

ORDINANCE NO. 2010-901

AN ORDINANCE OF THE CITY OF DEER PARK, SPOKANE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 18.61 TO THE DEER PARK MUNICIPAL CODE, ADDING PROVISIONS RELATED TO ACCESSORY STORAGE CONTAINERS IN SELECTED ZONES OF THE CITY; CONTAINING PENALTY AND SEVERABILITY PROVISIONS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Planning Commission and City staff have conducted workshops and a Public Hearing concerning the adoption of the provisions in this Ordinance; and

WHEREAS, following the Public Hearing by the City Planning Commission, the City Planning Commission voted to recommend adoption of this Ordinance by the City Council; and

WHEREAS, the City Council has studied the staff report, findings, and recommendations of the Planning Commission and finds that the amendments to the Deer Park Municipal Code as proposed in this Ordinance benefit the general welfare of the City and constitute good zoning practice and determined that a Public Hearing should be held before the City Council to consider whether or not this Ordinance should be passed; and

WHEREAS, pursuant to Deer Park Municipal Code 18.100.010(B), the City Council held a Public Hearing to consider whether the findings of fact and recommendation of the Planning Commission and this Ordinance should be adopted and accepted testimony at the Public Hearing with regard to the Ordinance and determined, following the Public Hearing, that the amendment to the Deer Park Municipal Code as set forth in this Ordinance is of public necessity, benefits the general welfare of the City, and constitutes good zoning practice; and

WHEREAS, following the Public Hearing the City Council continued to concur with the findings of the City Planning Commission and recommendation of City staff that the adoption of this Ordinance is in the best interests of the public health, safety, and welfare of the citizens of Deer Park; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN
AS FOLLOWS:

Section 1. A new Chapter 18.61 is hereby added to the Deer Park Municipal Code to read as follows:

Chapter 18.61

STORAGE CONTAINERS

Sections:

- 18.61.010 Purpose.**
- 18.61.020 Definitions.**
- 18.61.030 Storage on Residential Use Properties.**
- 18.61.040 Cargo Containers - Permitted Locations.**
- 18.61.050 Permit Required - Development Standards.**
- 18.61.060 Current Violations - Time to Comply.**
- 18.61.070 Conflicts.**
- 18.61.080 Violations - Penalties.**

18.61.010 Purpose.

The purpose of this Chapter is to regulate the use of storage containers on residentially zoned and residentially used properties in the City, which regulations are adopted to protect the public health, safety, and welfare, and promote positive aesthetics in the City.

18.61.020 Definitions.

A. An "Accessory Storage Building" is:

1. A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property.

2. For purposes of this Chapter, Cargo Containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not Accessory Storage Buildings.

B. "Cargo Containers" include standardized reusable vessels that were:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or

2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of Cargo Containers.

18.61.030 Storage on Residential Use Properties.

A. Only Accessory Storage Buildings defined in Section 18.61.020(A) shall be permitted as accessory storage containers on property in any residential zone of the City, or on any property within the City the primary use of which is residential. Cargo Containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as Accessory Storage Buildings on property zoned residential or on property the primary use of which is residential.

B. Notwithstanding the provisions set forth in subsection A above, the temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 30 days in any one calendar year.

C. Notwithstanding the provisions set forth in subsection A above, licensed and bonded contractors may use Cargo Containers for the temporary location of an office, equipment, and/or materials storage

structure during construction which is taking place on the property where the Cargo Container is located, if the use of the Cargo Container is authorized pursuant to a City building permit.

18.61.040 Cargo Containers - Permitted Locations.

A. The placement of a Cargo Container as an accessory storage use is limited to the following zoning districts:

1. Central Commercial (CC).
2. Commercial Shopping Center (CS).
3. Diversified (DC).
4. Light Industrial (LI).
5. Business Park (BP).

B. The placement of Cargo Containers is further limited to properties in the above-identified zones only if the property upon which the Cargo Container is proposed to be located is not primarily used for residential purposes.

18.61.050 Permit Required - Development Standards.

A. A building permit is required prior to placement of a Cargo Container larger than 200 square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed Cargo Container is accessory to the permitted use of the property and meets the placement criteria for the zone.

B. Cargo Containers shall meet the setback requirements of the underlying zone.

C. Cargo Containers shall not be stacked above the height of a single container device, except for placement within the Light Industrial Zone and on the back yard one-half of the lot or parcel.

D. Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

E. As a condition of placement, Cargo Containers may be required to be fenced or screened from abutting properties and/or right-of-ways pursuant to the provisions of the underlying zoning regulations.

F. Cargo Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.

G. Cargo Containers shall not occupy required off-street parking, loading or landscaping areas.

H. Materials stored within Cargo Containers are subject to review and approval by the Fire District.

18.61.060 Current Violations - Time to Comply.

All owners of property within the City shall have 120 days from the effective date of this Ordinance to bring the properties, which currently contain Accessory Storage Buildings that are in violation of the terms of this Chapter, into full compliance with the provisions of this Chapter.

18.61.070 Conflicts.

In the event any conflict exists between the provisions of this Chapter and other currently existing provisions of the Deer Park Municipal Code or other Ordinances of the City, the terms and provisions of this Chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Deer Park Municipal Code or other Ordinances of the City, shall be and hereby are amended insofar as necessary to conform to the provisions of this Chapter.

18.61.080 Violations - Penalties

Violation of this Chapter shall be enforced pursuant to the procedures and penalties set forth in Chapter 18.108 of the Deer Park Municipal Code as the same exists now or may hereafter be amended.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

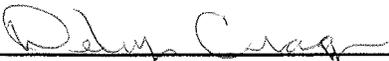
Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5)

days after this ordinance or a summary thereof consisting of the title is published.

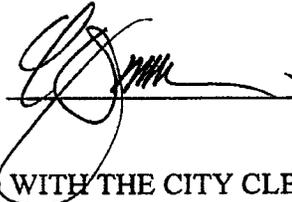
APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 

FILED WITH THE CITY CLERK :	<u>8/13/10</u>
FIRST READING DATE :	<u>12/01/10</u>
SECOND READING DATE :	<u>01/05/11</u>
THIRD READING DATE :	<u>01/19/11</u>
PASSED BY THE CITY COUNCIL :	<u>01/19/11</u>
PUBLISHED :	<u>01/21/11</u>
EFFECTIVE DATE :	<u>01/28/11</u>
ORDINANCE NO. :	<u>2010-901</u>

SUMMARY OF ORDINANCE NO. 2010-901
of the City of Deer Park, Washington

On the 19th day of January, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2010-901. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, SPOKANE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 18.61 TO THE DEER PARK MUNICIPAL CODE, ADDING PROVISIONS RELATED TO ACCESSORY STORAGE CONTAINERS IN SELECTED ZONES OF THE CITY; CONTAINING PENALTY AND SEVERABILITY PROVISIONS; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of January, 2011.

Debra Cragun
DEBRA CRAGUN, CITY CLERK/TREASURER