

City of Cheney
609 Second Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE V-01**

**AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 21.34,
CHAPTER 21.58, AND CHAPTER 23.030 OF THE CHENEY
MUNICIPAL CODE.**

WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A, the City of Cheney is vested with the authority to regulate the use of land within its municipal borders; and

WHEREAS, the City met the Growth Management Act notice to state agency requirements in RCW 36.70A.106; and

WHEREAS, the City conducted the required public hearing with the Planning Commission on December 8, 2008; and

WHEREAS, the Planning Commission recommend approval of the adoption of the Business Park Zone and amendments to the criteria for retail development and the Land Use Review procedures for the Cheney Municipal Code; and

WHEREAS, it is the intent of the City Council to ensure the development of fair and reasonable regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 21.34, Business Park Zone, is replaced as follows:

Chapter 21.34

Business Park (BP) Zone

Sections:

| | |
|-----------|-----------------|
| 21.34.010 | Established. |
| 21.34.020 | Purpose. |
| 21.34.030 | Permitted uses. |
| 21.34.060 | Buildings. |
| 21.34.065 | Site Layout. |
| 21.34.070 | Landscaping. |
| 21.34.075 | Parking. |
| 21.34.085 | Signs. |
| 21.34.095 | Adjustments. |

21.34.010 Established.

There is established the business park (BP) zone and standards and regulations by which certain land uses may be permitted.

21.34.020 Purpose.

The Business Park Zone provides land for the creation, development, and promotion of industries that provide higher-skill, higher-wage employment opportunities that have low off-site impacts. The industries shall produce limited noise, vibration, odor, and glare. Most operations shall be within buildings. Buildings shall be attractive and the grounds pleasing.

21.34.030 Permitted uses.

The following uses are allowed in the BP zone if they comply with the development standards of this Title:

1. Manufacturing and Production. Manufacturing and Production businesses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Accessory uses may include offices, parking, warehouses and storage yards.

2. Wholesale Sales. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer. Accessory uses may include offices, parking, warehouses, and storage yards.

3. Industrial Office. Industrial Office businesses are characterized by activities that, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than other office uses and focus on the research, development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental. Accessory uses may include parking, warehouses, and storage yards.

4. Industrial Service. Industrial Service businesses are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory uses may include offices, parking, warehouses, and storage yards.

5. Training Facility. Training Facility businesses provide facilities for adult technical education and training. These business may provide classrooms or hands-on laboratories or workshops. Accessory uses may include offices and parking.

6. Similar or like uses may be permitted after review and decision by the Community Development Director.

21.34.040 Conditional uses.

The following uses are allowed in the BP zone if they comply with the development standards of this Title and are approved through the Conditional Use Review process of Chapter 21.58:

1. Retail Sales and Service. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

21.34.060 Buildings.

1. Height.

Purpose: Height standards provide a reasonable building scale and a distinct look to the district.

Standard: The maximum height allowed for all structures is 45 feet. Height is measured according to the definition in 21.08, Definitions.

Exceptions: Chimneys, flag poles, and other similar items with a width, depth, or diameter of 5 feet or less are allowed to a maximum height of 55 feet. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

2. Mechanical Equipment.

Purpose: The mechanical equipment standards prevent rooftop equipment from visually dominating the building.

Standard: All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges. Equipment and enclosures that cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

3. Main Entrance.

Purpose: The main entrance standards provide a physical and visual connection between the building and the street, enhancing public safety and ensuring that the pedestrian entrance is clearly identifiable.

Main Entrance: The main entrance of the primary structure must face the street lot line. Where there is more than one street lot line, the entrance may face either of them or the corner.

4. Street-Facing Façade.

Purpose: The street-facing facade standards enhance the character of the district by providing a reasonable building scale and a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

Window Standard: At least 15 percent of the ground floor area of each façade that faces a street lot line must be windows. The ground floor is the first 10 feet measured from grade.

Ground Floor Standard: The ground level of a building that is over 16 feet in height must be visually distinct from upper stories. This may be accomplished by a cornice above the ground level, changes in material or texture, or a row of clerestory windows on the street facing elevation.

Base Standard: Buildings must have a base. The base must be at least 2 feet above grade and be distinguished from the rest of the building by a different color or material.

21.34.065 Site Layout

1. Setbacks.

Purpose: The site layout standards reinforce streets as public spaces and encourage alternative modes of transportation such as walking, bicycling, and transit use.

Minimum Setback Standard: The minimum side and rear setback from properties abutting residentially zoned property is two feet for every foot of height.

Exceptions: Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback.

2. Front yard.

Purpose: The front yard standards enhance the character of the district by providing a more pleasant pedestrian environment by preventing nuisances.

Passenger Vehicle Parking: Parking for passenger vehicles, those vehicles commonly used by employees and customers, shall be located behind, beside, or in front of the building.

