



A G E N D A

PLANNING COMMISSION

Connie Coleman-Lacadie • Don Daniels
Nancy Hudson-Echols • Ryan Pearson
James Guerrero • Paul Wagemann
Christopher Webber

Regular Meeting

Wednesday, February 6, 2019

City Hall Council Chambers at 6:30 PM

6000 Main Street SW, Lakewood, Washington

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes from January 16, 2019**
- 4. Agenda Updates**
- 5. Public Comments**
(Each person will be allowed 3 minutes to speak, to a total of 15 minutes per topic. Groups with a designated speaker may have a total of 10 minutes to speak.)
- 6. Unfinished Business**
 - None
- 7. Public Hearings**
 - None
- 8. New Business**
 - Title 18A Update
- 9. Report from Council Liaison**
 - Mr. Mike Brandstetter
- 10. Reports from Commission Members & Staff**
 - Written Communications
 - Future Agenda Topics
 - Area-Wide Planning / Land Use Updates
 - Other

Enclosures

1. Draft Meeting Minutes from January 16, 2019
2. Title 18A Update Staff Memo

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday at noon, February 5, 2019 if you are unable to attend. Thank you.



**PLANNING COMMISSION
REGULAR MEETING MINUTES
January 16, 2019
City Hall Council Chambers
6000 Main Street SW
Lakewood, WA 98499**

Call to Order

Mr. Don Daniels, Chair, called the meeting to order at 6:30 p.m.

Roll Call

Planning Commission Members Present: Don Daniels, Chair; Connie Coleman-Lacadie, Vice-Chair; Christopher Webber, Paul Wagemann, Nancy Hudson-Echols and James Guerrero

Planning Commission Members Excused: Ryan Pearson

Planning Commission Members Absent: None

Staff Present: David Bugher, ACM Community Development; Tiffany Speir, Special Projects Planning Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Mr. Michael Brandstetter

Approval of Minutes

The minutes of the meeting held on December 5, 2018 were approved as written by voice vote M/S/C Coleman-Lacadie/Guerrero. The motion passed unanimously, 6-0.

Agenda Update

None

Procedural Business

Vote on 2019 Chair and Vice-Chair Positions

Presiding officer, Mr. Don Daniels opened the floor for nominations to the positions.

Ms. Connie Coleman-Lacadie nominated Mr. Don Daniels for the Chair position. No other nominations were made. A voice vote was taken. The nomination carried, 6-0. Ms. Nancy Hudson-Echols nominated Ms. Connie Coleman-Lacadie for the position of Vice-Chair. No other nominations were made. A voice vote was taken. The nomination carried, 6-0.

Public Comments

Mr. Glen Spieth, Lakewood, commented the City needed more owner-occupied housing to more likely create a culture of residents caring for their own property and respecting that of other's.

Mr. Spieth noted he observes a lot of youth near Kiwanis Park who tag the park bathrooms and memorial rock with graffiti.

Unfinished Business

None

Public Hearings

Quasi-Judicial Code Update (QJCU)

Ms. Tiffany Speir gave a presentation discussing the recommended amendments to clarify

when a quasi-judicial process must be used, considerations for site-specific rezone applications, and then how proceedings will be conducted in the future by the City.

Mr. Don Daniels, Chair, opened the floor for public comment during the hearing. Mr. Joseph Quinn, Lakewood, spoke in favor of the proposed amendments. Mr. Quinn commented how important a topic this is, he applauded staff on the recommended amendments for coming in-line with other local jurisdictions, and their participation in the appearance of fairness doctrine as explained by Ms. Speir.

Mr. Don Daniels, Chair, closed the public hearing. Commissioners discussed the proposed amendments.

The motion to recommend adoption of the amendments in Resolution 2019-01 to Title 18A (Land Use and Redevelopment Code) related to establishing a quasi-judicial hearing process in the Lakewood Municipal Code as written was made by Mr. Paul Wagemann. The second was received from Ms. Connie Coleman-Lacadie. A voice vote was taken and the motion carried unanimously, 6-0.

New Business

Shoreline Master Program (SMP) Periodic Review

The SMP is required by Washington State law. The SMP is a partnership between local governments and Department of Ecology (ECY). The SMP must be prepared and maintained by Lakewood, but must be adopted by both the City and ECY. The goal of the SMP is to create a balanced plan of shoreline utilization and protection.

Ms. Tiffany Speir made clear the review is not a re-write of any codes; the Lakewood SMP Periodic Review will focus on issues identified in ECY Periodic Review Checklist; updating internal references to other city, state and federal environmental regulations; updating the SMP per staff-identified issues; and updating the Lakewood Shoreline Restoration Plan (which received an update in 2013). Within the City of Lakewood, the area regulated under the SMP includes 200 feet from the Ordinary High Water Mark (OHWM) on the shorelines of specific lakes and creeks and their associated wetlands within the City limits.

Ms. Speir encouraged visiting the live website at www.lakewoodsmp.org for the most up-to-date information about the review as it proceeds along with open house meetings and public hearing dates with online public input and feedback opportunities. The first open house about the periodic review was conducted just before today's planning commission meeting; a timeline for the remainder of the SMP periodic review was provided as follows:

- February – April 2019: Complete Draft SMP and Evaluate Cumulative Impacts
- April – June 2019: Shoreline Master Program Adoption Process
- June 30, 2019 Deadline: Final Adoption by City Council

Title 18A Update

Ms. Tiffany Speir, informed commissioner the current version of Title 18A, the Land Use and Development Code, was adopted in 2012. Although the City has made amendments to many subsections in order to respond to changes in the law, no comprehensive review of the entire title has occurred. The City has drafted updates to Title 18A to be as accurate, brief, clear and efficient as possible for both customers and staff. Mr. David Bugher noted that easy to read tables are being developed throughout the code that call out exact timelines for processing

permits and specific development criteria. Lakewood has launched a website, www.lakewood18A.org, to provide the latest information to the public about this effort.

Based on feedback provided during the Public Outreach meetings held January 10 and 11, the City is determining how to best seek and gather additional interested party input (e.g., additional stakeholder groups, electronic communications, open houses, website communications, etc.) prior to Planning Commission action this spring.

Current 2019 Title 18A Update Public Outreach and Planning Commission Schedule:

- January 16, February 6 & 20, March 6 & 20, April 3, & 17: Planning Commission Discussions Regarding Proposed Changes to Title 18A
- March 6: Public Open House will be held
- March 20: Planning Commission Public Hearing on Proposed Title 18A Updates
- April 17: Planning Commission Action on Proposed Title 18A Updates

Annual Housing Report

Mr. David Bugher presented information on the Annual Housing Report which supports Council's primary goal of improving housing throughout the City. New housing development activity for 2018 shows a significant number of residential permits were issued making 2018 one of the better years for residential development with 84 permits for 320 units. Each permit had an average valuation of \$300,000. Specifically related to the Dangerous Building Abatement Program, a total of 65 units/structures were demolished this year. The City paid for about half of the work, the remainder was covered by property owners who actually performed the work.

The Master Builders Association is very interested in the number of new lots created in a jurisdiction. In 2018 a total of 95 lots for single-family construction were created, and for a built-out community such as Lakewood that is not bad.

Report from Council Liaison

No update was given at this meeting.

Reports from Commission Members and Staff

City Council Actions

None

Written Communications

None

Future Agenda Topics

None

Area-Wide Planning / Land Use Updates

None

Next Regular Meeting: February 6, 2018 at 6:30 p.m. in Council Chambers
Meeting Adjourned at 7:44 p.m.

Don Daniels, Chair
Planning Commission 02/06/2019

Karen Devereaux, Recording Secretary
Planning Commission 02/06/2019



TO: Planning Commission

FROM: Tiffany Speir, Planning Manager, Special Projects

DATE: February 6, 2019

SUBJECT: Title 18A Comprehensive Update

ATTACHMENTS: Chart comparing Current and New 18A Chapters and Sections;
Preliminary Drafts of LMC 18A.10.120, .130., 140; Preliminary
Draft of Chapter 18A.40

The City of Lakewood is conducting a comprehensive review and update to LMC Title 18A, Land Use & Development Code. The Planning Commission will be reviewing and discussing the draft 18A on February 6, March 6, March 20, April 3, and May 1; a public hearing will be held April 17; and the Commission is currently scheduled to take action on May 15.

Most of the Title 18A update is to reorganize the current code requirements into a more usable format. There are some substantive changes as well. Attached hereto for the Commission's review on February 6 are:

- Chart showing current and new Title 18A Chapter and Sections;
- Preliminary draft of 18A.10.120, .130, and .140; and
- Preliminary draft of Chapter 18A.40

Current Title 18A Land Use & Development Code	New Title 18A Land Use & Development Code
Chapters: 18A.01 Introduction 18A.02 Administration 18A.10 Discretionary permits 18A.20 Land use types and levels 18A.30 Zoning districts 18A.40 Overlay districts 18A.50 Development standards 18A.60 Reserved 18A.70 Use-specific standards 18A.85 Eligible facilities modification code (wireless telecommunications) 18A.90 Definitions	Chapters: 18A.10 Basic Provisions 18A.20 Administration (.120) 18A.30 Discretionary Permits (.110) 18A.40 Land Use and Interpretation Tables (.20) 18A.50 Overlay Districts (.30) 18A.60 Site Planning & General Development Standards (.50) 18A.70 Community Design, Landscaping, & Tree Preservation (.60) 18A.80 Parking (.70) 18A.90 Housing Incentives Program (.80) 18A.95 Wireless Services Facilities 18A.100 Signs

Current Title 18A Land Use & Development Code	New Title 18A Land Use & Development Code
Chapter 18A.01 Introduction Sections: 18A.01.100 Title 18A.01.150 Intent and Purpose 18A.01.200 Brief User's Guide Chapter: 18A.02 Administration Sections: 18A.02.100 General Provisions 18A.02.102 Authority 18A.02.105 Recodification 18A.02.110 Severability and validity 18A.02.115 Scope and compliance 18A.02.120 Consistency with Comprehensive Plan 18A.02.125 Definitions. 18A.02.130 Rules of construction 18A.02.135 Use of a development 18A.02.140 Permit required 18A.02.145 Exclusions from permit requirement 18A.02.148 Liability. 18A.02.150 Burden and nature of proof 18A.02.152 Complete application 18A.02.155 Director responsibility and authority 18A.02.160 Certificate of occupancy 18A.02.165 Official records 18A.02.170 Forms and supportive documentation. 18A.02.175 Fees 18A.02.180 Security mechanisms 18A.02.185 Purpose - security mechanisms 18A.02.190 Guarantee - security mechanisms 18A.02.200 Interpretations 18A.02.205 Administrative interpretations, general. 18A.02.210 Interpretations of text	Chapter: 18A.10 Basic Provisions Sections: 18A.10.010 Title 18A.10.020 Purpose 18A.10.030 Scope 18A.10.040 Rules of Construction 18A.10.050 Computation of Time 18A.10.060 Measurements 18A.10.070 Interpretation. 18A.10.080 Authority and Comprehensive Plan Consistency 18A.10.090 Comprehensive Plan Amendments 18A.10.100 General Requirements 18A.10.110 Severability 18A.10.120 Establishment of Zoning Districts 18A.10.130 Establishment of Overlay Districts 18A.10.140 Establishment of Subareas 18A.10.150 Adoption of City-wide and Subarea Zoning Maps 18A.10.160 Boundaries – Administrative Determination 18A.10.170 Boundaries – Planning Commission Recommendation – City Council Determination 18A.10.180 Definitions CHAPTER 18A.20 - ADMINISTRATION Part I Administration (000-199) Sections 18A.20.010 Applications. 18A.20.020 Application Fees. 18A.20.030 Complete Application Form and Content. 18A.20.040 Consolidated Review of Applications. 18A.20.050 Determination of Complete Application. 18A.20.060 Effects of Project Permit Application Revisions. 18A.20.070 Approval and Appeal Authorities. 18A.20.080 Review and Appeal Authorities.

18A.02.665	Public notice - permit application
18A.02.670	Notice of application - permits
18A.02.675	Published Notice – Permit Application
18A.02.680	Consistency with Development Regulations and SEPA
18A.02.685	Initial SEPA analysis
18A.02.690	Categorically Exempt Actions – SEPA
18A.02.695	Planned actions - SEPA
18A.02.700	Notice of public hearing
18A.02.710	Hearing staff report
18A.02.720	Open record public hearings
18A.02.725	Joint public hearings
18A.02.730	Notice of decision
18A.02.735	Time limitations
18A.02.740	Appeals
18A.02.755	<i>Repealed</i>
18A.02.800	Nonconformities
18A.02.805	Purpose - nonconformities
18A.02.810	Applicability – nonconformities
18A.02.815	Nonconforming lots of record
18A.02.820	Variance Allowable – Nonconforming Lots of Record
18A.02.825	Alteration – Nonconforming Lots of Record
18A.02.830	Nonconforming uses
18A.02.835	Maintenance, Alteration and Expansion – Nonconforming Ues
18A.02.837	Limited Expansion of Multifamily Residential Dwelling Units in Single Family Residential ZoningDistricts
18A.02.840	Nonconforming structures
18A.02.845	Proof of nonconformity
18A.02.850	Termination of Nonconforming Status
18A.02.855	Damage or Destruction – Nonconforming Uses
18A.02.860	Transfer of Ownership – Nonconforming Uses
18A.02.865	Administrative Determinations – Nonconforming Uses
18A.02.870	Review of Administrative Decisions
Chapter: 18A.10 Discretionary permits	
Sections:	
18A.10.050	Purpose - discretionary permits
18A.10.100	Conditional use permit
18A.10.110	Purpose - conditional use permit
18A.10.120	Existing uses - conditional use permit
18A.10.130	Application for a conditional use permit
18A.10.140	Public hearing - conditional use permit
18A.10.150	Required findings - conditional use permit
18A.10.160	Action of hearing examiner - conditional use permit
18A.10.170	Appeals - conditional use permit (<i>Repealed</i>)
18A.10.180	Period of validity - conditional use permit
18A.10.200	Administrative Use Permit
18A.10.210	Purpose - administrative use permit
18A.10.215	Existing uses - administrative use permit
18A.10.220	Application for an administrative use permit
18A.10.225	Public notice - administrative use permit
18A.10.230	Required findings - administrative use permit
18A.10.240	Decision - administrative use permit
18A.30.030	Preliminary review and evaluation criteria – Comprehensive Plan.
18A.30.040	Council approval of final docket – Comprehensive Plan.
18A.30.050	Final review and evaluation – Comprehensive Plan.
18A.30.060	Decision criteria for rezone requests – Comprehensive Plan.
18A.30.070	Consistency between the zoning map and the future land use map – Comprehensive Plan.
18A.30.080	Planning commission and city council review and adoption process.
18A.30.090	Timing and exemptions.
18A.30.100	Notice to county assessors of changes in Comprehensive Plan and development regulations.
Part II Conditional Use Permit	
Sections	
18A.30.110	Purpose – conditional use permit.
18A.30.120	Type of action.
18A.30.130	Criteria for approval.
18A.30.140	Conditions of approval.
18A.30.150	Minor modifications to approved conditional use permits.
18A.30.160	Time frame for submission of construction permits.
18A.30.170	SEPA-exempt conditional uses
18A.30.180	Compliance - conditional use permit.
18A.30.190	Transferability - conditional use permit.
18A.30.200	Essential public facilities - conditional use permit.
18A.30.210	Special needs housing - conditional use permit.
Part III Cottage Housing	
Sections	
18A.30.220	Purpose – cottage housing.
18A.30.230	Applicability.
18A.30.240	General provisions.
18A.30.250	Development standards.
18A.30.260	Open space.
18A.30.270	Building design standards.
18A.30.280	Parking.
18A.30.290	Common area maintenance.
18A.30.300	Low impact development standards.
18A.30.310	Modifications.
PART IV Development Agreement	
Sections	
18A.30.320	Authority.
18A.30.330	Type of action.
18A.30.340	Content.
18A.30.350	Application.
18A.30.360	Timing of public hearings.
18A.30.370	Notice.
18A.30.380	Staff report.
18A.30.390	Public hearing and city council action.
18A.30.400	Term of agreement.

