



# 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, August 7, 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 June 5, 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**
  - Lakewood Municipal Development Code (Title 18A) Update discussion
  - Small Cell Wireless Service Facilities
- 7. Public Hearings**
  - None
- 8. New Business**
  - None
- 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 June 5, 2019
2. Staff Report on Lakewood Municipal Development Code Update

**Members Only**

Please email [kdevereaux@cityoflakewood.us](mailto:kdevereaux@cityoflakewood.us) or call Karen Devereaux at 253.983.7767 no later than Tuesday at noon, August 6, 2019 if you are unable to attend. Thank you.



**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
June 5, 2019  
City Hall Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499**

**Call to Order**

The meeting was called to order at 6:38 p.m. by Mr. Don Daniels, Chair.

**Roll Call**

Planning Commission Members Present: Don Daniels, Chair; Connie Coleman-Lacadie, Christopher Webber, Ryan Pearson and Paul Wagemann

Planning Commission Members Excused: Nancy Hudson-Echols and James Guerrero

Commission Members Absent: None

Staff Present: David Bugher, Assistant City Manager for Development Services; 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 May 15, 2019 were approved as written by voice vote M/S/C Wagemann/Webber. The motion passed unanimously, 5-0.

**Agenda Updates**

None

**Public Comments**

Mr. Glen Spieth, Lakewood, spoke again about the unimproved section of roadway in front of his property adjacent to Steilacoom Blvd.

Mr. Josh Kubitza, AHBL, thanked staff for their work on the 2019 Comprehensive Plan Amendments.

**Unfinished Business**

*Final Action on 2019 Comprehensive Plan Amendment Docket*

Ms. Speir reviewed the requested changes to the amendments that commissioners had requested at the last meeting. Each amendment was described graphically and verbally and staff answered questions from the Planning Commission.

Mr. Don Daniels, Chair, opened the floor for motion to approve Resolution 2019-03 as written and forward recommendations to Council for consideration and action.

**Mr. Paul Wagemann made the motion to accept Resolution 2019-03 as written seconded by Mr. Christopher Webber.**

**MOTION by Coleman-Lacadie:** To amend the Resolution to approve the designation/zoning amendment to CC/C2 for all parcels in CPA/ZOA-2019-02 (Bridgeport.)

**SECONDED.**

A voice vote was taken and the motion passed 3-2 in favor of CC/C2 for all parcels.  
Ayes: Webber, Wagemann, Daniels. Noes: Pearson, Coleman-Lacadie. Absent: Guerrero, Hudson-Echols.

**MOTION** by Coleman-Lacadie: To amend the Resolution to select Option 1 for CPA/ZOA-2019-06 (Springbrook Neighborhood), which would allow time for the city verification of floodplains and floodways in the area for Council consideration.

**SECONDED.**

A voice vote was taken and the motion passed 5-0  
Ayes: Coleman-Lacadie, Daniels, Pearson, Wagemann, Webber. Noes: None. Absent: Hudson-Echols, Guerrero.

**MOTION by Wagemann:** To recommend Resolution 2019-03 as amended.

**SECONDED.**

A voice vote was taken and the amended Resolution 2019-03 passed unanimously, 5-0.

A summary of Commission recommendations follows:

**CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)**

Recommended denial without prejudice

**CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)**

Recommended approval w amendment to CC/C2 for all parcels

**CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)**

Recommended approval

**CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)**

Recommended approval

**CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)**

Recommended approval

**CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood)**

Recommended Option 1 for Council consideration

**CPA/ZOA-2019-07– MAP & TEXT AMENDMENT (Military Districts)**

Recommended approval

**CPA/ZOA-2019-08– TEXT AMENDMENT (Essential Public Facilities/PI Districts)**

Recommended approval

**CPA/ZOA-2019-09– TEXT AMENDMENT (Economic Development Element)**

Recommended approval

**CPA/ZOA-2019-10– TEXT AMENDMENT (Multifamily Open Space)**

Recommended approval

**Public Hearings**

None



## **New Business**

### **Lakewood Municipal Development Code Update and Schedule**

Ms. Tiffany Speir explained that several refinements have been made to the original scope of the update and additional items have been incorporated into the project. Anticipated updates now affect LMC Titles 12 (Public Works), 17 (Subdivisions), and 18A (Land Use and Development Code).

A third stakeholder meeting is scheduled for June 18 at 11:30 in City Hall. The Updated legislative schedule for the 2019 Development Code update would be:

July 17: Planning Commission discussion

August 7: Planning Commission public hearing

August 21: Planning Commission discussion

September 4: Planning Commission action

## **Report from Council Liaison**

Councilmember Mr. Mike Brandstetter provided the following updates on Council Actions:

Council took action on Monday, June 3, 2019 to approve the new Sign Code. A few changes were made to the Commission recommendation with regard to temporary signs and prohibited signs. There is a 30-day window before the new sign code goes into effect on July 3, 2019.

The Motor Avenue Festival Street is under construction and should be completed in the fall 2019. Council has been working with the Arts Commission on art for that location however a piece may not be in place before the grand opening celebration is held.

## **Reports from Commission Members and Staff**

### **City Council Actions**

None

### **Written Communications**

None

### **Future Agenda Topics**

A Joint Council-Planning Commission meeting is scheduled for Monday, June 10, 2019 at 7:00 P.M. in Council Chambers.

The June 19 Planning Commission meeting has been canceled as well as the July 3 Planning Commission meeting. The next regular Planning Commission meeting would be July 17.

### **Area-Wide Planning / Land Use Updates**

A Notice of Complaint hearing was held Monday with regard to violations at the Karwan Village Mobile Home Park on Monday, June 3.

A Notice of Complaint hearing is scheduled for Thursday, June 6 with regard to QFC Building violations at the Bridgeport Way SW location.

**Next Regular Meeting: July 17, 2019 at 6:30 p.m. in Council Chambers**  
**Meeting Adjourned at 7:35 p.m.**

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Don Daniels, Chair  
Planning Commission 08/07/2019

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Karen Devereaux, Recording Secretary  
Planning Commission 08/07/2019

DRAFT



TO: Planning Commission

FROM: Tiffany Speir, Planning Manager, Special Projects

DATE: August 7, 2019

SUBJECT: Lakewood Municipal Development Code Update

ATTACHMENTS: Draft LMC Chapter 3.80, amendments to LMC Titles 12 and 17; draft Title 18A; draft Resolution

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**Background:** The current version of Title 18A, the Land Use & Development Code within the Lakewood Municipal Code (LMC), was adopted in 2001. Since then, the City has made amendments to many chapters and subsections of Title 18A in order to respond to changes in the law, building codes, and adapt to new land uses and development standards; however, no comprehensive review or update of the entire title has occurred. In 2016, staff began work on how to best update Title 18A to be as accurate, brief, clear, and efficient as possible for both customers and staff.

**What is being proposed?**

**Addition** of a new LMC Chapter 3.80;  
**Amendments** to LMC Titles 12 and 17;  
**Reorganization** of current 18A sections & subsections;  
**Retention** of some current 18A language;

**Rewrite** of some current 18A language;  
**Elimination/Consolidation** of some current 18A sections;  
**Addition** of some new 18A sections; and  
**Incorporating** some administrative policies

The current version of Title 18A is composed of ten chapters; the proposed new Title 18A reorganizes existing and new text and tables into eleven different chapters. In addition, the new 18A also incorporates recent actions by the City Council to adopt a new sign code, “small cell” (5G) wireless regulations, and site-specific rezone application processes. Because of the comprehensive nature of the update, rather than present a redline/strikeout draft of 18A, an entirely new 18A is provided for review.

**Discussion**

Most of the proposed changes to 18A are not substantive, meaning they do not change process or regulations; rather, they serve to make the City’s development code sections more readable and useable. The proposed updates to Lakewood’s Land Use & Development Code now also affect LMC Titles 3 (Revenue and Finance), 12 (Public Works), and 17 (Subdivisions) as well as 18A (Land Use and Development Code.)

No substantive changes are currently proposed for the R1 – R4 residential zones, the regulation of animals in residential districts, or landscaping. Draft language is offered regarding short term rental regulation (e.g., Airbnb) for the Planning Commission to consider.

The **originally proposed** substantive changes to Title 18A relate to:

- the regulation of manufactured/mobile home parks (bringing Lakewood’s code into compliance with existing state standards);
- allowed uses within the Neighborhood Commercial 2 (NC2) zone;
- modifying wireless facilities regulations to prepare for 5G equipment installation;
- changes to land uses and regulations for the city’s military/AICUZ zones;
- a simplification of the list of allowed uses throughout the city; and
- the incorporation of various administrative policies that are currently used by the CEDD Department into City code.

In addition to those originally presented listed above, **proposed substantive changes now also include:**

- Chapter 3.80 Financial Guarantees;
- Section 17.16.030 Authorization for CEDD Director to approve final plats;
- Section 18A.10.135 Military Influence Area (citywide);
- Section 18A.10.175 Reasonable Accommodation re Housing;
- Section 18A.30.670 et seq. Site Specific Rezone Process (Adopted Ord. 704);
- Section 18A.60.095 Outdoor Lighting;
- Chapter 18A.95 Wireless Service Facilities (Update to interim regulations adopted via Ord. 703); and
- Chapter 18A.100 Sign Code (Adopted Ord. 706)

Three stakeholder group meetings have been held, the third of which was held June 18, 2019. Representatives from Master Builders Association of Pierce County, the Tacoma-Pierce County Realtors®, Lakewood Industrial Business Park, and individual Lakewood developers attended. The focus of the discussion was on the newly proposed amendments.

Attached to this report is the draft language for a new Chapter 3.80 as well as amendments to Title 12 and 17 (Attachment A), a new Title 18A (Attachment B), and a draft Planning Commission Resolution (Attachment C.)

The Commissions’ current schedule (subject to change) for the 2019 Development Code update follows:

- August 7: Planning Commission discussion
- August 21: Commission discussion
- September 4: Commission public hearing
- September 18: Commission discussion
- October 2: Planning Commission action

Summary of Substantive Code Changes in LMC 3.80 and new LMC Title 18A	
3.80 Substantive Changes? Yes	
No – just consolidation of existing language from LMC Titles 12 & 17 into Chapter 3.80 (Financial Guarantees)	
18A.10 Substantive Changes? Yes	
If Yes, What?	
New sections re Military Influence Area (.135) and Housing Reasonable Accommodation (.175)	
Measurements (Fractions) – City will round density calculations up at .5+ (.060)	
18A.20 Substantive Changes? Yes	
If Yes, What?	
Vesting removed from LMC and analyzed case by case	
New language re application resubmittals (.060)	
New language re approval and appeal authorities (.070)	
New language re transfer of development rights (.140)	
New language re nonconforming uses (.200 - .299)	
Conditional uses and change of zoning (.258)	
New standard of review for Hearing Examiner appeals (.410)	
Appeals to City Council removed (.440)	
18A.30 Substantive Changes? Yes	
If Yes, What?	
Comprehensive Plan procedures new (.010 - .050)	
Codification of current administrative procedure (.410 - .520)	
Site Specific Rezone procedures (.670 - .690)	
Transitory Accommodations needs review per state law if to be adopted (.770 - .830)	
Minor variances eliminated	
Addition of unusual uses sections (.900 - .910)	
18A.40 Substantive Changes? Yes	
If Yes, What?	
Administrative uses eliminated – now conditional uses	
Agricultural Uses (.030)	
Changes to allowed Industrial and Manufacturing uses (.040)	
Eating & drinking drive through facilities conditions for approval (.050)	
Lodging (.090)	
Mobile Home Regulations (.110)	
Reduced parking requirements for ADUs near transit facilities (.110)	
Special Needs Housing (.120)	
FAR, other new regulations per 2015 JBLM AICUZ (.130)	

18A.50 Substantive Changes? Yes
If Yes, What?
Removal of old Riparian Overlay requirements (addressed in SMP (Ordinance 711) & Floodplain Regulations (18A.50.080))
18A.60 Substantive Changes? Yes
If Yes, What?
Floor Area Ratio (FAR) used per 2015 AICUZ in military districts (.040)
Outdoor Lighting Code (.095)
Gated residential subdivision section new (.150)
18A.70 Substantive Changes? Yes
If Yes, What?
New language re Tree Fund (.330)
<i>Any other tree preservation changes = parking lot item for future code update</i>
18A.80 Substantive Changes? Yes
If Yes, What?
Entire Chapter language is new (.005 - .060)

**ATTACHMENT A**  
**Draft amendments to**  
**Title 3 - REVENUE AND FINANCE**

Chapters:

- 3.09 City Funds
- 3.20 Fees for Services
- 3.21 Collection of Franchise Fees
- 3.22 Nonpayment – Outstanding Accounts Receivable
- 3.24 Sales Tax
- 3.28 Real Estate Excise Tax
- 3.30 Second One-Quarter Percent Real Estate Excise Tax
- 3.32 Leasehold Excise Tax
- 3.34 Gambling Tax
- 3.36 Lodging Tax
- 3.38 Surface Water Management
- 3.40 Imprest Funds
- 3.44 Admissions Tax
- 3.48 Indigent Defense Services Application Fee
- 3.52 Utility Tax
- 3.54 Brokered Natural Gas Use Tax
- 3.56 Crime Prevention Funding
- 3.64 Tax Incentive Urban Use Center Development
- 3.70 Emergency Response Costs
- 3.80 Construction and Land Development Financial Guarantees

**3.80.010 Purpose – Financial Guarantees**

The purpose of this Chapter is to provide the City with mechanisms to ensure that conditions, requirements and all applicable provisions of LMC Titles 12, 17 and 18A associated with site development or building permit approval are met in the manner intended by the City. Financial guarantees include, but are not limited to: assignment of funds; defect, maintenance, performance, surety or warranty bonds; cash guarantees; irrevocable letters of credit; and maintenance securities.

**3.80.020 – Definitions**

“Financial guarantee” means an assignment of funds, surety bond, cash guarantee, escrow account assignment of savings, irrevocable letter of credit, or other means acceptable to or required by the City Engineer or Community and Economic Development Director to guarantee work is in compliance with all applicable requirements.

**3.20.030 Basic Provisions**

A. The City, in its sole discretion, may require a financial guarantee (guarantee) to ensure the subsequent completion and continued maintenance of all conditions to which such permit is subject. The guarantee shall be in a form acceptable to the City and shall represent a percentage of the estimated cost of design, materials, and labor related to the project in question, based on the estimated costs on the last day covered by the device, of installing,

replacing, or repairing, as appropriate, the improvements covered by the guarantee, as agreed to by the City Engineer or Community and Economic Development Director. The cost estimate shall be reviewed and approved by the City Engineer prior to acceptance by the City of the guarantee.

1. Completion. One hundred fifty percent (150%) of the costs specified above, for the duration specified by the City, or until all improvements are installed and accepted by the City, whichever is less.

2. Maintenance. Twenty percent (20%) of the costs specified above, for the duration specified by the City, or until the City is satisfied that maintenance shall continue, whichever is less. However, the guarantee shall be extendible by the City if repairs are made at the end of the guarantee period which, in the opinion of the Community Development Director or City Engineer, require additional warranty of workmanship.

B. The guarantee may be required by, and presented to, the City upon request for a final project inspection or issuance of certificate of occupancy when required site work, improvements, or landscaping have not been completed. The guarantee may also be presented to the City after preliminary approval of a project, but in all circumstances shall be presented prior to any site work, including clearing, grading, or construction.

The conditions of performance to which such guarantee is subject shall be listed on the permit attached thereto. No certificate of occupancy, or other permit for which a guarantee is required, shall be issued until all such conditions, except landscaping are satisfied. A separate guarantee may be established for landscaping, if deemed necessary by the Community and Economic Development Director or City Engineer. All guarantees shall be held until released by the Community and Economic Development Director or City Engineer.

C. In each case where a guarantee is posted, the applicant and the Community and Economic Development Director or City Engineer shall sign an agreement, approved in form by the City Attorney. The agreement shall provide the following information:

1. Name, title, and address of applicant; name and address of financial institution; account number if applicable.

2. The amount and nature of the guarantee and the amount of any cash deposit.

3. A description of the work or improvements covered by the guarantee.

4. Either the period of time covered by the maintenance guarantee or the date after which the City will use the proceeds of the guarantee to complete the required work or improvements.

5. The rights and duties of the City and applicant.



6. An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to enter the subject property for the purpose of inspecting and, if necessary, performing the work or making the improvements covered by the guarantee.

7. The mechanism by and circumstances under which the guarantee shall be released. At a minimum, after the work or improvements covered by a guarantee have been completed, or at the end of the time covered by a maintenance guarantee, the applicant may request that the City release the guarantee. If the applicant has complied with the guarantee agreement and any applicable permit conditions, the Community and Economic Development Director or the City Engineer shall release the remaining guarantee. If the work has not been completed or repairs not made, then the City shall not release the guarantee until such work is completed. Partial release of the guarantee may be allowed provided that the developer provides a new guarantee equal to one hundred fifty (150) percent of the cost of the remaining work.

D. If, during the period of time covered by a maintenance guarantee, or after the date by which the required work or improvements are to be completed under a performance guarantee, the Community and Economic Development Director or the City Engineer determines that the guarantee agreement has not been complied with, the City shall notify the applicant. The notice shall describe the following:

1. The work that must be done or the improvements that must be made to comply with the guarantee agreement; and

2. The amount of time that the applicant has to commence and complete the required work or improvements; and

3. That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the guarantee to have the required work or improvements completed.

E. If the work or improvements covered by the guarantee are not completed within the time specified in the notice, the City shall obtain the proceeds of the guarantee and shall cause such work to be completed. Applicant shall be responsible for all costs incurred by the City in administering, maintaining, or making the improvements covered by the guarantee. The City shall release or refund any proceeds of a performance or maintenance guarantee remaining after subtracting all costs for doing the work or making the improvements covered by the guarantee, including City staff time. The applicant shall reimburse the City for any amount expended by the City that exceeds the proceeds of the guarantee. The City may file a lien against the subject property for the amount of any excess. In each case where the City uses any of the funds of a guarantee, it shall give the applicant an itemized statement of all funds used.

F. All site improvements shall be completed and the letter of compliance submitted to the City or a financial guarantee shall be submitted to the City in the amount of one hundred fifty percent (150%) of the construction cost prior to plat approval.

The street(s) within a short plat, large lot, or formal plat shall be constructed prior to approval of occupancy of any structures constructed within the plat, except for model home permits as authorized by the City.

A note shall be placed on the face of the plat which states:

No building permits will be issued on any lots in this plat (except for model home permits as authorized by the City Subdivision Code) until the private street(s) have been constructed and a letter certifying their compliance to the City's development standards and regulations is on file with the City.

