

AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING PORTIONS OF CHAPTER 17.16 OF THE MILLWOOD MUNICIPAL CODE RELATING TO C-1 ZONING REGULATIONS FOR BUSINESSES SERVING ALCOHOL IN THE C-1 ZONE AND THE PROCEDURE FOR PERMITTING USES NOT LISTED AS PERMITTED USES IN THE C-1 ZONE, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, section 14.12.150 of the Millwood Municipal Code provides that the Planning Commission may consider proposals to amend Millwood’s development regulations including Title 17 Zoning; and

WHEREAS, the Millwood Planning Department submitted a proposal to review the regulations in Chapter 17.16 of the Millwood Municipal Code regarding businesses which serve alcohol in the C-1 Commercial zone; and

WHEREAS, the Planning Commission conducted a public hearing on this matter following proper public notice, and adopted a written recommendation to city council which includes its findings and recommendations; and

WHEREAS, on February 25, 2014 the Millwood City Council conducted a closed-record public hearing on the proposed amendments, and subsequently voted to send the matter back to the Planning Commission for reconsideration in order to obtain additional comments from parties affected by the proposed amendments, and

WHEREAS, on May 27, 2014 the Planning Commission conducted a public hearing on revisions to its proposal, which would provide for a 14-day review and comment period before approval of permits for businesses serving alcohol within 500 feet of a church, school, park or playground, and following that hearing the Planning Commission submitted its written findings and recommendation for approval of the revised proposal, and

WHEREAS, all requirements of the State Environmental Policy Act RCW 32.21C have been met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MILLWOOD DO ORDAIN AS FOLLOWS:

Section 1. That Section 17.16.010 of the Millwood Municipal Code is hereby amended to read as follows:

17.16.010 Permitted uses. In the C-1 commercial zone, no building or premises shall be used nor shall any building or structure be hereafter erected or altered unless otherwise provided in this title, except for one or more of the following uses:

A. All uses permitted in the UR-1, UR-2 and UR-3 residential zones, and Class I and Class II group-care homes as permitted by conditional use permit, are permitted in the C-1 commercial zone; provided, that the parcel size, yard, site coverage, height limit, storage, design, and off-street parking regulations contained in Chapters 17.08, 17.12, and 17.14 of this title shall be applicable to such uses in the C-1 commercial zone, and further provided that residential uses shall not be permitted on the same parcel as commercial uses unless provided for below.

B. Secure community transition facilities (SCTF) for three residents may be permitted in the C-1 commercial zone by conditional use permit provided all of the UR-2 zone and general uses development standards are met. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of, risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property

line of the risk potential land use to the nearest property line of the SCTF. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing by the planning commission, the city council may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the city council shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.

C. On any property of whatever size, the following uses are permitted, provided that the development standards contained in this chapter are met and further provided that frontage on Trent Avenue, when required, means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel:

1. Amusement places housed indoors, including billiard and pool halls, bowling alleys, skating rinks, and children's indoor play facilities provided those properties ~~with~~ have frontage on Trent Avenue. Those facilities or places, which are licensed for gambling, as defined in this section are not deemed amusement places housed indoors;
2. Apartment for permanent residence above store building;
3. Art or antique shops;
4. Auditoriums;
5. Automobile storage, service, and repair;
6. Bakery;
7. Bank;
8. Establishments licensed to serve alcohol ~~may be allowed by conditional use permit issued by the city council after public hearing before the city planning commission and in accordance with standards regulating the issuance of conditional use permits as specified in this code, provided the proposed establishment is located not closer than five hundred (500) feet from any church, school, or public park or playground, provided:~~

a. If the proposed establishment is located within five hundred (500) feet from any church, school, public park or playground, then the following conditions shall apply:

i. Public entrances to such establishment, outside seating areas where alcohol may be served, and any area of such establishment where alcohol may be consumed shall not be visible from any church, school, public park or playground; and

ii. The service or consumption of alcohol at such establishment may not result in noise, vehicular traffic, litter, public consumption of alcohol, public inebriation, or other conditions that are incompatible with the peaceful uses of any such church, school, public park or playground.

iii. Notice of the proposed establishment shall be given to the legal owner of any church, school, public park, or playground within five hundred (500) feet of the proposed establishment. Such legal owner shall provide comment regarding the proposed establishment to the Director within ten (10) days of receiving such notice. The Director shall not approve or deny the proposed establishment until fourteen (14) days following date of such notice. The Director may impose conditions on the proposed establishment or may deny the proposed establishment based on submitted comments.

b. If the establishment is licensed to allow beer, wine and spirits tasting, then tasting shall occur within an enclosed area in the licensed establishment and shall not be located closer than one hundred (100) feet from any church, school, public park or playground.

c. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use.

d. Appeal of an administrative decision shall follow the process in MMC 14.12.140.