18A.30.030	Preliminary review and evaluation criteria – Comprehensive Plan.
18A.30.040	Council approval of final docket – Comprehensive Plan.
18A.30.050	Final review and evaluation – Comprehensive Plan.
18A.30.060	Decision criteria for rezone requests – Comprehensive Plan.
18A.30.070	Consistency between the zoning map and the future land use map – Comprehensive Plan.
18A.30.080	Planning commission and city council review and adoption process.
18A.30.090	Timing and exemptions.
18A.30.100	Notice to county assessors of changes in Comprehensive Plan and development regulations.

Part II Conditional Use Permit	
Sections	
18A.30.110	Purpose – conditional use permit.
18A.30.120	Type of action.
18A.30.130	Criteria for approval.
18A.30.140	Conditions of approval.
18A.30.150	Minor modifications to approved conditional use permits.
18A.30.160	Time frame for submission of construction permits.
18A.30.170	SEPA-exempt conditional uses
18A.30.180	Compliance - conditional use permit.
18A.30.190	Transferability - conditional use permit.
18A.30.200	Essential public facilities - conditional use permit.
18A.30.210	Special needs housing - conditional use permit.

Part III Cottage Housing	
Sections	
18A.30.220	Purpose – cottage housing.
18A.30.230	Applicability.
18A.30.240	General provisions.
18A.30.250	Development standards.
18A.30.260	Open space.
18A.30.270	Building design standards.
18A.30.280	Parking.
18A.30.290	Common area maintenance.
18A.30.300	Low impact development standards.
18A.30.310	Modifications.

PART IV Development Agreement	
Sections	
18A.30.320	Authority.
18A.30.330	Type of action.
18A.30.340	Content.
18A.30.350	Application.
18A.30.360	Timing of public hearings.
18A.30.370	Notice.
18A.30.380	Staff report.
18A.30.390	Public hearing and city council action.
18A.30.400	Term of agreement.

18A.10.250	Appeal - administrative use permit	<div>PART V Land Use Review and Approval</div> <div>Sections</div> <div><div>18A.30.410</div><div>Purpose – land use review and approval.</div></div> <div><div>18A.30.420</div><div>Type of action.</div></div> <div><div>18A.30.430</div><div>Applicability.</div></div> <div><div>18A.30.440</div><div>Delegation of authority.</div></div> <div><div>18A.30.450</div><div>Application –content.</div></div> <div><div>18A.30.460</div><div>Application – review process.</div></div> <div><div>18A.30.470</div><div>Site plan review log – summary of action.</div></div> <div><div>18A.30.480</div><div>Notification.</div></div> <div><div>18A.30.490</div><div>Reconsideration in response to SEPA comments.</div></div> <div><div>18A.30.500</div><div>Amendments.</div></div> <div><div>18A.30.510</div><div>Dedication, improvements and performance bond.</div></div> <div><div>18A.30.520</div><div>Final approval – expiration.</div></div>
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PART VI Planned Development

Sections

18A.30.530

Purpose.

18A.30.540

Application.

18A.30.550

Public hearing.

18A.30.560

Required findings.

18A.30.570

Action of hearing examiner.

18A.30.580

Minimum size.

18A.30.590

Permitted modifications.

18A.30.600

Permitted residential density and lot sizes.

18A.30.610

Required open space and recreation facilities.

18A.30.620

Multiple zoning districts.

18A.30.630

Binding site plan.

18A.30.640

Phased development.

18A.30.650

Required certificates and approvals.

18A.30.660

Expiration.

PART VII Rezone and Text Amendment [Update per QJCU]

Sections

18A.30.670

Authority.

18A.30.680

Site-specific rezone procedures.

18A.30.690

Collection of rezone applications.

PART VIII Temporary Use Permit

Sections

18A.30.700

Purpose.

18A.30.710

Permitted uses.

18A.30.720

Exemptions.

18A.30.730

Application and authorization.

18A.30.740

Standards.

18A.30.750

Criteria for granting approval.

<div>18A.20.321 Purpose- Boarding Houses.</div> <div>18A.20.322 Applicability- Boarding Houses.</div> <div>18A.20.323 Standards- Boarding House.</div> <div>18A.20.400 Civic Use Category - Land Use Types and Levels.</div> <div>18A.20.500 Utilities Use Category - Land Use Types and Levels.</div> <div>18A.20.600 Commercial Use Category – Land Use Types and Levels.</div> <div>18A.20.700 Industrial Use Category – Land Use Types and Levels.</div> <div>18A.20.800 Agricultural Use Category – Land Use Types and Levels.</div> <div>18A.20.900 Accessory Use Category – Land Use Types and Levels.</div> <div>Chapter: 18A.30 Zoning districts</div> <div>Sections:</div> <div>18A.30.100 Single-family residential zoning districts</div> <div>18A.30.110 Purpose - single-family residential zoning districts</div> <div>18A.30.120 Applicability - single-family residential zoning district</div> <div>18A.30.130 Primary permitted uses - single-family residential zoning districts</div> <div>18A.30.140 Administrative uses - single-family residential zoning districts</div> <div>18A.30.150 Conditional uses - single-family residential zoning districts</div> <div>18A.30.160 Development standards - single-family residential zoning districts</div> <div>18A.30.200 Mixed residential zoning districts</div> <div>18A.30.210 Purpose - mixed residential zoning districts</div> <div>18A.30.220 Applicability - mixed residential zoning districts</div> <div>18A.30.230 Primary permitted uses - mixed residential zoning districts</div> <div>18A.30.240 Administrative uses - mixed residential zoning districts</div> <div>18A.30.250 Conditional uses - mixed residential zoning districts</div> <div>18A.30.260 Development standards - mixed residential zoning districts</div> <div>18A.30.300 Multi-family zoning district</div> <div>18A.30.310 Purpose - multi-family zoning district</div> <div>18A.30.320 Applicability - Multi-family zoning district</div> <div>18A.30.330 Primary permitted uses - Multi-family zoning districts</div> <div>18A.30.340 Administrative uses - multi-family zoning districts</div> <div>18A.30.350 Conditional Uses - multi-family zoning districts</div> <div>18A.30.360 Developmental standards - multi-family zoning districts</div> <div>18A.30.400 Neighborhood business zoning districts</div> <div>18A.30.410 Purpose - neighborhood business zoning districts</div> <div>18A.30.420 Applicability - neighborhood business zoning districts</div> <div>18A.30.430 Primary permitted uses - neighborhood business zoning districts</div> <div>18A.30.440 Administrative uses - neighborhood business zoning districts</div> <div>18A.30.450 Conditional uses - neighborhood business zoning districts</div> <div>18A.30.460 Development standards - neighborhood business zoning districts</div> <div>18A.30.500 Commercial zoning districts</div> <div>18A.30.510 Purpose - commercial zoning districts</div> <div>18A.30.520 Applicability - commercial zoning districts</div> <div>18A.30.530 Primary permitted uses – commercial zoning districts</div> <div>18A.30.540 Administrative uses – commercial zoning districts</div> <div>18A.30.550 Conditional Uses - commercial zoning districts</div> <div>18A.30.560 Development standards - commercial zoning districts</div> <div>18A.30.600 Industrial zoning districts</div> <div>18A.30.610 Purpose - industrial zoning districts</div> <div>18A.30.620 Applicability - industrial zoning districts</div> <div>18A.30.630 Primary permitted uses - industrial zoning districts</div> <div>18A.30.640 Administrative uses – industrial zoning districts</div>	<div>18A.30.760 Decision.</div> <div>PART IX Transitory Accommodations</div> <div>Sections</div> <div>18A.30.770 Definition.</div> <div>18A.30.780 Process.</div> <div>18A.30.790 Site performance criteria.</div> <div>18A.30.800 Duration performance criteria.</div> <div>18A.30.810 Health and safety performance criteria.</div> <div>18A.30.820 Conduct and security performance criteria.</div> <div>18A.30.830 Other performance criteria.</div> <div>PART X. Variances</div> <div>Sections</div> <div>18A.30.840 Purpose.</div> <div>18A.30.850 Type of action.</div> <div>18A.30.860 Limitations.</div> <div>18A.30.870 Authority.</div> <div>18A.30.880 Required findings.</div> <div>18A.30.890 Additional conditions of approval.</div> <div>PART XI. Unusual Uses</div> <div>Sections</div> <div>18A.30.900 Unusual uses.</div> <div>18A.30.910 Type of action.</div> <div>CHAPTER 18A.40 - PERMITTED LAND USES AND INTERPRETATION TABLES</div> <div>Sections</div> <div>18A.40.010 Purpose.</div> <div>18A.40.020 Interpretation of Land Use Tables.</div> <div>18A.40.030 Agricultural Uses.</div> <div>18A.40.040 Commercial and Industrial Uses.</div> <div>18A.40.050 Eating and Drinking Establishments.</div> <div>18A.40.060 Essential Public Facilities.</div> <div>18A.40.070 Government Services, General.</div> <div>18A.40.080 Health and Social Services.</div> <div>18A.40.090 Lodging.</div> <div>18A.40.100 Open Space.</div> <div>18A.40.110 Residential Uses.</div> <div>18A.40.120 Special Needs Housing.</div> <div>18A.40.130 Special Regulations in AICUZ Zoning Districts [incorporate old 18A.20.400(G) language?]</div> <div>18A.40.140 Transportation.</div> <div>18A.40.150 Utilities.</div> <div>Chapter 18A.50 – Site Planning & General Development Standards</div> <div>Sections:</div> <div>18A.50.010 Purpose</div> <div>18A.50.020 Interpretation of tables</div>
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18A.40.415	Purpose and intent	18A.70.420	Zoning district parking requirements
18A.40.420	Sexually oriented business overlays created	18A.70.430	Development standards
18A.40.430	Applicability - sexually oriented business land uses	18A.70.440	Loading and unloading
18A.40.435	Notice to nonconforming SOB land uses	18A.70.450	Parking incentives
18A.40.440	Processing of applications for licenses and permits		
18A.40.445	Regulations within SOBO		
18A.40.450	Expiration of nonconforming status		
18A.40.455	Notice and order - sexually oriented businesses		
18A.40.460	Definitions - sexually oriented businesses		
18A.40.470	Prohibition and public nuisance		
18A.40.480	Provision for conformance - sexually oriented businesses		
18A.40.500	Planned development district		
18A.40.510	Purpose – planned development district		
18A.40.520	Application for a planned development district (PDD)		
18A.40.530	Public hearing – planned development district		
18A.40.540	Required findings – planned development district		
18A.40.550	Action of hearing examiner – planned development district		
18A.40.560	Minimum size		
18A.40.570	Permitted modifications		
18A.40.580	Permitted residential density and lot sizes		
18A.40.590	Required open space and recreation facilities		
18A.40.600	Multiple zoning districts		
18A.40.610	Binding site plan		
18A.40.620	Phased development		
18A.40.630	Required certificates and approvals		
18A.40.640	Expiration		
Chapter 18A.50 Development Standards		Chapter 18A.80 – Housing Incentives Program	
Sections:		Sections:	
18A.50.100	General standards	18A.80.010	Definitions
18A.50.105	Purpose	18A.80.020	Purpose
18A.50.110	Applicability	18A.80.030	Applicability
18A.50.115	General standards	18A.80.040	General Provisions
18A.50.120	Building transition area	18A.80.050	Inclusionary Density Bonuses
18A.50.125	Density standards	18A.80.060	Development Standard Modifications
18A.50.130	Height standards	18A.80.070	Fee reduction
18A.50.135	Streetscapes	18A.80.080	Review process
18A.50.140	Residential accessory buildings	18A.80.090	Monitoring
18A.50.145	Outdoor storage of recreational, utility and sporting vehicles accessory to residential uses		
18A.50.150	Parking of commercial vehicles accessory to residential uses		
18A.50.155	Vehicle service and repair accessory to residential uses		
18A.50.160	Animals in residential districts		
18A.50.165	Commercial uses in the multifamily 3 zone within the Lakewood Station District		
18A.50.170	Outdoor storage and commercial yard surfacing standards		
18A.50.175	Type 3, 4, and 5 group home placement standards		
18A.50.180	Manufactured homes on individual lots		
18A.50.182	Amusement establishment		
18A.50.185	Concession/vending services in city parks		
18A.50.190	Standards for uses and accessory uses not otherwise listed		
18A.50.195	Concurrency		
18A.50.200	Community design		
18A.50.210	<i>Repealed</i>		
			Chapter 18A.95 – Wireless Service Facilities (WSFs)
			Part I New Wireless Services Facilities (0-199)
			Sections:
		18A.90.010	Definitions
		18A.90.020	Purpose
		18A.90.030	Applicability
		18A.90.040	Exemptions
		18A.90.050	Priority of Locations
		18A.90.060	General Siting and Design Requirements
		18A.90.070	Siting and design requirements for structure mounted WSF's
		18A.90.080	Tower siting and design requirements
		18A.90.085	Small Cell/Distributed Antennae System siting and design requirements
		18A.90.090	Collocation
		18A.90.100	Permits required
		18A.90.105	Small Cell permits required
		18A.90.110	Administratively approved WSFs
		18A.90.120	Conditional Use Permit
		18A.90.130	Factors for granting conditional use permits for towers
		18A.90.140	Siting and permit requirements for WSF use on public property
		18A.90.150	Landscaping and screening
		18A.90.160	Nonconforming uses
		18A.90.170	Non-use or abandonment
		18A.90.180	Expert review
		18A.90.190	Controlling provisions
			Part II Eligible wireless communication facilities modifications (200-299)
			Sections:
		18A.90.200	Definitions
		18A.90.210	Purpose
		18A.90.220	Application review
			Chapter 18A.100 – Signs
			Sections:
			<i>Pending adoption of new Lakewood Sign Code in 2019</i>

18A.50.211	Purpose - community design	
18A.50.220	<i>Repealed</i>	
18A.50.221	Applicability - community design	
18A.50.230	<i>Repealed</i>	
18A.50.231	Specific uses design standards	
18A.50.240	<i>Repealed</i>	
18A.50.241	General and special uses design standards	
18A.50.250	<i>Repealed</i>	
18A.50.251	Administration	
18A.50.300	Tree preservation	
18A.50.305	Purpose - tree preservation	
18A.50.310	Applicability - tree preservation	
18A.50.320	Significant tree preservation	
18A.50.400	Landscaping	
18A.50.405	Purpose – landscaping	
18A.50.410	Applicability – landscaping	
18A.50.415	Exceptions – landscaping	
18A.50.420	Landscaping standards	
18A.50.425	Landscaping types	
18A.50.430	Landscaping regulations by zoning districts	
18A.50.435	Landscaping design	
18A.50.440	Street tree standards	
18A.50.445	Plan requirements – landscaping	
18A.50.450	Landscaping installation	
18A.50.455	Water conservation and suggested plant materials	
18A.50.460	Maintenance – landscaping	
18A.50.465	Guarantee – landscaping	
18A.50.500	Parking	
18A.50.510	Purpose – parking	
18A.50.520	Applicability – parking	
18A.50.530	Parking standards	
18A.50.540	Loading and unloading	
18A.50.550	Use and site specific standards	
18A.50.560	Parking space standards by use type	
18A.50.600	Sign regulations	
18A.50.605	Purpose - sign regulations	
18A.50.610	Administration - sign regulations	
18A.50.615	Permanent sign permits	
18A.50.620	Prohibited signs	
18A.50.625	Sign permit exemptions	
18A.50.630	General provisions	
18A.50.635	Billboards	
18A.50.640	Provisions for signs that are permanent or continuous displays	
18A.50.645	<i>Repealed</i>	
18A.50.650	<i>Repealed</i>	
18A.50.655	<i>Repealed</i>	
18A.50.660	<i>Repealed</i>	
18A.50.665	Signs for temporary display	
18A.50.675	Nonconforming signs	
18A.50.680	Sign definitions	
18A.50.700	Housing incentives programs	

