

Chapter 20.60

SPECIFIC USE RESTRICTIONS

Sections:

- 20.60.010 Flammable Liquid Storage.
- 20.60.020 Veterinary Clinic or Hospital.
- 20.60.030 Animal Keeping.
- 20.60.040 Service Stations and Vehicle Sales.
- 20.60.045 Recreational Vehicle Park.
- 20.60.046 Recreational Vehicle Park - Application Procedure and Planning Commission Review.
- 20.60.050 Home Occupancy.
- 20.60.055 Use Permit Required.
- 20.60.060 Kennels.
- 20.60.070 Motels.
- 20.60.080 Family Child Day Care Home.
- 20.60.081 Child Mini-Day Care Center.
- 20.60.082 Child Day Care Center.
- 20.60.090 Subdivision, Sales Area, Equipment, Material Yard.
- 20.60.100 Trailer, Boats, Camper Tops, Travel Trailers, Modular Structures.
- 20.60.110 Manufactured Home Parks.
- 20.60.120 Health Facilities.
- 20.60.130 Churches and Places of Worship.
- 20.60.140 Outdoor Theaters.
- 20.60.150 Stables, Corrals, Riding Academies.
- 20.60.160 Fruit and Vegetable Stands.
- 20.60.180 Dormitories, Convents, Schools, Hospitals.
- 20.60.190 Junk.
- 20.60.200 Swimming Pools
- 20.60.210 Development of Parks and Playfields.
- 20.60.220 Growing of Alfalfa or Hay Permitted Under Certain Conditions.
- 20.60.230 Schools of Fine Art and Self-Defense.
- 20.60.240 Enclosure of Trash Containers.
- 20.60.250 Roominghouses and Boardinghouses.
- 20.60.260 Adult Entertainment.
- 20.60.270 Hazardous Waste Treatment and Storage.
- 20.60.271 Heights of Buildings and Structures.
- 20.60.280 Wireless Communication Facilities
- 20.60.285 Wineries
- 20.60.290 Marijuana Control Regulations

20.60.010 Flammable Liquid Storage. Aboveground storage of materials or products rated as fast-burning, or which produce flammable or explosive vapors, or gases in quantities over one thousand gallons will only be permitted in the industrial district upon approval of a conditional use permit. Such storage area shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire suppression and fire fighting equipment and devices, and subject to the approval of the city fire chief and in accordance with all applicable city, county, and/or state laws. (Ord. 765, 2003.)

20.60.020 Veterinary Clinic or Hospital. Except as otherwise permitted by conditional use permit, all animals shall be confined within the building at all times. Where provided, interior animal pens and runs shall be such so as to contain the animal therein. Except as permitted by conditional use permit, there shall be no cremation or other such disposal of dead animals on the premises. (Ord. 765, 2003.)

20.60.030 Animal Keeping. In R districts, the keeping of no more than three dogs and/or cats, six weeks of age or older shall be permitted. Rabbits, guinea pigs, fowl, pigeons, and similar small animals may be kept provided the number does not exceed three of each kind; that the birds or animals shall not be permitted to roam or fly to adjacent properties; that all cages and fenced areas be no higher than six feet and shall observe front and side yard setback requirements; shall not be objectionable due to noise or smell; and shall be maintained in a clean and sanitary condition, provided, however, there shall be no more than a combined total of six of the above listed birds or animals.

An increase in the allowable number may be permitted upon issuance of a residential use permit as provided in Chapter 20.67, Benton City Municipal Code. Criteria for permitting an increase in the number shall include, but not be limited to, the following:

- A. That all cages, pens, runs and similar animal containing structures shall be in conformance with Chapter Benton City Municipal Code. Accessory buildings, structures and uses shall be subject to building permits as determined by the building inspector.
- B. That the property be maintained in accordance with any standards developed by the Benton County Air Pollution Control Authority in order to minimize objections due to smell.
- C. That no animal be permitted to roam or fly to adjacent properties.
- D. Facilities for animals shall be structurally sound and shall be maintained in good repair, shall be designed so as to protect the animals from injury, shall contain the animals and shall restrict the entrance of other animals.
- E. Food and bedding shall be stored at facilities adequate to provide protection against infestation or contamination by insects or rodents.
- F. Provision shall be made for the removal and disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.
- G. All facilities shall be constructed to provide shelter from excessive sunlight, rain, snow, wind or other elements. In addition, such facilities shall be constructed to provide sufficient space for the exercise and movement of each animal and to allow each animal to turn about freely and to easily stand, sit and lie in a comfortably normal position.
- H. All facilities shall be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials, and shall be designed to facilitate the removal of animal and food wastes, and that such wastes be removed continually.
- I. Any approved residential use permit shall be reviewed at least yearly to determine if

any problems exist. Should a problem be found to exist consideration will be given to withdrawing the approved permit within thirty days notification. (Ord. 765, 2003.)

20.60.040 Service Stations and Vehicle Sales.

- A. Canopies and similar architectural features may be attached to the principal structure and may be constructed over vehicle service areas. No vehicle service apparatus shall be closer than fifteen feet to any public right-of-way.
- B. Except for landscaped areas, the entire service area shall be paved with a permanent surface of concrete or asphalt. Landscaped areas shall be contained by a minimum six inch high concrete curb.
- C. Except for necessary openings, auto washing equipment, hydraulic hoists, pits, lubrication equipment, food preparation and washing equipment and all other similar equipment shall be contained within a completely enclosed building. All washing residue shall be drained to the approval of the director of public works. All washing ingredients shall be biodegradable.
- D. Except as provided elsewhere, a masonry wall or screened chain link fence, at least thirty-six inches in height, but no higher than six feet in height, shall be erected along the property lines separating the site from any R district except in the street frontage yard area of the abutting R district, which shall have a fence no higher than thirty-six inches. Any fence shall not exceed four feet in height along the alley property lines where the property opposite is zoned residential.
- E. Exterior lighting shall be arranged so that it is deflected away from the adjacent property.
- F. The "service area" as defined in subsection B above, for new and used vehicle and equipment sales shall consist of that outside area upon which vehicles and equipment are displayed for sale. In the event 15 or less vehicles or equipment are displayed for sale, the service area may consist of dust and weed-free compacted gravel or other impervious or semi-impervious material.
- G. No equipment, vehicle, sign or other obstruction may be located within the five-foot setback from any existing street frontage property line.(Ord. 939, 2014; Ord. 765, 2003.)

20.60.045 Recreational Vehicle Park. When allowed in a specific use district, a recreational vehicle park may be established as a conditional use after review and approval by the planning commission; provided, that the establishment of such use shall meet the following requirements:

- A. Site Development Plan. A binding site development plan shall be submitted with application for a recreational vehicle park. Said plan shall be subjected to review, modification, by the Planning Commission before making a recommendation for approval or denial to the City Council. The City Council may also modify the plan before taking formal action to accept or reject the application. The Binding Site Development Plan shall constitute an integral part of the Permit for the recreational vehicle park, and shall be binding upon the owner of the property, its successors and assigns. All development within the park shall be consistent with the Binding site Development Plan.
- B. Minimum Park Area. The minimum size of the recreational vehicle park shall be three acres.

