than 20% of the floor area, unless a larger area is approved by the Planning Commission	A	A	C
Storage buildings for private use	A	X	X
Surface mining, including extraction from deposits of rock, gravel, sand, earth, and minerals, along with rock crushing and related accessory activities. ⁹	X	X	C
Towing services or vehicle impound yards	A	A	A
Wireless communication facility, in compliance with MLMC 18.78	A	A	A

Footnotes for Table 1

1. In compliance with the performance standards of the State of Washington siting criteria for on-site hazardous waste treatment and storage facilities and the requirements of this chapter; provided that, on-site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste.
2. Previously prepared materials are those which have been subjected to a process of dilution, blending, separation, waste extraction, refinement, or similar process so that further preparation, treatment, or processing does not generate raw refuse matter in quantity or form which would preclude prompt and effective removal of such matter from the site.
3. Other than contractors yards.
4. Construction storage facilities may be located ten (10) days prior to start of construction and shall be removed within ten (10) days of finish of construction. Start of construction shall be defined as ten (10) days prior to the physical presence of construction activity on the site for which a building permit has been issued. Finish of construction shall be defined as the date of issuance of a Certificate of Occupancy.
5. The sole purpose of the dwelling is to furnish housing for an employee, including family, engaged in on-site security or maintenance. Only one such residence is allowed per site.
6. Allowed if allowed in the C-2 and conditional use if a conditional use in the C-2.
7. Wholesale sales only.

8. In the H-I Zone these uses shall not exceed one thousand (1,000) square feet in total per lot area.
9. The submission requirements of a conditional use permit for surface mining, rock crushing, and related accessory activities shall include the following information:
 - A. Vicinity Map. General vicinity map of the proposed area.
 - B. Topography and site map. Property limits and accurate contours of existing ground details of terrain and area drainage as well as the boundaries and dimensions of the site.
 - C. Grading Plan. Dimensions, elevations or finished contours to be achieved by the grading, proposed drainage channels, and related construction.
 - D. Storm Drainage and Erosion Control Plan. A conceptual storm drainage and erosion control plan shall be submitted with each application and shall be approved by the City prior to the mining permit being approved. A final storm drainage and erosion control plan must be approved prior to any materials being removed. The plan must also address the continued maintenance and operation of the storm drainage and erosion control system, and, if determined necessary by the city, a performance bond or similar financial guarantee shall also be provided to guarantee the maintenance and operation of the system.
 - E. Location of development. Location of any crushers, sorters, scales, buildings, or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within 50' of the property, or which may be affected by the proposed operation.
 - F. Dust Control. A dust control plan shall be submitted which shows how dust or other particulate matter will be controlled within the mining site and on the public streets. Reasonable precautions shall be taken with storage, transportation, processing, roadways and other open areas so as to prevent dust or other particulate matter from becoming airborne.
 - G. Department of Natural Resources Permit. Prior to a surface mining operations permit being applied for the owner/operator shall submit evidence from the State of Washington Department of Natural Resources that the state considers the proposal as a surface mine and will require a permit and reclamation plan.
 - H. A written statement describing how the proposal meets the requirements of MLMC 18.51.010, Conditional and Unmentioned Uses. (Ord. 2800, 2/23/16; Ord. 2775, 7/14/15; Ord. 2646, 3/27/12; Ord. 2216, 7/26/05; Ord. 2144, 12/9/03)

18.40.040 Prohibited: The following are prohibited in industrial zones:

- A. Any use which does not or is not capable of conforming with the purpose and requirements of this chapter.
- B. Any use determined by the Planning Commission to pose excessive hazard to the public health, safety, and general welfare. (Ord. 2144, 12/9/03)

18.40.050 Development Standards for Industrial Zones:

- A. Purpose: This section establishes the development standards and site requirements for uses in the industrial zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.

- B. Explanation of Table: Development standards are listed down the left column of the table and the industrial zones are identified across the top row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone.