G. The City, in lieu of actual construction of any improvement by the developer of any formal subdivision, short subdivision or binding site plan may accept a guarantee in an amount providing for and securing to the City, the actual construction and installation of such improvements within a two-year period. The City Engineer may refuse to accept a guarantee in lieu of actual construction where redemption of the guarantee is seen to be problematic, or where the improvements are required immediately to ensure public safety and proper functioning of the development. All improvements such as structures, streets, sewers, drainage facilities and water systems shall be designed and the construction certified by, or under the supervision of, a registered civil engineer prior to the acceptance of such improvements. Improvements must be completed prior to final building inspection approval and occupancy of any new structures within the subdivision.

The developer shall be responsible for correcting any defect in an improvement for a period of 12 months after acceptance by the City Engineer.

The City shall require a guarantee to ensure that the developer will correct any defect in a dedicated improvement caused by faulty design, construction or other reason as determined by the City Engineer. Said guarantee shall be in an amount equal to one hundred fifty percent (150%) of the estimated cost of the City completing the improvements, as determined by the City Engineer, and shall extend for a period of 12 months after City acceptance of said improvement.

H. All private streets and sidewalks subject to the terms of these regulations shall have a maintenance covenant approved by the City Engineer and recorded with the Pierce County Auditor's Office prior to or concurrent with the recording of the subdivision or plat. An active association shall be established to carry out the terms of the covenant. Private streets or easements existing prior to the effective date of this chapter will be exempted from the street maintenance covenant. Any new private street shall conform to these standards.

Maintenance of the street shall include but not be limited to street surfacing, shoulders, gates, signs, storm water facilities, landscape maintenance, and vegetation control.

I. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a guarantee to ensure their installation.

J. In addition to any other remedy provided within LMC Title 18A for any landscape maintenance requirements imposed by the City, the city may also require a guarantee if maintenance is not adequately provided.

[Pending: proposed strikeout language for Titles 12, 17 and 18A related to new 3.80 above.]

**Draft amendments to  
Chapter 17.02 – GENERAL PROVISIONS**

**17.02.035 Definitions.**

As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

Alteration. “Alteration” means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications, that are shown on the recorded plat, except as otherwise allowed by law.

*The remainder of Chapter 17.02 is unchanged.*

**Draft amendments to**  
**Chapter 17.14 – PRELIMINARY PLAT PROCEDURE – REVIEW PROCEDURE**

**17.14.040 Time limitations.**

**B. Extension Procedure.**

1. Time for Filing. A written application for any extension of time under the provisions of this section shall be filed with the Community Development Department at least 30 days prior to the expiration of the existing period of approval currently applicable. The applicable time period shall be tolled from the date of filing the application for extension until the date of the final decision by the City. Each application shall be accompanied by payment of a filing fee in an amount established by separate resolution.

2. Additional Extensions – Changed Conditions. Upon filing of an application for extension, a copy shall be sent to each party of record together with governmental departments or agencies as were involved in the process of preliminary plat approval. By letter, the Examiner shall request that written comments, if any, be delivered to the Examiner's office within 10 working days of the date of the Examiner's letter. If any comment requests the ~~alteration or expansion~~ change of conditions of approval, the applicant shall be provided with a copy of such proposal and a period of 10 working days in which to file objections, if any, or a request for formal hearing. In the absence of such objection, the Examiner may conclude that the proposed change in conditions is acceptable to the applicant and proceed to a decision in accordance with procedures set forth in this section.

3. Hearing Examiner – Hearing. If, in the opinion of the Examiner, substantial issues have been raised concerning the application for extension, the Examiner may schedule a public hearing. In the case of a request for extensions of time beyond the initial one-year period, if a proposal is made to ~~alter or expand~~ change the conditions of approval, a public hearing shall be held upon written request by the applicant or any party of record upon a determination by the Hearing Examiner that there are substantial issues which necessitate a public hearing.

4. Hearing Examiner Decision.

a. With Hearing. If a public hearing is held under the provisions of subsection (B)(3) of this section, the Examiner shall issue a decision together with findings and conclusions in support thereof within 10 working days of the date of the hearing.

b. Without Hearing. If no public hearing is held, the Examiner shall issue his decision within 10 working days of the date upon which written comments were to be filed with the Examiner.

c. Hearing Examiner Decision. The decision of the Examiner to grant or deny extensions of time shall be final.

*The remainder of Chapter 17.14 is unchanged.*

**Draft amendments to  
Chapter 17.16 FINAL PLATS - REVIEW PROCEDURE**

**17.16.030 Review of Final Plats.**

The City Community & Economic Development Director or authorized designee shall review applications for the proposed final plat and be satisfied that the following conditions exist:

A. The final plat meets all standards established by State law and this Title relating to final plats;

B. The proposed final plat bears the certificates and statements of approval required by this Title and State law;

C. A title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate;

D. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a performance bond, or cash deposit in lieu thereof, or other security commonly used by banking and lending institutions; provided further that the bond, cash deposit, or other security, as hereinabove required, shall be filed with the City Engineer and shall be in a form acceptable to the City Attorney and in an amount and with sureties commensurate with improvements remaining to be completed and securing to the City the construction and installation of the improvements within a fixed time.

E. That all conditions of the preliminary plat approval have been satisfied and that all platting fees have been paid.

F. The plat conforms to all terms of preliminary plat approval;

G. The bond, if there is one, by its essential terms assures completion of improvements;

H. The plat meets the requirements of State law and this Title in effect at the time of preliminary plat approval.

After the City Community & Economic Development Director approves the plat, the Community Development Department shall forward the original to the County Auditor for filing, who shall, after recording, forward two reproducible copies thereof to the City Engineer and one paper copy to the County Assessor-Treasurer.

**17.16.040 Council Review of Final Plats.**

~~The City Council shall review final plats in accordance with Chapter 58.17 RCW. Council review of a final plat is strictly limited to the questions of whether the final plat is consistent with the findings, conclusions and conditions specified for the preliminary plat. Environmental considerations and satisfaction of review criteria specified by~~

~~Section 17.14.030 and RCW 58.17.110 which are not relevant to the findings, conclusions or decision for the preliminary plat cannot be raised during the review of a final plat but must be raised at the time for reviewing the preliminary plat or they are waived. When the Community Development Director finds that the subdivision meets the following criteria, he or she shall recommend approval the proposed final plat if:~~

~~A. The plat conforms to all terms of preliminary plat approval;~~

~~B. The bond, if there is one, by its essential terms assures completion of improvements;~~

~~C. The plat meets the requirements of State law and this Title in effect at the time of preliminary plat approval.~~

~~After the City Council approves the plat, the Community Development Department shall forward the original to the County Auditor for filing, who shall, after recording, forward two reproducible copies thereof to the City Engineer and one paper copy to the County Assessor Treasurer. (Ord. 591 § 41, 2015.)~~

*The remainder of Chapter 17.16 is unchanged.*

**Draft amendments to  
Chapter 17.38 - BOUNDARY LINE ADJUSTMENTS**

**17.38.010 Purpose.**

The purpose of this chapter is to clearly delineate the criteria used by City departments to review boundary line adjustments. Boundary line adjustments provide a procedure for changes in property lines where no new lots, units, or parcels are created. A boundary line adjustment is generally exempt from the provisions of Chapter 58.17 RCW. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable City land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision. For plat alterations, see LMC Chapter 17.17. This chapter is also intended to ensure compliance with the Survey Recording Act. [Ord. 591 § 70, 2015; Ord. 60 § 1, 1996.]

*The remainder of Chapter 17.38 remains unchanged.*



**ATTACHMENT B**  
**PROPOSED NEW TITLE 18A**

**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	Interpretations.
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.10.135	Establishment of Military Influence Area.
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.10.175	Reasonable Accommodation
18A.10.180	Definitions.

**18A.10.010 Title.**

This title shall be known and may be cited as the “Lakewood Land Use and Development Code,” hereinafter referred to as “this title” or “this code.”

**18A.10.020 Purpose.**

The broad intent of the Lakewood Land Use and Development Code is to implement the City of Lakewood Comprehensive Plan, as now adopted and as may be subsequently amended, hereinafter referred to as the “Comprehensive Plan,” in order to protect and promote the health, safety, and general welfare of Lakewood’s citizens through regulation of the city’s physical development. The regulations included herein work toward overall public goals of providing for orderly development; lessening street congestion; promoting fire safety and public order; and ensuring the adequacy of public infrastructure such as transportation, water, sewer, schools, parks, and storm drainage.

The City strives to honor fundamental property rights and interests of private citizens while serving the overall good of the community as a whole. By their nature, land-use regulations call upon government to balance the community’s interests with those of individual property owners. This may result in regulations for the community good that serve to limit

the use of property and prevent maximum financial profit for individuals. In allowing reasonable use of property, this effect is not confiscatory and is a proper exercise of the police power afforded to government.

Specifically, this code is intended to:

- A. Foster improved relationships and harmony among land uses in order to overcome past, haphazard development patterns.
- B. Preserve the qualities of those residential neighborhoods that offer desirable living environments, while encouraging improvement to others whose character undermines good-quality living conditions.
- C. Diminish the reliance of current development patterns on automobile use and, over time, integrate multi-modal transportation opportunities into new development and redevelopment to support pedestrians, bicycles, and transit as well as cars.
- D. Provide for adequate public facilities and services to support land development.
- E. Promote social and economic well-being through integration of aesthetic, environmental, and economic values.
- F. Encourage protection of environmentally critical or historically significant resources.
- G. Ensure provision of adequate space for housing, commercial/industrial endeavors, and other activities necessary for public welfare.
- H. Provide for effective and equitable administration and enforcement of the regulations contained herein.

#### **18A.10.030 Scope.**

- A. Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged or relocated, and no building, structure or premises shall be used in the City of Lakewood except in compliance with the provisions of this title and then only after securing all required permits and licenses.
- B. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance therewith, may be maintained as provided for in LMC Chapter 18A.120, Part II, Nonconforming Uses and Structures.

#### **18A.10.040 Rules of Construction.**

- A. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

- B. Words used in the present tense includes the future tense, and a singular number includes the plural, and a plural number includes the singular, unless the context clearly indicates the contrary.
- C. The word “shall” is always mandatory and is not discretionary; the words “should” and “may” are permissive.
- D. The word “used” or “occupied” includes the words “intended, designed or arranged to be used or occupied.”
- E. The word “lot” includes the words “plot” and “parcel.”
- F. The word “building” and “structure” refers to all structures or parts thereof.
- G. Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, Copyright 1986, shall be considered in determining ordinarily accepted meanings.
- H. When any provision of this title refers to or cites a section of federal law, the Revised Code of Washington (RCW), Washington Administrative Code (WAC), or Lakewood Municipal Code (LMC), and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.
- I. When any provision of this title refers to or cites a section heading within this title, that reference or cite refers to all applicable subsections of the entire section text under that heading.
- J. Where the responsibility or authority is indicated in this title to lie with the Community and Economic Development Director (hereinafter referred to as Director), City Engineer, Building Official or other authorized agent of the City, responsibility or authority shall lie equally with that individual’s duly authorized designee.
- K. When any provision of this title refers to “the City”, the phrase refers to the government entity of the City of Lakewood. When any provision of this title refers to “the City”, the phrase refers to the City of Lakewood as a location or place.
- L. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards.

#### **18A.10.050 Computation of Time.**

For the purposes of this title, periods of time shall be computed as follows:

- A. Day means calendar day and business day shall mean Monday through Friday unless it is an official City holiday or a holiday on which the United States Postal Service does not deliver mail.

B. The day that a notice is issued shall not be included in any applicable comment period.

C. The last day of the comment period shall be included unless it is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail, then it also is excluded and the comment must be submitted by the next business day.

D. The day that a decision is issued shall not be included in the appeal period.

E. The last day of the appeal period shall be included unless it is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail, then it also is excluded and the filing must be completed on the next business day, pursuant to RCW 35A.21.080.

F. The day an application is received is not included in the twenty-eight (28) day completeness review period. The twenty-eighth (28th) day is included in the twenty-eight (28) day completeness review period, unless that day is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail.

#### **18A.10.060 Measurements.**

A. Distances. Distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel, buffer or wetland delineation line, ordinary high water line or the zoning district boundary line from which the proposed use is to be separated.

B. Fractions. When any measurement technique for determining the number of items required or allowed results in fractional figures, any fraction less than 0.5 of the applicable unit of measurement shall be disregarded, and fractions of 0.5 or larger shall require the next higher unit of measurement.

C. Value. All improvements to a building or a lot are cumulative. Where more than one (1) improvement has occurred or is proposed, whether said improvements occurred previously, simultaneously, or separately, the cumulative value of all improvements made shall be the measurement used for the value of improvements.

D. Density. See LMC Section 18A.50.110.

E. Net buildable area. "Net buildable area" means gross land area, measured in acres, minus land area in roads and other rights-of-way, surface storm water retention/detention/water quality facilities, critical areas, critical area buffers, and land dedicated to the city.

#### **18A.10.070 Interpretations.**

A. The Director shall review and resolve any questions involving the proper interpretation or application of the provisions of this title and other City plans, codes, regulations and standards related to project permits that may be requested by any property owner, tenant, government officer, department, board, council or commission affected. The Director's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan.

Requests for interpretations shall be made in writing and include cites to specific code section(s) needing interpretation as well as an explanation of the need for interpretation.

B. Classification of Use. Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the Director may permit or condition such use if it is clearly evident that the use is in conformity with the designated principal uses of the district in which it is to be located.

Requests for classification of uses shall be made in writing and include cites to specific code section(s) needing interpretation as well as an explanation of the need for classification.

C. Record. A record shall be kept of all interpretations and rulings made by the Director; such decisions shall be used for future administration. The Director shall report decisions to the Planning Commission when it appears desirable and necessary to amend this title.

D. Minimum Requirements. When interpreting and applying the regulations of this Development Code, its provisions shall be the minimum requirements, unless otherwise stated.

E. Conflicts of Regulations. Except as otherwise specifically stated, where conflicts occur within this Development Code or between the provisions of this Development Code and the Building and Fire Codes or other regulations of the City, the more restrictive shall apply.

F. Conflicts with State Law. The provisions of this title shall not have the effect of authorizing any activities prohibited by State law or other ordinances of the City of Lakewood.

G. Official Zoning Map - Conflicts with LMC 18A Text. If any conflict occurs between the City of Lakewood Zoning Map and the text of this title, then the text of this title shall prevail.

#### **18A.10.080 Authority and Comprehensive Plan Consistency.**

This Development Code is a principal tool for implementing the goals and policies of the Lakewood Comprehensive Plan, pursuant to the mandated provisions of the Growth Management Act of 1990, RCW 58.17, Subdivision Act, State Environmental Policy Act, and other applicable State and local requirements. All development within the City

incorporated boundary - and the urban growth area - shall be consistent with Lakewood's Comprehensive Plan.

The subdivision provisions of this Development Code are intended to supplement and implement RCW 58.17 and LMC Title 17, Subdivisions. If the provisions of this Development Code conflict with any provision of Revised Code of Washington (RCW) 58.17, the RCW shall prevail.

With the exception of discretionary permits as regulated in Chapter 18A.110, no land shall be subdivided or developed for any purpose which is not in conformance with the City of Lakewood Comprehensive Plan as well as any zoning ordinance or other applicable provisions of the Lakewood Municipal Code.

#### **18A.10.090 Comprehensive Plan Amendments.**

See LMC Chapter 18A.110, Part I governing Lakewood Comprehensive Plan updates and amendments.

#### **18A.10.100 General Requirements.**

A. Application. All land or structures shall be used and constructed in accordance with the regulations and requirements of this Development Code including obtaining applicable permits prior to initiation of use.

B. Conflicting permits and licenses to be voided. All permits or licenses shall be issued in conformance with the provisions of this Development Code. Any permit or license subsequently issued and in conflict with this Development Code shall be null and void.

The Community Development Director is authorized and empowered to revoke any permit issued by the Community Development Department issued in error or based on false or misleading information or upon failure of the permit holder thereof to comply with any provision or condition of this title.

C. Burden of proof. Except as otherwise provided herein or by prevailing law, each and every applicant shall bear the burden of demonstrating compliance with the provisions of this code.

**18A.10.110 Severability.** If any chapter, section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code and each chapter, section, subsection, sentence, clause, or phrase thereof.

#### **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 district 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.

**Parcels Containing Two or More Zoning Districts:**

1. For parcels containing two or more zoning districts (“split zoning”), the location of the zoning district boundary shall be determined by the Director.
2. For parcels containing two or more zoning districts, the applicable regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.
3. When a zoning district boundary interferes with existing structures or setbacks, the Director may approve a minor adjustment of the boundary.

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**

<b>Name</b>	<b>Symbol</b>
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4

**Mixed Residential Zoning Districts**

<b>Name</b>	<b>Symbol</b>
Mixed Residential 1	MR1
Mixed Residential 2	MR2

**Multi-Family Zoning Districts**

<b>Name</b>	<b>Symbol</b>
Multifamily 1	MF1
Multifamily 2	MF2
Multifamily 3	MF3

**Neighborhood Business Zoning Districts**

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

**Commercial Classifications**

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

**Industrial Zoning Districts**

<b>Name</b>	<b>Symbol</b>
Industrial Business Park	IBP
Industrial 1	I1
Industrial 2	I2

**Military-Related Zoning Districts**

<b>Name</b>	<b>Symbol</b>
Military Lands	ML
Air Corridor 1	AC1
Air Corridor 2	AC2
Clear Zone	CZ

**Public/Institutional Zoning District**

<b>Name</b>	<b>Symbol</b>
Public/Institutional Zoning District	PI

**Open Space/Recreation Zoning Districts**

<b>Name</b>	<b>Symbol</b>
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.

<b>Overlay District</b>	<b>Abbreviated Designation</b>
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”.

**Map Date:** December 12, 2018

**University Place**

**Tacoma**

**JBLM**

**Legend:**

- SPECIAL FLOOD HAZARD AREAS (SFHAs)
- FLOODWAY AREAS IN ZONE AE
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- AREA OF MINIMAL FLOOD HAZARD
- Senior Housing Overlay
- Sexually Oriented Business Overlay
- Lakewood City Limit

**Scale:** 0 0.5 1 Mile

**City of Lakewood**

# Flood Hazards, Senior Housing Overlay, & Sexually Oriented Business Overlay

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.