- C. Density. The maximum gross density allowed shall be one recreational vehicle space per each two thousand square feet of land area not to exceed twenty spaces per acre. During the permit review, the density may be limited further to ensure compatibility with the surrounding area.
- D. Minimum Width. Each recreational vehicle space shall have a minimum width of twenty-five feet.
- E. Open Space/Recreational Facilities. No less than eight percent of the total site area shall be provided as defined open space/recreational facilities. The recreation facilities shall be easily accessible and shall be improved and maintained in such a manner so as to provide adequate recreational facilities for the residents of the recreational vehicle park. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space. The percentage requirements may be reduced if substantial and appropriate recreation facilities are provided, i.e., recreational buildings, basketball courts, swimming pool, etc.
- F. Ingress/Egress. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and minimum of interference with the free movement of traffic on adjacent streets. No entrance or exit shall require a turn at an acute angle and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.
- G. Interior Streets. Interior private streets shall observe the following minimums:
 - 1. Twelve feet of width per each travel lane and eight feet of width per each parking lane.
 - 2. All streets shall be paved in accordance with the specifications of the city street ordinance and shall be well-drained, well-lighted and continuously maintained in an operable condition.
- H. Spacing between Units. There shall be a minimum side-to-side dimension of twelve feet between units and a minimum end-to-end dimension of ten feet between units.
- I. Minimum Setbacks. The following setback requirements shall apply:
 - 1. Twenty-five feet from a public street.
 - 2. The vehicle shall be a minimum of five feet from an interior private street.
 - 3. Fifteen feet from the park boundary.
- J. Off-Street Parking. A minimum of two off-street parking spaces shall be required for each recreational vehicle space. It shall be located within the recreational vehicle space. In addition, one off-street parking space per each three recreational vehicles spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park.
- K. Pedestrian Walkways. Pedestrian walkways having a width of not less than three feet shall be provided from the recreational vehicle spaces to all service buildings and facilities, refuse collection area, and recreation areas. The walkways shall be hard-surfaced, well-drained, and well-lighted.
- L. Landscaping and Fencing. A detailed landscape plan shall be required and include:
 - 1. The location and materials of all fencing.
 - 2. All plantings including the size, location, species name and method of irrigation.

3. Existing trees or significant plant groupings that are intended to remain.
4. Sight-obscuring buffer between the recreational vehicle park and any residential district except Agricultural Suburban.
5. Perimeter ground cover landscaping consisting of not less than five-foot width and established vision triangle requirements for driveways and intersections.
6. Individual space landscaping, common areas and open space.

Sight-obscuring buffer shall consist of opaque material fencing or a solid landscape screen which shall consist of an evergreen or nearly evergreen mixture of shrubs, bushes or trees that produce a dense, sight-obscuring screen at least six-feet in height within three years of planting. Berms may be included as a sight-obscuring barrier to a maximum berm height of five feet planted on both sides with evergreen or nearly evergreen shrubs or bushes so that the total height of landscaping and berm will be at least six feet within three years of planting, and the top of the berm plantings form a dense, sight-obscuring screen within the same three-year period.

Fencing materials and standards shall be consistent with BCMC 20.51.050 and 20.51.060.

M. Solid Waste Disposal. The storage, collection and disposal of solid waste in recreational vehicle parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened from view except on collection day. Sufficient storage capacity shall be provided such that when park is at capacity all refuse will fit in refuse containers. Park personnel shall monitor refuse tanks and containers for cleanliness and maintain the park free of any uncontrolled garbage and refuse.

N. Utilities. The following requirements for utilities shall apply:

1. A water supply system shall be provided in the recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained recreational vehicle or a dependent recreational vehicle and shall be connected to a public water supply system.

The water system for a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations.

2. Watering Stations. Each recreational vehicle park shall be provided with one or more easily accessible water supply outlets for filling recreational vehicle water storage tanks.
3. Sewage Disposal System. An adequate and safe sewage disposal system shall be provided in a recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained vehicle and shall be connected to a public sewage system. The sewage disposal system in a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations.
4. Sanitary Stations. Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. Sanitary stations shall consist of at least a

trapped four-inch sewer riser pipe connected to the sewage disposal system and surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable hinged cover; and, a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be screened from other activities by a visual barrier such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of not less than fifty feet.

5. Electrical Supply System. Each recreational vehicle park shall be provided with an underground electrical system which shall be installed and maintained in accordance with all applicable state and local codes and regulations.
6. Other Utility Systems. If other utility systems such as natural gas, television cable, or telephone are installed in a recreational vehicle park, such installation shall be in accordance with state and local codes and regulations.
- O. Health Regulations. Recreational vehicle parks shall comply with rules and regulations of the Washington State Board of Health.
- P. Site Identification. All recreational vehicle spaces shall be well marked and numbered.
- Q. Use of Storage Sheds. All recreational vehicle spaces shall be equipped with a storage shed consisting of not less than sixty (60) square of storage space. (Ord. 888, 2011; Ord. 765, 2003; Ord. 630, 1995).

20.60.046 Recreational Vehicle Park -- Application Procedure and Planning Commission Review.

- A. Application Procedure.
 1. The applicant shall make application at least twenty-three calendar days prior to the planning commission meeting at which action is desired.

The application shall be accompanied by a report from a title insurance company showing ownership of the property involved and a list of the names and addresses of all owners of property within three hundred feet of the proposed development.

Notice of the hearing shall be given in accordance with Section 2.70.030. The application shall be accompanied by a fee of fifty dollars or one dollar per recreational vehicle space, whichever is greater, and shall further be accompanied by thirty-two copies of a site plan which shall contain, but not necessarily be limited to the following:

 - a. Name of the Owner and operator, with address and phone numbers; and the name of the proposed recreational vehicle park or campground;
 - b. Legal description of the subject tract of land;
 - c. Name, address and phone number of the person or firm preparing the site plan;
 - d. Scale of the drawing and north arrow;
 - e. The area and dimensions of the tract of land;

- f. The number, size and location of all recreational vehicle spaces;
- g. The number, location and size of all off-street automobile parking spaces;
- h. The location and width of all streets and walkways;
- i. The location of service buildings, sanitary stations, recreation area, and any other proposed facilities or structures;
- j. Location of all utility lines and easements
- k. Specifications of all buildings, recreation uses, and other facilities to be constructed;
- l. Specifications of the water supply, sewage disposal, electrical supply, and refuse collection systems;
- m. Landscaping specifications of sufficient detail to assure effectiveness of purpose;
- n. Topography at an appropriate contour interval unless specifically waived by the planning supervisor;
- o. A vicinity map indicating the names and location of all streets within at least a quarter mile radius of the subject site. The site plan map shall be drawn at a scale of not less than thirty feet to the inch, nor more than one hundred feet to the inch, and shall be clear and precise. If necessary the site plan can consist of more than one drawing; and
- p. Location and specifications of the manager's office and dwelling unit. In the C-1 and R-3M use districts, the managers dwelling maybe either a standard single-family residence or a mobile home.