18A.50.710	Purpose - housing incentives program	
18A.50.720	Applicability - housing incentives program	
18A.50.730	General provisions - housing incentives program	
18A.50.740	Inclusionary density bonuses - housing incentives program	
18A.50.750	Development standard modifications	
18A.50.760	Fee Reduction - housing incentives program	
18A.50.770	Review Process - housing incentives program	
18A.50.780	Monitoring - housing incentives program	
18A.50.790	Definitions - housing incentives program	
18A.50.800	Performance standards	
18A.50.810	Purpose - performance standards	
18A.50.820	Applicability - performance standards	
18A.50.830	Nonconforming uses - performance standards	
18A.50.840	Location	
18A.50.850	Restrictions on dangerous and objectional elements	
18A.50.860	Performance standards procedures.	
Chapter 18A.60 <i>Reserved</i>		
Chapter 18A.70 Use-specific standards		
Sections:		
18A.70.100 Daycare Facilities.		
18A.70.110	Purpose - Daycare Facilities.	
18A.70.120	Applicability - Daycare Facilities.	
18A.70.130	Development Standards - Daycare Facilities.	
18A.70.200 Home Occupations.		
18A.70.210	Purpose - Home Occupations.	
18A.70.220	Applicability - Home Occupations.	
18A.70.230	Exemptions - Home Occupations.	
18A.70.240	Prohibited Activities - Home Occupations.	
18A.70.250	Performance Standards - Home Occupations.	
18A.70.260	Criteria for Approval and Conditions - Home Occupations.	
18A.70.270	Permit Revocation and Expiration - Home Occupations.	
18A.70.280	Nonconforming Uses - Home Occupations.	
18A.70.300 Accessory Living Quarters.		
18A.70.310	Accessory Dwelling Units.	
18A.70.311	Purpose - Accessory Dwelling Units.	
18A.70.312	Applicability - Accessory Dwelling Units.	
18A.70.313	Standards - Accessory Dwelling Units.	
18A.70.350	Accessory Caretaker's Dwelling.	
18A.70.351	Purpose - Accessory Caretaker's Dwelling.	
18A.70.352	Standards - Accessory Caretaker's Dwelling.	
18A.70.400 Manufactured Home Parks.		
18A.70.410	Purpose - Manufactured Home Parks.	
18A.70.420	Applicability - Manufactured Home Parks.	
18A.70.430	Permitted Uses Within a Manufactured Home Parks.	
18A.70.440	Development Standards - Manufactured Home Parks.	
18A.70.450	Operation and Maintenance - Manufactured Home Parks.	
18A.70.460	Nonconforming Parks - Manufactured Home Parks.	
18A.70.500 Camping and Recreational Vehicle Parks.		
18A.70.510	Purpose - Camping and Recreational Vehicle Parks.	
18A.70.520	Duration of Occupancy - Camping and Recreational Vehicle Parks.	

<div>18A.70.530 Development Standards - Camping and Recreational Vehicle Parks. 18A.70.600 Wireless Telecommunications Facilities. 18A.70.610 Purpose - Wireless Telecommunications Facilities. 18A.70.615 Applicability - Wireless Telecommunications Facilities. 18A.70.620 Exemptions - Wireless Telecommunications Facilities. 18A.70.625 Priority of Locations - Wireless Telecommunications Facilities. 18A.70.630 General Siting and Design Requirements. 18A.70.635 Siting and Design Requirements for Structure-Mounted WTF's. 18A.70.640 Tower Siting and Design Requirements. 18A.70.645 Collocation - Wireless Telecommunications Facilities. 18A.70.650 Permits Required - Wireless Telecommunications Facilities. 18A.70.655 Administratively Approved WTFs. 18A.70.660 Conditional Use Permit - Wireless Telecommunications Facilities. 18A.70.665 Factors for Granting Conditional Use Permits for Towers. 18A.70.670 Siting and Permit Requirements for WTF Use on Public Property. 18A.70.675 Landscaping and Screening - WTFs. 18A.70.680 Nonconforming Uses - Wireless Telecommunications Facilities. 18A.70.685 Non-use or Abandonment - WTFs. 18A.70.690 Expert Review - Wireless Telecommunications Facilities. 18A.70.695 Controlling Provisions. 18A.70.700 Cottage Housing. 18A.70.710 Purpose and Intent - Cottage Housing. 18A.70.720 Applicability- Cottage Housing. 18A.70.730 General Provisions - Cottage Housing. 18A.70.740 Development Standards - Cottage Housing. 18A.70.750 Open Space - Cottage Housing. 18A.70.760 Building Design Standards - Cottage Housing. 18A.70.770 Parking - Cottage Housing. 18A.70.780 Common Area Maintenance - Cottage Housing. 18A.70.790 Cottage Housing - Low Impact Development Standards. 18A.70.795 Modifications - Cottage Housing. 18A.70.900 Bed and Breakfast Facilities. 18A.70.910 Purpose - Bed and Breakfast Facilities. 18A.70.920 Applicability - Bed and Breakfast Facilities. 18A.70.930 Requirements for Bed and Breakfasts. 18A.70.1000 Motor Vehicle Sales and Rental. 18A.70.1010 Purpose – Motor Vehicle Sales and Rental. 18A.70.1020 Applicability – Motor Vehicle Sales and Rental. 18A.70.1030 Development Standards – Motor Vehicle Sales and Rental.</div> <div>Chapter 18A.85 Eligible facilities modification code (wireless telecommunications) Sections: 18A.85.010 Purpose. 18A.85.020 Definitions. 18A.85.030 Application Review.</div> <div>Chapter 18A.90 Definitions</div>	
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Administrative Policies to be incorporated into new Title 18A
(code references included below are to current 18A chapter and section numbers)

TITLE/SUBJECT
Requests to delay inspections subject to BO approval
Metal framed igloo covers over 120 sq ft
Administrative oversight of oak tree trimming or removal in Creekside Oaks Development
Site improvement requirements for small new buildings
Vehicle covers and other membrane structures associated with residential uses
Interpretation re MR2 zone duplexes and triplexes
Classification of wet t-shirt events and choreographed swimsuit fashion shows as adult entertainment
Types of permits required for used car lots
Steel St Chevron vested use interpretation for eating and drinking establishment
R3 allowed uses; daycare use; church offices; assembly, social & recreational spaces; library; increase in allowable area; increase per 18A.10.315
18A.02.215 Interpretation of uses in AC1 and CZ re Woodworth Industrial Park
Animals in residential districts
Nonconforming use interpretation for commercial tenant improvements
Interpretation of 18A.60.675.D.2 nonconforming sign removal
18A.70.635 interpretation re microwave dish
Parking requirements for nonconforming day care facility
18A.50.115.D.1 Exception to paved vehicular maneuverability area for residential garages and carports
Double walled B vent piping for replacement water heaters & use of plastic flex water line connectors
Sign face area determinations
Administrative determination of allowed uses and subdivision of land in MF zone
Accessory Office Space in the Clear Zone
Regulation of home-based daycare providers
Shoreline Management Residential Density Calculations
Role of city in creating condos and requirement of binding site plan in condo creation
Building permits for properties adjacent to water bodies
18A.30.650 Administration of conditional uses in the Industrial Business Park and Industrial 2 zones
Warehouse uses in Lakewood Industrial Park
Administration of funeral services use types
Administration of electric vehicle infrastructure uses
Resolution approving modified street profile for Union Ave SW
Application and administration of regulations relevant to precious metals buy-back uses
Application and administration of regulations re pet services within transit oriented commercial zoning district
Development approvals in the Air Corridor and Clear Zones
18A.70.600 Interpretation re wireless telecommunications facilities exemptions
Interpretation of lot area
Regulation application and administration re home occupation permits and associated business licenses
Food truck administrative policy
Requirements for Level 1 and 2 eating & drinking establishments
Ice cream vendor licenses

ATTACHMENT B
18A.10.120, .130, .140 Preliminary Drafts

18A.10.120 Establishment of Zoning Districts.

A. In order to regulate the use of land and structures, the City is divided into the following land use zoning classifications. The development potential of any individual property under these zoning classifications shall be based on the net buildable area of that property, and shall be further subject to the availability of necessary utilities, critical area regulations, impact mitigation and other applicable development policies, regulations and standards.

B. Each zoning district and the abbreviated designation suffix are listed below. See LMC Chapter 18A.40 for more details about each zoning district.

Single-Family Residential Zoning Districts

Name	Symbol
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4

Mixed Residential Zoning Districts

Name	Symbol
Mixed Residential 1	MR1
Mixed Residential 2	MR2

Multi-Family Zoning Districts

Name	Symbol
Multifamily 1	MF1
Multifamily 2	MF2
Multifamily 3	MF3

Neighborhood Business Zoning Districts

Name	Symbol
Arterial Residential/Commercial	ARC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2

Commercial Classifications

Name	Symbol
Transit-Oriented Commercial	TOC
Central Business District	CBD
Commercial 1	C1
Commercial 2	C2
Commercial 3	C3

Industrial Zoning Districts

Name	Symbol
Industrial Business Park	IBP
Industrial 1	I1
Industrial 2	I2

Military-Related Zoning Districts

Name	Symbol
Military Lands	ML
Air Corridor 1	AC1
Air Corridor 2	AC2
Clear Zone	CZ

Public/Institutional Zoning District

Name	Symbol
Public/Institutional Zoning District	PI

Open Space/Recreation Zoning Districts

Name	Symbol
Open Space and Recreation 1	OSR1
Open Space and Recreation 2	OSR2

18A.10.130 Establishment of Overlay Districts.

A. An overlay district is a special purpose district that may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of an overlay district consist of additional sections of this title and additional standards. Some of these regulations are supplementary so that both the regulations of the overlay district and the zone apply, while in other cases the overlay district regulations preempt and override the regulations of the underlying zone. Where these regulations conflict, the overlay regulations shall control.

B. Each overlay district and the abbreviated designation suffix are listed below.

Overlay District	Abbreviated Designation
Flood Hazard Overlay	FHO
Senior Housing Overlay	SHO
Sexually Oriented Business Overlay	SOBO

The boundaries of overlay districts are shown on the City's official Overlay Districts Map, which is included below as Figure 1 and hereby adopted as part of this title, and are further described as follows:

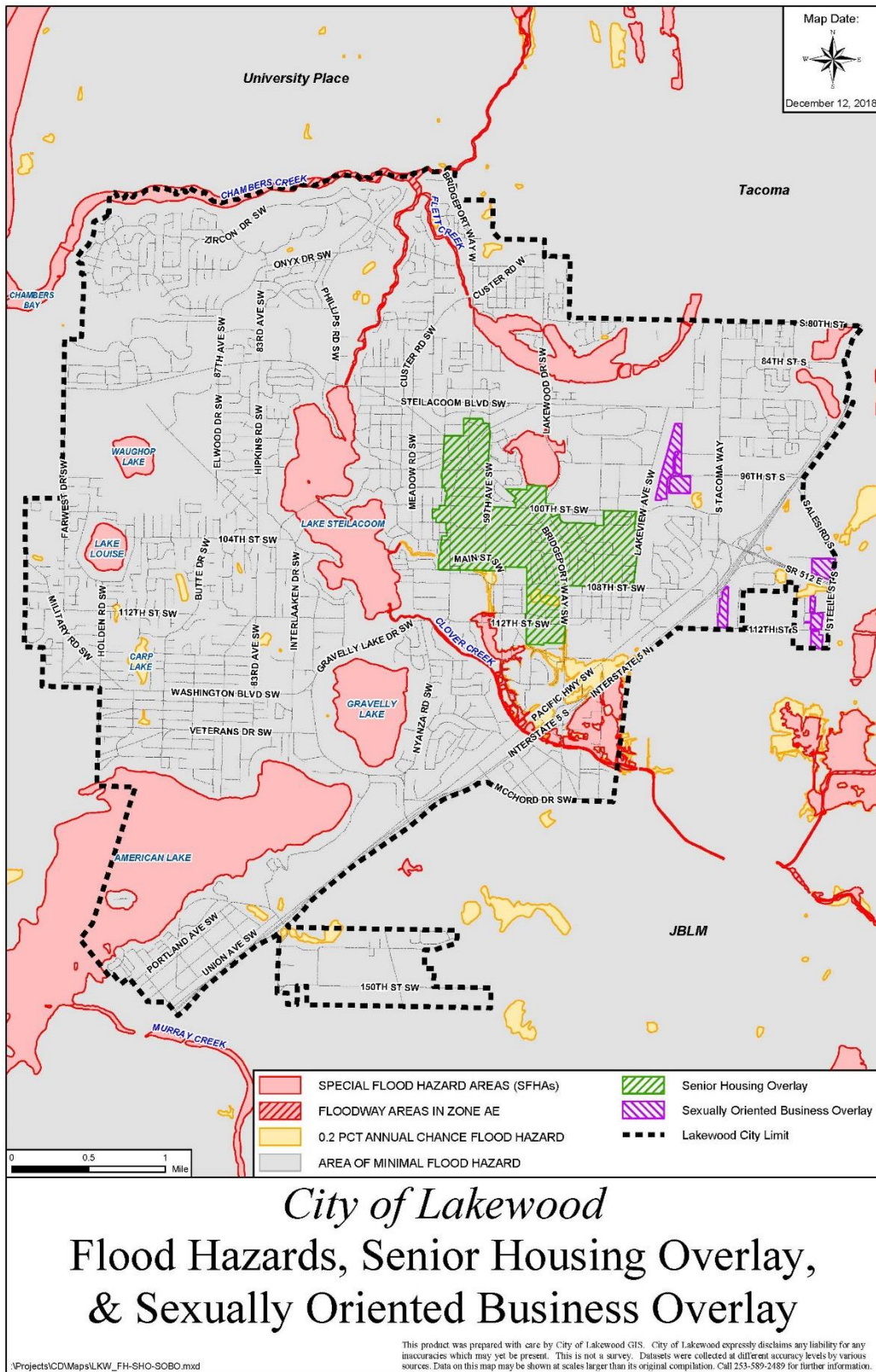
1. The boundaries of the Flood Hazard Overlay (FHO) district shall be the areas of flood hazards identified by the Federal Insurance Administration in a report

entitled: “The Flood Insurance Study for Pierce County, and Incorporated Areas” dated March 7, 2017, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. (The Flood Insurance Study and the FIRM are on file at the City of Lakewood, 6000 Main Street SW, Lakewood, WA.) Lakewood Ordinance No. 659.

2. The boundaries of the Senior Housing Overlay (SHO) district shall be the areas shown as Figure 3.1, Senior Housing Overlay in the Lakewood Ordinance No. 237.

3. The boundaries of the Sexually Oriented Business Overlay (SOBO) district shall be the areas identified and described in Lakewood Ordinance No. 358 “Exhibit A”.

Figure 1. Overlay Districts



18A.10.140 Establishment of Subareas.

Per RCW 36.70A.080(2), in order to plan for and regulate the use of land and structures in a manner which recognizes that residential neighborhoods and business areas within Lakewood vary one from another in desired character, subareas may be established as optional elements of the Comprehensive Plan and implementing zoning regulations may be adopted as a title of the Lakewood Municipal Code (LMC.)

Subarea plans are implemented in part through the adoption of use, development, performance, or procedural regulations specific to the subarea or to a portion or portions of the subarea. Regulations which are specific to a Subarea or portions of a subarea are located in the title of the LMC concerning the subarea.