TABLE 2: DEVELOPMENT STANDARDS IN INDUSTRIAL ZONES			
Development Standards	MLIP	L-I	H-I
Minimum lot size	NR	NR	NR
Maximum lot size	NR	NR	NR
Maximum building height	3 stories or 50' ¹	3 stories or 50' ¹	NR ²
Front yard setback ³	NR	NR	NR
Exterior side yard setback ³	NR	NR	NR
Interior side yard setback ³	NR	NR	NR
Rear yard setback ³	NR	NR	NR
Landscaping requirements	none	MLMC 18.57	MLMC 18.57
Minimum landscaped buffer along residential zoned property	15'	15'	25'
Buffer requirements	MLMC 18.40.130	MLMC 18.40.130	MLMC 18.40.130
Signage	MLMC 18.58	MLMC 18.58	MLMC 18.58
Outside storage	MLMC 18.40.110	MLMC 18.40.110	MLMC 18.40.110
Fencing requirements	MLMC 18.40.120	MLMC 18.40.120	MLMC 18.40.120
Parking requirements	MLMC 18.54	MLMC 18.54	MLMC 18.54
Containment within a building	MLMC 18.40.070	MLMC 18.40.070	NR

NR= No Requirement for the zone. Other regulations may apply.

Footnotes for Table 2

1. The Planning Commission may allow buildings or structures to be erected to an additional height after a public hearing and examination of the location and upon due proof to the satisfaction of the Commission that such additional height will not be detrimental to the surrounding properties.
2. Subject to the provisions of Chapter 18.52 of this title entitled "Airport Zone."
3. Setbacks.
 - A. Within the setback area shown on Table 2, no building or structure (as defined in 18.06.610) shall be allowed, except flagpoles, street furniture, transit shelters, signage, fencing, slope stability structures, and improvements less than thirty inches (30") above grade, including decks, patios, walks, and driveways. Some of these structures and improvements require a permit.

- B. The setbacks shown in the table are zoning setbacks. Larger setbacks may be required by the State Building Code, State Fire Code, sight distance requirements, or landscaping requirements (MLMC 18.57). (Ord. 2459, 5/12/09; Ord. 2144, 12/9/03)

18.40.060 Performance Standards: The maximum permissible limits of the Performance Standards for the industrial zones shall be as designated in Table 3.

TABLE 3: PERFORMANCE STANDARDS		
Performance Standards	L-I & MLIP	H-I
Air Quality	Air emissions shall meet applicable state and federal regulations, including but not limited to Chapter 173-400 WAC. Where emissions could be released as a result of accident or equipment malfunction, standard safeguards for safe operation of the industry involved shall be taken.	
Odors	Any use producing odors shall be carried on in such a manner that offensive or obnoxious odor shall not be perceptible at or beyond the property line.	Any use producing odors shall be carried on in such a manner that offensive or obnoxious odors shall not be perceptible at or beyond the Heavy Industrial Zone boundary line.
Heat and Humidity	Any use or activity producing heat or humidity in the form of steam or moist air shall be carried on in such a manner that the heat or humidity is not perceptible at or beyond the property line.	
Glare	Any activity producing glare shall be carried on in such a manner that the glare is not perceptible at or beyond the property line. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from public streets or neighboring properties.	
Vibrations	Every use shall be so operated that any air or ground vibration recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the property line.	
Hazardous Materials	The manufacture, use, processing or storage of hazardous materials shall be permitted in accordance with the regulations of the State Building Code, State Fire Code, the National Fire Protection Association standards, and any other state or nationally recognized standards that may apply to the particular use, building, or process.	
Industrial Wastes	The storage, processing, or disposal of dangerous waste shall be subject to the regulations of the Washington State Department of Ecology.	
Electromagnetic Interference	Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the FCC under the Federal Telecommunication Act of 1996 or its successor.	

TABLE 3: PERFORMANCE STANDARDS														
Performance Standards	L-I & MLIP	H-I												
Noise	<p>Noise emanating from a use or activity within an industrial zone which exceeds the maximum permissible noise levels set forth in WAC 173.60.040 and this chapter shall not be permitted.</p> <p>Maximum Permissible Environmental Noise Levels from a Noise Source in an Industrial Zone:</p> <table border="0"> <tr> <td colspan="3">Property Receiving Noise by Zone</td> </tr> <tr> <td>Residential</td> <td>Commercial</td> <td>Industrial</td> </tr> <tr> <td>60 dBA*</td> <td>65 dBA</td> <td>70 dBA</td> </tr> <tr> <td>50 dBA*</td> <td></td> <td></td> </tr> </table> <p>*Between the hours of 10 p.m. and 7 a.m. the noise limitations shall be reduced by 10 dBA for receiving property in residential zones.</p> <p>At any hour of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:</p> <ol style="list-style-type: none"> 1. 5 dBA for a total of 15 minutes in any one hour period 2. 10 dBA for a total of 5 minutes in any one hour period 3. 15 dBA for a total of 1.5 minutes in any one hour period <p>Exemptions to the maximum permissible noise levels cited in this chapter shall be as enumerated in WAC 173-60-050, Maximum Environmental Noise Levels Exemptions.</p>		Property Receiving Noise by Zone			Residential	Commercial	Industrial	60 dBA*	65 dBA	70 dBA	50 dBA*		
Property Receiving Noise by Zone														
Residential	Commercial	Industrial												
60 dBA*	65 dBA	70 dBA												
50 dBA*														