B. Planning Commission Review. The planning commission shall at their next regular meeting following the filing of a valid application review and consider the application. The commission may approve the application outright, or conditionally, or deny the application. In reviewing an application, the commission shall consider the following:

1. Compliance with the applicable regulations set forth in this title.
2. Compliance with the comprehensive plan.
3. Compatibility of the proposed usage with adjacent land uses either existing or planned; any extraordinary conditions existing on or in close proximity to site which would justify imposition of more restrictive regulations than the regulations required by this title.
4. All other facts, opinions, and pertinent information presented concerning an application.

The commission, in addition to the requirements of this title, may stipulate any additional requirements necessary to assure that the intent of this chapter is carried out.

If a valid building permit has not been issued, and if substantial construction work on streets, utilities, or buildings for the development has not commenced within one year of the date of approval by the commission, then the approval of the application shall expire unless a written request for extension of the approval period is submitted by the applicant and granted by the commission. If the commission denies an

application for approval of a recreational vehicle park or campground, that decision shall be final unless the applicant appeals the commission decision to the city council in accordance with Section 2.70.120 of the Benton City Municipal Code.(Ord. 765, 2003)

20.60.050 Home Occupations. Any business use conducted from or within a dwelling in any R district and conducted only by the inhabitants thereof which requires customers or patrons to come to the premises to receive products or services, but, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, excessive human activity or vehicular traffic or other exterior evidence. Home occupations shall be permitted with the intention of permitting uses which will not adversely affect the public safety, health and general welfare of the neighborhood of which it is a part. Criteria for any approval of a home occupation as a conditional use permit shall include, but may not be limited to the following:

- A. There shall be no exterior structural alteration to accommodate the occupation. Entrance to the space devoted to the occupation shall be from within the residence except when otherwise required by law.
- B. The use, including all storage space, shall not occupy more than four hundred square feet of the residence.
- C. Only members of the immediate family who reside within the dwelling unit shall be engaged in any occupation conducted within said dwelling unit.
- D. There shall be no exterior advertising on the premises.
- E. There shall be no window display nor shall any commodities be displayed outside the building.
- F. No materials or mechanical equipment shall be used which will be detrimental to the residential use of said residence or adjoining residences because of vibration, noise, odor, interference with radio or television reception or other factor.
- G. No occupation shall be permitted, which in the opinion of the approving body will detract from the residential character of the neighborhood.
- H. There shall be no exterior storage of material or equipment on the premises, connected with the occupation, unless retained on the occupation related vehicle.
- I. A business license is required. (Ord. 765, 2003)

20.60.055 Residential Use Permit Required.

- A. Issuance of a residential use permit as provided in Chapter 20.67 of the Benton City Municipal Code, shall be required for the following occupations not requiring customers or patrons to obtain products or services at the premises including the following: Architect; carpet cleaning and installation; carpenter; concrete contractor; draftsman; general contractor; electrician; excavation and grading; fencing contractor; heating and air conditioning contractor; janitorial service; landscape architect; landscaping, gardening and tree pruning; land surveyor; mobile home skirt installation; paint contractor; piano tuner; plastering contractor; plumbing contractor; professional engineer; remodeling contractor; roofing contractor; septic tank service; swimming pool contractor; typing and secretarial service; and any other home

occupation which, in the opinion of the mayor, is comparable to any of the above and are in conformance with the criteria for approval.

- B. Prior to commencing the occupation, the occupant must apply for, be entitled to and receive a business license. Approval of any residential use permit may be subject to a time limit for city review to determine if any problems exist which may be cause for revocation or non-renewal of permit or license issued for said occupation. (Ord. 765, 2003)

20.60.060 Kennels. Kennels shall be located on a minimum site of two acres, with all animals housing structures and fenced runs located at least seventy-five feet from any dwelling on any adjacent lot. Odor, dust, noise, or drainage shall not constitute a hazard or nuisance to the public welfare. (Ord. 765, 2003)

20.60.070 Motels. Such uses shall maintain any required front yard, not used for parking, as a landscaped strip; shall provide, except in required street frontage yards a six foot high solid board fence or masonry wall on all property lines abutting any R district, and shall provide and maintain a minimum ten foot wide landscaped strip on all front yard areas which abut any R district. (Ord. 765, 2003)

20.60.080 Family Child Day Care Home. A family child day care home shall be permitted by right in all zoning districts permitting residences and shall be subject to the following requirements:

- A. Meet Washington State child day care licensing requirements.
- 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. (Ord. 765, 2003; Ord. 567, 1992)

20.60.081 Child Mini-Day Care Center. A child mini-day care center not located in the residence of the care provider is allowed in the following designated zoning districts: R-3 or R-3M (Residential, High Density), Commercial and Industrial Districts, and PR (Public Reserve). A child mini-day care center not located in the residence of the care provider shall be permitted in all other Residential Zones, by Conditional Use Permit in accord with Chapter 2.70 BCMC, subject to, but not limited to the following:

- A. Meet Washington State child day care licensing requirements.
- B. Comply with all building, fire safety, health code and business licensing requirements.
- C. Parking requirements must conform to Chapter 20.57 of the Zoning Code.
- D. The site must be landscaped in a manner compatible with adjacent residences. (Ord. 765, 2003; Ord. 567, 1992)

20.60.082 Child Day Care Center. A child day care center may be allowed in the designated zoning districts as follows:

- A. Zoning Districts. A child day care center may be allowed in zoning districts only upon

issuance of a Conditional Use Permit pursuant to Chapter 2.70 of the Benton City Municipal Code. (AS, R-1, R-1M, R-2, R-2M, R-3 and R-3M).

1. Conditional Use Permit Requirements.

- a. Meet Washington State child day care licensing requirements;
 - b. Comply with all building, fire safety, health code and business licensing requirements;
 - c. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district;
 - d. Signage, if any, will conform to the requirements for the applicable zoning district;
 - e. Parking requirements shall conform to Chapter 20.57 of the zoning Code;
 - f. A six 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 business license;
 - g. The site must be landscaped in a manner compatible with adjacent residences; and
 - h. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day care center is allowed. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
- B. Limitations in Use of Family Residence. No child 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.
- C. Accessory Use. A child day care center, if sited on the premises of a public or quasi - public use (Chapter 20.45 BCMC) shall be considered accessory to the principal use of the property concerned. (Ord. 765, 2003; Ord. 567,1992)

20.60.090 Subdivision, Sales Area, Equipment, Material Yard. Subdivision, sales area, equipment and material yard, and other appurtenant uses shall be located within the subdivision to which they are appurtenant. Said uses shall be permitted for a period not to exceed one year. Extensions of time may be granted or denied when it is determined by the planning director that the uses are no longer appurtenant to the tract in which they are located. All storage area for equipment and materials shall be enclosed in a secure, six foot high, site-obscuring fence. All sales areas and equipment and material storage areas shall be maintained in a neat and orderly manner to avoid the accumulation of debris and vegetation or other materials which may constitute a fire hazard. (Ord. 765, 2003; Ord. 709, 2000)

20.60.100 Trailer, Boats, Camper Tops, Travel Trailers, Modular Structures.

- A. Storage. Travel trailers, utility trailers, boats, camper tops, recreational vehicles and similar portable structures owned by a person residing on the premises may be stored in a residential (R) zoning district, but not within a public way. All such storage must comply with street frontage setbacks.
- B. Usage. No portable structure, trailer, modular home, manufactured home, or mobile home, or similar structure may be occupied for commercial purposes in any zoning district, except:

