

ORDINANCE NO. 2781

AN ORDINANCE AMENDING CHAPTER 18.30 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "COMMERCIAL ZONES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.30 of the Moses Lake Municipal Code entitled "Commercial Zones" is amended as follows:

18.30.010 Purpose:

The purpose of this chapter is to provide for:

- A. A well-distributed system of community-based retail, service, neighborhood convenience, and regional-based retail uses;
- B. Land uses that meet the needs of local residents and attract regional populations;
- C. Land areas within the city to meet the needs of commercial development.

The C-1, Central Business District, Zone is intended to provide for a variety of retail business uses and services and to preserve land for such uses. It is a unique pedestrian-oriented commercial district that is the major retail, office, entertainment, and arts center for the community. Complementary residential uses are encouraged.

The C-1A, Transitional Commercial, Zone is intended to be a transition zone between the C-1 and C-2 zones and to provide an area for future expansion of the C-1 zone.

The C-2, General Commercial and Business, Zone is intended to provide for the general commercial and business activity of the city and to preserve land for such uses. It is intended to complement the downtown and help meet the other community needs, as well as provide an area for large scale shopping centers and other uses oriented to vehicle traffic.

The NC, Neighborhood Commercial, Zone provides for small-scale shopping areas that offer convenience goods and personal services for the daily needs of nearby neighborhoods. This zoning district is designed to reduce trips by providing convenient shopping. The allowed uses serve the neighborhood. Uses that tend to draw traffic into the neighborhood are not allowed.

18.30.030 Allowed Uses:

- A. The Commercial 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 commercial zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in MLMC 18.30.030.D. 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 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.

C. Procedural requirements for permits are described in MLMC Title 20.

D. 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 18.30.010 and the 1987 version of the Standard Industrial Classification Manual.

LAND USES IN COMMERCIAL ZONES				
USE CATEGORIES	C-1	C-2	C-1A	NC ¹
Retail				
Retail uses (other than those listed below)	A	A	A	A ¹
Food stores	A	A	A	A ²
Eating and drinking places	A	A	A	A ³
Drinking places	A	A	A	C ⁴
Open sales lots in conjunction with the principal use which must be in an enclosed adjoining building ⁵	X	A	A	X
Daily outdoor merchandise display ⁶	A	A	A	A
Sidewalk sales	A	A	A	A
Christmas tree sales, non-profit organization sales or activities associated with a seasonal event ⁷	A	A	A	A
Vehicle sales lot ⁸	X	A	A	X
Gasoline stations ⁹	C	A	A	C ¹⁰
Drive thru for a permitted use	C	A	A	X
Wholesale				
Wholesale use as an accessory use to a permitted retail use	A	A	A	X
Wholesale use when not associated with a retail use	X	A	A	X
Services				
Service uses (other than those listed below)	A	A	A	A ¹¹
Professional Offices, other than medical/dental/psychiatric	A	A	A	A ¹²
Medical/dental/psychiatric office or clinic	C	A	A	X
Hospitals	X	C	C	X
clubs, lodges, assembly halls	A	A	A	X
Lodging and assembly	A	A	A	X
Recreational Vehicle Parks (in compliance with MLMC 18.71)	X	C	C	X
Banking and financial services	A	A	A	X

LAND USES IN COMMERCIAL ZONES				
USE CATEGORIES	C-1	C-2	C-1A	NC¹
Repair and maintenance, including vehicles and appliances ¹³	C	A	A	X
Child care, day care	A	A	A	A
Veterinarian, small animals (pets)	C ¹⁴	C	C	X
Veterinarian, large animals (livestock)	X	X	X	X
Animal boarding	X	C	C	X
Drive thru for a permitted use	C	A	A	X
Adult entertainment facilities, in compliance with MLMC 18.73	X	A	X	X
Cultural, recreational, and entertainment uses	A	A	A	A ¹
Transportation, Communication, and Utilities				
Wireless communication facilities, in compliance with MLMC 18.78	A	A	A	X
Local utilities, below ground	A	A	A	A
Local utilities, above ground	C	C	C	C
Regional utilities	C	C	C	X
Private or public passenger transportation systems ¹⁵	A	A	A	A
Airports, landing strips, and air transportation facilities	X	C	X	X
Heliports	C	C	C	X
Industrial and Storage				
On-site hazardous waste treatment and storage facilities ¹⁶	C	C	C	C
Off-site hazardous waste treatment and storage facilities	X	X	X	X
Wrecking yards, salvage yards, or junk yards	X	X	X	X
Light manufacturing when subordinate to a retail sales outlet and contained in a building	A	A	A	X
Storage, warehousing, and distribution, not associated with a retail business	X	A	A	X
Construction site storage in sea-going containers or semi-trailers ¹⁷	A	A	A	A
Permanent storage in cargo container, in compliance with MLMC 18.76	X	C	C	X
Temporary storage in cargo container, in compliance with MLMC 18.76	X	C	C	X
Outside storage in conjunction with a principal use which is in an enclosed adjoining building	X	A	A	X