(Ord. 2459, 5/12/09; Ord. 2144, 12/9/03)

18.40.070 Containment Within a Building: In the L-I and MLIP Zones: All industrial uses including but not limited to manufacturing, processing, warehousing, distribution, and fabrication shall be carried on within a building. This is not to be construed as prohibiting open sales lots or outside storage subject to Section 18.40.110 of this chapter. (Ord. 2144, 12/9/03)

18.40.080 Commercial Coach: A commercial coach may be used as an office in the L-I and H-I zones in association with an existing building. A commercial coach is not allowed in the MLIP zone, except under the provisions of MLMC 18.40.090, Temporary Structures. (Ord. 2144, 12/9/03)

18.40.090 Temporary Structures: A commercial coach or recreational vehicle may be used as a temporary office for a period of time not to exceed one hundred twenty (120) days in duration in specific instances where a permanent structure housing an existing licensed business has been destroyed or damaged to the extent that it is rendered unusable. The siting of temporary structures shall be approved by the Building Official, and shall not require site plan review in compliance with MLMC 18.49. Temporary structures shall maintain a twenty foot (20') separation from property lines and/or other buildings or structures. (Ord. 2144, 12/9/03)

18.40.100 State Building Code, State Fire Code, State Mechanical Code, and State Plumbing Code Requirements: All uses in the industrial zones must be in compliance with the applicable requirements of the State Building Code, the State Fire Code, the State Mechanical Code, and the State Plumbing Code except as may be provided in this chapter. (Ord. 2459, 5/12/09; Ord. 2144, 12/9/03)

- 18.40.110 Storage Areas: All storage located on a lot which adjoins a residential or commercial zone shall be wholly within a building or enclosed by a sight obscuring screen not less than eight feet (8') in height. All storage shall be kept in a manner so that it will not create a fire hazard or a nuisance. In the case of the open storage of combustible material, a roadway shall be provided and maintained to permit free access of fire trucks at any time. This shall not be construed to prohibit open sales lots. (Ord. 2144, 12/9/03)
- 18.40.120 Fences and Walls: Fences and walls not exceeding eight feet (8') in height may be permitted subject to the requirements of this section. All fences, walls, or screening plantings will require a fence permit to be issued by the Building Official prior to construction or installation. Electric fences are prohibited. Security fences containing barbed wire may be permitted subject to review by the Building Official regarding the safety of such a fence. All applications for permits to construct or install fences or walls shall be reviewed by the Building Official and City Engineer for vehicular and pedestrian safety. Additional information about fences is contained in MLMC 12.28. (Ord. 2144, 12/9/03)
- 18.40.130 Buffer Strips: Site plan review by the Planning Commission will be required for any contiguous industrial and residential development. Buffer strips, in addition to the perimeter landscaping requirements in Chapter 18.57, may be required by the Planning Commission to separate developed contiguous industrial and residential uses from each other in order to eliminate nuisances. The Planning Commission may allow or require plantings, screening fences, walls, sound deadening walls, berms, or any combination thereof. Buffer strips shall be suitably landscaped and maintained. (Ord. 2144, 12/9/03)
- 18.40.140 Storm Water and Drainage:
- A. Each use shall provide for approved on-site or off-site detention or control of excess storm water run off or drainage resulting from the use. No use shall cause down stream property owners to receive storm water run off at a higher peak flow than would have resulted from the same event had the use or improvement not been present.
 - B. Storm water run off or drainage shall be controlled and contained on-site except where adequate off-site storm drainage systems are available. Storm water run off and/or drainage resulting from a use must be controlled so that water will not flow on to a public sidewalk or on to adjacent property. Drainage into city storm sewer or onto a city street must be approved by the City Engineer. (Ord. 2144, 12/9/03)

(Commercial uses permitted in this Light Industrial zone per Ordinance No. 2216)