1. Manufactured home sales lots. A current model manufactured home may be used for a sales office on manufactured home sales lots for no more than twelve (12) months after which the office must be changed to another current year model.
 2. Any other commercial or industrial use of a commercial coach having a valid Washington State Code Tag (Black Label) for temporary periods not to exceed twelve (12) months.
 3. Temporary dwelling for watchmen employed to watch over commercial, industrial or residential construction sites during the periods of construction.
 4. Construction offices located on any premises for which a building permit is issued and may remain in place throughout the construction period.
 5. Temporary modular offices, meeting rooms or classrooms for periods not to exceed twelve (12) months.
- C. Conditional Use Permit Required. All temporary uses as provided above shall be permitted upon the issuance of a conditional use permit as provided in Chapter 2.70 and each structure shall, in addition to meeting the construction standards required by this title, be blocked and skirted to the specifications of the manufacturer. (Ord. 765, 2003; Ord. 628, 1995)

20.60.110 Manufactured Home Parks. Manufactured home parks shall have a minimum site area of ten acres, and shall contain as a part of the site one or more developed recreation areas with an aggregate area of two hundred square feet for each trailer space in the park. Offices, restrooms, laundry facilities, recreational facilities, clubhouses, and similar uses may be permitted when appurtenant to the trailer park resident only. The sale of items related to the maintenance and operation of trailers within the park, and the residents thereto, may be permitted provided there are no signs advertising the sales. There shall be a space not less than ten feet between trailers; between any trailer and any cabana, carport, or other similar permanent accessory structure related to another trailer; between any trailer and any permanent structure permitted on the site; and between any trailer and any vehicular access way within the site. Except as specified elsewhere, no trailer or other structure shall be located closer than twenty-five feet to any public street frontage line. All public street frontage yards shall be landscaped and maintained to the approval of the City.

Prior to the issuance of the initial building permit for any portion of the trailer park, a site plan pursuant to 20.63 describing the entire proposal shall be submitted to the planning commission for their review and approval. Off-street parking shall be as provided in chapter 20.57. (Ord. 765, 2003)

20.60.120 Health Facilities. Residential care facilities, rest homes, nursing and convalescent homes, hospitals, and similar health facilities shall be subject to all state and county regulations pertaining thereto.

- A. Any off-street parking lot for the above uses which abuts any R district shall be screened by a solid board fence, solid masonry wall or screened chain link fence not less than thirty-six inches in height when located within the required street frontage yard in height when located within the required street frontage yard areas and shall be six feet in height on other portions of the site.
- B. Off-street parking shall be as provided in Chapter 20.57.

- C. Evidence of any state or county permit of license shall be presented prior to issuance of a building permit. (Ord. 765, 2003)

20.60.130 Churches and Places of Worship. Churches and places of worship and eleemosynary institutions as permitted by Chapter 20.02 through 20.67 shall be subject to the following regulations contained herein:

- A. When abutting or within any R district, the non-street side and rear yards setbacks shall be a minimum of twenty feet. Street frontage yards shall be that of the zoning district in which located.
- B. Off-street parking shall be as provided in chapter 20.57. Any off-street parking lot which abuts or is within any R district shall be screened by a solid board fence, masonry wall, or screened chain link fence, not less than thirty-six inches in height when located in required street frontage yard areas and shall be six feet on other portions of the site.
- C. All exterior lights provided to illuminate any portion of the site shall not shine on abutting property. (Ord. 765, 2003)

20.60.140 Outdoor Theaters. Outdoor theaters shall provide ingress and egress so designed as to minimize traffic congestion; the screen shall be located at least four hundred feet from an R district, and any noise and lights shall be such as to not disturb neighborhood residents. (Ord. 765, 2003)

20.60.150 Stables. Corrals. Riding Academies. Stables, corrals, and riding academies, public and private, shall meet the following requirements:

- A. Minimum site of five acres.
- B. Stables or barns shall not be located closer than seventy-five feet to any boundary property line, or to any dwelling unit on abutting property.
- C. Any corrals, exercise yards or riding rings shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any dwelling unit on abutting property.
- D. Any open air storage of hay, straw, shavings, or similar organic materials shall be kept at a distance of not less than thirty-five feet from any dwelling unit on abutting property. (Ord. 765, 2003)

20.60.160 Fruit and Vegetable Stands. Temporary stands for the sale of fruit and vegetables may be erected in the A and AS district subject to conditional use permit and in the C and I districts, during the harvest season, provided a building permit is issued, and that the stand is removed at the termination of the seasonal business and the property returned to an orderly condition; and further provides that off-street parking and signs shall be in conformance with Chapters 20.02 through 20.67. (Ord. 765, 2003)

20.60.180 Dormitories. Convents. Schools. Hospitals. Dormitories, convents, schools, hospitals and similar institutions where housing of students, members of the institution or employees is necessary for the proper operation of said institution, such housing shall be permitted provided that subject housing conform to applicable sections of this and other city codes and ordinances. (Ord. 765, 2003)

20.60.190 Junk. Except as provided elsewhere in Chapters 20.02 through 20.67, in no district will there be permitted the storage or collection of any junk, scrap, licensed or unlicensed, wrecked or inoperative vehicles, or parts thereof, equipment or abandoned sheds or buildings. (Ord. 765, 2003)

20.60.200 Swimming Pools. Swimming pools having a maximum depth of 24 inches or more shall not be located closer than five feet to any property line nor have less than three feet of continuous unobstructed access around the pool. In no case shall any water from any swimming pool be allowed to drain into any adjacent property. Any swimming pool having more than a maximum depth of 24 inches, or the property on which it is located, shall be provided with a six foot fence or wall to prevent uncontrolled access from the street or from adjacent properties subject to applicable setback requirements. (Ord. 765, 2003; Ord. 449, 1983)

20.60.210 Development of Parks and Playfields. Ball courts and similar play areas developed to the limits of their property and which are adjacent to any developed residential property may be fenced or screened with an appropriate barrier to the approval of the city. (Ord. 765, 2003)

20.60.220 Growing of Alfalfa or Hay. Permitted Under Certain Conditions. The growing of alfalfa or hay shall be permitted in all R, C and I districts provided the following conditions are met:

- A. That the crop land be sprinkler irrigated; that all precautions, as recommended by the Benton County Clean Air Authority are followed.
- B. That the plans for the irrigation design and seed bed preparation have been submitted for review and have been approved by the East Benton Soil and Water Conservation District.
- C. That seeding be accomplished immediately after preparation of the ground.
- D. That the crop land be planted with a minimum of eight pounds of seed per acre.
- E. That recommended pest controls are followed. (Ord. 765, 2003)

20.60.230 Schools of Fine Art and Self-Defense. School of fine arts, such as dancing, music, painting, etc., and schools of self-defense, such as karate and jujitsu, etc, shall be permitted in approved locations in all R districts after approval of a conditional use permit as set forth in Chapter 2.70. (Ord. 765, 2003)

20.60.240 Enclosure of Trash Containers. All garbage cans, bins, dumpsters, containers or other garbage receptacles, other than small litter baskets, within any commercial or industrial district, or serving any multiple family dwellings of four units or more, shall be within a completely enclosed building or screened from view by a sight-obscuring wall or fence at least six feet in height with a gate or door of the same or similar sight obscuring material to provide access to said cans, bins, dumpsters, containers, or receptacles. All enclosures shall be no closer than twenty feet to any existing residential use. No garbage, trash, waste or similar material shall be allowed to accumulate in or about said enclosure. (Ord. 765, 2003)

20.60.250 Roominghouses and Boardinghouses.

- A. A roominghouse and boardinghouse for two or more people shall be defined as a structure having sleeping quarters, bathroom facilities, no individual kitchen facilities, and with eating facilities for the residents of the structure being provided in a common

dining area.