The following subareas and subarea plans are established:

Name	Symbol	Code Title
Downtown Subarea Plan	DSAP	18B
This section is reserved	Reserved	Reserved

ATTACHMENT C
CHAPTER 18A.40 - LAND USES AND INTERPRETATION TABLES

Sections

18A.40.010	Purpose.
18A.40.020	Interpretation of Land Use Tables.
18A.40.030	Agricultural Uses.
18A.40.040	Commercial and Industrial Uses.
18A.40.050	Eating and Drinking Establishments.
18A.40.060	Essential Public Facilities.
18A.40.070	Government Services, General.
18A.40.080	Health and Social Services.
18A.40.090	Lodging.
18A.40.100	Open Space.
18A.40.110	Residential Uses.
18A.40.120	Special Needs Housing.
18A.40.130	Special Regulations in AICUZ Zoning Districts.
18A.40.140	Transportation.
18A.40.150	Utilities.
18A.40.160	Marijuana.

18A.40.010 Purpose.

The purpose of this chapter is to establish permitted land uses for the city of Lakewood. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding 60 days, except that in no case shall a transitory accommodation, which may be allowed to operate continuously for a period of up to 90 days. A use which will operate for 60 days or less, and transitory accommodations, are considered temporary uses, and are subject to the requirements of LMC Chapter 18A.110, Part VII. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located within the Lakewood city limits.

18A.40.020 Interpretation of Land Use Tables.

A. The land use tables in this chapter determine whether a specific use is allowed in a zone classification. Specific uses are divided among fourteen (14) tables, each of which represents a broad category of land use. The tables are arranged in alphabetical order by land use category, as listed at the beginning of this chapter. Within each table, zone classifications are located in vertical columns and specific uses are arranged alphabetically in horizontal rows.

- B. If no symbol appears in the box at the intersection of a column and a row, the use is not allowed in that zoning classification.
- C. If the letter “P,” for “Permitted,” appears in the box at the intersection of a column and a row, the use is allowed in that classification, subject to the development and operational requirements of this and other applicable titles. The conduct or development of a permitted use may require approvals including but not limited to land clearing, grading, plumbing, mechanical and building permits. The procedures for applying for such approvals shall be as set forth in LMC Section 18A.30.070.
- D. If the letter “C,” for “Conditional,” appears in the box at the intersection of a column and a row, the use is allowed subject to conditional use permit procedures and requirements and other development and operational requirements of this and other applicable titles. The conduct or development of a conditional use shall require approval of a conditional use permit in addition to other approvals as set forth in subsection C of this section. Procedures for applying for a conditional use permit shall be as set forth in LMC Chapter 18A.20 Part II, and LMC Section 18A.30.080.
- E. If the symbol “-,” appears in the box at the intersection of a column and a row, the use is allowed.
- F. If a number appears in the box describing the use, or in the box at the intersection of a column and a row, the use is subject to specific development and/or operational requirements which may be in addition to or in place of general requirements of this and other applicable titles. Such use-specific requirements typically follow the table and correspond to the number in the table, although some such requirements, such as those for specialized senior housing, are set forth in separate chapters.
- G. Any proposed use not listed in the table shall be classified by the Director as permitted, conditional, or not permitted, based on the listed use to which the proposed use is most similar. The Director shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director’s interpretation of the Land- Based Classification Standards (“LBCS”) of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.
- If the Director determines that the proposed use is not similar to any use in the table, the proposed use shall not be permitted. The determination of the Director shall be appealable to the hearing examiner as set forth in LMC Section 18A.30.080.
- H. Permitted uses as established by this chapter may be modified by subarea regulations.
- I. Nonconforming uses are governed by LMC Chapter 18A.30 Part II.

18A.40.030 Agriculture.

A. Agriculture land use table.

	Zoning Classifications																					
Agriculture Uses	R 1	R 2	R 3	R 4	M R1	M R2	MF 1	MF 2	M F3	A R C	NC 1	N C 2	T O C	C B D	C 1	C 2	IB P	I 1	I 2	PI	OSR 1	OSR 2
Commercial beekeeping (1)*	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	P	P
Growing and harvesting of crops (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Plant nurseries and greenhouses (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Raising and keeping of animals for agricultural purposes (3)	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Residential beekeeping (1)	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
P: Permitted Use C: Conditional Use “-”: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Use-specific development and operating conditions.

1. No person shall keep, have, maintain or protect upon his or her premises, or any premises or lot within the city, any apiary or colony, hive, cluster, or swarm of stinging insects other than bees pursuant to the following provisions:

a. The keeping of bees for commercial purposes shall be permissible pursuant to the following provisions:

(1) Any person keeping bees for commercial purposes on properties with a lot area of five (5) acres or greater within a Residential District or on properties of any size within a non-residential district shall obtain a zoning certification from the Director and provide an affidavit certifying that the owner understands and agrees to comply with the provisions of this section.

- (2) No person shall keep bees for commercial purposes on properties with a lot area of less than five acres within a Residential District unless a use permit has been granted.
- (3) Hives shall be maintained at least one hundred (100) feet from public streets and highways, except for temporary purposes of transporting hives, unless a use permit has been granted which permits a reduced setback.
- (4) Hives shall be situated no closer than three hundred (300) feet from any off-site residence or dwelling, unless a use permit has been granted which permits a reduced setback.
- (5) Commercial apiaries shall be a minimum of one mile from any nucleus apiary, except where the nucleus apiary less than one mile away is registered to the same person.
- (6) Hives shall be registered with the Director of the state department of agriculture or the Director's authorized representative (RCW 15.60.021.)
- (7) Applicant shall provide a site plan or other information determined necessary by the Director to determine compliance with this section.
- (8) No person shall willingly and knowingly keep Africanized bees.

b. Any person keeping bees for noncommercial purposes shall obtain zoning certification from the Director and provide an affidavit certifying that the owner understands and agrees to comply with the following requirements:

- (1) Any owner/occupant of a lot within any zoning district containing at least six thousand square feet of lot area and a single family dwelling may keep up to three colonies of bees. Each colony shall be housed within a hive.
- (2) Hives shall be comprised of a combination of brood chamber and supers which do not exceed six feet in height above ground level, including any stand or rack upon which the hives are placed.
- (3) Hives shall be registered with the Director of the state department of agriculture or the Director's authorized representative (RCW 15.60.021.)
- (4) Minimum six-foot tall flight dispersion barriers (e.g. solid fences, walls, and/or hedges) shall be maintained in a good state of repair to the satisfaction of the director.

(5) An appropriately sized water source for the exclusive use of the colonies shall be maintained on the same property where the colonies are kept to the satisfaction of the director. In the event there is a natural or artificial water source on an abutting residential property, the colonies must be positioned nearer to the on-site water source than the off-site water source.

(6) Hives must be set back five (5) feet from the property line, and at least 10 feet from any dwelling on adjacent lots.

(7) Applicants shall provide a site plan or other information determined necessary by the Director to determine compliance with this section.

(8) No person shall willingly and knowingly keep Africanized bees.

c. All beekeepers or other persons transporting bees through the city shall place on each hive, the identification number assigned to him or her by the Director of the state department of agriculture or the Director's authorized representative.

d. No person shall transport bees on the public streets of this city in such a manner that the bees may become a nuisance to the public.

e. No person transporting bees shall park or otherwise keep in a stationary position the motor vehicle used to transport such bees on any street within the city limits for a period of time longer than twenty minutes.

2. a. Activities associated with the growing and harvesting of crops and the operation of plant nurseries and greenhouses shall be controlled so as not to result in adverse impacts on nearby properties. Such adverse impacts include but are not limited to noise, dust, fertilizer/pesticide overspray, odor, and glare.

b. The sale of agricultural products on the property on which the products were grown is permitted.

c. The raising and keeping of chickens as an accessory use to residential properties is regulated under LMC Section 18A.40.030(B)(3)(d).

3. a. Activities associated with the raising and keeping of animals for agricultural purposes shall be controlled so as not to result in adverse impacts on nearby properties. Such adverse impacts include but are not limited to noise, dust, fertilizer/pesticide overspray, odor, glare and roaming.

b. Prohibited animals located in all zoning districts:

(1) Peacocks, roosters, turkeys, ostriches, emus, other similar birds, wild, undomesticated or exotic mammals, and cows, sheep, llamas, goats, swine, and other livestock, but excluding horses, shall be prohibited in all zoning districts in the City.

c. Horses and equestrian facilities, located in R1 and R2 zoning districts, shall be permitted only as a continuation of private and commercial equestrian facilities already legally existing as of September 1, 2001 (per Lakewood Ordinance No. 264). Maintenance, repair and replacement of existing equestrian structures shall be permitted.

d. Poultry, pigeons, ducks, and similar birds, and rabbits and similar mammals, except as prohibited in Section LMC 18A.40.030(B)(3)(b) above raised for domestic, noncommercial use shall be permitted as an accessory use to a dwelling unit on any lot, provided:

(1) A minimum setback of ten (10) feet from all property lines shall be required for all hutches and twenty (20) feet for all pens, coups, aviaries, similar enclosures, and free-range areas.

(2) No more than sixteen (16) poultry, birds or rabbits and similar mammals shall be permitted per acre.

(3) Aviaries or lofts shall provide a minimum of one (1) square foot for each pigeon or similar bird and shall not exceed one thousand (1000) square feet.

18A.40.040 Commercial and Industrial Uses

A. Commercial and Industrial Land Use Table.

	Zoning Classifications																					
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Accessory retail or services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P		-	-	-	P
Artisan shop	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P		-	-	-	-
Auto and vehicle sales/rental	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	P	P		-	-	-	-
Auto parts sales	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P		-	-	-	-
Bank, financial services	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P		-	-	-	-
Brewery – production (1)*	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	P	C		-	-	-	-
Building and landscape materials sales	-	-	-	-	-	-	-	-	C	-	-	P	P	-	P	P	P		-	-	-	-
Building contractor, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		C	P	P	-
Building contractor, heavy	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-		-	C	C	-
Business support service	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P		-	-	-	-
Catering service	-	-	-	-	-	-	-	-	-	P	C	P	P	P	P	C	P		-	-	-	-
Cemetery, mausoleum, columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-	C	-	-
Club, lodge, private meeting hall	-	-	C	-	-	-	-	-	C	C	C	P	P	P	P	-	C		-	-	-	-
Commercial recreation facility – indoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-		C	C	-	C
Commercial recreation facility – outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		C	-	-	-
Community center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P		-	-	-	C
Construction/heavy equipment sales and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		-	P	C	-
Convenience store	-	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P		-	-	-	-
Equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P		-	P	-	-

	Zoning Classifications																					
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		P	P	-	-
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		C	P	P	-
Furniture, furnishings, appliance/ equipment store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P		-	-	-	-
Gas station	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P		-	-	-	-
General retail	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P		-	-	-	-
Golf course, country club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-
Grocery store, large	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P		-	-	-	-
Grocery store, small	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P		-	-	-	-
Handcraft industries, small-scale manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C		-	P	-	-
Health/fitness facility, commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-		-	-	-	-
Health/fitness facility, quasi-public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P		C	-	-	P
Kennel, animal boarding (2)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	C		C	P	-	-
Laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		C	C	-	-
Library, museum	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	C		-	-	-	-
Live/work and work/live units	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C		C	C	-	-
Maintenance service, client site services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P		P	P	P	-
Mixed use	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-		-	-	-	-
Mobile home, RV, and boat sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P		-	-	-	-
Mortuary, funeral homes and parlors	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	P		-	-	-	-
Office – business services	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	P		-	-	-	-
Office – processing	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-		C	-	-	-

	Zoning Classifications																					
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Office – professional	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	P		C	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-		C	P	P	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P		-	-	-	-
Personal services – restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C		-	-	-	-
Petroleum product storage and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		C	P	P	-
Places of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	p
Printing and publishing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P		P	P	-	-
Produce stand	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P		-	-	-	-
Recycling facility – processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C		-	C	C	-
Repair service—equipment, large appliances	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C		C	P	P	-
Research and development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		P	-	-	-
Scrap and dismantling yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	C	-
Second hand store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P		-	-	-	-
Shelter, animal (3) (4)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	C		-	P	-	C
Shopping center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P		-	-	-	-
Social service organization	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C		-	-	-	-
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-		C	P	P	-
Small craft distillery (2)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	C	-	-	-
Sports and active recreation facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-		-	-	-	C
Storage - personal storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P		-	-	-	-
Studio—art, dance, martial arts, music, etc.	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	P		-	-	-	-
Swap meet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P		-	-	-	-
Theater, auditorium	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-		-	-	-	-
Veterinary clinic (3)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P		-	P	-	C

		Zoning Classifications																					
		R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Vehicle services – major repair/body work		-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	C		-	P	P	-
Vehicle services – minor maintenance/repair		-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P		-	-	-	-
Vehicle storage		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		P	P	P	-
Warehouse		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		P	P	-	-
Warehouse retail		-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-		P	-	-	-
Wholesaling and distribution		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		P	P	-	-
Wildlife preserve or sanctuary		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		P	P	P	P
Wine production facility (2)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		P	P	-	-
Accessory commercial (5)																							
Accessory industrial (6)																							
		P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																					

B. Operating and development conditions

1. Within that portion of the MF 3 zoning district located within the Lakewood Station District as designated in the comprehensive plan, and solely in conjunction with multifamily use, four or more units, the following standards shall be required:

- (1) The commercial use is only permitted on the ground floor of the development.
 - (2) A minimum ratio of four (4) square feet of multifamily use to one (1) square foot of commercial use.
2. Breweries, small craft distilleries, and wineries may contain retail outlets.
3. The portion of the building or structure in which animals are treated, trained, or kept shall be soundproofed. Kennels, catteries, animal obedience schools, animal shelters, and veterinary clinics shall be operated in accordance with LMC Title 6, Animals, and LMC Chapter 18A.40.030, Agricultural Uses.
4. Animal shelters owned, maintained or operated by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization whose primary mission is the protection and welfare of animals may sell goods and products that enhance the health and comfort of the animals adopted.
5. Commercial accessory uses are secondary permitted residential uses and include the following:
 - a. Professional offices incidental to the primary use.
 - b. Outdoor storage areas and yards:
 - (1) Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, stored, or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeological assessment per the City's critical areas regulations may be required to assist the director in making this determination.
 - (2) No hazardous materials shall be stored or utilized in storage areas, except as permitted under the International Fire Code and any conditions of site development required by the City.
 - (3) All storage areas shall be screened and fenced pursuant to LMC Section 18A.70.040(A)(3) and LMC Section 18A.70.140(A)(7.)
 - c. Antennae and satellite dishes for private telecommunication services
 - d. Facilities used in on-site grounds maintenance.

- e. On-site soil reclamation treatment in accordance with state regulations.
 - f. Retaining walls, freestanding walls, and fences.
 - g. Accessory Caretaker's Dwelling (ACD), subject to the following provisions:
 - (1) One (1) ACD per commercial or industrial site is permitted within all commercial and industrial zones within the city.
 - (2) An ACD may be established in a new or existing commercial or industrial building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.
 - (3) The ACD, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
 - (4) The design and size of an ACD shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
 - (5) The size of an ACD contained within or attached to a commercial or industrial building shall be limited to one thousand, two hundred (1,200) square feet. The size of a detached ACD shall be limited to no more than one thousand (1,000) square feet.
 - (6) A minimum of one (1) off-street parking space shall be required for the ACD, in addition to off-street parking required for the primary use(s) on-site, pursuant to LMC Section 18A.80.030(F), zoning district parking requirements.
 - (7) A building permit shall be obtained for all ACDs prior to construction and/or occupancy of the ACD.
 - h. Shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the director.
6. Industrial accessory uses are secondary permitted residential uses and include the following:

- a. Professional offices incidental to the primary use.
- b. Outdoor storage areas and yards:
 - (1) Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, stored, or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeological assessment per the City's critical areas regulations may be required to assist the director in making this determination.
 - (2) No hazardous materials shall be stored or utilized in storage areas, except as permitted under the International Fire Code and any conditions of site development required by the City.
 - (3) All storage areas shall be screened and fenced pursuant to LMC Section 18A.70.040(3) and LMC Section 18A.70.140(A)(7.)
- c. Antennae and satellite dishes for private telecommunication services.
- d. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.
- d. Facilities used in on-site grounds maintenance.
- e. On-site soil reclamation treatment in accordance with state regulations.
- f. Retaining walls, freestanding walls, and fences.
- g. Accessory caretaker's dwelling, subject to the following provisions:
 - (1) One (1) ACD per commercial or industrial site is permitted within all commercial and industrial zones within the city.
 - (2) An ACD may be established in a new or existing commercial or industrial building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.