Large Vehicle Parking and Maneuvering. Parking and Maneuvering for large vehicles, those vehicles commonly used for the transporting of goods, shall be located beside or behind the building. Large vehicle areas shall not be located between the building and the street with the following exception. Loading docks may be located on the street side of a building if they are no more than fifty percent (50%) of the total street-facing façade and located flush with or behind the main street-facing wall of the building.

Outdoor Storage: Outdoor storage may not be located closer to the street than the main building.

Mechanical Equipment: No mechanical equipment may be located closer to the street than the main building.

Refuse and Recycling: No refuse or recycling collection areas may be located closer to the street than the main building.

3. Pedestrian Connection.

Purpose: The pedestrian connection standard, in conjunction with the main entrance standard, ensures the main entrance is clearly identifiable and accessible.

Pedestrian Connection: A 6-foot wide pedestrian connection must be provided from the main entrances to the public sidewalk. Where a pedestrian connection crosses vehicle areas, the paving material must be different than that of the vehicle area paving.

4. Outdoor storage. Outdoor storage areas must be screened with a 6-foot high sight-obscuring fence.

21.34.070 Landscaping.

Purpose: The landscaping standards soften the effects of the built and paved environment, while helping in reducing storm water runoff by providing a surface into which water can percolate.

Minimum Landscaped Area: A minimum of 15% of the property must be landscaped. Landscaping in the right-of-way adjacent to the site may count towards the minimum requirement.

Minimum Screening: Parking areas abutting a street must provide a 6-foot wide planting strip between the parking area and the public sidewalk. If street trees are present, this area is exempt from the minimum tree requirement.

Minimum Landscaping: One tree and three shrubs are required for every 300 square feet of required landscaped area. Any area not planted with trees and shrubs shall be planted with ground cover plants.

Buffer Landscaping: Property lines abutting residentially zoned property must have a 10-foot wide landscape buffer. The buffer must contain evergreen shrubs that have a mature height of no less than 6 feet and are planted in a manner that creates a sight-obscuring screen. (Ord. P-28 § 1(part), 1992).

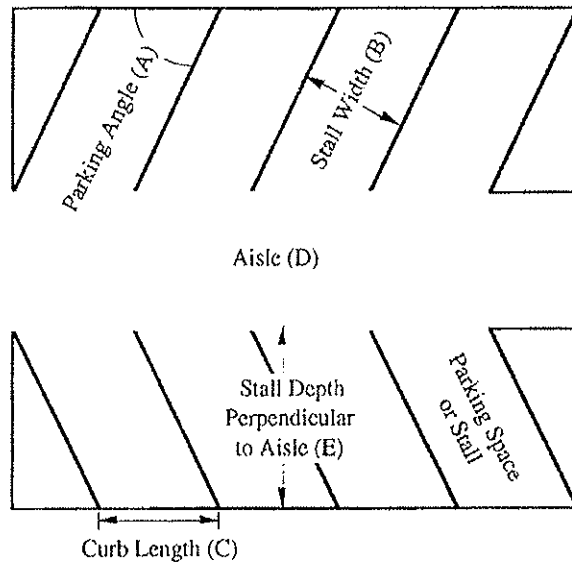
Purpose: The parking standards ensure adequate space for parking vehicles and bicycles.

Vehicle Parking Minimum: One parking space is required per 750 square feet of non-warehouse, industrial building floor area. One parking space is required per 500 square feet of office building floor area.

Vehicle Spaces. All required and non-required parking spaces provided must meet the space and aisle dimensions of Table 21.34-1.

| Table 21.34-1 | | | | | |
|----------------------|-----------|-----------------|-----------------------|-----------------------|-----------------|
| Angle in degrees (A) | Width (B) | Curb Length (C) | 1 Way Aisle Width (D) | 2 Way Aisle Width (E) | Stall Depth (F) |
| 0 (Parallel) | 9 feet | 22 ft. 6 in. | 12 feet | 20 feet | 9 feet |
| 30 | 9 feet | 18 feet | 12 feet | 20 feet | 18 ft. 9 in. |

| | | | | | |
|----|--------|--------------|---------|---------|--------------|
| 45 | 9 feet | 12 ft. 9 in. | 12 feet | 20 feet | 21 ft. 3 in. |
| 60 | 9 feet | 10 ft. 3 in. | 16 feet | 20 feet | 22 feet |
| 90 | 9 feet | 9 feet | 20 feet | 20 feet | 20 feet |



Bicycle Parking Standard: Two bicycle spaces must be provided on every site. Every required space must have a rack designed in such a way that the frame of the bike is supported by the rack and a U-lock can be used to lock the frame of the bicycle to the rack. Bicycle spaces provided must be 2 feet by 6 feet and allow for a bicycle to be moved in and out of a space without moving another bicycle.