- B. Roominghouses and boardinghouses providing two or more units for rent shall be subject to business license requirements. Cooking and sanitary facilities for all roominghouses and boardinghouses shall be in accordance with regulations of the Benton-Franklin District Health Department.
- C. Permits granted hereunder shall be reviewed at least annually by the city clerk. Approved permits may be revoked by the city if said roominghouse and boardinghouse is found to constitute a nuisance or for other good cause. (Ord. 765, 2003)

20.60.260 Adult Entertainment. It is recognized that some uses by their very nature are incompatible with the maintenance and enjoyment of other necessary and existing uses and inherently possess serious objectionable operational characteristics particularly when concentrated in close proximity to each other and other incompatible uses, which may have deleterious effect upon adjacent areas and neighborhoods. Special regulation of these uses is necessary to ensure these adverse effects will not cause or contribute to the blighting or downgrading of the surrounding neighborhood. Adult entertainment and uses, as defined by Section 20.09.025, is recognized as being such a use that may prove detrimental in certain circumstances to its surrounding neighborhoods and thereby the following regulations are imposed:

- A. Prohibition. No property or premises shall be used for an adult entertainment or use business within the City of Benton City, Washington, except as permitted by this section.
- B. Permitted location and permitted uses.
 - 1. An adult use business, as defined in this Code, shall be permitted to locate in the Commercial, General (C-1) only; provided, it meets all of the location requirements set forth in Section C of this section.
 - 2. Nothing within the location requirements set forth herein and in Section C shall preclude an adult use business from conducting more than one adult use activity within a single structure; provided, the adult use business complies with the provisions of this Code and all other applicable sections of the Benton City Municipal Code.
- C. Where prohibited.
 - 1. Adult use businesses shall be prohibited in and within two hundred (200) feet of the City of Benton City zones for residential purposes or any occupied residential premises. Residential districts shall include:
 - a. Agricultural Suburban (AS).
 - b. Residential, Low Density (R-1).
 - c. Residential, Medium Density (R-2).
 - d. Residential, High Density (R-3).
 - e. Residential Manufactured Home Park (R-3M).
 - f. Any residential zone hereafter adopted by the City of Benton City or adjacent county.
 - 2. Adult use businesses shall be prohibited within two hundred (200) feet of any areas defined as sensitive land uses.

3. Adult use businesses shall be prohibited within two hundred (200) feet of any other adult use business, as defined in this Code.
 4. 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 is located or is 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 separated or is to be separated. Location and configuration of adult use businesses shall be situated to prevent the adult use business main entrance or marquee from being visual from existing residence or other sensitive land use.
- D. Signs. All adult use businesses shall comply with the following standards for exterior advertising;
1. Exterior advertising shall be limited to one, two-square foot non-illuminated double-faced sign or its equivalent.
 2. All signs shall meet all other regulations for such signs as set forth in the zoning requirements for the applicable zone.
- E. General requirements. All adult use business located within the City of Benton City shall comply with the following general requirements:
1. At no time shall material or performances that display specified sexual activities or exhibit specified anatomical areas as described herein be visible from outside the establishment.
 2. All state and local licenses required by law shall be posted and maintained in a conspicuous location on site.
- F. Lighting requirements. All adult use businesses located within the City of Benton City shall comply with the following lighting requirements:
1. These premises of an adult use business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 30 lux/3 foot candles as measured at the floor level.
 2. It shall be the duty of the owners and manager and of any employee(s) present in the premises to ensure that the required illumination is maintained at all times while any patron is present in or on the premises.
 3. An adult mini theater and an adult motion picture theater shall be subject to the lighting requirements set forth in the section relating to such theaters.
- G. Responsibilities of the manager, owner, operator.
1. A manager shall have a station located within the adult use business from which all areas of the business are open to view without visual barriers at all times when the adult use business is "open for business", and shall comply with the following standards:
 - a. Ensure that all entertainers, employees, and patrons abide by and comply with the standards of conduct and the standards of operation set forth in this chapter.

- b. Verify that all persons who offer or provide live adult entertainment within the premises possess a current and valid entertainer's license issued by the City of Benton City for that specific premises.
 - c. Ensure that no patron is admitted onto the premises or is served or entertained therein if such patron is obviously under the influence of alcohol or drugs.
 - d. Upon the request of any law enforcement officers or the City of Benton City's code enforcement officer for purposes of ensuring compliance with the law, make available for inspection:
 - 1) The premises;
 - 2) All materials offered for display, exhibit, rent, or sale; and
 - 3) All licenses required to be on the premises.
 - e. Ensure that no sexual conduct is allowed on the premises of an adult use business at any time.
2. An owner and also an operator shall be responsible for the provisions of the above.
- H. Live adult entertainment establishments. Any establishment or place offering live adult entertainment shall:
- 1. Comply with the lighting requirements, general requirements, and the requirements set forth in the section relating to the responsibilities of manager, owner, and operator.
 - 2. Ensure that all live adult entertainment is performed on a stage. The stage must be at least eighteen (18) inches above the immediate floor level and be at least six (6) feet away from the nearest patron, and have a continuous railing on all sides located at floor level.
 - 3. Be physically arranged in such a manner that the stage on which live adult entertainment is provided shall be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.
 - 4. Ensure that live adult entertainment occurring on the premises is not visible at any time from any public place.
- I. Theaters -- mini theaters and motion picture theaters. Every mini theater and motion picture theater offering adult entertainment shall meet the following standards:
- 1. All adult mini theaters and motion picture theaters shall utilize seating arrangements equipped with immovable armrests between the seats. No bench-type seating allowing for more than one (1) person in a seat will be permitted.
 - 2. A manager or other employee must walk through the theater portion of the building at ten (10) minute intervals during the time period in which the film is showing and the lighting is down. It shall be the duty of this employee, as well as the manager or owner, to ensure that no sexual activity be allowed in the theater, either by patrons or employees or both.
 - 3. Full house lights must meet the lighting requirements and must come on for at least ten (10) minutes at the end of each feature.