- (3) The ACD, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
- (4) The design and size of an ACD shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- (5) The size of an ACD contained within or attached to a commercial or industrial building shall be limited to one thousand, two hundred (1,200) square feet. The size of a detached ACD shall be limited to no more than one thousand (1,000) square feet.
- (6) A minimum of one (1) off-street parking space shall be required for the ACD, in addition to off-street parking required for the primary use(s) on-site, pursuant to LMC Section 18A.80.030(F), zoning district parking requirements.
- (7) A building permit shall be obtained for all ACDs prior to construction and/or occupancy of the ACD.

h. Railroad cars, shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the director.

18A.40.050 Eating and Drinking Establishments.

A. Eating and Drinking Establishments Land Use Table.

	Zoning Classifications																			
Eating and drinking establishments land uses	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI
Bar/tavern (1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-
Brewery - brew pub	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P				
Mobile food vending facility (2)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Night club	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	-	-	-	-
Restaurant, café, coffee shop – counter ordering	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	-	-	-	-
Restaurant, café, coffee shop –drive-through services (3)	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	-	-
Restaurant, café, coffee shop –table service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – outdoor dining (4)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – serving alcohol	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Tasting room	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Vendor stand (5)	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																				

B. Development and operating conditions

1. Bars and taverns may include brewing equipment.
2. Vendor carts and trucks shall be subject to the following conditions:

- a. Carts may be placed on public sidewalks, provided a public area use permit is obtained, a minimum sidewalk width of five feet measured to the street side of the sidewalk shall be kept clear for pedestrians, and visibility at driveways, street intersections, store entrances and display windows shall not be obscured;
- b. If a cart or truck is to be situated on private property, written permission shall be obtained from the legal owner of such property on which the cart is situated [and a copy thereof provided to the City?];
- c. Inasmuch as possible, carts or trucks shall not be located in required parking areas;
- d. Carts or trucks shall not be located in landscaping areas;
- e. Carts shall be limited to one every 300 lineal feet or, when placed within a building, one cart per building;
- f. Carts or trucks shall be removed at night, or, when carts are placed within a building, they shall be covered or secured;
- g. Carts shall be no larger than a size which can be maneuvered by one person on foot, and in no case shall cover an area larger than 25 square feet;
- h. The vendor shall comply with all applicable state and county health regulations. Evidence of compliance and a current city of Lakewood business license must be conspicuously posted on the vendor truck or cart;
- i. Vendor carts within a building shall be located in a manner that is consistent with International Building and Fire Code requirements for exiting, corridor width, and other requirements;
- j. Vendor trucks shall be no larger than eight feet wide by 30 feet long, exclusive of temporary canopies which may be extended over the service side when parked;
- k. Vendor trucks may be placed on public property and streets, provided a right-of-way permit is obtained, adequate lane width is maintained, adequate sidewalk space is available for the service side of the truck, and visibility at driveways, street intersections, store entrances and display windows is not obscured. (Note: a right of way permit is not required for private streets, but other requirements of this subsection apply);
- l. The city may place additional restrictions, including limits on duration and frequency, for right of way permits for vendor trucks;

m. Vendor trucks shall not be placed in a public area closer than 100 feet from any existing eating establishment, unless the legal owner of the eating establishment provides written permission to be within 100 feet of the eating establishment.

3. Drive-through facilities standards are intended to allow for such facilities while reducing the negative impacts they may create. The specific purposes of these standards are to: reduce noise, lighting, exhaust, and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-site vehicular and pedestrian circulation; and minimize conflicts between queued vehicles and traffic on adjacent streets. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC, and shall apply to not only new development but also the addition of drive-through facilities to existing developments and the relocation or redevelopment of existing drive-through facilities.

Drive-through facilities are not a right; conditions such as size, configuration, or location of the site or existing structures may make it inappropriate to establish a drive-through on a specific property. A drive-through facility may be denied even if it is otherwise allowed in the zoning district.

- a. Drive-through points of customer service and stacking spaces should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.
- b. Stacking spaces should be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation.
- c. Drive-through speakers or amplified music shall not be audible off-site.
- d. Hours of operation may be limited as determined necessary by the City to achieve compatibility with surrounding land uses.
- e. A bypass lane to escape the stacking spaces is suggested for all drive-through facilities, especially high-volume facilities.
- f. Stacking spaces/drive-through window facility: A stacking space shall be an area measuring eight (8) feet by twenty (20) feet with direct forward access to a service window of a drive-through facility. Individual spaces within the lane may not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation drive or parking aisle widths, and may not interfere with site circulation.

- (1) Requirements: Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

Minimum Required Stacking Spaces/Drive-Through Window Facility			
Drive-Through Use	One Window	Two Windows	Three + Windows
Drive-Through Food/Beverage Service	5 stacking spaces	4 stacking spaces per window	3 stacking spaces per window
Drive-Through Bank/Financial Institution, Business Service, or Other Drive-Through Use Not Listed	4 stacking spaces	3 stacking spaces per window	2 stacking spaces per window

- (2) Parking credit: Credit towards minimum parking requirements should be given for each drive-through station. One-third ($1/3$) parking credit should be given for each stacking space, provided that the terms related to the provision and design of stacking space are met. For example, two (2) drive-through windows with three (3) stacking spaces each equals six (6); six (6) divided by one-third ($1/3$) equals two (2) parking spaces credited to the total parking requirement, as established on the table of Off-Street Parking Standards in LMC Section 18A.80.030.

- (3) Administrative adjustment: Exceptions to this requirement may be permitted if an applicant can document that less than the required minimum stacking spaces would be ample during prime operating hours of the development.

g. Vehicular entrances and exits shall not be located so as to cause congestion on any public street or right-of-way. The queuing lane shall be situated so that any overflow shall not spill out onto public streets or major circulation routes of any parking lot. Drive-through uses shall not be approved with ingress or egress driveways within 300 feet of a signalized intersection operating with a Level of Service D, E, or F unless a traffic analysis acceptable to the Public Works Department demonstrates that vehicles entering or leaving the site will not impair the efficiency or operation of the intersection.

i. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient queuing space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

4. Outdoor seating, tables, umbrellas and other appurtenances of outdoor dining may be placed on public sidewalks, provided a minimum sidewalk width of five feet measured to the street side of the sidewalk shall be kept clear for pedestrians.

5. Vendor stands shall be considered permanent structures and shall meet all requirements for such structures. Vendor spaces placed within an existing building shall meet all International Building Code requirements and shall not exceed 1,000 square feet in

total area, including product preparation and seating areas. Vendors shall comply with all applicable state and county health regulations. Evidence of compliance must be conspicuously posted on the vendor stand or space.

1. Vendors are subject to the design standards listed in LMC Section 18A.70.050(K).

18A.40.060 Essential Public Facilities.

A. Essential Public Facilities Land Use Table.

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CBD	C 1	C 2	C 3	IBP	I 1	I 2	P I	OSR 1	OSR 2
Airport (Seaplane) (1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Community and technical colleges, colleges and universities (1) (2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	C	-	-	C	-	-
Correctional facilities (1) (2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (1) (2)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Group Home	See Section 18A.40.120 Special needs housing																						
In-Patient Facility Including but not Limited to Substance Abuse Facility (1) (2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C		-	-	C	-	-
Intercity High-Speed Ground Transportation (1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Intercity Passenger Rail Service (1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C
Interstate Highway “I-5” (1)			P				P					P	P		P	P						P	P
Mental Health Facility (1)																		-	-	-	C	-	-
Military Installation (1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum Security Institution (1) (2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
Secure Community Transition Facility (SCTFs) (1) (2) (3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CBD	C 1	C 2	C 3	IBP	I 1	I 2	P I	OSR 1	OSR 2
Solid Waste Transfer Station (1) (2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit Facility (1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit Railroad Right-of-Way (1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit Bus, Train, or Other High Capacity Vehicle Bases (1)																							
Washington State Highway 512 (1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-
Work/Training Release Facility (1) (2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
<p>P: Permitted Use C: Conditional Use “-”: Not allowed</p> <p>*Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.</p>																							

B. Development and Operating Conditions

1. RCW 36.70A.200 requires cities to include in their comprehensive plans a process for identifying and siting essential public facilities (EPFs). EPFs are described in the Growth Management Act (GMA) as those facilities which are typically difficult to site, but are needed to support orderly growth and delivery of services. The GMA states that no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

2. Excepting for existing electrical transmission lines of higher voltage than 115 kV and military installations, essential public facilities shall require a conditional use permit. In addition to the regular conditional use permit review criteria, the following shall apply:

a. Documentation of need. Project sponsors must demonstrate the need for their proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.

- b. Consistency with sponsor's plans. The proposed project should be consistent with the sponsor's own long-range plans for facilities and operations.
- c. Consistency with other plans. The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the prospective host community. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.
- d. Relationship of service area to population. With the exception of linear transmission facilities, the facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its overall service area population.
- e. Minimum site requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.
- f. Alternative site selection. The project sponsor shall search for and investigate [how many?] alternative sites before submitting a proposal for siting review. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.
- g. Distribution of essential public facilities. In considering a proposal, the city shall examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.
- h. Public participation. Sponsors shall encourage local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor's efforts in this regard shall be evaluated.
- i. Consistency with local land use regulations. The proposed facility shall conform to local land use and zoning regulations that are consistent with the applicable county-wide planning policies. Compliance with other applicable local regulations shall also be required.

j. Compatibility with surrounding land uses. The sponsor's documentation shall demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.

k. Proposed impact mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

3. Additional Siting Criteria for SCTFs.

a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Line-of-sight has been estimated to be 600 feet from a risk potential activity or facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line-of-sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line-of-sight to less than 600 feet.

b. The site or building shall meet all of the security requirements of RCW 71.09.285.

c. No SCTF may be located within 600 feet of any residentially zoned property.

18A.40.070 Government Services, General.

A. Government Services, General

	Zoning Classifications																			
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI
City, county, special district, state, and federal offices	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	C	C	-	P
Fire stations	P	P	P	P	C	C	C	C	C	-	P	P	P	P	P	P	C			P
Maintenance shops and vehicle and equipment parking and storage areas for general government services (1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	p	C	-	P	P	P	P
Police stations, including temporary holding cells (2)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P
Post offices	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																				

B. Development and operating conditions.

1.
 - a. Service and car wash bay openings shall be oriented away from residential uses or screened from such uses by a combination of fencing and landscaping. Where a service or car wash bay opening would be oriented towards an abutting R-zoned property, noise shall be reduced by means of an intervening building or buildings, freestanding walls, doors or other devices for enclosing the car wash, or other methods determined by the Community Development Director to be effective for reducing noise. In any case, noise shall be controlled so as to comply with LMC Chapter 8.36, Noise Control.
 - b. Storage of vehicles and equipment shall be located behind buildings or screened from adjacent streets and properties by a combination of fencing and landscaping.
2. Temporary holding cells may include overnight stays.

18A.40.080 Health and Social Services.

A. Health and Social Services Land Use Table.

	R1	R2	R3	R4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C1	C2	IBP	I1	I2	PI	OSR1	OSR 2
Day care center in existing and new schools (2)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Day care center in existing or new churches (2)	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-	C	-	-	-	-	-	-
Day care center providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site (2, 3)	-	-	-	-	P	P	P	P	P	-	-	C	P	P	-	-	-	-	-	-	-	-
Day care center providing care for children and/or adult relatives of employees of a separate business establishment located on the same site (2, 3)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	C	-	-
Day care center, independent (2)	-	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-	-	C	-	-
Human service agency offices										C	P	P	P	P		P	C					
Medical service - clinic, urgent care	-	-	-	-	-	-	-	-	-	-	-	P	C	P	-	P	-	-	-	-	-	-
Medical service - doctor office	-	-	-	-	-	-	-	-	-	C	P	P	-	P	-	P	-	-	-	-	-	-
Medical service – hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Medical service - integrated medical health center	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	C	-	-

	R1	R2	R3	R4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C1	C2	IBP	I1	I2	PI	OSR1	OSR 2
Medical service – lab	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	C	-	-	-	C	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	-
Preschool/nursery school	C	C	C	C	-	-	C	C	C	-	C	P	P	P	-	C	C	-	-	C	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Development and operating conditions

1. Family day care, adult family homes and other health and social services which are residential in nature are regulated under LMC Section 18A.40.110 Residential Uses. [Where is this note used?]
2. Includes adult and child day care, subject to all state licensing requirements.
3. Day care centers providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site, and day care centers providing care for children and/or adult relatives of employees of a separate business establishment located on the same site, shall be given the following allowances to encourage development of such uses:
 - a. Such day care centers shall not be required to provide parking for the day care use in addition to parking required for the primary business or the dwelling units; and
 - b. Such day care centers may provide care for children and/or adults other than those related to employees of the on-site business or the owners or renters of the on-site dwelling units.

18A.40.090 Lodging.

A. Lodging Land Use Table.

	Zoning Classifications																					
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI	OSR1	OSR2
Bed and breakfast guest houses (1)*	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hostels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	-	-
Short term vacation rentals (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
P: Permitted Use C: Conditional Use “-“: Not permitted *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Development and operating conditions

1.
 - a. Bed and breakfast guest houses may be converted from existing residences or newly constructed residences, but shall not contain more than four bedrooms for guests.
 - b. Parking for bed and breakfast guest houses shall be limited to that which can be accommodated in the guest house’s garage and driveway. No such garage or driveway shall be wider than that necessary to park three vehicles abreast. No on-street parking shall be allowed.
 - c. The establishment shall be operated in such a manner as to give no outward appearance nor manifest any characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.
 - d. The owner shall operate the establishment and reside on the premises.
 - e. Meal service shall be limited to serving overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.

f. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.

2. a. The property owner is required to obtain a city business license.

b. As a condition of the business license, the property owner shall provide a notification letter describing the short term rental operations, in addition as to the means by which to contact the property owner.

c. The notification letter described in B.3.b. is required to be sent to all recognized organizations and owners of property abutting and directly across the street from the short term rental.

d. The short term rental shall be inspected by the City and Fire District to ensure the facility meets all applicable building and fire code requirements. Any deficiencies shall be corrected prior to the structure being made available for rental.

e. All short term rentals shall maintain a guest log book. The log book shall include the names and home addresses of guests, [phone and/or email contact information?], license plate numbers if traveling by automobile, dates of stay, and the room(s) assigned to each guest. The log book shall be available for inspection by city officials upon request.

18A.40.100 Open Space.