\\\\Projects\\CD\\Maps\\LKW\_FH-SHO-SOBO.mxd

## **18A.10.135 Establishment of Military Influence Area.**

18A.10.135.1	Purpose
18A.10.135.2	Applicability
18A.10.135.3	Definitions
18A.10.135.4	Administration
18A.10.135.5	Coordinating Officials
18A.10.135.6	Military Coordination & Notice Area
18A.10.135.7	Coordination between the City of Lakewood and JBLM
18A.10.135.8	Light Emissions
18A.10.135.9	Notice to Property Owners
18A.10.135.10	Compatible Use Standards
18A.10.135.11	Property Records & GIS
18A.10.135.12	No Delegation of Local Authority

### **18A.10.135.1 Purpose**

A. In accordance with the objectives of the Joint Base Lewis-McChord (JBLM) Joint Land Use Study, the 2019 JBLM Lighting Study Report, and the laws of the State of Washington, the purposes of the JBLM Military Influence Areas Overlay District regulations are to assist JBLM in the preservation of the operational capability of base operations, while promoting the public health, safety, and general welfare.

B. The intent of the regulations is to promote compatibility between military operations at JBLM and the use and development of private property within Military Influence Areas, by ensuring that, as provided herein, the City of Lakewood and JBLM officials coordinate on land use activities impacting or impacted by military operations and training activities.

C. It is the further intent of these regulations to provide reasonable protection against incompatible land uses in the vicinity of JBLM.

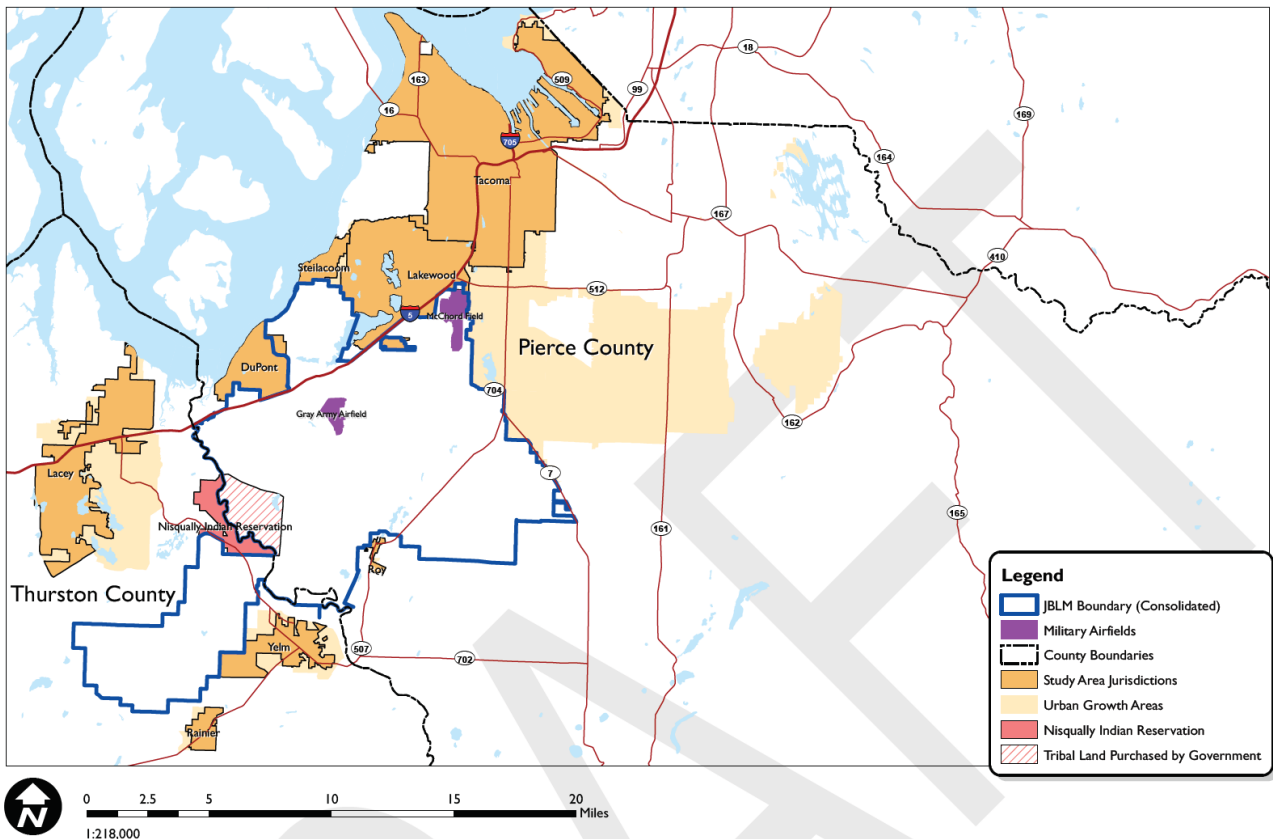
D. These purposes are achieved by the adoption of reasonable regulations within the overlay district, to the extent that the added restrictions are limited to the following:

- (1) The height of man-made structures and objects of natural growth;
- (2) Incompatible uses of land; and,
- (3) Incompatible development activities.

E. Figure 1 provides a location map of JBLM.

Figure 1. JBLM Location Map

### JBLM MIAO - Location Map with Urban Growth Areas



#### 18A.10.135.2 Applicability

- A. Nothing herein shall require a change or alteration to land uses or structures existing on the effective date of this Chapter.
- B. This Chapter shall apply to a new land use established after the effective date of Ordinance \_\_\_\_\_ or the reestablishment of a land use after its discontinuance of *<to be determined locally>* years or more, except that Section 7.0 applies only to new buildings or structures of at least *<to be determined locally>* square feet.
- C. This Chapter shall apply only to that portion of a parcel located within the Military Coordination & Notice Area and/or a Military Influence Area.
- D. Parcels located in a Military Influence Area are subject to the requirements of this Chapter, as well as all other applicable regulations of the City of Lakewood.
- E. In addition to the standards set forth in this Chapter, all uses and structures must comply with all other applicable local, State, and Federal regulations, including Title 14, Part 77 CFR [Code of Federal Regulations].

### **18A.10.135.3 Definitions**

See Section 18A.10.180 for definitions for this Chapter.

### **18A.10.135.4 Administration**

The City of Lakewood Community and Economic Department is responsible for implementing the provisions of this Chapter.

### **18A.10.135.5 Coordinating Officials**

At all times following the effective date of this ordinance, the City of Lakewood and JBLM will designate and maintain the following positions:

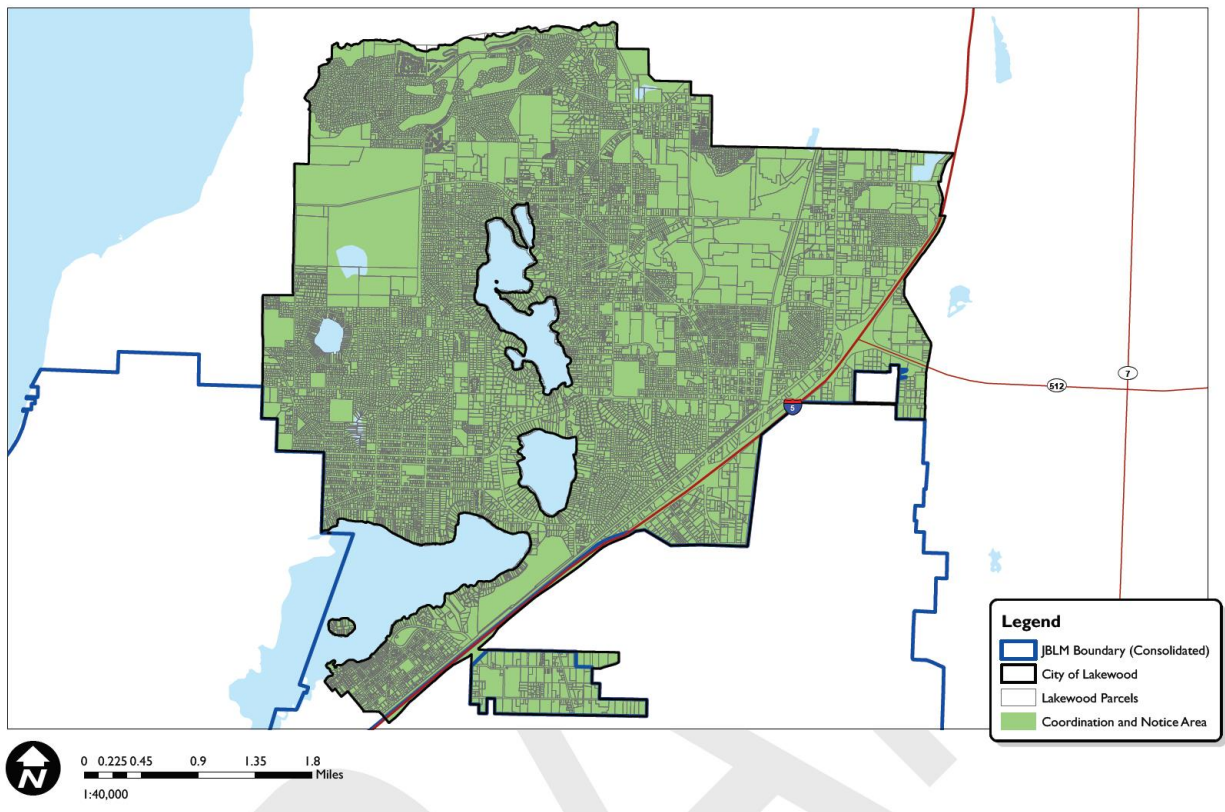
- (A) City of Lakewood Coordinating Official; and
- (B) JBLM Coordinating Official.

### **18A.10.135.6 Military Coordination & Notice Area**

- A. Establishment of Military Coordination & Notice Area There is hereby established a Military Coordination & Notice Area within which the City of Lakewood will coordinate with the JBLM Coordinating Official prior to approval of zoning code and comprehensive plan amendments as described in Subsection 6.3.
- B. Boundary of Military Coordination & Notice Area
  - 1. The boundary of the Military Coordination & Notice Area is a contour representing the outermost extent of all the Imaginary Surfaces for Gray Army Airfield and McChord Field and those lands designated as “military-critical” and “military-important” in the JBLM Lighting Study Report. The Military Coordination & Notice Area includes all or portions of other applicable Military Influence Areas located in the City of Lakewood. The boundary encompasses the entire City of Lakewood.
- C. “Military-critical” areas include the following:
  - 1. Military Training Routes associated with VR331 and IR 460/461;
  - 2. Special use airspace designated Rainier Military Operations Area and R-6703;
  - 3. Helicopter routes to the Shaw-Martin Drop Zone; and
  - 4. The Gray Army Airfield and McChord Field Clear Zone Imaginary Surfaces, if they extend off-base.
- D. “Military-important” areas include the following:
  - 1. All lands within 2 miles of JBLM base boundaries; and
  - 2. The Gray Army Airfield and McChord Field Approach/Departure (glide slope) Imaginary Surfaces, if they extend off-base and/or beyond the 2-mile contour.
- E. The Military Coordination & Notice Area encompasses the entire City of Lakewood and is depicted on the map in Figure 2.
- F. The City of Lakewood will designate the Military Coordination & Notice Area on the City’s official zoning map.

Figure 2. Lakewood Military Coordination & Notice Area

**JBLM MIAO - Coordination and Notice Area - Lakewood**



**18A.10.135.7 Coordination between the City of Lakewood and JBLM**

**A. City of Lakewood Zoning Code and Comprehensive Plan Amendments**

1. The requirements of this section are intended to be consistent with RCW 36.70A.530, which prohibits development that is incompatible with military installation missions, and to provide for land use coordination generally between the City of Lakewood and JBLM.
2. The City of Lakewood Coordinating Official will notify the JBLM Coordinating Official via electronic mail of all proposed zoning code and comprehensive plan amendments, as set out in Paragraph (E) below, for lands located in the Military Coordination & Notice Area.
3. City of Lakewood Coordinating Official responsibilities include:
  - a. The City of Lakewood Coordinating Official will provide notice at least thirty (30) days prior to any hearing, action, or final decision by the City of Lakewood to consider the proposal.
  - b. The notice will include the type of permit, specific property location and/or parcel number, a general description of the proposed action, and a request of the JBLM base commander for written



recommendations and supporting facts relating to the proposed zoning code or comprehensive plan amendment.

c. The notice will also include the date on which the City of Lakewood will hold a hearing, take action, or make a final decision on the proposed zoning code or comprehensive plan amendment.

d. The notice will provide sixty (60) days for a response from the base commander via the JBLM Coordinating Official.

4. JBLM Coordinating Official Responsibilities include:

a. The JBLM Coordinating Official will confirm via email receipt of the notice.

b. Coordination with the JBLM base commander, as provided by RCW 36.70A.530, to determine whether the proposed zoning code or comprehensive plan amendment, if approved, will create an adverse effect on JBLM operations.

c. Notifying the City of Lakewood Coordinating Official within sixty (60) days of receipt of notice if the base commander has determined the proposed zoning code or comprehensive plan amendment will have adverse effects on JBLM operations.

d. Failure of the JBLM Coordinating Official to provide a written response to the City of Lakewood Coordinating Official within sixty (60) days of the JBLM Coordinating Official's receipt of the City of Lakewood Coordinating Official's initial notification, shall be deemed an indication that the proposed zoning code or comprehensive plan amendment does not create an Airport Obstruction or Interference with JBLM operations or otherwise have adverse effects on JBLM operations.

5. Zoning code and comprehensive plan amendments include the following:

a. a proposed amendment to the comprehensive plan;

b. a proposed change in zoning map classification; and

c. a proposed change to the text or graphics in the zoning code.

B. JBLM Mission Changes

1. The City of Lakewood Coordinating Official will meet on a regular basis with the JBLM Coordinating Official in order to remain abreast of any changes in mission or training operations that could have off-post impacts on the City of Lakewood, its residents, or businesses.

2. In the event that a change in mission or training operations necessitates amendments to this Ordinance, including the boundary of the Military Coordination & Notice Area or a Military Influence Area, the City of

Lakewood Coordinating Official will prepare an amended ordinance for consideration of adoption by the City Council.

#### **18A.10.135.8 Light Emissions**

No development shall be approved within the Military Coordination & Notice Area that produces light emissions that would interfere with pilot vision and training at Joint Base Lewis-McChord; therefore, exterior lighting:

- A. used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such manner that it is not misleading or dangerous to aircraft operating from JBLM; and
- B. except for lighting provided in association with single-family homes, mobile homes, and duplexes, exterior lighting, must be fully shielded so that all light emitted by the fixture projects below the horizontal direction and contain shielding permanently affixed to the fixture.

#### **18A.10.135.9 Notice to Property Owners**

##### **A. Permit Notices**

- 1. The approval documentation associated with the types of applications identified below, within the Military Coordination & Notice Area shown in Figure 2, shall include a notification statement in accordance with Paragraph 2, below.
  - a. Building permits,
  - b. Zoning permits,
  - c. Subdivision plats, and
  - d. Site plans.
- 2. The approval documentation associated with the types of applications identified in Paragraph 1 shall include a notification statement that:
  - a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
  - b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
  - c. Information related to such regulations or limitations is available in the City of Lakewood Community and Economic Development Department.

##### **B. Real Estate Disclosures**

- 1. At or prior to all real estate closings involving a property located in the Military Coordination & Notice Area, the buyer and seller shall sign a Real Estate Disclosure Form, which shall be filed with the deed and/or plat at the Pierce County Auditor's Recording Office.



2. The City of Lakewood Community and Economic Development Department shall develop and maintain a Real Estate Disclosure Form, which advises prospective lessees or tenants that:

- a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
- b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
- c. Information related to such regulations or limitations is available in the City of Lakewood Community and Economic Development Department.

3. All prospective lessees or tenants signing a commercial or residential lease or rental agreement for a property located within the Military Coordination & Notice Area, shall be notified by the property owner through a written provision contained in the lease or rental agreement that:

- a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
- b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
- c. Information related to such regulations or limitations is available in the City of Lakewood Community and Economic Development Department.

#### **18A.10.135.10                      Compatible Use Standards**

##### **A. Aircraft Safety Zones**

1. Certain properties within the City of Lakewood are located within the JBLM Accident Potential Zones and Clear Zones as indicated in Figure 3. Accident Potential Zones and Clear Zones associated with Gray Army Airfield do not encompass any lands outside of JBLM boundaries.

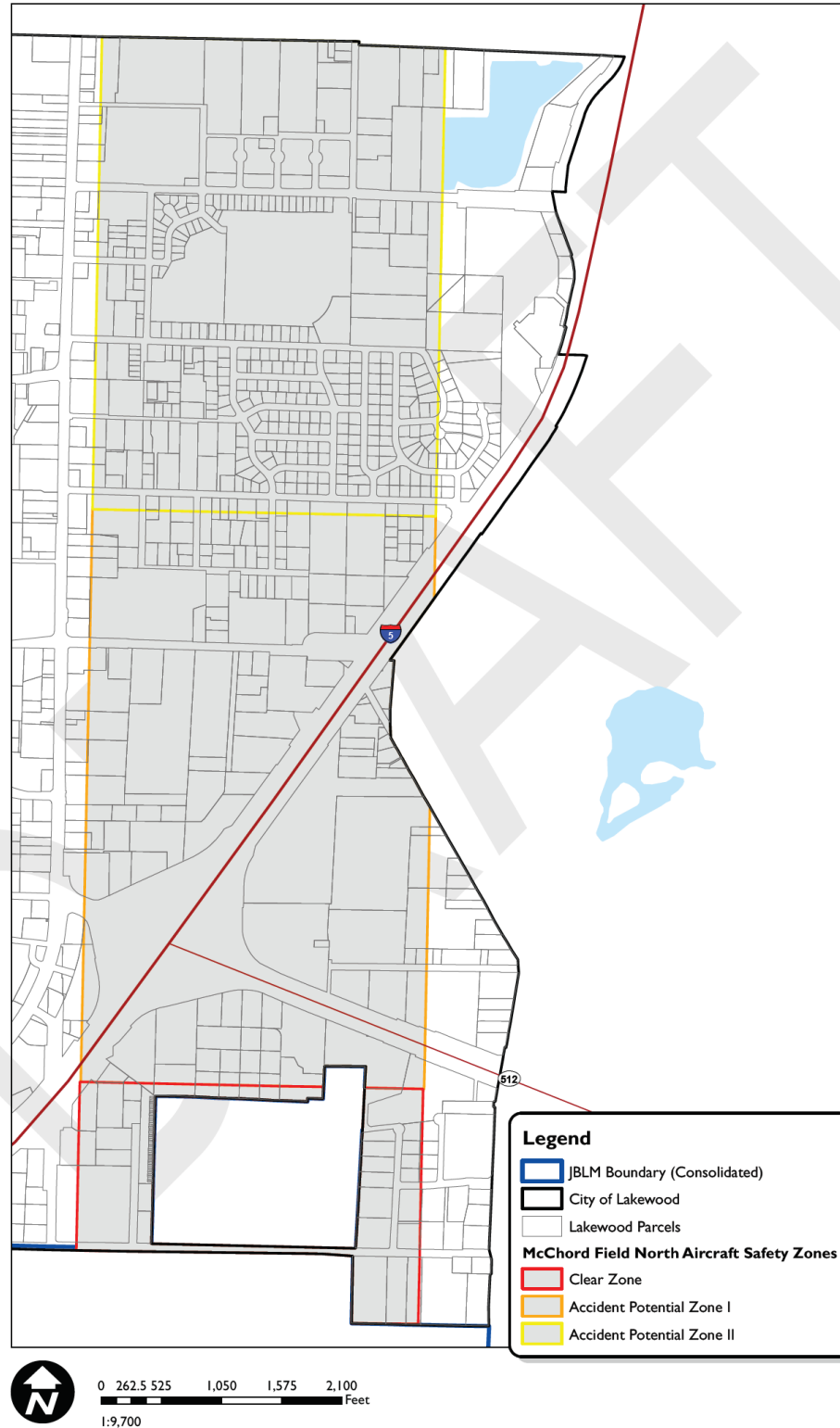
2. According to the AICUZ Study and current Air Force guidance, certain land uses in these areas are not compatible with air operations at JBLM, given the increased potential of aircraft accidents in these areas.