- J. Theaters --- adult panorama theaters. Every adult panorama theater shall meet the following requirements.
1. A designated manager's station shall be located in the common areas of the premises.
 2. The interior of the premises shall be configured so that there is only one common area and no winding corridors. Warning devices shall be prohibited. Holes in walls shall be repaired immediately. Restrooms may not contain video reproduction equipment.
 3. For premises having two or more designated manager's stations, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's station. The view must be in direct line of sight from the manager's station.
 4. It shall be the duty of the owners and manager, and it shall also be the duty of any employees present in the premises, to ensure:
 - a. That such view remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times; and
 - b. That no patron is permitting access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 5. No viewing room may be occupied by more than one person at any time. (Ord. 765, 2003)

20.60.270 Hazardous Waste Treatment and Storage. Hazardous waste treatment and storage facilities will be permitted only in districts, except residential, that permit the handling or processing of hazardous materials, upon approval of a conditional use permit. On site facilities must be accessory to a permitted or conditional use in all such districts. Off site facilities are permitted only in the industrial district. Both on site and off site facilities must meet the State siting criteria adopted pursuant to RCW 70.105.210. (Ord. 765, 2003; Ord. 515, 1988)

20.60.271 Heights of Buildings and Structures. Generally, except as provided elsewhere in this code and subject to the issuance of a conditional use permit, 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 the district shall not occupy more than twenty-five percent of the area of the lot and shall be not less than twenty-five percent in all parts from every lot line: church spires, belfries, cupolas and domes, monuments, water towers, flagpoles, commercial radio, communication and television transmission towers; outdoor theater screens, smoke stacks, cooling towers, grain elevators, and other structures where the manufacturing process requires greater height; single poles or metal towers erected for the purpose of supporting aerials for radio transmission and receiving by licensed amateur radio operators provided, however, that no portion of said aerial structure shall overhang or extend over abutting property. (Ord. 765, 2003)

20.60.280 Wireless Communication Facilities

- A. Purpose.

1. The purpose of this section is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communications services to the residents of the City, in a manner which will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the City in general and the land use zones within which they are located.
2. In addition to implementing the general purposes of the comprehensive plan and development regulations, this section addresses the issues of appearance and safety associated with broadcast and relay towers, amateur radio towers, telecommunications monopoles, satellite dish antennas, and related equipment. It provides adequate provisions for siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Benton City businesses and institutions to stay competitive.
3. A wide range of locations and options for the provision of wireless technology, which minimize safety hazards and visual impacts sometimes, associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunication facilities, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. This section, together with the provisions of the Uniform Building Code, the Electrical Code, and chapter of the Benton City municipal code regulating streets and sidewalks, is intended to protect the public rights-of-way from excessive invasion and disruption and to permit wireless communications service providers reasonable use of such rights-of-way from excessive invasion and disruption and to permit wireless communication service providers reasonable use of such rights-of-way for the purpose of providing wireless and wired communications services.

B. Definitions.

1. Alternative Antenna Support Structures: Includes flat roofs of buildings that are 30 feet or more in height above street grade upon which such buildings front, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, bill boards and commercial signs, and other man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.
2. Antenna: Means a specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. Antennas regulated by this section include the following:
 - a. Omni-directional (or “whip”) antennas, designed to receive and or transmit signals in a 360° pattern, up to 20 feet in height or length, and up to approximately 5 inches in diameter.
 - b. Directional (or “panel”) antennas, designed to receive and/or transmit signals in a directional pattern, which is less than 360°, typically an arc of approximately 120°.

- c. Parabolic (or “dish”) Antennas: Generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction.
- 3. Ancillary Antennas: Designed primarily to receive and transmit signals described as “personal wireless communications services” including global positioning satellite (GPS) data, “Personal Communications Service” (“PCS”) technology, and “pagers.”
- 4. Antenna Array: Two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional antennas (whip), directional antennas (panel), parabolic (dish) antennas and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building are included in the definition of antenna array.
- 5. Antenna Support Structure: A structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is significantly above the base of such structure; antenna support structures including the following:
 - a. Lattice Tower which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided; and
 - b. Monopole Tower which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.
- 6. Co-location: The use of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider to accommodate wireless communications facilities of two or more wireless communications service providers.
- 7. Equipment Enclosure: a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.
- 8. Microcell: A wireless communications facility consisting of antenna that is either:
 - a. Four (4) feet in height and with an area of not more than five hundred eighty square inches; or
 - b. A tubular antenna, no more than four (4) inches in diameter and no more than six feet in length. (as defined in 1996 for SEPA exemption in HB2828)
- 9. Satellite Dish:
 - a. Small: A small satellite dish is one with a diameter on one meter or less in all zoning districts except commercial and industrial zones, and two meters or less in commercial and industrial zones.

- b. Large: A large satellite dish is one with a diameter of greater than one meter in all zones except commercial and industrial zones, and greater than two meters in commercial and industrial zones.
10. Wireless Communications Facility: An un-staffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.
 11. Wireless Communication Service: Providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.
 12. Wireless Communications Service Provider: Every person who provides wireless telecommunications service, for rent, sale, lease, or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.
- C. Permits and Exemptions:
1. Permits Required: Conditional use permits are required for all telecommunication facilities except for small satellite dishes.
 2. Structural Permits: Building permits and mechanical permits are required for all telecommunications facilities unless specifically exempted under subsection (3), Exemptions.
 3. Exemptions: The following antennas shall be exempt from this section:
 - a. VHF and UHF receive-only television antennas: VHF and UHF receive antennas shall not be required to obtain a conditional use permit or a building permit. VHF/UHF antennas shall be restricted to a height limit of no more than 15 feet above the existing or proposed roof.
 - b. Small satellite dishes.
- D. General Siting Criteria
1. The siting criteria contained in this section for broadcast and relay towers and wireless communications facilities are necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.
 2. Collocation on existing broadcast and relay towers is encouraged. Further, attachment of antennas to existing nonresidential structures and building primarily within industrial, and commercial zoning districts is preferable to broadcast and relay towers or monopoles. The City may request feasibility studies associated with applications for telecommunication facilities, which demonstrate that locations on existing structures have been explored as the preferred siting alternative.

3. The following sites shall be considered by applicants as the preferred order for location of wireless facilities including antennas, equipment, and equipment shelters. As determined feasible, and in order of preference, the sites are:
 - a. Existing Broadcast and Relay Towers: On any existing site or tower where a legal wireless telecommunication facility is currently located regardless of underlying zoning.
 - b. Industrial: Structures or sites used exclusively for industrial purposes. These are areas of more intensive land uses where a full range of public facilities is expected.
 - c. Publicly Used Structures: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges and other public buildings with the commercial districts.
 - d. Public Reserve Zoned Sites: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within public reserve zones.
 - e. Other sites: Other sites where wireless communication facilities are permitted.
- E. Large Satellite Dish Antennas – Development Standards
 1. Standards for all Zoning Districts: The following standards shall be applied to all proposed large satellite dish antennas.
 - a. Satellite dish antennas reviewed under this section shall not be located within any front yard, or side yard building setback areas.
 - b. Mountings and satellite dishes should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
 - c. To the extent technically feasible, specific paint colors may be required to allow large satellite dish and mounting structures to blend better with its setting.
 - d. Screening of all large satellite dish antennas shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in healthy condition.
 - e. No satellite dish antennas shall be used for the purpose of signage or message display of any kind.
 - f. Construction plans and final construction of the mounting bases of all large satellite dish antennas require a building permit.
 - g. Aluminum mesh dishes should be used whenever possible instead of a solid fiberglass type.
- F. Additional Standards in Residential Zones – Large Satellite Dish Antennas
 1. Only one large dish satellite antenna shall be allowed on each property.
 2. Large satellite dish antennas shall not be mounted on roofs.