Paving: All required and non-required areas used for maneuvering and parking vehicles must be paved.

21.34.085 Signs.

Purpose: Signage regulations are intended to promote commerce, traffic safety and community identity while improving the visual environment of the area. This code regulates permanent, temporary, and portable signs.

Prohibited Signs: The following signs are prohibited:

1. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
2. Signs that create a safety hazard for pedestrian or vehicular traffic.
3. Flashing signs and readerboards.
4. Signs attached or placed on a vehicle or trailer.
5. Roof-mounted signs.
6. Pole signs.

Exempt Signs:

1. Directional signs.
2. Real Estate signs.
3. Political signs.

Wall/Fascia Signs: One wall or fascia sign is allowed per business with a maximum area of 32 square feet each. Signs may not project above the roof line.

Monument Signs: One monument sign is allowed per lot with a maximum height of 6 feet and a maximum area of 40 square feet.

Awning Signs: One awning sign is allowed per business with a maximum area of 32 square feet each.

Portable Signs: One portable sign, commonly known as an A-board or sandwich board sign, is allowed per business with a maximum area of 8 square feet. Portable signs are allowed between the public sidewalk and the building. Portable signs are not allowed on public sidewalks or in public right-of-way.

Temporary Signs: Temporary signs are regulated by Chapter 21.54, Signs.

Clear-view triangle: All signs must adhere to the standards of Chapter 21.46, Clear-View Triangle.

21.34.095 Adjustments.

Purpose. The adjustment review process provides a mechanism by which a proposal may vary from the standards in this chapter as long as the proposed development continues to meet the intended purpose of those standards.

Review Procedure. Adjustments are reviewed according to Chapter 23.030, Land Use Reviews.

Approval Criteria. An adjustment will be approved if the following criteria are met:

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
2. The proposal will not detract from the livability or appearance of the area.

Section 2. Section 21.58.026, Additional criteria for retail development, is created as follows:

21.58.026 Additional criteria for retail development.

Approval of a conditional use for retail development in the Business Park Zone will be approved if the criteria of 21.58.025, approval criteria, and the following criteria are met:

1. The proposed use is a supportive service or supplier to the existing industries in the business park zone.
2. The proposed use will not have significant adverse effects on neighboring industries.
3. The proposed use will not significantly alter the overall desired character of the zone.

Section 3. Section 23.030.020, [Land Use Review] Applicability, is amended as follows:

23.030.020 Applicability

Land use reviews include adjustments, conditional use permits, critical areas, planned unit developments, preliminary subdivisions, preliminary binding site plans, variances to Title 22, zone map amendment, and land use map amendments.

Section 4. Section 23.030.030(o), [Land Use Review] Process, is amended as follows:

- (o) **Hearing.** An open record hearing will be conducted by the assigned review body. The review body may adopt the Community Development Director's report and

recommendation, modify it, or reject it based on information presented at the hearing and in the record.

| Type of Review | Assigned Review Body |
|-------------------------------|----------------------|
| Adjustment | Planning Commission |
| Conditional Use Permit | Planning Commission |
| Critical Area | Planning Commission |
| Preliminary Binding Site Plan | City Council |
| Preliminary Subdivision Plat | Planning Commission |
| Planned Unit Development | Planning Commission |
| Variance to Title 22 | Planning Commission |
| Zone Map Amendment | Planning Commission |
| Land Use Map Amendment | Planning Commission |

Section 5. Section 23.030.030(q), [Land Use Review] Process, is amended as follows:

(q) **Final Decision Authority.** Final Decision Authority is dependent on the type of review.

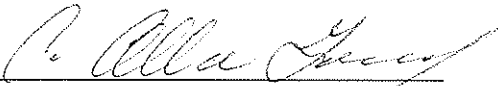
| Type of Review | Final Decision Authority |
|-------------------------------|--------------------------|
| Adjustment | Planning Commission |
| Conditional Use Permit | Planning Commission |
| Critical Area | Planning Commission |
| Preliminary Binding Site Plan | City Council |
| Preliminary Subdivision Plat | City Council |
| Planned Unit Development | City Council |
| Variance to Title 22 | Planning Commission |
| Zone Map Amendment | City Council |
| Land Use Map Amendment | City Council |

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

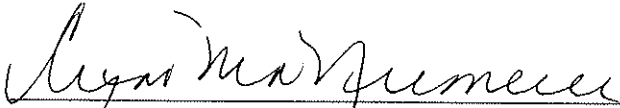
Introduced this 10th day of February, 2009.

Passed by the City Council this 14th day of April, 2009.

Approved by the Mayor this 14th day of April, 2009


C. Allan Gainer, Mayor

ATTEST:


Cynthia L. Niemeier, Finance Director/City Clerk

APPROVED AS TO FORM:


Stanley M. Schwartz, City Attorney