3. Unless expressly exempt, any land uses located within the JBLM Accident Potential Zones and Clear Zones shall be consistent with Appendix A: Land Use Compatibility Recommendations for APZs.

4. Compliance with this section does not exempt an applicant from complying with other requirements of Lakewood Municipal Code Title 18A, Land Use and Development Code.

Figure 3. McChord Field North Clear Zone & Accident Potential Zones

### JBLM MIAO - McChord Field North Aircraft Safety Zones - Lakewood

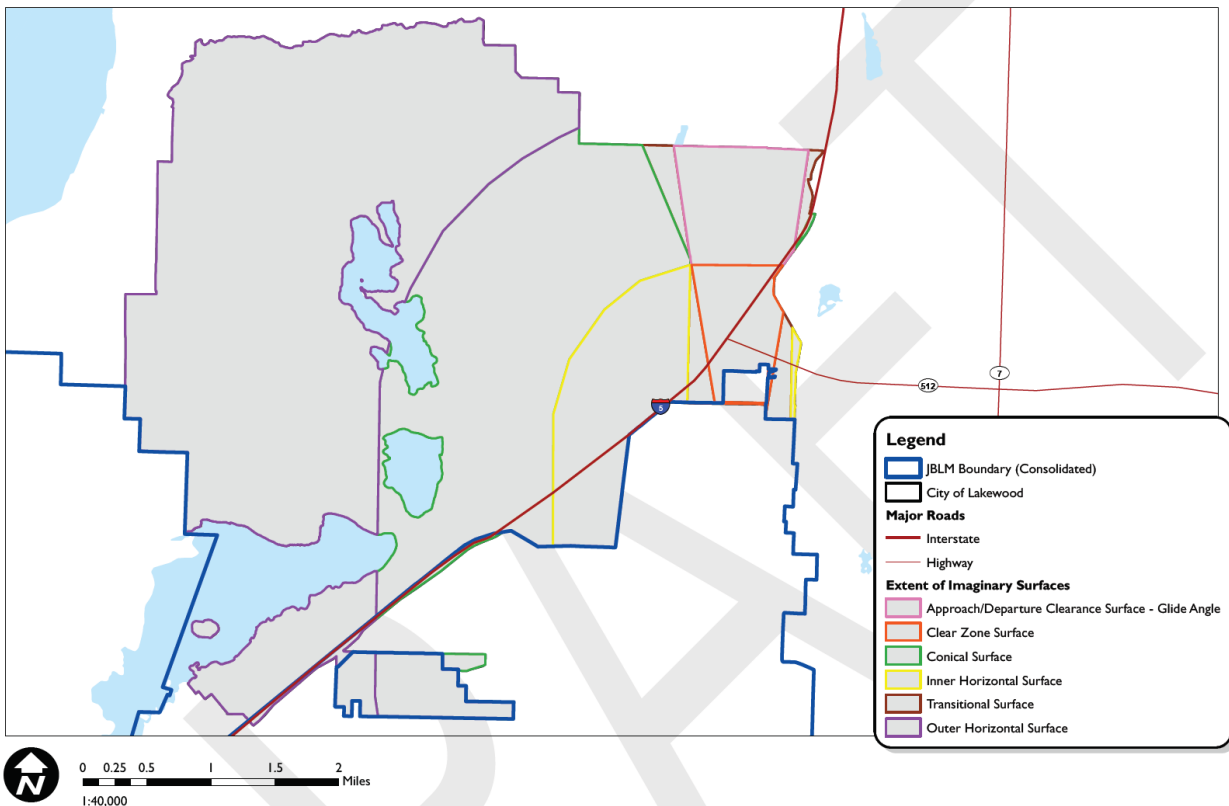


## B. Imaginary Surfaces

1. Certain properties within the City of Lakewood are located within the JBLM Imaginary Surfaces as indicated in Figure 4.

Figure 4. JBLM Imaginary Surfaces located over the City of Lakewood

### JBLM MIAO - Imaginary Surfaces - Lakewood



2. Applications for Proposed Development within the Imaginary Surfaces shall be transmitted to the JBLM Coordinating Official with a request for a determination of whether the Proposed Development constitutes a prohibited use according to Paragraph 3, below. If the JBLM Coordinating Official does not provide a determination or request additional review time within ten (10) business days of receipt of the application, the Proposed Development is considered to comply with the Imaginary Surfaces criteria in Paragraph 3.

3. The following uses and structures are prohibited within the Imaginary Surfaces, upon a timely determination by the JBLM Coordinating Official that one or more of the following conditions is met:

- a. The Proposed Development protrudes above the planes or surfaces as contained in Title 14, Part 77 CFR [Code of Federal Regulations];
- b. The Proposed Development includes one or more of the following uses or the use interferes with pilot vision, communication, radar, or

otherwise interferes with the safe and effective operation of JBLM aircraft:

- i. sanitary landfills,
- ii. feeding stations,
- iii. sand and gravel dredging operations,
- iv. storm water retention ponds,
- v. renewable energy facilities,
- vi. created wetlands, or
- vii. the growing of vegetation determined to be a wildlife attractant;

c. Structures are proposed within ten (10) feet of approach/departure or transitional surfaces;

d. Proposed Development produces steam, dust, smoke, light emissions, glare, or other visual impairments, has explosive characteristics, or otherwise interferes with pilot vision or the operation of JBLM aircraft; and

e. Proposed Development produces electrical emissions that interfere with navigation equipment or radio communication between aircraft, JBLM, or other air traffic control facility.

4. After due consideration of a determination provided by the JBLM Coordinating Official, the City will deny any Proposed Development JBLM determines does not comply with the criteria in subparagraph 3, except in the event the City determines that to deny the application would create a legal liability for the City.

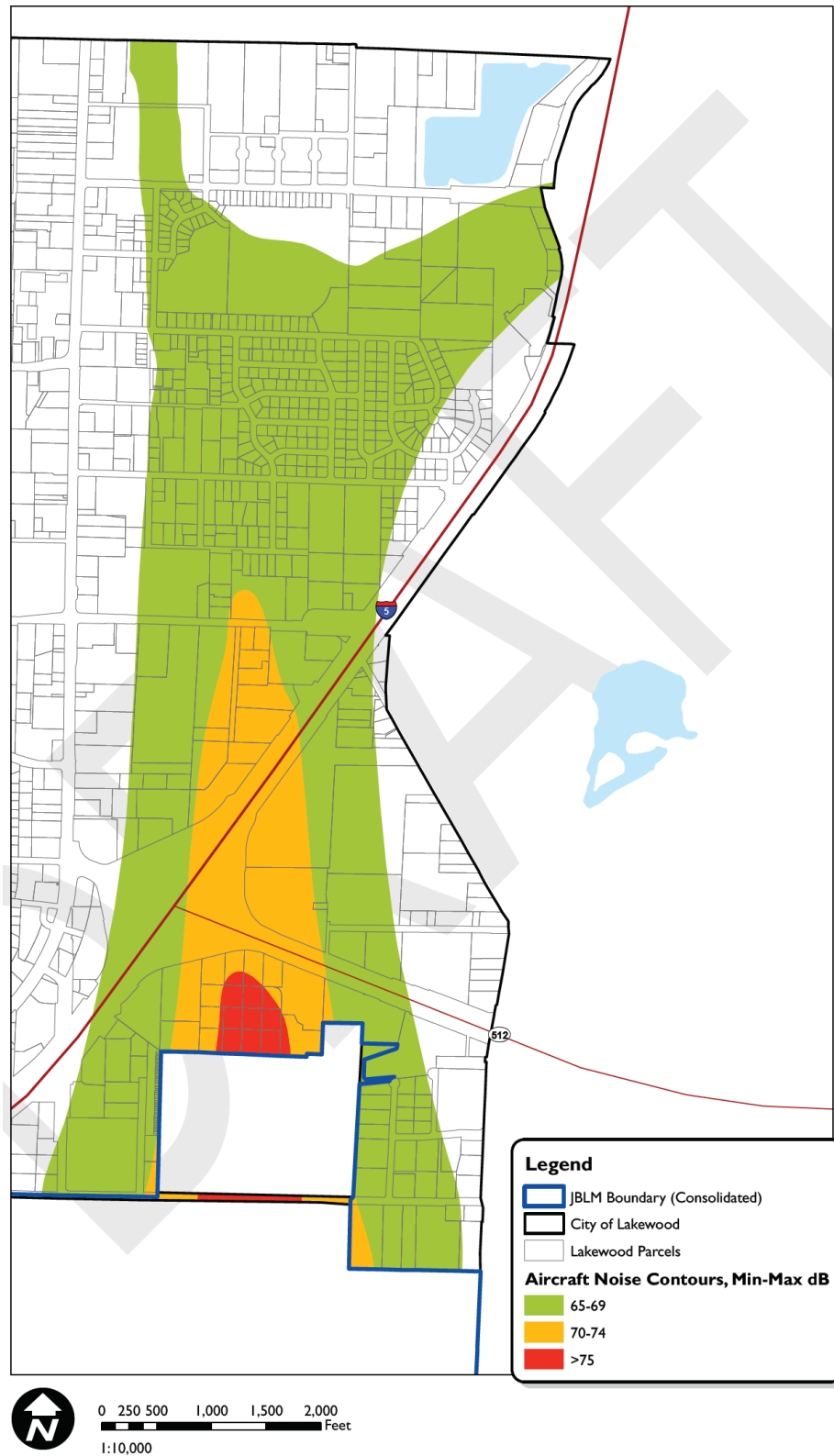
5. Further, no condition shall be maintained that attracts wildlife into a Department of Defense Airport Imaginary Surface, pursuant to 14 C.F.R. 77.21, and that the JBLM Coordinating Official determines may create a hazard to military operations.

#### C. Aircraft Noise Zones

1. Certain properties within the City of Lakewood are located within the JBLM Aircraft Noise Zones as indicated in Figure 5. The Gray Army Airfield Aircraft Noise Zones are located entirely within the boundaries of the installation.

Figure 5. JBLM Aircraft Noise Zones in the City of Lakewood

### JBLM MIAO - Aircraft Noise - Lakewood



2. These Noise Zones indicate areas that may be affected by noise associated with current operations and training, as set forth in the AICUZ Study.
3. According to the AICUZ Study and current Air Force guidance, certain noise-sensitive land uses in these areas are not compatible with air operations at JBLM.
4. Any Proposed Development within the JBLM Aircraft Noise Zones, therefore, shall be consistent with Appendix B: Recommended Land Use Compatibility for Noise Zones.

**18A.10.135.11           Property Records & GIS**

The City of Lakewood Community and Economic Development Department will coordinate to ensure the City’s geographic information systems (GIS) and property records include the Military Coordination & Notice Area and Military Influence Areas, as applicable, clearly indicating whether a property in the City of Lakewood is located, in whole or in part, in the Military Coordination & Notice Area or a Military Influence Area.

**18A.10.135.12           No Delegation of Local Authority**

Nothing herein is intended to, and should not be interpreted to, authorize or require approval by Joint Base Lewis-McChord.

**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

**18A.10.150   Adoption of City-wide and Subarea Zoning Maps.**

This title consists of text, illustrations, and city-wide zoning maps. Other LMC titles may contain subarea zoning maps. The purpose of the city-wide zoning map is to depict the exact boundaries of each zoning classification for the entire city. The purpose of the subarea zoning maps is to depict the exact boundaries of each zoning classification within each

subarea and the exact boundaries of zoning districts in which regulations specific to that district apply. The city-wide and subarea zoning maps are adopted as part of ordinances codified in this and other applicable LMC titles, and may be amended from time to time by ordinance.

#### **18A.10.160 Boundaries – Administrative Determination.**

When uncertainty exists as to boundaries of any land use zoning classification on the zoning map, the Director following the administrative procedures of a Type I application as contained in LMC 18A.120.080 [verify cite] shall make a determination as to the location of the boundary in question based on the following rules of construction:

- A. Where zone boundaries are indicated as approximately following the centerline of street, alley or highway right-of-way, the actual centerline shall be the boundary.
- B. Where zone boundaries are indicated as running approximately parallel to the centerline of the street right-of-way, the boundary line shall be construed to be parallel to the centerline of the street right-of-way.
- C. Where zone boundaries are indicated as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundaries of such zone.
- D. Where a zone boundary divides a tract in un-subdivided property, the location of such zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on the zoning map.
- E. Zone boundaries indicated as following shorelines shall be interpreted to follow such shorelines, and in the event of change in the shoreline, shall be interpreted as moving with the actual shoreline.
- F. Where a public street or alley right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley right-of-way.
- G. Where the zone boundaries shown on the zoning map are inconsistent with the written legal descriptions of the zoning boundary as described in the implementing ordinance, the written legal description of the zoning boundary shall prevail.

#### **18A.10.170 Boundaries – Planning Commission Recommendation – City Council Determination. [VERIFY CITES; VERIFY WHETHER QUASI-JUDICIAL OR NOT]**

In case uncertainty exists in zoning designation lines that cannot be resolved by application of the administrative rules contained in LMC 18A.110.140, the Planning Commission shall recommend, and the City Council shall determine, the location of such zone boundaries. This action shall be considered a Type V-A or V-B application as outlined under LMC 18A.110.080. The Planning Commission and City Council shall base the determination of zone classification lines on the land use designation maps and policies of the Comprehensive Plan.



#### **18A.10.175 Reasonable accommodation.**

A. Purpose and Intent. The Federal Fair Housing Act (FFHA) requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling in conformance with the Federal Fair Housing Act and the Washington Housing Policy Act.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, the person's representative, or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

C. Application Requirement.

1. A request for reasonable accommodation shall be submitted on an application form provided by the community and economic development department and shall contain the following information:
  - a. The applicant's name, address, telephone number, and email address;
  - b. Address of the property for which the request is being made;
  - c. The current use of the property;
  - d. The basis for the claim that the individual is considered under the Acts;
  - e. The code provision, regulation, or policy from which reasonable accommodation is being requested;
  - f. What specific accommodation is requested and why the accommodation is necessary to make the specific property accessible to the individual.

D. Review Authority.

1. If no approval is sought other than the request for reasonable accommodation, the request shall be reviewed by the Community Development Director or designee as outlined in Chapter 18A.20, Part I, 18A.20.070 and 18A.20.080.

2. If a request for reasonable accommodation is submitted for review with a land use application requiring a higher level of review, the review authority making the final land use decision shall concurrently review and make a decision on the request.

E. Review Findings.

1. The written decision to grant, grant with modifications or deny a request for reasonable accommodation shall be based on the following findings:
  - a. The housing, which is the subject of the request, will be used by a disabled individual;
  - b. The accommodation requested is necessary to make specific housing available to a disabled individual;
  - c. Potential impact on surrounding uses;
  - d. Physical attributes of the property and structures;
  - e. Alternative accommodations which may provide an equivalent level of benefit;
  - f. The requested accommodation would not require a fundamental alteration in the nature of a city policy or law, including but not limited to the Lakewood Comprehensive Plan and zoning;
  - g. The requested accommodation would not impose an undue financial or administrative burden on the city.
2. In granting a request for reasonable accommodation, the community development director may impose conditions of approval deemed reasonable and necessary to ensure that the accommodation complies with the findings.

F. Appeal of Determination. A determination by the reviewing authority to grant, grant with modifications or deny a request for reasonable accommodation may be appealed pursuant to Chapter 18A.20, Part IV, 18A.20.400.

**18A.10.180 Definitions.**

**“A”**

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“Abandoned sign” means any sign which is no longer standing erect, is not adequately maintained and/or may be deemed hazardous or unsafe by the City Engineer.

“Absentee owner” means any real property owner(s) who customarily resides some place other than the property (whether an estate or business) in question.

“Abutting” means lots sharing common property lines.

“Access” means the way or means by which pedestrians and vehicles enter and leave property.

“Accessory building” means a detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same tract with the principal building or use.

“Accessory dwelling unit (ADU)” means a habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

“Accessory living quarters” means a single residential dwelling unit that is an attached or detached part of a commercial or manufacturing building, and which is incidental to the commercial or manufacturing use.

“Accessory retail or services” means retail sale of various products, or the provision of certain personal services within a health care, hotel, office, or industrial complex, to employees or customers; also includes retail that is incidental to a primary use conducted on the same premises where no more than 20 percent of the gross floor area is devoted to retail sales. Examples of these uses include pharmacies within hospitals and medical clinics; a prescription opticians’ shop within an ophthalmologist office; a gift shop and food service establishment within a hospital; gift and convenience stores and food service establishments within hotel, office and industrial complexes; barber and beauty shops within residential care facilities; and a manufacturing/ processing or artisan/craft product manufacturing use with an incidental retail sales area.

“Accessory structure” means a structure either attached or detached from a principal building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

“Accident Potential Zone (APZ) I” means a zone that lies beyond the Clear Zone, and is in an area of lower, but still considerable, aircraft accident potential. JBLM APZs are illustrated in Figure 3 of 18A.50, McChord Field North Clear Zone & Accident Potential Zones and Clear Zones.