3. Large satellite dish antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from existing grade.
 4. A visual screen (90 percent solid or more) pursuant to Landscaping Standards shall be provided as high as the center of the dish when viewed from off site. Above the center of the dish, the screening should be 50 percent or more to the top of the antennas when viewed from off the site. Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.
- G. Additional Standards in Commercial and Industrial Zones – Large Satellite Dish Antennas
1. Large Satellite Antennas may be either roof-mounted or ground-mounted.
 - a. Ground-mounted antennas shall not exceed 12 feet in diameter and 15 feet in height. Height shall be measured from existing grade.
 - b. Ground-mounted antennas shall be located outside of any required landscape area and preferably located in services areas or less visible locations.
 - c. From the time of installation, ground-mounted antennas shall be solidly screened (90% or more) as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.
 - d. Roof-mounted large satellite antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from the roofline.
 - e. Roof-mounted antennas should be placed as close to the center of the roof as possible. If the dish is still visible from any point within approximately 500 feet as viewed from ground level, additional screening shall be required to supplement the screening provided by the roof itself. If the dish is not visible from 500 feet or less, no additional screening will be necessary.
 - f. Roof-mounted antennas shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening.
- H. Amateur Radio Towers – Development Standards
1. Standards for all Zoning Districts
 - a. Amateur radio towers reviewed under this section shall not be located within any easements, the front yard, or side or rear yard building setback areas.
 - b. Mountings and amateur radio towers should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
 - c. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
 - d. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 feet. Screening

may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.

- e. Amateur radio towers shall not be used for the purposes of signage to display a message of any kind.
- f. Construction plans and final construction of the mountings bases of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall have a building permit.
- g. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible.
- h. Amateur radio towers shall not be used, nor shall they be intended for use, for the placement, construction, or modification of wireless communication facilities.
- i. Amateur radio towers shall not be used, nor shall they be intended for use, to provide or offer wireless communication service for rent, sale, lease or in exchange for other consideration.

2. Additional Standards in Residential Zones – Amateur Radio Towers

- a. Towers shall not be constructed or used for commercial use.
- b. The height of a ground-mounted tower may not exceed 65 feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65 foot height limit only when extended and operation. The combined structure of a roof-mounted tower and the antennas shall not exceed a height of 25 feet above the existing roofline.
- c. Towers shall be located in what would be customarily be considered the yard of the residence. Placement shall avoid, to the extent possible, using land that is available for crops, pasturage or other agricultural use.
- d. Towers shall be located at a point farthest from lot lines as feasible or the point farthest from residential structures on abutting properties.
- e. In residential zones, the base of a ground-mounted tower shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.
- f. Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the Uniform Building Code.

I. Broadcast and Relay Towers – Development Standards

1. Development Standards for all Zoning Districts

- a. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of Section 20.60.280.D. Placement of a broadcast and relay tower shall be denied if an alternative placement of the antennas on a building or other existing structure can accommodate the communications needs. Applications shall be required to provide documentation that reasonable efforts to identify alternative locations were made.
- b. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the collocation of other antennas. If feasible, provision for future collocation may be required.
- c. Broadcast and relay towers reviewed under this section shall not be located within any required building setback areas.
- d. Broadcast and relay towers shall not be used for the purposes of signage to display a message of any kind.
- e. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting.
- f. Any fencing required for security shall meet screening standards of Section 20.60.280.J.
- g. A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the broadcast and relay towers are designed to reasonably withstand wind and seismic loads as established by the Uniform Building Code.
- h. All broadcast and relay towers shall be removed by the facility owner within 12 months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance, which could result in safety or visual impacts.
- i. All broadcast and relay towers may be conditioned to allow review for continued use a five year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of broadcast and relay towers and monopoles.
- j. The combined broadcast and relay tower and antennas shall not extend more than 15 feet above the maximum building height allowed in the zone for which it is proposed to a maximum of 60 feet. A height bonus of 15 feet may be allowed by the approval authority when collocation is specifically provided for on the broadcast and relay tower.
- k. The attached antennas shall not dominate the appearance of a structure.
- l. Broadcast and relay towers shall be located at a point farthest from lot lines as feasible.
- m. The base of a ground-mounted broadcast and relay tower shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from

the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

J. Wireless Communications Facilities – Development Standards

1. Development Standards for all Zoning Districts. The following standards shall be applied to all wireless equipment, such as antennas and equipment shelters, exclusive of the broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by Section 20.60.280.I that governs broadcast and relay towers.
 - a. Placement of a freestanding wireless communication facility shall be denied if collocation of the antenna on an existing structure can accommodate the operator's communications needs. The collocation of a proposed antennas with an existing broadcast and relay tower or other structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.
 - b. No wireless equipment reviewed under this section shall be located within any easements or required building setback areas.
 - c. The combined antenna and supporting structure shall not extend more than 15 feet above the existing or proposed rood structure.
 - d. No wireless equipment shall be used for the purposes of signage or message display of any kind.
 - e. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antennas as viewed from any street or residential property.
 - f. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antennas and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposed of screening shall be maintained in a healthy condition.
 - g. Any fencing required for security shall meet screening standards of Section 20.60.280.J.
 - h. Construction plans and final construction of the mountings of wireless antennas and equipment shelters shall be approved by the City's Building Official. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.
 - i. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features,

paint, landscaping, or general lack of maintenance, which could result in safety or visual impacts.

- j. The antennas shall not dominate the structure upon which it is attached and shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.
- k. Except as otherwise provided in subsection 2 herein solely in commercial and industrial zones, associated with above ground equipment shelters shall be minimized and shall not exceed 240 square feet (e.g. 12' x 20'), shelters shall be painted a color that matches existing structures or the surrounding landscape, the use of concrete or concrete aggregate shelters is not allowed, a visual screen (see Landscape Standards) shall be created around the perimeter of the shelter, and operators shall consider under-grounding equipment if technically feasible or placing the equipment within existing structures.

2. Additional Development Standards in Commercial and Industrial Zones – Wireless Communications Facilities. Associated above-ground equipment shelters shall not exceed 240 square feet (e.g. 12' x 20') unless operators can demonstrate that more space is needed. Operators shall consider under-grounding equipment if technically feasible or placing the equipment within an existing structure. Above ground equipment shelters for antennas located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible. Screening of exterior shelters shall provide colors and materials, which blend with surrounding structures.

K. Special Exceptions

When adherence to all development standards of this Section would result in a physical barrier, which would block signal reception or transmission or prevent effective communication in all permissible locations, a Special Exception may be permitted provided both criteria outlined below are met. Exceptions do not apply to variations from the Uniform Building Code.

The final approval authority for granting the Special Exception shall be the same as that of the permit approving the antenna location. A request for a Special Exception shall be process in conjunction with the permit approving the antenna location and shall not require any additional application or fees.

Upon review of Special Exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antennas or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

1. Special Exception Criteria

- a. The applicant shall justify the request for a Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner' or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Special Exception is necessary.