A. Open Space Land Use Table.

	Zoning Classifications	
	OSR1	OSR2
Accessory caretaker's unit	-	P
Cemetery, mausoleum, columbarium	-	C
City, county, special district, state, and federal offices	-	C
Commercial recreation facility – indoor	-	C
Commercial recreation facility – outdoor	-	P
Community and cultural center	-	C
Community festivals and street fairs	-	P
Concession/vending services in city parks (1)*		
Construction sheds or trailers	-	P
Golf course, country club	-	C
Health/fitness facility, quasi-public	-	C
Maintenance shops and vehicle and equipment parking and storage areas for general government services	-	P
Mobile food vending facility	-	P
Mortuary, funeral homes and parlors	-	C
Natural open space and passive recreation	P	P
Restaurant, café, coffee shop – counter ordering	-	C
Restaurant, café, coffee shop –table service	-	C
Restaurant, café, coffee chop – outdoor dining	-	C
Restaurant, café, coffee shop – serving alcohol	-	C
Sports and active recreation facility	C	P
Wildlife preserve or sanctuary	P	P
Wireless communication facilities	P	P
<p>P: Permitted Use C: Conditional Use “-“: Not permitted</p> <p>*Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.</p>		

B. Development and Operating Conditions.

The operator of a food concession or vending service shall enter into an agreement for use of public and city-owned park property for concession/vending purposes with the property owner; if the property is not owned by the City, the operator shall provide a copy of the executed agreement to the City for approval. The agreement shall include standards pursuant to LMC Section 18A.70.050(F) [verify cite].

18A.40.110 Residential Uses.

A. Residential Land Use Table.

	Zoning Classifications																			
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI
Accessory caretaker's unit	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-
Accessory dwelling unit (1)*	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Babysitting care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-
Boarding house	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cottage housing (2)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Co-housing (dormitories, fraternities and sororities) (3)	-	-	-	-	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-
Detached single family (4)	P	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-
Two family residential, attached or detached dwelling units	-	-	-	C	P	P	P	-	-	P	P	P	-	-	-	-	-	-	-	-
Three family residential, attached or detached dwelling units	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Multifamily, four or more residential units	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-
Mixed use	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-
Family daycare (5)	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home agriculture	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Home occupation (6)	P	P	P	P	P	?	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Households of more than six unrelated persons (7)	E	E	E	E	E	E	E	E	E	E	E	E	E	E	-	-	-	-	-	-
Mobile home parks (8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/manufactured home parks (8)	-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-
Residential accessory building (9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Specialized senior housing (10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-
Accessory residential uses (11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-
P: Permitted Use																				

	Zoning Classifications																			
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI
C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																				

B. Operating and Development Conditions

1. Accessory Dwelling Units (ADUs) are permitted when added to, created within, or detached from a principle dwelling unit subject to the following restrictions:

- a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure. Accessory dwelling units shall not be included in the density calculations. A single-family residence shall contain no more than one accessory dwelling unit.
- b. An ADU may be established by creating the unit within or in addition to the new or existing principle dwelling, or as a detached unit from the principal dwelling.
- c. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.
- d. The size of an ADU contained within or attached to an existing single-family structure shall be limited by the existing structure's applicable zoning requirements. An attached ADU incorporated into a single-family house shall be limited to forty (40) percent of the living space of the principal unit, excluding garage area.

The size of the living space of a detached ADU, shall be a maximum of one thousand square feet (1,000) or forty (40) percent of the size of the living space of the principal unit, excluding garage area, whichever is smaller.

- e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
- f. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.
- g. The design of an attached ADU, including the facade, roof pitch and siding, shall be complementary to the principal dwelling unit, so as not to be obvious from the outside appearance that it is a separate unit from the principal dwelling unit.

- h. A minimum of one (1) off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal dwelling, pursuant to LMC Section 18A.80.030(F).
- i. Any legally constructed accessory building existing prior to the effective date of this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed forty (40) percent of the size of the living area of the principal unit, excluding garage area.
- j. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet.
- k. If a structure containing an ADU was created without a building permit that was finalized, the city shall require a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and meets the requirements of this section and building code. The ADU application fee will cover the building inspection of the ADU.
- l. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:
 - (1) One (1) of the dwelling units shall be owner occupied as the owner's principal residence for at least six (6) months a year, and at no time shall the owner-occupied unit be leased or rented.
 - (2) No building permit or zoning certification for an ADU shall be issued until the owner files and records with the Pierce County Auditor a covenant evidencing this use limitation against the property. The covenant shall acknowledge the existence of the ADU and document the owner's agreement to all the ADU requirements as provided in this section.The covenant shall be in a form specified by the Community Development Director, and shall include at a minimum: the legal description of the property which has been approved for an ADU; the applicability of the restrictions and limitations contained in this sub section; a copy of the floor/site plan approved by the City; and the notarized signature of all property owners.
- m. Discontinuation of an ADU.
 - (1) An ADU shall be converted to another permitted use or shall be removed if one (1) of the two (2) dwellings is not owner occupied, pursuant to the requirements of this section.

(2) If either the ADU or the principal unit ceases to be owner-occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU shall cease immediately, and the ADU shall be removed or converted to a permitted use.

2. Cottage housing is permitted subject to the LMC 18A.20, Part III.

3. Dormitories, fraternities and sororities shall be permitted as accessory uses to public or private educational institutions or churches.

4. Detached primary dwelling units, or single-family dwelling units, include site-built homes, manufactured homes and modular homes.

a. All detached single-family dwellings (including manufactured homes) located in residential zones shall meet all of the following criteria:

- (1) May not have previously had a title granted to a retail purchaser and may not be a used mobile home as defined by RCW 82.45.032(2), now or hereafter amended.
- (2) Be built to meet or exceed the standards established by 42 U.S. Code Chapter 70 – Manufactured Home Construction and Safety Standards, now or hereafter amended.
- (3) Be thermally equivalent or better to that required by the state energy code for new residential structures, now or hereafter amended.
- (4) Be set on and securely attached to a permanent foundation as specified by the manufacturer.
- (5) Proof of title elimination[clarify] is required prior to building occupancy.
- (6) Be connected to required utilities that include plumbing, heating and electrical systems.

b. All single-family dwellings (including manufactured homes) shall comply with the following siting and design standards unless sited within manufactured/mobile home parks:

- (1) The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended.

(2) The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the building official, which may or may not be load-bearing.

(3) Modular homes on individual lots shall incorporate design features of typical site-built homes including but not limited to modulation, articulation, sloped roofs, and wood siding or siding of a material which imitates wood.

5. Family day care is a permitted use, subject to obtaining a state license in accordance with Chapter 74.15 RCW and the following:

- a. Compliance with all building, fire, safety, health code, and city licensing requirements;
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located;
- c. Certification by the office of child care policy licensor that a safe passenger loading area, if necessary, is provided.

6. Home occupations are permitted subject to the following:

- a. The home occupation shall be subordinate to the primary use of the premises as a dwelling unit.
- b. All activities of the home occupation shall be conducted indoors.
- c. The business shall be conducted by a member of the family residing within the primary residential premises plus no more than one additional person not residing in the dwelling unit.
- d. Home occupations may have on-site client contact subject to the following limitations:
 - (1) All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
 - (2) The home occupation shall generate no more than two vehicle trips per hour to the licensed residence, except that for one continuous three-hour period per month, the home occupation may generate up to 10 vehicle trips; and
 - (3) The home occupation shall not create a public nuisance.

e. The following activities shall be prohibited:

- (1) Automobile, truck, boat and heavy equipment repair;
- (2) Auto or truck body work or boat hull and deck work;
- (3) Parking and storage of heavy equipment;
- (4) Storage of building materials for use on other properties;
- (5) Painting or detailing of autos, trucks, boats, or other items;
- (6) The outside storage of equipment, materials or more than one vehicle related to the business;
- (7) Vehicles larger than 10,000 pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
- (8) Taxicab, van shuttle, limousine or other transportation services, except for office activities; provided all other requirements of this subsection concerning home occupations are met.

f. Home occupations shall not be allowed in accessory buildings within the rear yard setback.

g. Home occupations in accessory buildings shall not permit noise to intrude into another residential property at a level at or above 45 decibels outside the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday.

h. Home occupations are required to obtain a city business license.

7. Households of more than six persons in which any one person is unrelated to any or all of the others are not permitted, except that the Director may allow larger numbers of unrelated persons to live together through a grant of special of reasonable accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35.63.220.

a. When necessary to comply with the provisions of the Federal Fair Housing Act amendments, RCW 49.60.222, or RCW 35.63.220, the Director may grant reasonable accommodation to individuals in order for them to live in a household of more than six persons, subject to the following:

- (1) An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.
- (2) The Director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.
- (3) The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.
- (4) A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.
- (5) A decision to grant reasonable accommodation is a Type I action. The decision shall be recorded with the Pierce County auditor.
- (6) Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.

8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with LMC 18A.40.110(C).

9. Residential accessory building:

- a. The maximum height for residential accessory building shall be twenty-four (24) feet.
- b. Detached residential accessory structures which are less than one hundred twenty (120) square feet in size and not higher than ten (10) feet, including garden sheds or greenhouses or combination of both; children's play equipment; arbors; and gazebos, when placed in a rear half of the lot shall have a minimum three (3) foot setback.

Attached accessory structures shall meet the same setbacks as the main building.

- c. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.
 - d. Vehicle covers and other storage structures that are composed of pipes or poles with a fabric, plastic or other type of cover on the top of the framework are required to meet the development standards for the applicable zoning district, including lot coverage limitations and setback requirements. If the covering on such a structure is metal, wood, hard plastic or other rigid material and the structure exceeds 120 square feet in size, a building permit is required for the structure. If the structure is used for recreational, sporting or utility vehicle storage, the storage requirements of LMC 18A.50.160, including a parking pad and screening must be met. Fabric, vinyl, flexible plastic or other membrane material may be utilized to enclose the sides of the structure only if the structure is specifically designed and used for vehicle storage. Such enclosed structures are not exempt from the screening requirements of LMC 18A.50.150 [VERIFY CITE]. Except as noted above, general storage is prohibited in tents, yurts or other tent-like structures.
 - e. Railroad cars, shipping containers, and semi-truck trailers shall not be placed or maintained in any single-family residential, mixed residential, or multi-family residential zoning district.
10. See LMC Section 18A.40.120.
11. Residential accessory uses are secondary, subordinate permitted uses and include the following:
- a. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
 - b. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
 - c. Detached carports or garages are allowed in conjunction with an approved access and driveway.
 - d. Other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed.
 - e. Outdoor storage of one (1) recreational/sporting/utility vehicles, subject to LMC Section 18A.50.160.
 - f. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC Section 18A.50.180.

- g. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis.
- h. “Pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.
- i. On-site underground fuel storage tanks to serve a residential use.
- j. Antennae and satellite dishes for private telecommunication services.
- k. Decks and patios.
- l. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
- m. On-site soil reclamation in accordance with state regulations.
- n. Retaining walls, freestanding walls, and fences.
- o. Yard sales.
- p. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

C. Manufactured/Mobile Home Parks

1. Intent. It is the intent of this section to:

- a. Permit the location of manufactured homes in specially designed parks as an additional affordable housing option where manufactured homes lots can be leased as a permanent form of dwelling unit in all residential districts;
- b. Provide standards for the development and use of manufactured home parks appropriate to their location and use as permanent facilities;
- c. Designate appropriate locations for manufactured home parks;
- d. Ensure a high quality of development for such parks and dwelling units to the end that the occupants of manufactured home and the community as a whole are protected from potentially adverse impact of such development or use;
- e. Provide for city review of proposed manufactured home parks;

f. Make a distinction between manufactured home parks and other subdivisions, and their development and occupancy characteristics.

2. Permitted locations. Mobile and manufactured homes are permitted as follows:

- a. As a primary use in a mobile or manufactured home subdivision of not less than five nor more than forty acres in all residential districts.
- b. As a primary use in a mobile or manufactured home park of not less than three acres nor more than twenty acres. Mobile or manufactured home parks may be permitted in all residential districts after receiving a conditional use permit.
- c. As an accessory use for security or maintenance personnel in the following districts, subject to site plan review:
 - i. General commercial district;
 - ii. Light industrial/commercial district;
 - iii. Industrial district;
 - iv. Mineral extraction district;
 - v. Open space/institutional district.
- d. As temporary or emergency use in:
 - i. Any district as part of a construction project for office use of construction personnel or temporary living quarters for security personnel for a period extending not more than ninety days beyond completion of construction. A thirty day extension may be granted by the city manager upon written request of the developer and upon the manager's finding that such request for extension is reasonable and in the public interest;
 - ii. Any district as an emergency facility when operated by or for a public agency;
 - iii. In the open space/institutional district where a community need is demonstrated by a public agency such as temporary classrooms or for security personnel on school grounds.

3. Development standards--Plot plan requirements. A complete and detailed plot plan shall be submitted to the community development department. The plot plan shall include the following information and such other information as the department may reasonably require to determine the acceptability of the proposed development:

- a. Location and dimensions of all lots;
- b. Roads, internal street system, and driveways;
- c. Common open space, community facilities;
- d. Utility lines, including water, sewer, electrical and any others contemplated;
- e. Landscaping and screening plan for exterior boundaries.

4. Manufactured home park design standards--Area and density. The minimum site for a manufactured home park shall be three acres. The maximum site for a manufactured home park shall be twenty acres. The maximum number of manufactured homes per acre shall be consistent with the underlying density or the zone in which it is located.

5. Manufactured home park design standards--Site requirements. The size and shape of individual manufactured home sites shall be in accordance with the following:
- a. Minimum space area, four thousand square feet;
 - b. Minimum width, forty feet;
 - c. Minimum depth, eighty feet;
 - d. Minimum setback from street or access road, ten feet with a ten foot planter and rear load access; fifteen feet with standard planter and no alleys;
 - e. Maximum development coverage of space, fifty percent;
 - f. Side yard setback five feet.
 - g. Rear yard setback fifteen feet.
6. Manufactured home park design standards--Off-street parking. Off-street parking shall be provided in accordance with LMC Chapter 18A.80.
7. Manufactured home park design standards--Open space. Ten percent of the gross site area shall be set aside for usable open space.
8. Manufactured home park design standards--Accessory buildings and structures.
- a. Buildings or structures accessory to individual manufactured homes are permitted, including enclosed carports, provided that the total development coverage of the space shall not exceed the development coverage permitted in LMC Chapter 18A.60.030 [VERIFY CITE].
 - b. Buildings or structures accessory to the manufactured home park as a whole, and intended for the use of all manufactured home occupants are permitted, provided the building area not exceed one-fourth of the common open space area.
9. Manufactured home park design standards--Landscaping and screening.
- a. Visual screening and/or landscaping may be required in those developments where such screening is deemed necessary and reasonable by the enforcing officer and/or the hearings examiner.
 - b. When required, such screening may consist of densely planted vegetation not less than four feet in height at the time of planting, or a solid fence, six feet in height, or a combination of fencing and vegetation which achieves the same screening effect.
 - c. Landscaping is also required in all setback areas and open space. All applicable requirements of LMC Chapters 18A.60 and 18A.70 shall be satisfied.
 - d. Visual interruption with appropriate vegetation between manufactured home units may also be required to relieve visual monotony.

e. The perimeters of common parking areas shall be landscaped in such a way as to create a diversion between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the mobile home park.

f. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times.

10. Manufactured home park design standards--Ingress and egress.

a. Each manufactured home site shall have access from an interior drive or roadway only.

b. Access to the manufactured home park shall be limited to not more than one driveway from a public street or road for each two hundred feet of frontage.

11. Manufactured home park design standards--Surfacing requirements. All streets, roads and driveways shall be hard-surfaced, including permeable paving surfaces in conformance with the current City of Lakewood Stormwater Design Manual, to a standard of construction acceptable to the city engineer. Interior pedestrian walkways, carports and parking areas shall also be paved.

12. Manufactured home park design standards--Stormwater runoff. Stormwater management is required and shall comply with the current City of Lakewood Stormwater Design Manual and shall be subject to the city's review and approval, and shall, moreover, comply with LMC Chapter 12.11 [VERIFY CITE] pertaining to community facilities.

18A.40.120 Special Needs Housing.

A. Intent. It is found and declared that special needs housing facilities are essential public facilities which provide a needed community service. It is also recognized that these types of facilities often need to be located in residential neighborhoods. Thus, in order to protect the established character of existing residential neighborhoods, the public interest dictates that these facilities be subject to certain restrictions. The intent of these regulations is to minimize concentrations of certain types of facilities, mitigate incompatibilities between dissimilar uses, preserve the intended character and intensity of the City's residential neighborhoods, and to promote the public health, safety, and general welfare.

B. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Special Needs Housing Use Table (P = Permitted Outright, CU = Conditional Use Permit Required, N = Not Permitted) *Note: See Subsection C, below, for additional siting restrictions **Note: The residency limitations indicated in this use table apply to the number of residents housed at a facility, exclusive of any support or care staff. Where specific residency limitations are provided in the definition of the use, the size information herein is provided for reference only.						
	Size (number of residents)	R-1, R-2, R-2SRD, HMR-SRD, NRX	R-3	R-4-L, R-4, R-5, PRD, URX, RCX, NCX, T, C-1, HM, HMX, PDB	UCX, CCX, CIX, C-2, M-1, DCC, DMU, DR, WR	M-2, PMI
<u>Emergency and Transitional Housing</u>	<u>Limit 6</u>	N	N	CU	P	N
<u>Emergency and Transitional Housing</u>	<u>7-15</u>	N	N	CU	P	N
<u>Emergency and Transitional Housing</u>	<u>16 or more</u>	N	N	CU	P	N
<u>Confidential Shelter, Adult Family Home, Staffed Residential Home</u>	<u>Limit 6</u>	P	P	P	P	N
<u>Confidential Shelter, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth</u>	<u>7-15</u>	N	P	P	P	N
<u>Confidential Shelter, Residential Chemical Dependency Treatment Facility, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth</u>	<u>16 or more</u>	N	N	P	P	N

C. Dispersion Requirement.

1. Facilities lawfully in existence on the adoption date of this section, are exempt from the dispersion requirement. Such facility shall be permitted to expand from the site it lawfully occupied at the time of the passage of this section only onto contiguous property owned by or under lease to the use at the time of the adoption of this section.

2. This requirement shall apply only to development in the PRD, R-4-L, R-4, R-5, URX and RCX **[UPDATE TO LAKEWOOD DISTRICTS]** districts.

3. The lot line of any emergency and transitional housing shall be located 600 feet or more from the lot line of any other emergency and transitional housing. Where existing proximity to a limited access highway or freeway affords comparable protection, the 600 foot distance requirement may be waived.

4. The City shall determine whether a proposed facility meets the dispersion requirement criteria from maps which shall note the location of emergency and transitional housing. Such maps shall be generated and maintained by the City as a reference document. Any person who disputes the accuracy of the maps may furnish the staff with the information and, if determined by the staff to be accurate, this information shall be used in processing the application.

D. Should the state adopt siting requirements in excess of those required by this section, this section shall be considered amended to be in compliance with state law.

E. Facilities Allowed by Conditional Use Permit. Applications for conditional use permits for special needs housing facilities shall be processed in accordance with the standard procedures and requirements for conditional use permits, as outlined in Chapter 13.05 and Section 13.06.640 **[UPDATE TO LAKEWOOD CITES]**, with the following additional requirements.

1. Pre-application community meeting. Prior to submitting an application for a conditional use permit to the City, the applicant shall hold a public informational meeting with adjacent community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed facility. The meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal and the community, including the goals, mission, and operation and maintenance plans for the proposed facility; the background of the operator, including their capacity to own, operate, and manage the proposed facility; and the characteristics of the surrounding community and any particular issues or concerns of which the operator should be made aware. The applicant shall provide written notification of the meeting to the appropriate neighborhood council, qualified neighborhood and community organizations, and to the owners of property located within 400 feet of the project site.

2. Pre-application site inspection. Prior to submitting an application for a conditional use permit to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshall to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or

to force an applicant to bring a proposed facility up to applicable standards prior to application for a conditional use permit, but instead, is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

3. Required Submittals. Applications for conditional use permits for special needs housing facilities shall include the following:
 - a. A Land Use Permit Application containing all of the required information and submissions set forth in Section 13.05.010 [UPDATE TO LAKEWOOD CITES] for conditional use permits.
 - b. Written confirmation from the applicant that a pre-application public meeting has been held, as required under subsection E.1 above.
 - c. Demonstration of inspection by the appropriate Fire Marshal and Building Inspector, as required under subsection E.2 above, to include a description of any necessary building modifications identified during the inspection.
 - d. An Operation Plan that provides information about the proposed facility and its programs, per the requirements of Planning and Development Services.
4. Review Sriteria. Applications for conditional use permit for special needs housing facilities shall be subject to the specific review criteria contained in Section 13.06.640 **[UPDATE TO LAKEWOOD CITES]**.
5. Concomitant Agreement. Upon issuance of a conditional use permit for a special needs housing facility, the applicant shall sign and record with the Pierce County Auditor a notarized concomitant agreement. Such agreement shall be in a form specified by Planning and Development Services and subject to the approval of the City Attorney, and shall include as a minimum: (a) the legal description of the property which has been permitted for the special needs housing facility, and (b) the conditions of the permit and applicable standards and limitations. The property owner shall submit proof that the concomitant agreement has been recorded prior to issuance of a certificate of occupancy by Planning and Development Services. The concomitant agreement shall run with the land as long as the facility is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for termination of the concomitant agreement. Such termination shall be granted upon proof that the facility no longer exists on the property.

F. Registration of Existing Special Needs Housing. Facilities existing as of November 13, 2006, shall be required to register with Planning and Development Services by May 13, 2007. **[UPDATE TO LAKEWOOD DATES]** Such registration shall be in a form provided by Planning and Development Services and shall include the following information:

1. The type of facility;
2. The location of the facility;
3. The size of the facility, including the number of clients served and number of staff; and

4. Contact information for the facility and its operator.

G. Abandonment. Any existing special needs housing facility that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for establishment of a new facility.

18A.40.130 Air Installation Compatible Use (AICUZ) Zones and Uses.

A. Title.

This article shall be known as the Air Installations Compatible Use Zones (AICUZ) of the City of Lakewood.

B. Definitions.

1. "AICUZ" (Air Installation Compatible Use Zone) means a program instituted by the Department of Defense to address the problem of land development surrounding military air installations. It provides for the development and implementation of a plan to determine those land areas for which development should be significantly influenced by the operation of the airfield as a means to protect the health, safety and welfare from noise and hazards through compatible development in the airport environment.
2. "Accident Potential Zone (APZ) Surfaces" means APZ I which begins at the outer end of the CZ and is 5,000 feet long and 3,000 feet wide. APZ II begins at the outer end of APZ I and is 7,000 feet long and 3,000 feet wide.
3. "Clear Zone (CZ) Surface" means an obstruction-free surface (except for features essential for aircraft operations) on the ground symmetrically centered on the extended runway centerline beginning at the end of the runway and extending outward 3,000 feet. The CZ width is 3,000 feet (1,500 feet to either side of runway centerline).
4. "Day-night average sound level" (DNL) means a twenty-four-hour energy average sound level expressed in dBA, with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.
5. "Decibels" (dB) means a logarithmic unit that measures the intensity, or loudness, of sound. A sound level of 0 dB is approximately the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels of about 130 dB are felt in the human ear as discomfort and pain.
6. "Floor Area Ratio" (FAR) FAR is the abbreviation for Floor Area Ratio. FAR is defined as the ratio of a building's total floor area (Gross Floor Area) to the area of land upon which it is built. The constructed area would include the basic structure, exterior walls, staircases or lobby space, if any. The ratio is obtained by dividing the total area built by the area of parcel of land upon which it is built. The Gross Floor Area includes all the space within the exterior walls of the construction under study, including all habitable and inhabitable spaces.

EXAMPLE: Calculating FAR. A company is planning to build a two-story building on a rectangular parcel that has 100 feet of street frontage and 200 feet of depth. The first story measures 50 feet by 200 feet, and the second story measures 50 feet by 200 feet. There are no public rights-of-way, or other exceptional development limitations on the parcel.

Step 1. Determine the total BUILDABLE LAND AREA (B) for the site.
(B) = (Parcel Width x Parcel Depth)
(B) = 100 ft. x 200 sq. ft.
(B) = 20,000 sq. ft.

Step 2. Determine the FLOOR AREA of each story of the building.
Story 1 Floor Area = 50 ft. x 200 ft. = 10,000 sq. ft.
Story 2 Floor Area = 50 ft. x 200 ft. = 10,000 sq. ft.

Step 3. Determine the GROSS FLOOR AREA (GSF) of the Building.
(GSF) = 10,000 sq. ft. + 10,000 sq. ft. = 20,000 sq. ft.

Step 4. Calculate the FLOOR AREA RATIO (FAR).
FAR = GSF/B
FAR = 20,000 sq. ft. / 20,000 sq. ft. = 1.0

6. “Noise Attenuation” is the process by which noise from military aircraft is reduced.

B. The intent of the City and the purpose of this chapter are to:

1. Regulate, in a manner consistent with the rights of individual property owners and the requirements of military operations at Joint Base Lewis McChord (JBLM), development of uses and structures that are incompatible with military operations;
2. Sustain the economic health of the city and the south Puget Sound;
3. Protect and preserve the public health, safety and welfare from the adverse impacts associated with high levels of noise from flight operations at McChord Field JBLM and the potential for aircraft accidents associated with proximity to airport operations;
4. Ensure that the construction of residential use group buildings or portions thereof, located within those areas of Lakewood likely to be affected by aircraft noise associated with flight operations at JBLM, provide for appropriate sound reduction to minimize the impact of such noise on occupants.
5. Maintain the overall quality of life of those who live, work and recreate in the City of Lakewood.

C. Findings.

1. Joint Base Lewis McChord (JBLM) was first established as Camp Lewis in 1917 when the citizens of Pierce County voted to buy 68,721 acres of land and donate it to the federal government for use as a permanent army post. In 1927, the county passed a bond measure to establish an airfield just north of the military reservation. The airfield, named Tacoma Field, officially opened March 14, 1930, and was later renamed McChord Field in 1940 in honor of Colonel William McChord. The field became independent of Fort Lewis in 1947 after the U.S. Air Force was established as a separate service, and was redesignated McChord Air Force Base (AFB) in on January 1, 1948. On February 1, 2010, Joint Base Lewis-McChord (JBLM) was established in accordance with congressional legislation implementing the recommendations of the 2005 Base Realignment and Closure Commission;
2. JBLM provides over 50,000 service member jobs, supports over 125,000 military retirees and more than 32,000 family members living both on and off-base. JBLM alone is the second largest employer in Washington State, representing 2% of the State's GDP and 34% of Pierce County's economy. JBLM is the seventh largest city in the state of Washington and a West Coast power projection platform;
3. There are more than BLANK acres of land located within the confines of the city of Lakewood designated as Clear Zone, Accident Potential Zones I and II. Some of the lands located in the Clear Zone are encumbered by easements or restrictive covenants that limit the uses of the land to those that are not incompatible with flight operations arising out of JBLM; however, these easements/covenants have not always been enforced;
4. Since the installation's inception, development of a type deemed incompatible under the JBLM's AICUZ Program has occurred;
5. Of greatest concern is the presence of incompatible land uses in the Clear Zone. There are existing uses on the western and eastern edges of the Clear Zone that are incompatible, including industrial uses and storage condominium units (individual, privately owned storage units). The majority of these uses are nonconforming uses built before the city of Lakewood adopted a Clear Zone zoning designation in 2001. The Clear Zone zoning designation which prohibits most uses; however, it allows for established non-conforming uses to continue and allows for the potential development of some new land uses;
6. The closure or realignment of JBLM would have serious adverse economic consequences to the city and the region;
7. In 2014, the South Sound Military Communities Partnership (SSMCP) joined with the Office of Economic Adjustment, Pierce and Thurston counties, and surrounding municipalities to craft a regional land use study (JLUS). In October 2015, the SSMCP Elected Officials Council, of which the city of Lakewood is a member, unanimously accepted the JBLM JLUS. Among the recommendations of the JLUS was that the city of Lakewood would consider the following: incorporating land use compatibility in updates to its comprehensive plan; establishing or strengthening the permitting process for structures that could pose risks to aviation operations; consider the use of disclosure, deed restrictions, hold harmless agreements, etc., to address aircraft safety and noise;

incorporating specific land use compatibility requirements into local zoning codes and ordinances (e.g., density or height limits in sensitive areas); and incorporating considerations of aircraft safety and military operational noise into local jurisdiction planning and permitting processes.

D. AICUZ land use table.

Land Use Categories	APZ-I	APZ-II	CZ	Density
Existing uses				
Continuation of uses already legally existing within the zone at the time of adoption of this chapter. Maintenance and repair of existing structures shall be permitted.	P	P	--	N/A
Alteration or modification of non-conforming existing uses and structures.	C	C	--	N/A
Agriculture and natural resources				
Agriculture	--	--	--	
Agriculture, clear zone	--	--	P	
Agriculture, home	P	P	--	
Natural resource extraction/recovery	C	N	N	Maximum FAR of 0.28 in APZ-I, no activity which produces smoke, glare, or involves explosives.
Research – scientific (small scale)	C	P	--	Office use only. Maximum FAR of 0.22 in APZ-I & APZ-II.
Undeveloped land	P	P	P	N/A
Residential uses				
Accessory caretaker's unit	--	--	--	N/A
Accessory dwelling unit	--	--	--	N/A
Cottage housing	--	--	--	N/A
Co-housing (dormitories, fraternities and sororities)	--	--	--	N/A
Detached single family on lot less than 20,000 square feet	--	--	--	N/A
Detached single family on lot greater than 20,000 square feet	--	P	--	N/A
Two family residential, attached or detached dwelling units	--	--	--	N/A
Three family residential, attached or detached dwelling units	--	--	--	N/A
Multifamily, four or more residential units	--	--	--	N/A
Mixed use	--	--	--	N/A
Home occupation	P	P	--	N/A
Mobile home parks	--	--	--	N/A
Mobile and/or manufactured homes, in mobile/manufactured home parks	--	--	--	N/A
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	--	P	--	N/A
Child care facility	--	--	--	N/A

Land Use Categories	APZ-I	APZ-II	CZ	Density
Child day care center	--	--	--	N/A
Family day care provider	--	--	--	N/A
Special needs housing (Essential Public Facilities)				
Type 1 group home	--	--	--	N/A
Type 2 group home	--	--	--	N/A
Type 3 group home	--	--	--	N/A
Type 4 group home	--	--	--	N/A
Type 5 group home	--	--	--	N/A
Assisted living facilities	--	--	--	N/A
Continuing care retirement community	--	--	--	N/A
Hospice care center	--	--	--	N/A
Enhanced services facility	--	--	--	N/A
Nursing home	--	--	--	N/A
Commercial and industrial uses				
Building and landscape materials sales	P	P	--	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II.
Building contractor, light	P	P	--	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II.
Building contractor, heavy	C	--	--	Maximum FAR of 0.11 in APZ I & 0.22 in APZ II.
Business support service	P	--	--	Maximum FAR of 0.22 in APZ I.
Catering service	P	P	--	Maximum FAR of 0.22 in APZ II.
Construction/heavy equipment sales and rental	C	C	--	Maximum FAR of 0.11 in APZ I; & 0.22 in APZ II.
Equipment rental	P	P	-	Maximum FAR of 0.11 in APZ I; & 0.22 in APZ II.
Furniture, furnishings, appliance/ equipment store	N	C	--	Maximum FAR of 0.28 in APZ II.
Handcraft industries, small-scale manufacturing	P	P	--	Maximum FAR of 0.28 APZ I; Maximum FAR of 0.56 in APZ II.
Kennel, animal boarding	P	P	--	Maximum FAR of 0.11 APZ I; Maximum FAR of 0.22 in APZ II.
Laundry, dry cleaning plant	P	--	--	Maximum FAR of 0.22 in APZ II.
Live/work and work/live units	P	P	--	N/A
Maintenance service, client site services	P	P	--	Maximum FAR of 0.22 in APZ II.
Military installations	P	P	P	N/A
Mobile home, RV, and boat sales	C	C	--	Maximum FAR of 0.14 in APZI & 0.28 in APZ II.
Office – business services	P	P	--	Maximum FAR of 0.22 in APZII.
Office – professional	P	--	--	Maximum FAR of 0.22 in APZII.
Places of assembly	-	-	--	N/A