“Accident Potential Zone (APZ) II” means a zone that lies beyond APZ-I and possesses less aircraft accident potential than APZ-I, but the potential is still high enough to warrant land use restrictions. JBLM APZs are illustrated in Figure 3 of 18A.50, McChord Field North Clear Zone & Accident Potential Zones and Clear Zones.

“Adaptive reuse” means the process of reusing an existing building for a purpose other than which it was originally built or designed for.

“Adequate public facilities” means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

“Adjacent” means lots located across a right-of-way, railroad or street, except limited access roads.

“Adult entertainment” means any entertainment that includes the following:

1. Any public exhibition, performance, dance or conduct of any type where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. Any public exhibition, performance, dance or conduct of any type that is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts of human masturbation, sexual intercourse or sodomy.
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
  - d. Any exhibition, performance, dance or conduct which is intended to sexually stimulate any member of the public. This includes, but is not limited to, any such exhibition, performance, dance or conduct performed for, arranged with or engaged in with fewer than all members of the public for which payment is made, either directly or indirectly, for such performance, exhibition, dance or conduct.

Provided, however, that for the purposes of this Chapter, adult entertainment activities do not include the following: plays, operas, musicals, or other dramatic works that are not obscene; classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or exhibitions, performances, expressions or dances that are not obscene. Provided, however, that the exemptions listed above shall not apply to sexual conduct defined in LMC 5.16.010, or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.007.) Adult family homes shall serve those with functional limitations and are not intended to serve those with a history of violence, including sex offenses. See also “Group home.”

“Adult-oriented merchandise” means any goods, products, commodities, or other wares, including but not limited to, videos, CD-ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties, which depict, describe or simulate the anatomical areas or sexual activities described under the definition of Adult Entertainment listed above.

“Adult retail use” means a retail establishment which, for money or any other form of consideration, either:

1. Has, as a primary part of its business, the purpose or function of selling, exchanging, renting, loaning, trading, transferring, and/or providing for viewing or using, off the premises, any adult oriented merchandise. For the purposes of this Chapter, a “primary part of its business” includes, but is not limited to, instances where a business provides or has advertising displays, merchandise, or product information reasonably visible to customers and other persons within the business facilities that shows, displays, or otherwise depicts adult-oriented merchandise or other sexually oriented business activities. Provided, however, that it shall not be considered a “primary part of its business” if such display, merchandise, or product information is only reasonably visible from within a limited portion of the business facility screened from general view, taking up not more than twenty (20) percent of the customer floor space, and where the access to the limited portion can be controlled to prevent accidental or incidental viewing of the display, merchandise, or product information by customers and other persons outside the limited portion of the business facilities; or
2. Provides for, as its substantial stock in trade, the sale, exchange, rental, loan, trade, transfer, and/or provide for viewing or use, off the premises, any adult-oriented merchandise. For the purposes of this Chapter, a “substantial stock in trade” refers to, but is not limited to, instances where twenty (20) percent or more of the revenue generated by the business is derived from the sale, exchange, rental, loan, trade, transfer, and/or provision of adult-oriented merchandise; twenty (20) percent or more of the inventory of the business is adult-oriented merchandise; or twenty (20) percent or more of the customers of the business buy, exchange, rent, borrow, trade, transfer, and/or shop for adult-oriented merchandise in or from the business.

“Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than 30 percent of a given monthly household income, adjusted for household size, as follows:

1. Moderate Income. For owner-occupied housing, 80 percent of the area median income, and for renter-occupied housing, 60 percent of the area median income.
2. Pursuant to the authority of RCW [36.70A.540](#), the city finds that the higher income levels specified in the definition of affordable housing in this chapter, rather than those stated in the definition of “low-income households” in

RCW [36.70A.540](#), are needed to address local housing market conditions in the city.

“A-Frame sign” means a temporary, portable, freestanding, and self-supporting sign which may be either single- or double-faced, forming an “A” shape, or on a pole attached to a flat base.

“Agriculture” means the use of land for growing crops for sale or consumption, other than for home agriculture. This use includes the accessory uses for sales, packing, treating, or storing the produce; provided, that the operation of the accessory use is clearly incidental to the agricultural activity. This definition includes but is not limited to produce farms, vineyards, and Christmas tree farms. This definition excludes nurseries and animal husbandry.

“Agriculture, clear zone” means uses which typically might be found and generally restricted rural environments, but which can pose viable, unobstructive land uses in portions of the urban environment that, by their nature, otherwise possess limited development potential. Examples include row crops, hay, alfalfa, and vineyards. Structures, whether temporary or permanent, tree farms, livestock grazing, and intensive animal husbandry prohibited.

“Agriculture, home,” means the accessory use of land to grow crops at a small or limited scale, for sale or consumption, when it occurs on the same site as the residence of the person primarily responsible for the crops.

“Air Installation Compatible Use Zone (AICUZ) Study” means the most recent study that identifies the Clear Zones and Accident Potential Zones associated with Gray Army Airfield and McChord Field, maps the noise contours associated with aircraft operations and training, and identifies types of development considered incompatible with aircraft operations and training at Joint Base Lewis-McChord. As of this Ordinance’s original adoption date, the most recent AICUZ Study was titled “Joint Base Lewis-McChord Master Plan Air Installation Compatible Use Zone Study,” and is not dated.

“Aircraft Noise Zone” means an area that may be affected by noise associated with current operations and training, as set forth in the most recent AICUZ Study. These areas are depicted in Figure 5 of 18A.50, JBLM Aircraft Noise Zones.

“Aircraft Safety Zone” means any one or more of the following: Clear Zone (CZ), Accident Potential Zone (APZ) I, and Accident Potential Zone (APZ) II.

“Airport obstruction or interference” means any structure, object, or use of land the Joint Base Lewis-McChord (JBLM) Coordinating Official determines impedes operations at Joint Base Lewis-McChord, in any manner described in subsection 18A.50.490 B.

“Alley” means a public way, paved or unpaved, which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties, but not including such a public way in its natural and undeveloped state which cannot be used by vehicles.

“Alteration” means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat, except as otherwise allowed by law.

“Alteration of sign” means any change in size, shape, position, location, construction, or supporting structure of a sign.

“Alterations, structural” means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

“Amateur radio station operators or receive-only antennae” means any tower or antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

“Amendment” means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of City code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the community and economic development director or hearing examiner.

“Animated sign” means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means. Animated signs include, but are not limited to, changing or moving pictures, drawings, and designs regardless of the means and mechanisms of the animation; and message display changes at intervals.

“Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services.

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

“Antenna height,” when referring to a tower or other Wireless Telecommunications Facilities (WTF), means the vertical distance measured from the finished grade of the parcel at the base of the tower pad or antenna support structure to the highest point of the structure even if said highest point is an antenna. If the support structure is on a sloped grade, then

the average between the highest and lowest grades shall be used in calculating the antenna height.

“Antenna support structure” means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

“Apartment” means a dwelling unit in a multifamily building.

"Apiary" means a site where hives of bees or hives are kept or found.

“Appeal” means a request for review of the community and economic development director's decision to the hearing examiner, and thereafter, to superior court.

“Applicant” means any person who makes an application to the City of Lakewood for a development permit.

“Applicant” means any person or corporation submitting an application for a small wireless facility permit.

“Area median income” means the median family income for the Seattle-Bellevue, WA Metro Fair Market Rent (FMR) Area as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area, the city may estimate the median income in such manner as the city shall determine.

“Area of shallow flooding” means a designated ‘AO’ or ‘AH’ zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

“Area of special flood hazard” means the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

“Artisan shop” means a retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

“Assisted Living Facility” means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000 may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility.



Assisted living facility shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations, including those subsidized by the department of housing and urban development (HUD).

“Auto and vehicle sales/rental” means a retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under “general retail”). May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see “auto parts sales”); mobile home, recreational vehicle, or watercraft sales (see “mobile home, RV and boat sales”); tire recapping establishments (see “vehicle services”); businesses dealing exclusively in used parts, (see “recycling—scrap and dismantling yards”); or “gas stations,” which are separately defined.

“Auto parts sales” means stores that sell new automobile parts and accessories. Establishments that provide installation services are instead included under “Vehicle Services—Minor Maintenance/Repair.” Does not include tire recapping establishments, which are found under “Vehicle Services” or businesses dealing exclusively in used parts, which are included under “Recycling—Scrap and Dismantling Yards.”

“Auto repair.” See “Vehicle services.”

“Auto wrecking yard” means the dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

“Awning” means a shelter extending from the exterior wall of a building for the purpose of shielding a doorway or window from the elements and composed of non-rigid materials except for the supporting framework.

“Awning sign” means any sign painted on, attached to, or supported by an awning.

## **“B”**

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“Balloon” means a decorative inflatable device with a diameter of less than eighteen (18) inches, generally composed of a thin layer of latex or mylar. The tether of a balloon is less than twelve (12) feet in length (see “blimp”).

“Banner sign” means any cloth, bunting, plastic, paper or similar non-rigid material attached to any structure, staff, pole, rope, wire or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

“Basement” means that portion of a story partly underground and having at least one-half of its height or more than five feet below the adjoining finish grade.

“Bank, financial services” means financial institutions including: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.

“Bar/tavern” means a business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery or brew-pub, and other beverage tasting facilities, such as wine or beer tasting rooms. Does not include adult oriented businesses.

“Bay window” means a window that protrudes from the main exterior wall. Typically, the bay contains a surface that lies parallel to the exterior wall, and two (2) surfaces that extend perpendicular or diagonally from the exterior wall.

“Beach access, public or private” means trails or roads that provide access for the public to the beach.

“Bed and breakfast guest house” means a structure converted from a single-family dwelling or constructed to resemble a single-family dwelling, which structure provides lodging and meal service. Does not include room rental, which is separately defined (see “Boarding House”).

"Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.

“Billboard sign” means a large outdoor board.

“Billboard sign face” means that portion of a billboard, exclusive of its structural support, on which changeable copy is displayed either by affixing pre-printed poster panels or by painted copy.

“Binding site plan” means an alternative process established under RCW 58.17.035 for the division of land into lots, parcels or tracts. The binding site plan process includes a set of documents containing drawings to scale which:

- A. Identifies and shows the areas and location of all streets, roads, improvements, utilities and open spaces;
- B. Contains any other improvements, facilities or provisions required to be identified by the city, and contains inscriptions or attachments setting forth such appropriate limitations and conditions for use of the land as established by the city;
- C. Contains provisions requiring any development to conform with the site plan; and

D. Contains provisions in which an applicant can offer for sale or lease and transfer of ownership certain kinds of lots, parcels or tracts.

“Blank walls” means walls subject to “blank wall” requirements are any ground-level wall over six feet in height measured from finished grade at the base of the wall, and longer than fifty (50) feet measured horizontally. A wall subject to the requirement does not have any significant building feature, such as a window, door, modulation or articulation, or other special wall treatment within that fifty (50) foot section.

“Blimp” means a decorative device with a diameter or combined diameter of eighteen (18) inches or larger that is inflated. These devices include large single displays or displays of smaller balloons connected to create a larger display. A balloon with a tether longer than twelve (12) feet is considered a blimp.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries.

“Boarder” means a patron of a boardinghouse or roominghouse who is provided meals, with or without lodging, for compensation.

“Boarding house” means a dwelling or part of a dwelling where lodging is furnished for compensation to three or more persons living independently from each other. Meals may also be included.

“Boat ramp or launch” means An improved sloped surface extending from a shore land area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

“Boathouse” means an accessory structure, an accessory portion of a principal structure, or a principal structure designed or used for the shelter or storage of boats.

Boundary line adjustment” means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

“Brew pub” means a type of eating or drinking establishment that includes as an accessory use the production of malt liquors, regardless of alcohol content by volume, for consumption on the premises; except that sales for off-premises consumption, if not prohibited by other local ordinance or state or federal law, shall be allowed in specialty containers holding no more than one U.S. gallon (128 U.S. fluid ounces), commonly referred to as growlers. The area of the establishment devoted to the production of malts liquors shall not exceed five thousand (5,000) square feet. May include the distribution of beverages for consumption at other sites.

“Brewery – production” means an establishment which produces ales, beers, meads, hard ciders, and/or similar beverages on-site. Production Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverage types combined) annually. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in

keeping with the regulations of the Washington State Liquor and Cannabis Board and Bureau of Alcohol, Tobacco, and Firearms (ATF). In addition, uses which produce 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements to be considered a brew pub, are breweries.

"Brood Chamber" means a box devoted to the rearing of immature bees.

"BUG" means Backlight, Uplight and Glare.

"BUG System" means the system developed by the Illuminating Engineering Society (IES) and the International Dark Sky Association (IDA) as a way of evaluating outdoor luminaires. BUG, or Backlight, Uplight and Glare, are three are forms of stray light that can be emitted from a fixture. The BUG system is defined and discussed in detail within the Illumination Engineering Society publication *Luminaire Classification System for Outdoor Luminaires* (TM-15-11) and subsequent addenda.

"Building" means a structure as defined in the International Building Code, as adopted by the city.

"Building and landscape materials sales" means a retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehouse, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail," even if they sell some building materials.

"Building, attached" means a building or structure attached to another building or structure by an enclosed interior wall or walls and covered by a roof in common with both structures. A structure connected to another building or structure only by a roof or only by a wall is not considered attached.

"Building contractor, light" means businesses relating to the building trades including but not limited to: plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; carpentry and flooring; roofing and sheet metal. These types of businesses generally do not have heavy equipment or building materials stored outside.

"Building contractor, heavy" means businesses relating to the heavy construction trades including but not limited to: excavation work, highway and street construction; heavy construction, masonry and concrete work and water well drilling. These types of businesses generally have heavy equipment that may be stored outside.

"Building coverage" means the measurement of the gross footprint of all the structures, to include accessory and exempt structures, on a lot. The gross footprint includes all structural elements and projections of a building and includes, but is not limited to; eaves, projections, decks, balconies, elevated patios, breezeways, or canopies.

“Building, detached” means a building or structure sharing no common wall with another structure, and generally surrounded by open space on the same lot. A structure connected to another building or structure only by a roof or only by a wall is considered to be a detached building.

“Building division” means the building division of the community and economic development department.

“Building facade” means the visible wall surface, excluding the roof, of a building when viewed from a public right-of-way or adjacent property. If more than one (1) wall is predominately visible, the walls may be considered one (1) facade for the purposes of signage. A building facade is measured in gross square feet (gsf) and does not include roof area.

“Building front” means the face of the building which is parallel to an abutting street or the length of the projection of the wall of a building facing obliquely toward an abutting street when such projection is made perpendicular to the centerline of the street.

“Building height” means the height of a structure is measured from the average elevation of the undisturbed natural topography or pre-existing grade on a site to the highest point of the structure. The average elevation is determined by averaging the elevations of the undisturbed natural topography or the pre-existing grade at all corners or change in wall plane of the proposed structure. An elevation benchmark shall be set on the lot, outside of the construction area, where it will remain undisturbed to allow verification of vertical elevation.

- A. Exceptions. Height standards shall not apply to religious assembly spires, flagpoles, belfries, and domes; chimneys, household antennas, ventilation stacks, or similar appurtenances that are required to be placed above the roof level and not intended for human occupancy.

“Building line” means a line projected along the exterior wall of a building nearest the property line.

“Building, nonconforming” means a building or structure which was lawful when established, but which does not now conform to the applicable development standards or to the zone in which it is located. A structure shall be considered established if it conformed to applicable zoning or building regulations at any time, or when it is built under permit, a permit for the structure has been granted and has not expired, or the structure is substantially underway in conformance with the IBC, as adopted by the city.

“Building Official” means the individual who manages the operations of the Building Division, including permitting, plan review and inspection of building construction projects; and is active in redevelopment efforts in support of the City of Lakewood's goals and objectives.

“Building, principal” means a building devoted to the principal use of the lot on which it is situated.

“Bulkhead” means a vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

“Business” means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

“Business support service” means an establishment within a building that provides services to other businesses. Examples of these services include: blueprinting; computer-related services (rental, repair); copying and quick printing services; film processing and photofinishing (retail); mail boxes; outdoor advertising services; and security systems services.

## **“C”**

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“Cabinet shop” See “Furniture/fixtures manufacturing, cabinet shop.”

“Canopy sign” means a sign attached to the underside of a canopy.

“Catering service” means a business that prepares and delivers food for consumption on the premises of a client. Does not include mobile food vendors. See also “Restaurant, Café, Coffee Shop.”

“Cemetery, mausoleum, columbarium” means an interment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service mortuaries and funeral parlors accessory to a cemetery or columbarium.

“Child care facility” means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than twenty-four hours a day. Child day care facilities include family day care homes and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined in Chapter 74.15 RCW and WAC 388-73-422 and as such statute or regulations may hereafter be amended.

“Child day care” means the providing of supplemental parental care and supervision for a child or children who are not related to the provider on a regular basis for less than twenty-four hours per day and under license by the Washington State Department of Social and Health Services. The term does not include babysitting services of a casual, non-recurring nature or in the child’s own home. The term is further not intended to include cooperative, reciprocative child care by a group of parents in their respective homes.

“Child day care center” means a facility providing regularly scheduled care for a group of thirteen or more children within an age range of one month through twelve years, for periods of less than twenty-four hours.

“City of Lakewood” means the Lakewood City Council or an administrative designee of the City Council.

“City of Lakewood Coordinating Official” means the Community and Economic Development Department Director or their designee.

“City Property” means any real property owned by city, whether in fee or other ownership estate of interest.

“Clear Zone (CZ)” means an area that begins at the end of the North McChord Airfield runway and is the area of highest aircraft accident potential; it has few uses that are compatible. The CZ starts at the end of the runway, is 3,000 feet in width, and extends 3,000 ft. beyond the runway; as illustrated in Figure 3 of 18A.50, McChord Field North Clear Zone & Accident Potential Zones and Clear Zones.

“Club, lodge, private meeting hall” means a permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations

“Co-housing” means a variety of housing options in which a community facility is included for the purpose of such things as communal meals, laundry, recreation or socialization, day care, and/or other functions supportive of voluntary communal living by an organized group. Examples include fraternity/sorority houses; intentional communities; and religious orders, whether or not in conjunction with a religious facility.

“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.

“Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Colony” means one hive and its contents, including bees, comb, and appliances.

“Commercial recreation facility – indoor” means establishments providing indoor amusement and entertainment services for a fee or admission charge, including: • bowling alleys; coin-operated amusement arcades; dance halls, clubs and ballrooms;

electronic game arcades (video games, pinball, etc.); ice skating and roller skating; and pool and billiard rooms as primary uses.