9. Bird stores, pet shops and taxidermist shops;
10. Blueprinting, photostating and photo developing;
11. Business colleges or private schools operating as a commercial enterprise;
12. Business and professional offices;
13. Carpenter shops but excluding planing mills, saw mills, etc.;
14. Cleaning establishments using nonexplosive and nonflammable cleaning fluid;
15. Clinics: medical, dental and small animal clinics and laboratories;
16. Commercial welding, provided all operations and storage in conjunction therewith are carried on and conducted within accepted safety standards under the building and fire codes as adopted by the city;
17. Community centers;
18. Drive-thru windows only on those properties with frontage on Trent Avenue;
19. Employment agencies;
20. Frozen food lockers;
21. Fruit or vegetable markets;
22. Gambling facilities, which are legally licensed by the state of Washington as Class A, B, C or D and E-1 through E-5, only on those properties with frontage on Trent Avenue;
23. Golf driving ranges and miniature golf courses;
24. Machinery, trailer, recreational vehicle, and automobile sales lots only on those properties with frontage on Trent Avenue;
25. Manufactured home parks as defined and regulated in Chapter 17.12 of this title;
26. Mini-storage facilities and the storage of boats and recreational vehicles;
27. Mortuaries;
28. Paint and decorating shops;
29. Personal service shops of all types, excluding adult entertainment facilities;
30. Photographic studios;
31. Printing and lithography shops;
32. Pawn shops;
33. Repair shops of all types;
34. Restaurants and cafes;
35. Retail stores of all descriptions where merchandise is displayed and/or sold within a building;
36. Shops for the sale and servicing of household equipment;
37. Sign painting shops;
38. Studios: dance, music and art;
39. Theaters: indoor;
40. Veterinary hospitals and boarding kennels only on those properties with frontage on Trent Avenue;
41. Warehouse for retail sales only on those properties with frontage on Trent Avenue;
42. Wholesale office and warehouse only on those properties with frontage on Trent Avenue;
43. Electric vehicle infrastructure, including:
 - a. Electrical outlets capable of charging electric vehicles;
 - b. Level 1, Level 2 and Level 3 electric vehicle charging stations;
 - c. Battery exchange or battery charging stations that meet Washington State Building Code (RCW 19.27) requirements; and
44. Marijuana retailers.

Any other use not listed above and not expressly prohibited below requires a ~~variance~~ conditional use permit from the city of Millwood.

D. Temporary Use Permits. The director has the authority to approve temporary use permits for craft, produce, Christmas tree sales and farmers markets, provided:

1. A temporary use application is submitted and approved.
2. A written restroom facility agreement with an adjoining commercial business is submitted. The adjoining commercial business must be lawfully in existence, including having a lawfully issued certificate of occupancy.
3. The temporary use will be restricted to the same hours and days of operation as those of the adjoining business.
4. The director may require a traffic and parking plan.
5. The director may include any conditions for the temporary use permit deemed necessary in order to reasonably mitigate any adverse impacts anticipated from the permit.

Section 2. Adoption of Findings and Recommendations. The written findings and recommendation submitted by the Planning Commission for the proposed amendments are hereby adopted by the City Council in support of this ordinance.

Section 3. Repeal. All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

Section 4. Severability: If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effect: This Ordinance shall be in full force and effect from and after its adoption and five (5) days after its publication or a publication of a summary of this Ordinance in the official newspaper of the City.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 8th DAY OF July, 2014.

KEVIN FREEMAN, MAYOR

Attest:

THOMAS G. RICHARDSON, CLERK

STATE OF WASHINGTON)
)ss:
County of Spokane)

Thomas G. Richardson, being first duly sworn on oath deposes and says:
I am the Clerk of the City of Millwood, Washington, and the foregoing ordinance entitled “AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING PORTIONS OF CHAPTER 17.16 OF THE MILLWOOD MUNICIPAL CODE RELATING TO C-1 ZONING REGULATIONS FOR BUSINESSES SERVING ALCOHOL IN THE C-1 ZONE AND THE PROCEDURE FOR PERMITTING USES NOT LISTED AS PERMITTED USES IN THE C-1 ZONE, AND PROVIDING FOR OTHER MATTERS RELATED THERETO” is the true and correct copy of the City of Millwood’s Ordinance numbered 463 and that the same was posted and published according to law.

Thomas G. Richardson, City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 2014.

Notary Public in and for the
State of Washington, residing at Spokane.
My Commission expires _____