Land Use Categories	APZ-I	APZ-II	CZ	Density
Personal services	P	--	--	Office uses only. Maximum FAR of 0.11 in APZ II.
Small craft distillery	--	P	--	Maximum FAR 0.56 in APZ II.
Storage - personal storage facility	P	P	--	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Vehicle services – minor maintenance/repair	P	P	--	Maximum FAR of 0.11 APZ I; 0.22 in APZ II.
Vehicle storage	C	C	N	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II.
Warehouse retail	P	--	--	Maximum FAR of 0.16 in APZ II.
Warehouse	P	P	--	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Wholesaling and distribution	P	P	--	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II.
Wildlife preserve or sanctuary	P	P	N	N/A
Eating and drinking establishments				
Bar/tavern	--	---	--	N/A
Brewery - brew pub	--	--	--	N/A
Mobile food vending facility	P	P	--	N/A
Night club	--	--	--	N/A
Restaurant, café, coffee shop – counter ordering	--	--	--	N/A
Restaurant, café, coffee shop – drive-through services	--	--	--	N/A
Restaurant, café, coffee shop – table service	--	--	--	N/A
Restaurant, café, coffee shop – outdoor dining	--	--	--	N/A
Restaurant, café, coffee shop – serving alcohol	--	--	--	N/A
Tasting room	--	--	--	N/A
Lodging				
Bed and breakfast guest houses	--	--	--	N/A
Hostels	--	--	--	N/A
Hotels and motels	--	--	--	N/A
Recreational vehicle parks	--	--	--	N/A
Transportation				
Parking facilities (surface)	P	P	--	N/A
Parking facilities (structured)	--	-	--	N/A
Streets with pedestrian and bicycle facilities	P	P	-	N/A
Transit park and ride lots	P	P	--	N/A
Transit shelter	P	P	--	N/A
Utilities				
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	--	N/A

Land Use Categories	APZ-I	APZ-II	CZ	Density
Underground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	P	N/A
Electrical distribution substations	P	P	--	N/A
Electrical transmission lines of 115 kV or less and support poles	P	P	--	N/A
Electric vehicle battery charging stations	P	P	--	N/A
Above ground natural gas conveyance facilities	--	--	--	N/A
Underground natural gas conveyance facilities	P	P	P	N/A
Potable water conveyance facilities	P	P	--	N/A
Potable water storage facilities	C	P	--	N/A
Storm water collection and conveyance facilities	P	P	P	N/A
Storm water detention/retention facilities	P	P	C	N/A
Telecommunications earth receiving stations (satellite dishes)	P	P	--	N/A
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/ receiving/relay facilities, or switching facilities	P	P	--	N/A
Telecommunications switching facilities	P	P	--	N/A
Telecommunications transmission/receiving/relay facilities		P	--	N/A
Waste water conveyance facilities	P	P	P	N/A
Wireless communication facilities (WCFs)	P	P	--	N/A
Essential public facilities				
Airport (American Lake Seaplane Base)	--	--	--	N/A
Community and technical colleges, colleges and universities	--	--	--	N/A
Correctional facilities	--	--	--	N/A
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	--	C	--	N/A
Electrical transmission lines of higher voltage than 115 kV, in new corridors	--	--	--	N/A
Group Home	--	--	--	N/A
In-Patient Facility Including but not Limited to Substance Abuse Facility	--	C	--	N/A
Intercity High-Speed Ground Transportation	--	--	--	N/A
Intercity Passenger Rail Service	--	--	--	N/A
Interstate Highway "I-5"	P	--	--	N/A
Mental Health Facility	--	--	--	N/A
Military Installation	P	P	P	N/A
Minimum Security Institution	--	--	--	N/A
Secure Community Transition Facility (SCTFs)	-	-	-	N/A
Solid Waste Transfer Station	--	--	--	N/A
Sound Transit Facility	--	--	--	N/A

Land Use Categories	APZ-I	APZ-II	CZ	Density
Sound Transit Railroad Right-of-Way	--	--	--	N/A
Transit Bus, Train, or Other High Capacity Vehicle Bases	--	--	--	N/A
Washington State Highway 512	P	--	--	N/A
Work/Training Release Facility	--	--	--	N/A
<p>P: Permitted Use C: Conditional Use “-”: Not Allowed N/A: Not Applicable</p> <p>Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.</p>				

B. Operating and development conditions

1. In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, APZ-I, and APZ-II zoning districts and shall be used to determine compatibility of proposed uses with aircraft operations hazards. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following intensities of uses:

- a. Within the CZ zoning district, the total number of people on a site at any time shall not exceed one (1) person per four thousand, three hundred fifty-six (4,356) square feet of gross site area, or ten (10) persons per acre.
- b. Within the APZ-I zoning district, the total number of people on a site at any time shall not exceed one (1) person per one thousand, seven hundred forty-two (1,742) square feet of gross site area, or twenty-five (25) persons per acre.
- c. Within the APZ-II zoning district, the total number of people on a site at any time shall not exceed one (1) person per eight hundred seventy-one (871) square feet of gross site area, or fifty (50) persons per acre.

2. In addition to other requirements of the code, the following performance criteria shall be used to determine the compatibility of a use, project design, mitigation measures and/or any other requirements of the code with respect to aircraft operation hazards in the CZ, APZ-I and APZ-II zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

- a. Any new use which involves release of airborne substances, such as steam, dust, and smoke that may interfere with aircraft operations is prohibited.
- b. Any new use which emits light or direct or indirect reflections that may interfere with a pilot's vision is prohibited.

- c. Any new use that creates an undue hazard to the general health, safety and welfare of the community in the event of an aircraft accident in these zoning districts is prohibited.
- d. Facilities which emit electrical currents shall be installed in a manner that does not interfere with communication systems or navigational equipment.
- e. Any new use which attracts concentrations of birds or waterfowl, such as mixed solid waste landfill disposal facilities, waste transfer facilities, feeding stations, and the growth of certain vegetation, is prohibited.
- f. Structures are prohibited within one hundred (100) feet of the aircraft approach-departure or transitional surfaces.

3. Noise attenuation. Provisions for noise mitigation apply to structures within the this Section shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within the Clear Zone (CZ), Accident Potential Zone One (APZ-I), and Accident Potential Zone One (APZ-II) zoning districts, which are located within the 65 Ldn Noise Contour or higher, as shown in the Final Air Installation Compatible Use Zone (AICUZ) Study Update, Joint Base Lewis McChord, May 2015, and on file with the community and economic development department.

- a. Noise Insulation Required. Those portions of new structures where the public is received or offices are located must be constructed with sound insulation or other means to achieve a day/night interior noise level (Ldn) of no greater than forty-five (45) dB. A remodeling project where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building is also subject to these standards.
- b. Sound Isolation Construction. A building will generally be considered acceptable by the building official if it incorporates the applicable features described in Title 15A, LMC Section 15A.05.100. Alternate materials and methods of construction may be permitted, if such alternates are demonstrated to the satisfaction of the Building Official to be equivalent to those described.
- c. Acoustical analysis and design report. The applicant may elect to have a qualified architect or engineer examine the noise levels and needed building sound isolation requirements for a specific site. The analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permit. The report shall show the topographical relationship of the aircraft noise sources and the building site, identification of noise sources and their characteristics, predicated noise spectra at the exterior of the proposed building structure, basis for the predication (measured or obtained from published data), and effectiveness of the proposed construction showing that the prescribed interior day-night sound level is met.

d. Exemptions.

1. Additions under 500 square feet that are not used for sleeping rooms;
2. A remodeling project where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building is also subject to these standards;

c. The noise standards in LMC Section 18A.40.130 (B) (3) shall not apply to the construction of buildings or structures in the Air Installation Compatible Use Zone (AICUZ) Study for McChord Field with less than 65 dB DNL.

e. Noise Disclosure Statement. Prior to the issuance of a building permit for new construction or remodeling where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building, the property owner shall sign a noise disclosure statement and record the statement with the title of the property. The noise disclosure statement acknowledges that the property is located within the sixty-five (65) Ldn contour, as indicated on Noise Contour Map for McChord AFB as shown in the AICUZ study, and that noise attenuation is required of any new construction or remodeled structure where it meets the threshold.

4. Nonconforming buildings and structures.

a. Any residential use group building, and any assembly, business, educational, institutional or mercantile use group building or structure or portion thereof, which lawfully existed on the date of adoption of this Section and which is not in conformity, shall be deemed nonconforming.

b. Any extension, enlargement, relocation, reconstruction or substantial alteration of a nonconforming residential use group building, and any assembly, business, educational, institutional or mercantile use group building or structure or portion thereof, shall be subject to the acoustical performance standards as set forth in Title 15, LMC Section 15.05.100 unless otherwise modified by the building official pursuant to applicable provisions of the Washington State Building Code.

18A.40.140 Transportation.

A. Transportation Land Use Table.

	Zoning Classifications																					
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	IBP	I1	I2	PI	OSR1	OSR2
Parking facilities (surface or structured) (1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Streets and pedestrian and bicycle facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit park and ride lots	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-		P	-	-
Transit shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
P: Permitted Use C: Conditional Use "-": Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Development and Operating Conditions

1. In the residential zoning districts, parking facilities are permitted only as accessory uses to a principal use.
2. Transit stations may incorporate accessory convenience retail and service establishments for use by transit riders.

18A.40.150 Utilities

A. Utilities.

	Zoning Classifications																					
	R1	R2	R3	R4	MR 1	M R2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C 1	C 2	IBP	I1	I2	PI	OS R1	OSR 2
Electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations (1)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical distribution substations (2)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Electrical transmission lines of 115 kV or less and support poles (3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric vehicle battery charging stations (7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Natural gas conveyance facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Potable water conveyance facilities (5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Potable water storage facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Storm water collection and conveyance facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storm water detention/retention facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications earth receiving stations (satellite dishes) (4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/ receiving/relay facilities, or switching facilities (1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	Zoning Classifications																					
	R1	R2	R3	R4	MR 1	M R2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C 1	C 2	IBP	I1	I2	PI	OS R1	OSR 2
Telecommunications switching facilities	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Telecommunications transmission/receiving/relay facilities (2)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Waste water conveyance facilities (5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Wireless Service facilities (WSFs) (6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
P: Permitted Use C: Conditional Use *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Development and Operating Conditions.

1. Electrical and telecommunications service lines on individual properties shall be placed underground in conjunction with new development or any construction activity which increases floor area, or, in the case of a remodel which does not increase floor area, has a valuation amounting to more than 50 percent of the assessed value of the structure being remodeled, according to the records of the Pierce County Assessor.
2.
 - a. Electrical substations and telecommunications towers, antennas and switching stations shall be designed so as to be compatible with surrounding development, through placement, architectural features, landscaping, and other measures, except that WCFs shall be regulated in accordance with LMC 18A.95, Wireless Service Facilities.
 - b. Amateur radio antennas shall be allowed at heights no greater than those minimally sufficient to accommodate amateur service communications, in accordance with FCC regulations. Persons desiring to erect such antennas shall submit documentation indicating the height which meets this requirement. Such antennas shall be required to comply with the requirements of the Washington State Building Code, including the seismic and wind resistance provisions of the code, and to obtain a building permit.

3. Support poles for transmission lines shall be designed so as to minimize adverse aesthetic impacts. Electrical transmission lines over 115 kV are classified as essential public facilities, and are regulated under LMC Section 18A.40.150.
4. Telecommunications earth receiving stations (satellite dish antennas) over two feet in diameter shall be screened from view from neighboring properties by location, berming, fences, walls, landscaping, or a combination of these techniques; provided, however, that no screening shall be required which would prevent reception of satellite signals.
5. Aboveground water conveyance facilities and waste water conveyance facilities shall require a conditional use permit.
6. WSFs shall be regulated in accordance with LMC 18A.95.
7. Electric vehicle charging stations are permitted as an accessory use to any permitted primary use and shall count towards the required number of parking spaces for said primary use.

18A.40.160 Marijuana Prohibited.

A. Findings.

The City Council finds that nothing in this chapter 18A.04 LMC shall be construed to supersede Washington State or federal law pertaining to the acquisition, possession, manufacture, sale or use of marijuana. No use that is illegal under, or contrary to, any city, county, state or federal law or statute shall be allowed in any zoning district within the city unless otherwise specifically allowed for in the Lakewood Municipal Code (LMC).

B. Purpose.

A. The purpose of this chapter is to enact a prohibition of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board.

B. No part of this chapter 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., or the Uniform Controlled Substances Act (Chapter 69.50 RCW).

C. Definitions.

For purposes of this chapter, the following definitions apply:

“Collective garden” means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of marijuana for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein, and to be phased out effective July 1, 2016.

“Cooperative” means an entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under Chapter 69.51A RCW.

“Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

“Dispensary, medical marijuana” means any location that does not meet the definition of a “collective garden” and does not have a license from the Washington State Liquor and Cannabis Board for a marijuana producer, processor or retailer pursuant to I-502, where marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell, barter, trade or give away marijuana.

“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. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake

made from the seeds of the plants, 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 seeds of the plant which are incapable of germination.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than 60 percent.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration no greater than 10 percent. The term “marijuana-infused products” does not include either usable marijuana or marijuana concentrates.

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana, marijuana-infused products, and marijuana concentrates, package and label usable marijuana, marijuana-infused products, and marijuana concentrates for sale in retail outlets, and sell usable marijuana, marijuana-infused products, and marijuana concentrates at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the Washington State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana researcher” means a person licensed by the State Liquor and Cannabis Board to produce and possess marijuana for limited research purposes.

“Marijuana retailer” means a person licensed by the Washington State Liquor and Cannabis Board to sell usable marijuana, marijuana-infused products, and marijuana concentrates in a retail outlet.

“Person” means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

“Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include either marijuana-infused products or marijuana concentrates.

D. Prohibited activities.

1. It is unlawful to own, establish, site, operate, use or permit the establishment, siting, operation, or use of a medical marijuana dispensary, collective garden, cooperative or marijuana production, processing, research facility, or retail facility, regardless of whether it has a license from the Washington State Liquor and Cannabis Board.
2. It is unlawful to perform any individual or group marijuana cultivation activities anywhere in the city, regardless of whether such individual or group cultivation is addressed in Chapter 69.51A RCW or other state law.

3. It is unlawful to lease to, rent to, or otherwise allow the operation of any medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or retailing business, whether it is located outdoors, indoors, in any building, structure, premises, location or on land in the city and regardless of whether the activity has been licensed by the Washington State Liquor and Cannabis Board.

4. The city shall not issue any business license for any marijuana businesses regardless of whether the business has been licensed by the Washington State Liquor and Cannabis Board. Any business license obtained in error or through misrepresentation of the activities conducted by the individual business shall be invalid and of no force and effect

E. Use not permitted in any zone.

The use of any building, structure, premises, location or land for a medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or retailing is not allowed in the city, and such uses and activities are not permitted uses in any zone.

F. No vested or nonconforming rights.

Neither this chapter nor any other city ordinance, city action or failure to act, statement, representation, certificate, approval, or permit issued by the city or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any marijuana business, collective garden, cooperative or marijuana producer, processor, researcher or retailer, even if licensed by the Washington State Liquor and Cannabis Board.

G. Violations.

Any violations of this chapter may be enforced as set forth in LMC Title 1.44, General Penalties, or, as applicable, the Uniform Controlled Substances Act, Chapter 69.50 RCW. In addition, violations of this chapter may be deemed to be a public nuisance and may be abated by the city under the procedures set forth in state law for the abatement of public nuisances.