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

“Commercial recreation facility – outdoor” means a facility for various outdoor recreational activities, where a fee is charged for use. Examples include: amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; and water slides.

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

“Community-based domestic violence program (CBDVP)” means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: Provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. CBDVPs also provide community education and prevention efforts. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered CBDVPs.

“Community center” means a multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

“Community and Economic Development Director” (see also “Director”) means the individual who performs responsible professional, administrative and supervisory work in directing and leading the activities of the Community and Economic Development Department.

“Comprehensive Plan” means a map or maps and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The comprehensive plan shall include a plan, scheme, or design for each of the following at a minimum: a land use element; a housing element; a capital facilities plan element; a utilities element; a transportation element that implements, and is consistent with, the land use element; an economic development element; and a park and recreation element. The plan shall be an internally consistent document, and all elements shall be consistent with the future land use map.



“Concomitant Agreement” means an agreement recorded against the title of a parcel of land under which a property owner binds the property to certain terms and conditions in exchange for development approval.

“Conference/Convention Facility” means one or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

“Confidential Shelter” means temporary lodging and supportive services offered by a community-based domestic violence program (CBDVP) to victims of domestic violence and their children.

“Continuing care retirement community” means an entity that agrees to provide continuing care to a resident under a residency agreement. “Continuing care retirement community” does not include an assisted living facility licensed under Chapter 18.20 RCW that does not directly, or through a contractual arrangement with a separately owned and incorporated skilled nursing facility, offer or provide services under Chapter 74.42 RCW.

“Continuing Care Retirement Community” means a residential community for the elderly which operates under a single ownership on a contractual basis and offers a range of living arrangements which may include independent living, assisted living, and/or skilled nursing care, along with a variety of common amenities and ancillary services; subject to all applicable federal, state, and/or local licensure.

“Construction/heavy equipment sales and rental” means retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

“Convenience store” means a type of general retail store which carries a range of merchandise oriented to convenience and/or travelers’ shopping needs.

“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.

“Curfew” means the time of day when lighting restrictions, based on zoning district, are in effect.

## “D”

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Daycare center,” “nursery school,” or “preschool” means any type of group daycare programs, for children or adults, including nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, covering afterschool care for school children, and programs which provide organized learning and education experiences, provided such establishments are

licensed by the state and conducted in accordance with state requirements. For the purpose of this title the following shall also apply to daycare center, nursery schools or preschools:

“Babysitting care” means a dwelling which provides occasional custodial care to children, for periods of less than 24 hours, who do not reside within the residence of the person providing the care. Babysitting care is not necessarily provided in exchange for compensation.

“Family day care” means a state-licensed day care provider as defined in RCW 74.15.020, who regularly provides day care for not more than 12 children in the provider’s home in the family living quarters.

“Daycare center” means a place, other than the home of the provider, which provides regular custodial care for 12 or more children, for periods of less than 24 hours.

“Preschool/nursery school” means a place, other than the home of the provider, which provides regular custodial care and/or organized learning and educational experiences for children.

“Directional lighting” means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.

“Director” means the Community and Economic Development Director or their designee.

“Disability” means with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. For purposes of this definition, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition shall not apply to impairments that are transitory and minor, meaning with an actual or expected duration of 6 months or less.

“Discontinued” means the activity or operation ceases; the premises are vacated; machinery, equipment or fixtures are removed; the maintenance of the property or structure(s) is substantially reduced, or ends altogether; or other action terminating the use is taken; to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

“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.

“Distillery” means a place where liquor is manufactured.

“DOC” means the Washington State Department of Corrections.

“DOE” means the Washington State Department of Ecology.

“DOT (or WSDOT)” means the Washington State Department of Transportation.

“Downlighting” means that the luminaire is directed straight down.

“DNS” means Determination of Non-Significance.

“DS” means Determination of Significance.

“DSHS” means the Washington State Department of Social and Health Services.

“DUA” means dwelling units per gross acre.

“Dynamic lighting” means lighting that flashes, chases, changes color, or changes intensity for any purpose other than serving as a traffic signal, safety light, or aviation or marine marker.

## **“E”**

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“EIS” means Environmental Impact Study.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose.

“Electric vehicle charging station” means a public or private parking space located together with a battery charging station that has as its primary purpose the transfer of electric energy to a battery or other storage device in an electric vehicle.

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and battery changing stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Electrical distribution substation” means an assembly of equipment designed to receive energy from a high-voltage distribution supply system to convert it to a form suitable for local distribution and distribute the energy to feeders through switching equipment designed to protect the service from the effect of faults.

“Eligible Facilities Requests”

The following definitions A. through I. shall apply to “Eligible Facilities Requests” only as described in this LMC Section 18A.95.130:

A. “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. “Base station” includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in subsections (A)(1) and (2) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the city under this section, does not support or house equipment described in subsections (A)(1) and (2) of this section.

B. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

C. “Eligible Facilities Request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

D. “Eligible Support Structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the city under this section.

E. “Existing” in terms of a constructed tower or base station means it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

F. “Site”, for towers other than towers in the public rights-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

G. “Substantial Change” means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any

modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (g)(i) through (iv) of this section.

H. “Transmission Equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

I. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Eligible household” means one or more adults and their dependents who certify that their annual household income does not exceed the applicable percent of the area median income, adjusted for household size, and who certify that they meet all qualifications for eligibility, including any requirements for recertification on income eligibility.

“Emitting sign” means a sign which emits sound, odor, or visible matter such as smoke or steam.

“Enhanced Services Facility” means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. (RCW 70.97.010)

“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities, and group homes.

“Equipment rental” means a service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

“Extremely low income” means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

## **“F”**

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“Family” means individuals domiciled together in one dwelling unit and who are cooking and living together as a single household, but the number of individuals occupying the

dwelling unit shall not exceed the occupant load of the structure, as the same is calculated under the city's adopted building code.

"FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Feather banner" means a sign attached to a support post with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means the Federal Insurance Rate Map.

"FHB" means the Flood Hazard Boundary Map.

"Flag" means any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

"Flashing sign" means an illuminated sign using action or motion, or light or color.

"Footcandle" is defined as a unit of illuminance equal to one lumen per square foot of surface area.

"Franchise" or "franchise agreement" is a contract by which a grantee is allowed to use city right-of-way for the purpose of carrying on the business in which it is generally engaged, including furnishing service to members of the public.

"Freestanding sign" means a sign that is self-supported on a structure used exclusively or primarily for the support of the sign or for a group of signs and detached from any building or structure.

"Fuel dealer" means a retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

"Fully shielded" means a light fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the fixture's lowest light-emitting part.

"Funeral home." See "Mortuary, funeral home."

"Furniture/fixtures manufacturing, cabinet shop" means manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture;

and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills.

“Furniture, furnishings, appliance/equipment store” means a store that primarily sells the following products and related services, that may also provide incidental repair services: computers and computer equipment; draperies; floor coverings; Furniture; glass and chinaware; home appliances; home furnishings; home sound systems; interior decorating materials and services; large musical instruments; lawn furniture; movable spas and hot tubs; office furniture; other household electrical and gas appliances; outdoor furniture; refrigerators; stoves; and televisions and home theater systems.

## **“G”**

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“Gas station” means a retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Division 2 (Zoning Districts and Allowable Land Uses), a gas station may also include a “Convenience Store,” “Vehicle Services,” and/or trailer rental (“Auto and Vehicle Sales/Rental”), which are separately defined.

“Gateway” means a location featuring a structure and landscaping constructed by the City of Lakewood on City property or public easement. Gateways are found along arterial and collector streets with high traffic counts. Gateway locations often contain underground facilities including water lines, electrical conduit to support traffic and street lighting, and irrigation systems. Gateway locations are identified in the Parks Capital Improvement Plan, which is updated annually and available upon request.

“General retail” means stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: antique stores; art galleries, retail; art supplies, including framing services; auction rooms; bicycles; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); convenience stores; department stores; drug stores and pharmacies; dry goods; fabrics and sewing supplies; florists and houseplant stores (indoor sales only - outdoor sales are “Building and Landscape Materials Sales”) hardware stores; hobby materials; jewelry; luggage and leather goods; musical instruments, parts and accessories; optics (prescription glasses, sunglasses, etc.); orthopedic supplies; recreation equipment, bicycle and kayak rentals; religious goods; small wares; specialty shops, including specialty food shops such as seafood or meat markets, retail bakeries, and similar uses; sporting goods and equipment; stationery; toys and games; and variety stores.

“Glare” means lighting entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

“Golf course, country club” means golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

“Grantee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this Chapter and the lawful successor, transferee or assignee of such person, firm or corporation.



“Grocery store” means a retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish, and poultry.

1. Large stores are defined as 20,000 square feet in size or greater. Also includes a grocery store use located within a larger format retail store where an area 20,000 square feet in size or greater is primarily devoted to the sale of food.
2. Small stores are defined as less than 20,000 square feet in size. Also includes a grocery store use located within a larger format retail store where an area less than 20,000 square feet in size is primarily devoted to the sale of food.

"Group home" means group residential environments for people with disabilities, mental or physical. See also “Adult family home.” There are five types of group homes:

1. "Type 1 Group Home" means publicly or privately operated living accommodations for related or unrelated individuals having handicaps, subject to compliance with all applicable federal, state, and/or local licensing requirements. For the purposes hereof, "handicap" shall mean a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; however, the term does not include current, illegal use of or an addiction to a controlled substance. A Type 1 Group Home includes an "Adult Family Home."
2. "Type 2 Group Home" means publicly or privately operated living accommodations for related or unrelated individuals such as group homes for children, group homes providing an alternate residential setting for families in crisis, and other groups not listed in Type 1, 3, 4, or 5 Group Home Residential use types; all subject to compliance with all applicable federal, state, and/or local licensing requirements. There are three levels of Type 2 Group Homes:
  - a. Level 1: A group home with a maximum of seven residents, plus resident staff.
  - b. Level 2: A group home with a maximum of 10 residents, plus resident staff.
  - c. Level 3: A group home with more than 10 residents, plus resident staff.
3. "Type 3 Group Home" means publicly or privately operated living accommodations for juveniles under the jurisdiction of DSHS and/or the criminal justice system, including state-licensed group care homes or halfway houses for juveniles which provide residence in lieu of incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated minimum security facilities as defined in RCW 72.05.150, as hereafter may be amended. A community facility as defined in RCW 72.05.020(1), as hereafter may be amended, is considered to constitute a Type 3 Group Home. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements. There are three levels of Type 3 Group Homes:

- a. Level 1: A group home with a maximum of eight residents, plus resident staff.
  - b. Level 2: A group home with a maximum of 12 residents, plus resident staff.
  - c. Level 3: A group home with more than 12 residents, plus resident staff.
4. "Type 4 Group Home" means publicly or privately operated living accommodations for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program or have been selected to participate in state-operated work/training release or other similar programs as provided in Chapters 137-56 and 137-57 WAC, as may hereafter be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements.
5. "Type 5 Group Home" means a secure community transition facility as defined in RCW 71.09.101(14), as hereafter may be amended, which is a residential facility that provides supervision and security for people who have completed their criminal sentences for sexually violent offenses but who remain subject to additional requirements for sexually violent predators under Chapter 71.09 RCW, as hereafter may be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other regulations.

“GSF” means gross square feet.

## **“H”**

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“Handcraft industries, small-scale manufacturing” means establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists’ materials; sporting and athletic goods; toys; etc.

“Handicap” means, with respect to a person: a physical or mental impairment which substantially limits one or more of such person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in [Section 802 of Title 21](#) of the U.S.C.

“Hardscape” means permanent surface improvements to the site including parking lots, driveways, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width, that are made of materials such as, but not limited to, concrete, asphalt, stone and gravel.

“Health/fitness facility” (Does not include adult entertainment businesses.)

1. Commercial. A commercial, for profit, fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor

tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

2. Quasi-public. A not-for-profit fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; weight training facilities; swimming pools; exercise pools; basketball, handball, racquetball, and/or other sport courts; meeting rooms and related facilities; and which would provide on-site as well as outreach community activities such as, but not limited to day care, camps, educational assistance programs, swimming instruction and/or other fitness programs.

"Hive" means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.

"Home occupation" means the conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

"Hospice care center" means a homelike, non-institutional facility where services such as symptom and pain management are provided to terminally ill individuals and emotional, spiritual, and bereavement support is offered for the individual and family, and which are regulated under Chapter 70.127 RCW, subject to compliance with all appropriate federal, state, and/or local licensing requirements.

"Hostel" means a building or portion thereof designed or used for supervised lodging and often containing shared sleeping areas.

"Hotel or Motel" means a facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

"Household" means a single person, family, or unrelated persons living together.

"Housing expense" means, in the case of renter-occupied housing, rent, tenant-paid utilities, one parking space, and other tenant expenses required for the dwelling unit; and in the case of owner-occupied housing, mortgage, mortgage insurance, property taxes, property insurance, and homeowner's dues.

**"I"**

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"IBC" means the International Building Code.

"Illuminated sign" means a sign designed to give forth artificial light or reflect such light from an artificial source.

“Imaginary Surfaces” means the surfaces associated with McChord Field and Gray Army Airfield, including all of the land within the primary surface and all of the airspace within the approach/departure clearance (glide angle and horizontal), transitional, inner and outer horizontal, clear zone, and conical surfaces as they apply to Joint Base Lewis McChord.

“Indirectly illuminated sign” means an illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and which is arranged so that no direct rays of light are projected from such source into residences or the street.

“Inflatable” means a decorative device with a diameter or combined diameter of 18 inches or larger that is inflated. These devices include large single displays or displays of smaller balloons connected to create a larger display. Blimps are not considered inflatables.

“Installation Operational Noise Management Plan (IONMP)” means the most recent IONMP for Joint Base Lewis-McChord, which classifies into zones the noise impact on the community and identifies types of development considered incompatible with JBLM operations and training. As of this Ordinance’s original adoption date, the most recent IONMP Study was titled “Joint Base Lewis-McChord Master Plan Installation Operational Noise Management Plan,” and is not dated.

“Integrated sign plan” means a special sign entitlement available to Major Commercial or Employment Centers as defined in this Code. An integrated sign plan is subject to review and approval by the Hearing Examiner using the procedures provided for conditional use permits.

“Intercity high-speed ground transportation” means is a mode of transportation that can best link cities 100 to 500 miles apart. There are three types: accelerated rail service, high-speed rail systems, and magnetic levitation.

“Intensification of use” means a change in the use of a structure or site, where the new use is required by this Zoning Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generates more activity on the site.

“Intermediate care facility” means a facility that provides, on a regular basis, assistance with one or more Activities of Daily Living (“ADL”) such as bathing, toileting, dressing, personal hygiene, mobility, transferring, and eating, including persons with functional disabilities, needing health-related care and services, but who do not require the degree of care and treatment that a hospital or extended care facility provides. Such facility requires a state boarding home license. This use includes assisted living facilities, but does not include adult family homes, staffed residential homes, or residential care facilities for youth.

## **“J”**

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“JBLM” means Joint Base Lewis McChord.

“Joint Base Lewis-McChord (JBLM) Coordinating Official” means the JBLM Air Traffic and Airspace Officer, Aviation Division, who acts as a liaison with Lakewood for the purposes of coordination under the provisions of this Chapter, including notice required by RCW § 36.70A.530. The JBLM Coordinating Official reviews and, as appropriate, provides comments related to development and vegetation proposed within a Military Influence Area.

“Joint Base Lewis McChord (JBLM) Lighting Study Report” means the 2019 report prepared for the South Sound Military & Communities Partnership that assesses the nature of outdoor lighting within the boundary of JBLM and in the region surrounding JBLM and makes recommendations for improving regional lighting practices.

## **“K”**

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“Kennel, animal boarding” means a commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. See also “Medical Service—Veterinary Clinic, Animal Hospital.”

## **“L”**

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“Laboratory - Medical, Analytical” means a facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

“Lamp” means a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, ad low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

“Land Use Approval” means a written approval or permit issued by the Director or Hearing Examiner, or designee thereof, finding that a proposed project is consistent with applicable plans, regulations and standards and authorizing the recipient to make use of property in a certain manner. The land use approval consolidates various non-construction permit reviews of a project such as design review, environmental review, zoning conformance, and site plan review. Land Use Approval is a permit which does not directly authorize construction or improvements to real estate, but which is a necessary and required precursor to authorization of such construction or improvement. Land Use Approval includes, but is not limited to, applications for review and approval of a preliminary or final subdivision, short plat, binding site plan, conceptual or detailed master planned development, planned residential development, conceptual design review, site plan review, conditional use permit, variance, shoreline development permit, or other such reviews pertaining to land use.

“Land Use Approval, Administrative” means a Land Use Approval which may be issued by an authorized official or body, usually the Director, without an open record pre-decision hearing.

“Land Use Approval, Quasi-Judicial” means a Land Use Approval issued by an authorized official or body, usually the Hearing Examiner, following an open record pre-decision hearing.

“Laundry, dry cleaning plant” means a service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see “Personal Services.”

“Library, museum” means a public or quasi-public facility, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

“Light Pole” means a pole used primarily for lighting streets, parking areas, parks or pedestrian paths.

“Light pollution” means the material adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts upon the nocturnal environment, including light sources that are left on when they no longer serve a useful function.

“Light trespass” means light that falls beyond the property it is located on. Permissible levels of light trespass shall be limited to those specific, quantitative thresholds of light intensity set forth in Tables 1 and 2. Light trespass shall be measured at 60” above grade in the vertical plane of the property line on which the lighting in question is located. Field measurements to determine light trespass compliance shall not include the effect of light produced by street lights or other lighting not produced by luminaires under the jurisdiction of this Ordinance or produced by luminaires on other properties.

“Lighting study report” means the 2019 JBLM Lighting Study Report, included as an attachment to the 2019 JBLM Military Influence Area Overlay and Lighting Study, including any subsequent revisions thereto.

“Live/work and work/live units” mean an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the City building code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

The difference between live/work and work/live units is that the “work” component of a live/work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary.

“LMC” means the Lakewood Municipal Code.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and developed or built upon as a unit. The term shall include “tracts” or “parcels”.

“Lot area” means the total area, in gross square feet (gsf), within the lot lines of a lot, excluding right-of-way. For the purposes of flood regulations, any portion of a lot lying below the ordinary high water mark or lawfully constructed bulkhead shall not be included in a lot area calculation.

“Lot coverage” means the area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

“Lot depth” means the perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

“Lot line” means the property line bounding a lot.