- b. The applicant for a Special Exception shall demonstrate that the proposed materials, shape, and color of the antennas will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

2. Large Satellite Dish Antenna; Residential Zones – Special Exceptions

- a. Modifications to requirements for setbacks, size, screening and maximum height limit may be considered by Special Exception. If a Special Exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of 18 feet.
- b. Only if these modifications would still block an electromagnetic signal, shall rooftop location be considered. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and maximum permitted height shall be 15 feet above the roof line. The approval authority may require the applicant to place the antennas in an area on the roof, which takes into consideration view blockage and aesthetics, provided there is a usable signal.

3. Large Satellite Dish Antenna; Commercial and Industrial Zones

- a. Ground-mounted antennas. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still block an electromagnetic signal, shall a Special Exception from the height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet.
- b. Roof-mounted antennas. The first exception to be considered shall be the center of roof requirement; the second exception shall be from the size, and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal shall a Special Exception from the height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antennas in an area on the roof, which takes into consideration view blockage, and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

4. Wireless Communication Facilities; Residential Zones – Special Exception Process Inapplicable. The Special Exception process does not apply and shall not be used to place, construct, or modify wireless communication facilities in residential zones.

5. Broadcast and Relay Towers; Commercial and Industrial Zones – Special Exceptions. An applicant of a proposed broadcast and relay tower that exceeds height limits shall be required to apply for a Conditional Use Permit under provisions of Chapter 2.70.

6. Wireless Communications Facilities – Special Exceptions. An applicant of a proposed wireless facility that exceeds the height limit of the zone in which it is proposed shall meet the Special Exception Criteria. (Ord. 765, 2003)

- A. Definition. A winery is a facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine complying with the Washington State licensing requirements for wineries. A winery may include any of the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, barrel making, bottle label manufacturing, bottle retail and/or wholesale sales of wine, ancillary retail sales, and food services. In addition, wine vineyards located adjacent to or upon the property of the winery located in the Industrial Light Zoning Districts south of Interstate I-82 shall be permitted as accessory use to a winery.
- B. Access. The winery shall have adequate access from a public road or appropriate private road. Driveway access shall be not less than twenty feet in width with an all-weather surface at a minimum, and constructed to current City street standards. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of twenty feet from the edge of the connecting road. Wineries that share a private road must submit a maintenance agreement at the time of permit application, signed by all legal property owners or their legal designee(s). Without the maintenance agreement included as part of the application, the application will be determined as incomplete and will not be considered for approval until the agreement is submitted. All legal property owners must sign the permit to be approved. Upon approval of the permit application, the maintenance agreement must be recorded in the office of the Benton County Auditor.
- C. Site Plan. The winery permit application shall be accompanied by a site plan showing the location of all structures and improvements, including setbacks, fences, and parking complying with the standards of this code. A site plan for any winery which includes a vineyard as an accessory use, shall, in addition, include the location and alignment of vines and trellises, sufficient setbacks to permit ingress and egress of farming equipment without encroachment upon public right-of-ways, irrigation or distribution plan, water source and water retention, and chemical application restraints.
- D. Food Services.
1. Wineries will be allowed limited food services onsite. This food service is not to include restaurants, unless otherwise allowed in the zoning district, but may include the following:
 - a. Deli-service of prepackaged food.
 - b. Winemaker dinners.
 - c. Food service for events.
 2. No interior seating will be dedicated solely to the purpose of meal service.
- E. Accessory Retail Sales. Accessory retail sales must be clearly accessory to the primary use. These sales may include, but will not be limited to, such items as: trademark items, items which promote the region or the wine industry, or other regional value-added agricultural products, art, and prepackaged foods. (Ord. 853, 2009)

20.60.290 Marijuana Control Regulations.

- A. Authority. The provisions of Section 20.60.290 are implemented pursuant to Initiative-502 under the authority of RCW 69.51A.140.
- B. Purpose. The purpose of this section is to further clarify the provisions of Initiative-502 and RCW 69.51A.140 as it pertains to the use of land within the City, and to establish where marijuana businesses may locate in the City, and to describe the restrictions upon such uses.
- C. Definitions. The definitions in this section apply throughout this Chapter, and the City also adopts the definitions in WAC 314-55-010 and RCW 69.50.101.
 - 1. “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 twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.
 - 2. “Church” means a building that provides a place for public worship of God, or provides a place for a religious service.
 - 3. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
 - 4. “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.
 - 5. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
 - 6. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
 - 7. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
 - 8. “Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 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 Ordinance, “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.

9. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
10. "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.
11. "Process" means to handle or process cannabis in preparation for medical or recreational use.
12. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.
13. "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 or plazas.
14. "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.
15. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.
16. "Retail, Marijuana" means the activity of selling usable marijuana and marijuana-infused products in a retail outlet.
17. "Retail outlet" means a location licensed by the Washington State Liquor and Cannabis Board for the retail sale of useable marijuana and marijuana-infused products.
18. "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 twelve and recognized by the Washington State Superintendent of Public Instruction.
19. "Useable 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.

D. Marijuana Production.

1. The cultivation of marijuana is considered to be production of a product for resale. Production of marijuana is limited to the IL-industrial, light zoning districts wherein manufacturing uses are permitted.
 2. All marijuana production shall occur within indoor facilities. Outdoor production as may be permitted by the State is expressly prohibited by this section.
- E. Marijuana Processing. The processing of marijuana is considered to be a manufacturing activity. Processing of marijuana and marijuana products is limited to the IL-industrial, light zoning districts wherein manufacturing and industrial processing uses are permitted. All marijuana processing shall occur within indoor facilities. Outdoor processing as may be permitted by the State is expressly prohibited by this Section
- F. Retail Marijuana Sales. The sale of marijuana is a retail activity. Sale of marijuana is limited to the C-1 commercial zoning districts wherein retail uses are permitted.
- G. Locational Criteria.
1. No marijuana businesses may be located within one thousand (1,000) feet of any of the following:
 - a. Elementary or secondary school;
 - b. Playground;
 - c. Recreation center or facility;
 - d. Child care center;
 - e. Public park;
 - f. Public transit center;
 - g. Library; or
 - h. Any game arcade (where admission is not restricted to persons age twenty-one or older);
 2. No marijuana businesses may be located within five hundred (500) feet of any of the following:
 - a. Church;
 - b. Any property zoned R-1, R-2, R-3 or R-3M; or
 - c. Any other marijuana business.
 3. The distances described above shall be computed as straight line measurements as conducted by the City utilizing the best available data in the City's Geographic Information System.
 4. The subsequent establishment of a use listed in Section 20.60.290.G(1) within 1,000 feet or the establishment of the use listed in Section 20.60.290.G(2) within 500 feet of a legally established and licensed marijuana business shall not render the marijuana business non-conforming in regard to location under this ordinance.

H. No City Liability – Indemnification.

1. By accepting a permit issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
2. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

I. Limitations.

1. Nothing in this code section is intended to be, nor should be considered to be, an allowance for less restricted activity that is permitted by State law and the rules and regulations of the Washington State Liquor and Cannabis Board.
2. Nothing in this code section is intended to be, nor should be considered to be, a limitation on the City from protesting the granting of a permit(s) or the renewal of a permit(s).
3. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. (Ord. 956, Dec. 2016)