LAND USES IN COMMERCIAL ZONES				
USE CATEGORIES	C-1	C-2	C-1A	NC ¹
Public and Institutional				
Park, playground, athletic field, other non-commercial recreation	A	A	A	X
Outdoor recreational, entertainment, or amusement facilities	A	A	A	A ¹
Festivals or other outdoor celebrations	A	A	A	A
Schools, public and private	C	C	C	C
Churches	C	C	C	C ¹⁸
Libraries	A	A	A	C
Residential				
Manufactured or mobile home park	X	X	X	X
Occupancy of trailers or recreational vehicles (except in an RV park)	X	X	X	X
Residential use in conjunction with a commercial structure	A ¹⁹	C	C ¹⁹	A ²⁰
Multi-family residential use, not in conjunction with a commercial structure	C ²¹	C	C ²¹	X
Assisted Living Facility	X	C	C	X
Adult Family Home ²² in an existing residence	A	A	A	A
Family Day Care Home ²³ in an existing residence	A	A	A	A
Residential uses in a basement or upper story	A	A	A	A
Miscellaneous				
Accessory use appurtenant to any primary use and not otherwise prohibited	A	A	A	A
Removal of soil or other natural materials for the purpose of sale or use as fill material ²⁴	X	X	X	X
Keeping of livestock, poultry, rabbits, or bees	X	X	X	X

Footnotes for Table 1

1. All uses in the NC Zone are limited to those selling products and providing services to the immediate neighborhood without attracting a significant number of patrons from outside the neighborhood. No single use shall exceed ten thousand (10,000) square feet. Uses that have outdoor sales require a conditional use permit. Drive thru not allowed.
2. Limited to ten thousand (10,000) square feet of gross floor area.
3. Includes establishments that serve liquor with meals. Limited to five thousand (5,000) square feet of gross floor area. Drive thru not allowed.

4. Limited to five thousand (5,000) square feet of gross floor area.
5. Provided display is on private property and does not interfere with parking, traffic, or pedestrian movement.
6. Daily open merchandise display is permitted on private property when conducted in conjunction with the principal operation which is in an enclosed adjoining building provided that such merchandise is taken in and stored in an enclosed building at the close of each business day and that the display shall not interfere with parking, traffic, or pedestrian movement.
7. The listed outdoor temporary/seasonal uses are permitted outright not to exceed thirty (30) days in duration. Temporary structures associated with the listed uses are permitted and shall be exempt from the requirement for compliance with the State Building Code. The siting of temporary structures shall be approved by the Building Official.
8. All areas where vehicles are stored must be improved with hard surface paving. A street frontage buffer as specified in MLMC 18.57.040.A is required, even if landscaping is not otherwise required. Loudspeakers are prohibited.
- 9 Gas pumps shall be set back twenty-five feet (25') from property lines
10. Sales of tires, batteries, or other automobile parts is prohibited. Repair work is prohibited.
11. Limited to establishments selling products and providing services to the immediate neighborhood without attracting a significant number of patrons from outside the neighborhood. In the personal services category (SIC 72), funeral homes, crematories, and related uses; tattoo parlors, and Turkish baths are prohibited. No single use shall exceed ten thousand (10,000) square feet and office uses are limited to two thousand (2,000) square feet.
12. Limited to two thousand (2,000) square feet. Engineering, accounting, research, management, and related services (SIC 87) is not allowed.
13. In the C-1 and C-1A Zones, repair and maintenance, where allowed, shall take place entirely within an enclosed building.
14. No outdoor boarding allowed.
15. A bus garage or similar facility is allowed only in the C-2 Zone.
16. 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.
17. 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.
18. Allowed only as a subordinate use.
19. Existing residential uses may remain. For new residential uses, at least 50% of the ground floor area must be designated for retail, service, public, or commercial uses except that properties that front on Third Avenue may not use any of the ground floor area for residential uses. Off-street parking for residential tenants must be provided, in compliance with MLMC 18.54.
20. When located adjacent to a residential zone, the allowed residential density is the same as the adjoining residential zone. See MLMC 18.31.050.