“Lot line, front” means normally, the property line separating the lot from the street, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit shall be independent of access to the parcel. In the case of a corner lot, the front lot line shall be the property line with the narrow dimension adjacent to the street.

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line and which is in the same plane and runs parallel to the front lot.

“Lot line, interior” means any property line which is neither a front nor a rear lot line.

“Lot of record” means a lot that is part of a subdivision recorded, pursuant to statute, with the Pierce County Auditor, or a legally created lot under state and local subdivision regulations in effect at the time of creation or a lot described by metes and bounds, the description of which has been so recorded.

“Lot, buildable” means a legal lot which is proposed for use in compliance with this title, and has received approval of the water supply and sewage disposal method as appropriate to such use.

“Lot, corner” means a lot of which at least two (2) adjacent sides abut streets other than alleys.

“Lot, cul-de-sac” means a lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac.

“Lot, flag” means a flag lot is surrounded by abutting lots with an extended access way to a street right-of-way.

“Lot, interior” means a lot other than a corner lot.

“Lot, through” means an interior lot having frontage on two (2) streets, and which is not a corner lot.

“Lot width” means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines, except that portion of a flag lot that usually forms an extended access way to a street right-of-way.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

“Lumen” means the unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

“Lux” is defined as a unit of illuminance equal to one lumen per square meter of surface area.

## **“M”**

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“Macro facility” means a large wireless communication facility that provides radio frequency coverage for a personal wireless service. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

“Maintenance service, client site services” means base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

“Major employment center” means an integrated development with contiguous ownership larger than 10 (ten) acres in size. Contiguous properties under separate control, but which function as an integrated center and when combined are larger than 10 (ten) acres in size, may be considered a major center.

“Manufactured Home, Designated” means a manufactured home constructed after June 15, 1976, in accordance with federal requirements for manufactured housing (meeting HUD code) which:



A. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

B. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on site built single family homes built according to the International Building Code.

“Manufactured Home, New” means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2).

“Manufactured home park” means an area of land, in single ownership, on which ground space is made available for the location of manufactured homes. Said manufactured homes would generally be owned by the occupants who pay a fee for the use of the ground space. The manufactured home units remain essentially portable and may be moved.

“Manufacturing, assembling and packaging – light intensity” means a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the intensity, scale, and/or characteristics of operation and materials used are unlikely to result in externalities or effects on surrounding land uses or the community because they can be controlled within the building. Examples of light intensity manufacturing uses include, but are not limited to, clothing and fabric product manufacturing and food and beverage products.

“Manufacturing, assembling and packaging – medium intensity” means a facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity, scale, and/or characteristics of operation and materials used are greater than those classified under “Manufacturing, assembling and packaging – light intensity,” but where externalities or effects on surrounding land uses or the community can typically be reduced or avoided when appropriately located and developed. Examples of medium intensity manufacturing uses include lumber and wood product manufacturing and stone and cut stone product manufacturing.

“Manufacturing, assembling and packaging – heavy intensity” means a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity, scale, and/or characteristics of operation and materials used have the potential to result in externalities or effects on surrounding land uses or the community. Examples of heavy intensity manufacturing uses include, but are not limited to, chemical products manufacturing, paving and roofing materials manufacturing and glass products manufacturing.

“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.

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

“Marquee sign” means any sign painted on, attached to, or supported by a roof like projection over the entrance to a theater, hotel or other building.

“MDNS” means Mitigated Determination of Non-Significance.

“Medical service - clinic, urgent care” means a facility other than a hospital, where medical, mental health, surgical and other personal health services are provided exclusively on an outpatient basis by a group of physicians working in cooperation and sharing the same facilities. Typically operates beyond standard medical office hours and may provide emergency treatment. May include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar

services as accessory uses. Does not include hospitals. Counseling services by other than medical doctors or psychiatrists are included under “Offices—Professional.”

“Medical service - doctor office” means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, by primary practitioners and/or medical specialists by appointment (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychiatrists, etc.). May include a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses. Counseling services by other than medical doctors or psychiatrists are included under “Offices - Professional.”

“Medical service – hospital” means hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.

“Medical service -integrated medical health center” means a medical wellness center which may be directly affiliated with a hospital or medical complex, membership based, and open to the public as well as referred patients. In addition to exam rooms and physician offices, the facility provides courses and equipment for physical rehabilitation, fitness, and wellness. Examples include, but are not limited to, cardiac and pulmonary rehabilitation, cardio and strength training, aquatics, integrative classes and training for all wellness therapy, stress management, esthetician, nutritional counseling, and physical, occupational and speech therapy. These facilities are staffed in part by medical professionals including physicians.

“Medical service - lab” means a facility intended for the examination of clinical specimens for the purpose of providing information such as diagnosis, prognosis, prevention, or treatment of disease to improve the health of a patient.

Examples of these uses include: dental laboratories (crown and denture manufacturing, etc.); and medical laboratories (blood and tissue testing, x-ray, CT scanning, etc., but not research (see “Laboratory”).)

“Medical service - veterinary clinic, animal hospital” means an office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. May include a lab, radiology, pharmacy, rehabilitation, temporary boarding of sick animals, and other similar services as accessory uses. See also “Kennel.”

“Metal Products Fabrication, Machine and Welding Shops” means an establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: • blacksmith and welding shops; plating, stripping, and coating shops; sheet metal shops; and machine shops and boiler shops.

“Microbrewery or a small craft brewery” means a production facility that manufactures beer. A microbrewery may sell beer of its own production at retail for on- and off-premises consumption, and may act as a distributor for beer of its own production.

“Military Coordination & Notice Area” means areas of the City of Lakewood within which coordination between the City of Lakewood and JBLM will occur pursuant to the terms of this Ordinance. The boundary of the Military Coordination & Notice Area is described in subsection 18A.50.460.

“Military-critical lands” means

- Military Training Routes associated with VR331 and IR 460/461;
- Special use airspace designated Rainier Military Operations Area and R-6703;
- Helicopter routes to the Shaw-Martin Drop Zone; and
- The Gray Army Air Field and McChord Field Clear Zone imaginary surfaces, if they extend off-base.

“Military-important lands” means

- All lands within 2 miles of JBLM base boundaries; and
- The Gray Army Air Field and McChord Field Approach/Departure (glide slope) imaginary surfaces, if they extend off-base and/or beyond the 2-mile contour.

“Military Influence Areas” means land areas that experience documented aircraft safety/accident potential, aircraft noise, weapons noise, or are located beneath imaginary surfaces associated with McChord Field or Gray Army Airfield.

“Minimum security institution” means publicly or privately operated living accommodations for juveniles with less serious behavior problems under the jurisdiction of DSHS and/or the criminal justice system, including state-licensed group care homes or halfway houses for juveniles which provide residence in lieu of incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated minimum security facilities as defined in RCW 72.05.150, as hereafter may be amended. A Community Facility as defined in RCW 72.05.020(1), as hereafter may be amended, is considered to mean a Minimum Security Institution. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements.

“Mixed use” means a project that combines both commercial and residential uses, where the residential component is typically located above the commercial. This Code allows for multiple, horizontally and/or vertically attached dwelling units combined vertically with and above an allowed commercial use. Commercial uses shall comprise a minimum of fifty (50) percent of the square footage of the ground floor in multistory buildings and shall align with the building’s street frontage.

“Mobile food vendor” means any person who owns, controls, manages or is otherwise engaged in the business of selling prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, from a mobile vending facility on private property.

“Mobile food vending facility” means a mobile food vending facility shall mean any vehicle, trailer, pushcart, motorized food wagon, stand, tent or structure not affixed to a permanent foundation, with or without wheels, which may be moved from one place to another under its own power or by other means.

“Mobile Home” means a transportable, factory-built home designed and intended to be used as a year round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built, and placement in this community is prohibited.

“Mobile home park” means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. May include a common storage area for recreational vehicles owned by residents only.

“Mobile home, RV, and boat sales” means retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

“Monument sign” means a freestanding sign which is affixed in or upon the ground with no air space between the ground and the sign face.

“Mortuary, funeral homes and parlors” means where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

## “N”

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“Natural resource extraction/recovery” means land used for timber harvesting consistent with the Forest Practices Act or silviculture, mineral extraction, or natural resource recovery such as mining reclamation or reforestation. This definition excludes Christmas tree farms, nurseries, and agriculture.

“Natural topography” or “natural grade” means the elevation of a parcel of land prior to any human modification of the contours and physiography.

“Net buildable area” means gross land area, measured in acres, minus land area in roads and other rights-of-way, surface storm water retention/detention/water quality facilities, critical areas, critical area buffers, and land dedicated to the city.

“New construction” means structures for which the start of construction commenced on or after the effective date of applicable development regulations.

“Night club” means a facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

“Nonconforming building.” See “Building, nonconforming.”

“Nonconforming use” means a use of land or a structure which was lawful when established and which does not now conform to the use regulations of the zone in which it is located. A use shall be considered established if it conformed to applicable zoning regulations at any time, or when it has commenced under permit, a permit for the use has been granted and has not expired, or a structure to be occupied by the use is substantially underway as defined in the International Building Code.

“Nonconforming sign” means any sign legally established prior to the effective date of this title or subsequent amendments thereto, which is not in full compliance with the regulations of this title.

“Notice of Application” means a written notice that a complete project permit application has been received by the City, including, at minimum, the date of application, the date of the notice of completeness of the application, the date of the notice of application, a description of the proposed project, a list of permits requested by the applicant, a list of any studies requested by the City, identification of other permits known to be required for the project but not requested by the applicant, identification of existing environmental documents evaluating the proposal, the location where the application and any studies can be reviewed, a statement of the public comment period, a statement of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and of any appeal rights, the date, time, place, and type of any hearing scheduled at the date of the notice, a statement of the preliminary determination of those development regulations that will be used for project impact mitigation, a statement of whether an environmental impact statement will be required and a statement of any preliminary determination of consistency with plans and regulations of the City. (See RCW 36.70B.110)

“Notice of Decision” means a written notice of the City’s decision on a project permit application, including a statement of any SEPA threshold determination and any administrative appeals procedures.

"Nucleus Apiary" means an apiary registered with the Shasta County Agricultural Commissioner's Office with nucleus colonies primarily used for queen bee rearing and mating.

"Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care.

Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any assisted living facility, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

"Nursing home" means a facility which provides short- or long-term care for seniors and other persons who need skilled nursing care but do not require hospitalization.

## **"O"**

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"Occupancy" means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

"Occupant" means a person, family, group, or organization who is using or living in a particular building, apartment, or room.

"Office – business services" means establishments providing direct services to customers. Examples of these uses include employment agencies, holistic practitioners, insurance agent offices, massage therapists (licensed, therapeutic, non-sexual), real estate offices, travel agencies, utility company offices, etc. This use does not include "Bank, Financial Services," which are separately defined.

"Office – government" means office facilities for Federal, State and local agencies.

"Office – processing" means office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Processing businesses operate in

such a manner that customers need not come to the site, and do not come to the site on a regular basis.

“Office – professional” means office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property.

“Official controls” means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the city, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

“Official map” means maps that show the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

“Open space” means land and/or water area with its surface predominantly open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, and structuring urban development and form.

“Ornamental decorative street lighting” means a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

“Outlining” means exposed light sources attached to structures for the primary purpose of attraction, branding or decoration.

“Overlay district” means a defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district.

“Outdoor storage” means the keeping of materials, supplies, equipment, machinery and vehicles which are not currently licensed or capable to operate on public streets or highways, in an open, uncovered yard or non-walled buildings. This definition includes junkyards, but excludes outdoor sales.

“Owner” means the owner of record of real property as shown on the tax rolls of the Pierce County Assessor, or a person who is purchasing a piece of property under contract.

“Owner occupant” means a property owner, as reflected in title records that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.



“Ownership” means the existence of legal equitable title to land.

## **“P”**

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“Panoram” means any device which, for payment of a fee, membership fee, or other charge, is used to view, exhibit, or display a film, videotape, or videodisc. All such devices are denominated in this Chapter by the terms “panoram” or “panoram device.” The terms “panorama” and “panoram device” as used in this Chapter do not include games which employ pictures, views, or video displays; or state-regulated gambling devices.

“Parcel” means a lot or plot of land proposed or created in accordance with this Code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of the date of incorporation of the city of Lakewood shall be used to establish what is a parcel for the purposes of this code. For parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control.

“Park” means an open space use in which an area is permanently dedicated to recreational, aesthetic, educational or cultural use and generally is characterized by its natural and landscape features. A park may be used for both passive and active forms of recreation; however, its distinctive feature is the opportunity offered for passive recreation such as walking, sitting and watching.

“Park and ride lot” means areas where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.

“Parking facility” means a surface parking area or parking garage.

“Party of record” means any person, group, association or corporation who has standing to initiate an administrative appeal of a decision on an approval or permit. A party of record is either:

- A. The applicant;
- B. Any person who testified at the public hearing;
- C. Any person who submitted written comments concerning the subject application (excluding persons who have only signed petitions or mechanically produced form letters).

“Pedestrian Poles” means a pole that is less than 19 feet in height as measured from the ground.

“Person” means any individual, association, firm, partnership, corporation, society, joint stock company, organization, state, all political subdivisions of a state, or legal entity either public or private, or any agents, and assigns of such individual, association, firm, partnership, corporation, society, joint stock company, organization, state, all political subdivisions of a state, or legal entity.

“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.

“Personal services” means establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; clothing rental; dry cleaning pick-up stores with limited equipment; home electronics and small appliance repair; laundromats (self-service laundries); locksmiths; pet grooming with no boarding; shoe repair shops; tailors; and tanning salons.

These uses may also include accessory retail sales of products related to the services provided.

“Personal services – restricted” means personal services that may tend to have a potentially offensive effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include: check cashing stores; fortune tellers; palm and card readers; psychics; soup kitchens; spas and hot tubs for hourly rental; tattoo and body piercing services.

“Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Petroleum product storage and distribution” means a facility for the bulk storage and wholesale distribution of gasoline, diesel fuel, and/or other fuels and petroleum products.

“Pharmacy” means a retail store that primarily sells prescription drugs that may also sell non-prescription drugs and medical supplies, other health care products, and a limited variety of convenience items.

“Physically feasible” means an alternative action or design which can be physically accomplished within the boundaries of the applicant’s property which, to the maximum extent possible, avoids intrusion into critical areas or their buffers; except that utility corridors and roadways should be planned comprehensively to consider their entire route and to avoid intrusions into critical areas or their buffers to the maximum extent possible.

“Places of assembly” means a facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions, also referred to as place(s) of assembly for worship. Place(s) of assembly do not include community education or art centers, schools, instructional centers, daycare facilities, family day shelters, conservatories, convention centers, libraries, museums, residential dwellings, recreational and entertainment facilities, theaters, shelters, or social service distribution facilities which fall under separate definitions in this Code.

“Pole Extender” means a device that extends a utility pole or similar structure, the material of such structure being wood, composite, or otherwise, to the maximum height as permitted under this Title, without requiring the entire structure to be replaced, such that a small wireless facility may be located at the top of said structure and meet any required clearances as dictated by the structure owner.

“Portable sign” means a sign that is not permanently affixed to the ground or to a building or structure and which may be easily moved.

“Pole sign” means a freestanding sign where the sign face is elevated above the site grade by structural supports, and includes the supports.

“Pre-Zoning” means establishing a zoning classification into which a property will fall upon incorporation.

“Printing and publishing” means an establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. “Quick printing” services are included in the definition of “Business Support Services.”

“Produce stand” means a temporary business location that sells raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

“Project permit” means any land use or environmental permit or approval required from the city for a project action, including but not limited to: subdivisions, binding site plans, conditional uses, shoreline substantial development permits, and site plan review.

“Projecting sign” means a two-faced wall sign affixed to the exterior wall of a building or structure with the exposed faces perpendicular to the plane of such wall.

“Proposed development” means the construction, renovation, or modification of any structure; establishment or change of land use; the planting of any vegetation; or any other activity requiring a City of Lakewood permit or approval.

“Public facilities” include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities and schools. (See RCW 36.70A.040(12).)

“Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. State highways;
2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;

5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

“Public services” include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services. (See RCW 36.70A.040(13).)

“Public works director” means the director of the Lakewood public works department and/or his/her designee.

## **“Q”**

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“Qualified unit” means residential housing for rental occupancy which, as long as the same is occupied by a very-low-income or extremely-low-income, as defined herein, household, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty (30) percent of the resident’s or residents’ income(s).

## **“R”**

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“RCW” means the Revised Code of Washington.

“Real Estate Disclosure Form” means a standard form used in conjunction with real estate sales, leases, and rentals that informs prospective buyers, lessees, and tenants of a property’s location in the Military Coordination & Notice Area. This form is maintained by the City of Lakewood Community and Economic Development Department.

“Real property” means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. “Real property” includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water. (RCW 64.34.020(32).)

“Reasonable accommodation” Any person claiming to have a handicap or disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap or disability eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap or disability eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director’s decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in

court. An action seeking such review must be filed not more than 21 days after the Director's decision.

"Recycle" means to use, reuse, or reclaim a material. "Recycling" means transforming or remanufacturing inert waste materials into usable or marketable materials for use other than landfill disposal or incineration; reusing waste materials and extracting valuable materials from a waste stream. Recycling includes processing inert waste materials to produce tangible commodities. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport or burning for energy recovery.

"Recycling Center" means a center for the receiving and storage of recyclable materials. The center would receive materials from the general public. This use may involve some outside storage.

"Recycling facility" means a facility where recyclable materials are transformed or remanufactured into useable or marketable materials.

"Recycling facility – processing facility" means a structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding.

"Recyclable materials" means those inert solid wastes that are separated for recycling or reused, including but not limited to, papers, metals, glass, that are identified as recyclable material pursuant to a local solid waste management plan.

"Redevelopable land" means commercially zoned properties containing buildings of questionable economic viability; it includes developed commercial properties which had a land value greater than the value of improvements.

"Repair service—equipment, large appliances, etc." means a service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services," the repair of small home appliances and electronic equipment, which is included under "Personal Services," or maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service—Client Site Services."

"Residential use" means the occupancy of permanent living quarters, as opposed to temporary accommodations for travelers, and certain accessory uses to such living quarters.

"Research and development (R&D)" means a facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing

laboratories (see “Laboratory”), or medical laboratories (see “Medical Service—Clinic, Lab, Doctor Office”).