- 21. In the C-1 and C-1A Zones, multi-family use is not allowed for properties that front on 3rd Avenue.
- 22. Adult family homes shall be licensed by the Department of Social and Health Services, and a city business license shall be required.
- 23. Family day care homes shall be licensed by the State of Washington Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements for family day care homes. Certification by the office of child care policy licensor as providing a safe passenger loading area, and a city business license shall be required. The building and lot shall comply with all building, fire, safety, and health code requirements, and shall conform to the lot size, building size, setbacks, and lot coverage standards of the zone, except for legal nonconforming structures.
- 24. Excavation for the purpose of on-site construction or landscaping is permitted.

18.30.040 Prohibited: The following are prohibited in commercial zones:

- A. Collection, or dumping of any junk, scrap, garbage, unsightly material, litter, or debris except as may be contained in an approved garbage collection container.
- B. Collection, or dumping of dismantled, partly dismantled, or wrecked vehicles, trailers, machinery, or their parts.
- C. Any use which does not or is not capable of conforming with the requirements of this chapter.

18.30.050 Development Standards for Commercial Zones:

- A. Purpose. This section establishes the development standards and site requirements for uses in the commercial 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 commercial 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. Additional requirements for the NC zone are found in MLMC chapter 18.31.

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES				
Development Standards	C-1	C-2	C-1A	NC
Minimum lot size	NR	NR	NR	See MLMC 18.31.020
Maximum lot size	NR ¹	NR	NR ¹	3 acres
Maximum building height	4 stories or 62' ²	4 stories or 62' ²	4 stories or 62' ²	See MLMC 18.31.040
Minimum Front yard setback ³	NR	15'	NR	See MLMC 18.31.030.A
Maximum front setback	0' ⁴	NR	NR	See MLMC 18.31.030.A
Exterior side yard setback ³	NR	15'	0'	See MLMC 18.31.030.B
Interior side yard setback ³	NR	NR	NR	See MLMC 18.31.030.B
Rear yard setback ³	NR	NR	NR	See MLMC 18.31.030.C

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES				
Development Standards	C-1	C-2	C-1A	NC
Landscaping required (MLMC 18.57)	New parking lots only	Yes	New parking lots only	Yes. Additional requirements at MLMC 18.31.060
Buffer requirements	MLMC 18.30.130	MLMC 18.30.130	MLMC 18.30.130	MLMC 18.30.130 and 18.31.060
Signage	MLMC 18.58	MLMC 18.58	MLMC 18.58	MLMC 18.58 and 18.31.090
Outside storage allowed	No	MLMC 18.30.110	MLMC 18.30.110	No
Fencing requirements	MLMC 18.30.120	MLMC 18.30.120	MLMC 18.30.120	MLMC 18.30.120 and 18.31.060
Parking required (MLMC 18.54)	For residential only	Yes	For residential and lodging only	Yes
Ground floor window standards	MLMC 18.30.150	NR	MLMC 18.30.150	MLMC 18.30.150
Pedestrian requirements	NR	MLMC 18.30.160	NR	MLMC 18.30.160

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

Footnotes for Table 2

1. No maximum lot size; however, any use over two (2) acres requires Planning Commission approval as a conditional use.
2. 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 the additional height will not be detrimental.
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. Eaves, cornices, and awnings may project into the required setback no more than two feet (2').
 - 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).
4. Portions of the building may be set back further than the maximum setback to allow for features that encourage pedestrian use and activity along the street, such as building modulation, pedestrian plazas or courtyards, covered or recessed entryways, commercial uses or displays (such as vendors, newsstands, or cafes), public art (such as water features or sculptures), or seating and/or planter areas.

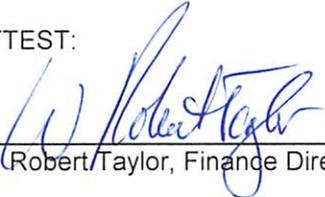
18.30.110 Outside Storage: Outside storage is permitted in the C-2 and C1-A Zones when conducted in conjunction with the principal use which is in an enclosed adjoining building. Screening may be required by the Planning Commission as part of site plan review. Outside storage is prohibited in the other commercial zones.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

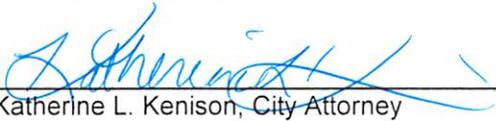
Adopted by the City Council and signed by its Mayor on September 8, 2015.


Dick Deane, Mayor

ATTEST:


W. Robert Taylor, Finance Director

APPROVED AS TO FORM:


Katherine L. Kenison, City Attorney