“Research – scientific (small scale)” means the gathering of data, information, and facts for the advancement of knowledge. Small scale research is generally sponsored by an organization or government agency. Facilities are excluded. The uses have only limited impact on the underlying use of the site or environment as determined by the Director. Such scientific research may be conducted in a in the field only, may include investigation, testing or experimentation for study, research education, mitigation, and demonstration of scientific principles and is temporary in nature.

“Restaurant, café, coffee shop” means a retail business selling ready-to-eat food and/or beverages for on- or off-premises consumption. These include:

“Restaurant, café, coffee shop – counter ordering” means an establishment where customers are served from a walk-up ordering counter for either on- or off-premises consumption. This includes retail bakeries such as a donut shop, pastry shop, cake shop, and similar types of businesses.

“Restaurant, café, coffee shop –drive-through services” means a facility where food may be purchased by motorists without leaving their vehicles.

“Restaurant, café, coffee shop –table service” means an establishment where customers are served food at their tables for on-premises consumption, which may also provide food for take-out.

“Restaurant, café, coffee chop – outdoor dining” means an establishment with either counter ordering or table service that provides a defined outdoor area for eating, which may be a sidewalk café where allowed by a Right-of-Way Permit.

“Restaurant, café, coffee shop – serving alcohol” means any of the above restaurants, cafés, coffee shops which serve beer, wine or distilled spirits with the meal.

“Retail Stores” means a place of business usually owned and operated by a retailer, but sometimes owned and operated by a manufacturer or by someone other than a retailer, in which merchandise is sold primarily to ultimate consumers; includes bookstores and the sale of antiques and collectibles.

“Retail uses” means businesses which sell goods, typically in small quantities, to the ultimate consumers.

“Rezone” means an amendment to the city’s official land use map to change the zone classification of an area.

“Roof sign” means a sign or sign structure erected upon, against or directly above a roof or above the vertical parapet wall of a building, including a sign affixed to any structure erected upon a roof.

“Roundabout” means an intersection that uses a circular junction instead of stoplights or stop signs to manage traffic flow; a traffic circle.

## **“S”**

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“Scale” means the spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

“Screening” means the partial or total obscuring of view by a continuous fence, wall, evergreen hedge, trees or combination thereof.

“Scrap and dismantling yards” means outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes processing facilities for recycling. Does not include: places where these activities are conducted entirely within buildings; secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

“Seasonal lighting” means lighting installed and operated in connection with holidays or traditions. Seasonal lighting must be temporary lighting as defined herein and removed within 30 days of the date of installation and shall not be re-installed within the same calendar year.

“Second hand store” means a retail store that buys and sell used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects. Includes pawnshops. Does not include bookstores (“Retail Stores”); secondhand farm and construction equipment (“Construction Heavy Equipment Sales and Rental”); junk dealers, or scrap/dismantling yards (“Recycling Facilities—Scrap and Dismantling Yards”); the sale of antiques and collectibles (“Retail Stores”); or the sale of cars and other used vehicles (“Auto and Vehicle Sales/Rental”).

“Secure community transition facility” is defined in RCW 71.09.101(14), as hereafter may be amended, which is a residential facility that provides supervision and security for people who have completed their criminal sentences for sexually violent offenses but who remain subject to additional requirements for sexually violent predators under Chapter 71.09 RCW, as hereafter may be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other regulations.

“SEPA” means the State Environmental Policy Act, Chapter 43.21C RCW.

“Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

“Service station” See “Gas Station,” and “Vehicle Services.”

“Sexually oriented business” (“SOB”) means a business that includes any one (1) or more of the following as defined herein: “adult entertainment facility,” “adult-oriented merchandise,” “adult retail use,” and/or “panoram”; or a similar facility, merchandise, or entertainment.

“Shielded Uplighting” means landscape lighting illuminating trees and landscape features employing an extended tube baffle or louver and aimed at least 60 degrees above horizontal.

“Shopping center” means a primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

“Shroud” means any decorative covering used to conceal all small wireless facility base equipment.

“Sign” means any structure, device, letter, figure, character, poster, picture, logo, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. Including, but not limited to every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed visible from a public right-of-way or public property; and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

“Sign area” means the total area of all sign faces expressed in square feet.

“Sign face” means the total area of one sign face expressed in square feet. Area is measured from the outside perimeter, including backup, molding, framing, but excluding structural supports, architectural details, decorative scrollwork, etc. The area of a group of individual mounted letters or figures shall be the area of the smallest single geometric form necessary to enclose the entire group of letters or figures.

“Sign height” means the distance from ground level to the highest point on the sign structure.

“Single Family Residential” means a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the International Construction Code (ICC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety.

“Site specific zoning map amendment” means a site-specific rezone. A site-specific rezone occurs ‘when there are specific parties requesting a classification change for a specific tract. A site-specific rezone requires three factors: (1) a specific tract of land, (2) a request for a classification change, and (3) a specific party making the request.

“Sky glow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is



caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

“Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.

“Social service organization” means a public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, or “Residential Care,” which are separately defined; or soup kitchens.

“Solid waste transfer station” means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site.

“Small craft distillery” means a production facility that manufactures distilled spirits that can contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer’s licenses and grower’s licenses.

“Specialized senior housing” means coordinated developments of two or more owned or rented site-built single-family dwellings, mobile homes, apartments and/or condominiums which contain specialized design features and/or on-site services and activities to accommodate the mobility, nutrition, medical, social and/or other needs of persons 62 years of age or older and/or disabled persons. Domestic partners of and/or caregivers for such persons may also reside in such developments and need not be 62 years of age or older and/or disabled. Individual residences which contain design features to aid mobility but which are not part of a coordinated development are not included in this definition.

“Sports and active recreation facility” means public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include: athletic/sport fields (e.g., baseball, football, softball, soccer); health and athletic club outdoor facilities; skateboard parks; swimming pools; and tennis and other sport courts (e.g., handball, squash).

“Sound Transit facility” means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, trains, stations, designated passenger waiting areas, and other components necessary to support the Sound Transit system. Examples include: parking lots; parking garages; pedestrian walkways and bridges; buses; trains; and rail maintenance facilities.

“Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the

placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Stop work order” means an order issued by the city to immediately cease all construction, excavation, grading, building, and other unauthorized activity occurring on a site.

“Storage - accessory” means the indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

“Storage – outdoor” means the storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

“Storage - personal storage facility” means structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand. Also referred to as a “mini-warehouse.”

“Storage, incidental outside” means the stockpiling, warehousing, or other storage of any material, equipment or object which is incidental to the activities regularly conducted on the premises, not exceeding five percent of the gross floor area of the principal structure on the site, which is screened on sides and located in such a manner so as to harmonize with neighboring structures and other surroundings.

“Story” means that portion of a building between the upper surface of any floor and the upper surface of any floor located above, except that the highest story is that portion of the structure between the highest floor surface and the ceiling or roof located above.

“Street” means a public or private thoroughfare which affords the principal means of access to abutting properties.

“Street lighting” is defined as lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

“String pennant” means a series of shapes, signs, streamers, or other similar devices made of fabric, plastic or other material which are connected together or attached to a cord to create a rope-like device that is typically displayed between poles or buildings.

“Structure” means:

a combination of materials constructed or erected which has permanent location on the ground or attached to something having permanent location on the ground, not to include fences less than six feet high, or paved areas, but which does include a gas or liquid storage tank that is principally above ground; or

a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunication service (whether on its own or comingled with other types of services).

“Studio - art, dance, martial arts, music, etc.” means a small scale facility, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of “Schools.” Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

“Subarea” means a geographical subdivision of the city of Lakewood for comprehensive planning and zoning purposes.

“Subarea Plan” means an optional element of the comprehensive plan including map or maps and descriptive text covering objectives, principles, and standards for a subarea of the City. The subarea plan shall be consistent with the comprehensive plan. A subarea may be implemented through use, development, performance, or procedural regulations and zoning.

"Super" means a box with frames in which honey is produced.

“Survey and monument” means to locate and monument the boundaries of a partition parcel, road right-of-way or road easement.

“Swap meet” means and includes, but is not limited to, arrangements whereby a person or persons sell, lease, rent, offer or donate to one or more persons a place or area where such persons may offer or display second-hand or junk items. “Swap meet includes, but is not limited to, flea markets, bazaars, and rummage sales.

## **“T”**

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“Tasting room” means a location separate from, or on the same site as, the production/manufacturing site, that allows customers to taste samples of wine, beer, or other alcoholic beverage and has a state of Washington issued liquor license to operate a tasting room. In addition to sampling of alcoholic beverages, a tasting room may include retail sales for off-premises consumption. The tasting room facility must be directly affiliated with a minimum of one brewery/winery. The tasting room may be operated within a brewery/winery facility, accessory to separate on-site use or as a stand-alone retail use. Tasting rooms must comply with standard retail land use hours of operation (7:00 a.m. to 11:00 p.m.)

“Telecommunications facilities” means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications service.

“Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this Chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

“Temporary lighting” means lighting that (a) employs a cord and plug and is not permanently wired and (b) is installed and removed when the temporary need is over, not to exceed 30 days without a special use permit.

“Temporary sign” means a portable structure that is not permanently mounted and would not require a building permit to be attached to a permanent structure

“Theater, auditorium” means an indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include: civic theaters, and facilities for “live” theater and concerts; movie theaters; and similar public assembly facilities.

“Traffic island” means a solid or painted object in a road which marks a division between two opposing streams of traffic.

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

“Transit-oriented development” means development that is centered around and coordinated in its use and design with a transit station or other transit facility. Transit-oriented development includes a variety of different planning and development projects, but is typically compact, medium to high density, mixed-use development within walking distance of transit with a focus on pedestrian orientation and creating neighborhood centers, places and/or gathering spots.

“Transitory accommodations” shall mean tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided the community development director determines on a case-by-case basis that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation, and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not; in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a

permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

## “U”

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"Undeveloped land" means land with no added improvements, such as landscaping, drainage, streets, utilities, and structures. May also be referred to as raw land.

“Underdeveloped land” includes large parcels within residential districts that have with an existing single-family residence that may be further subdivided and existing single-family residences that are located within commercial districts

“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

“Urban growth” means growth that makes intensive use of land for the location of buildings, structures and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources.

“Urban growth areas” means those areas designated by a county pursuant to RCW 36.70A.110.

“Use” or “land use” means an activity occurring on an area of land.

“Use, accessory” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

“Use, conditional” means a use requiring approval by a permit under the criteria in LMC Chapter 18A.110.

“Use, essential” means that use for the preservation or promotion of which the use zone was created, and to which all other permitted uses are subordinate.

“Use, nonconforming.” See “Nonconforming use.”

“Use, permitted” means any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

“Use, primary or principal” means the use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.

“Use, secondary, incidental or accessory” means a minor or secondary use for which a lot, structure or building is designed or employed in conjunction with, but subordinate to its primary use.

“Utilities” means electrical, natural gas, potable water, storm water, waste water and telecommunications conveyance, collection and distribution systems.

“Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

## **“V”**

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“Variance” means a modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

“Vehicle services” means the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. Major repair/body work. These establishments include major engine and/or transmission repair and/or building, towing, collision repair, other body work, and painting services; tire recapping.
2. Minor maintenance/repair. Minor facilities providing limited repair and maintenance services. Examples include: air conditioning service and repair, attended and self-service car washes, detailing services, engine tune-up, installation and/or repair of engine accessories such as starters, muffler and radiator shops, paintless dent repair, quick-lube services, smog shops, tire and battery sales and installation (not including recapping), windshield repair, and similar routine maintenance and repair services.

Does not include automobile parking (see “Parking Facilities”), repair shops that are part of a vehicle dealership on the same site (see “Auto and Vehicle Sales and Rental,” and “Mobile Home, RV, and Boat Sales”); gas stations, which are separately defined; or dismantling yards, which are included under “Recycling Facility—Scrap and Dismantling Yards.”

“Vehicle storage” means a service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards.

“Very low income” means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is fifty (50) percent or less of the

median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

## **“W”**

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“WAC” means the Washington Administrative Code.

“Wall sign” means any sign painted on or attached directly to or erected against and supported by a building wall, or facade, with the exposed face of the sign in a plane parallel to the portion of the structure to which it is attached and projecting no more than one foot.

“Warehouse retail” means a retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

“Warehouse” means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include mini-storage facilities offered for rent or lease to the general public (see “Storage—Personal Storage Facilities”); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesaling and Distribution”).

“Weapons Noise Zones” means areas that may be affected by noise associated with large weapons training at Joint Base Lewis McChord. The Weapons Noise Zones are depicted in the JBLM Installation Operational Noise Management Plan.

“Western State Hospital Campus” means a hospital and surrounding buildings, wards, and related and/or accessory structures, operated and maintained by the state of Washington for the care and treatment of patients affected with acute or chronic mental illness. The campus also includes the operation of an existing child study and treatment center and forensic center, both of which are located on the grounds of the Western State Hospital campus. Mental health facilities, the child study and treatment center, and the forensic center are subject to the public facilities master plan development standards listed in **LMC BLANK** as hereafter may be amended. The mental health facilities located at Western State Hospital are considered to constitute an Essential Public Facility.

“Wholesaling and distribution” means establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

“Wildlife preserve or sanctuary” means a site with wildlife habitat and other environmental resources intended to be preserved in their natural state.

“Wine production facility” means a facility licensed as a domestic winery under RCW 66.04.010 where fruit or other ingredients are processed (i.e., crushed, fermented, blended,

aged, and/or stored, bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly and/or retail sales area.

“Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

“Wireless service facilities” means facilities used for personal wireless services.

“Work/training release facility means publicly or privately operated living accommodations for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program or have been selected to participate in state-operated work/training release or other similar programs as provided in Chapters 137-56 and -57 WAC, as may hereafter be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements.

## **“Y”**

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“Yard” means an unoccupied space open to the sky, on the same lot with a building or structure.

“Yard, front” means an open space abutting a street, access easement or tract, extending across the full width or length of the lot, the required depth of which shall be measured horizontally and at right angles from the front lot line to a line parallel thereto on the lot.

“Yard, rear” means an open space extending across the full width of the lot between the principal building and the rear lot line. The depth of the rear yard shall be measured horizontally at right angles from the nearest point of the rear lot line towards the nearest part of the principal building.

“Yard, side” means an open space between the principal building and side lot line extending from the front yard to the rear yard. The width of the side yard shall be measured horizontally and at right angles from the nearest point of a side lot line towards the nearest part of the principal building.

## **“Z”**

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“Zero lot line development” means a development in which structures are permitted to be located on a lot line without any setback.

“Zoning certification” means a certificate, issued prior to a project permit, stating that the proposed use is in accordance with the requirements and standards of this title

“Zoning classification” means a designation assigned to one or more properties which prescribes allowed uses and development and operating standards for those uses.

“Zoning” means the regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive



plan. Zoning includes both the division of land into separate and distinct zoning districts, and the specific use and development standards that regulate development. Such regulation shall also govern those public and quasi-public land use and buildings that provide for government activities and proprietary type services for the community benefit, except as prohibited by law. State and federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious city development. There are several general categories of zoning used in this code:

- a. Residential zoning can include single family or any number of other designations which cover homes, apartments, duplexes, trailer parks, co-ops, and condominiums. Residential zoning can cover issues such as whether mobile homes can be placed on property, and the number of structures allowed on certain property.
- b. Commercial zoning usually has several categories and is dependent upon the business use of the property, and often the number of business patrons. Office buildings, shopping centers, nightclubs, hotels, certain warehouses, some apartment complexes -- as well as vacant land that has the potential for development into these types of buildings -- can all be zoned as commercial. Almost any kind of real estate, other than single-family home and single-family lots, can be considered commercial real estate.
- c. Like commercial zoning, industrial zoning can be specific to the type of business. Environmental factors including noise concerns usually are issues in determining into which industrial level a business falls. Manufacturing plants and many storage facilities have industrial zoning. Certain business -- such as airports -- may warrant their own designation.

Industrial zoning is often dependent upon the amount of lot coverage (which is the land area covered by all buildings on a lot) and building height. Additionally, [set-back requirements](#) are often higher for industrial zoned properties.

## CHAPTER 18A.20 - ADMINISTRATION

### Sections

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#### Sections

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### Sections

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18A.20.420	Reconsideration of Hearing Examiner Decision.
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18A.20.440	No Appeals to City Council.

### **18A.20.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

## **Part I Administration**

### **18A.20.010 Applications.**

The Director shall prescribe the official form in which applications are made for amendments to the Comprehensive Plan and the Development Code and the form of all project permit applications to be used for all matters which may come before the Department, Hearing Examiner, the Planning Commission and the City Council. The Department will prepare and provide copies for such purposes and prescribe the type of information to be provided in the application or petition by the applicant or petitioner. No application shall be deemed complete unless it complies with such requirements.

At minimum, each form shall require the authorized signature of the applicant, designation of a single person or entity to receive determinations and notices, and payment of the appropriate application fee, if any.

### **18A.20.020 Application Fees.**

A. Payment. Application fees as established by the City shall be paid to the Department upon the filing of any application or petition.

B. Official Fee Schedule. Fees for the review and processing of applications or permits pursuant to this title shall be identified on the official fee schedule for the City, adopted by the City Council.

### **18A.20.030 Complete Application Form and Content.**

Permit application contents. The City of Lakewood permit applications shall specify on each type of permit application the requirements necessary for complete compliance with required time periods and procedures for approval. One (1) copy of each permit application shall be kept on file in the Lakewood Community and Economic Development Department and shall be available in electronic format where possible. Such applications specify the content necessary for timely and orderly processing of each project permit application and for reaching a determination that such application is complete as provided by **LMC Section 18A.20.050**. The Director shall be responsible for updating the permit applications as necessary.

### **18A.20.040 Consolidated Review of Applications.**

Pursuant to **RCW 36.70B.060** and **36.70B.120**, an applicant may elect to submit a consolidated project permit application. Such a request shall be indicated by the applicant in writing upon and simultaneously with submission of all applications to be consolidated. Upon payment of the appropriate fee (s), all consolidated applications shall be processed as one application with the final decision on such application to be made by the Director if no public hearing is required, or the Hearing Examiner if a public hearing is required by law or by exercise of the Director's discretion. Simultaneous applications for permit approval within one category of approvals, such as solely land use, building, or engineering approval,

shall not be deemed consolidated reviews, but nonetheless shall be entitled to consolidated review if so elected by the applicant.

#### **18A.20.050 Complete Permit Applications, Notice and Time Periods.**

A. Determination of complete application. An application shall be deemed complete by the City when it meets the City's procedural submission requirements and is sufficient for continued processing even though additional information may be required. An application shall not be deemed complete unless it is accompanied by the appropriate application fee and includes all information specifically required as listed at **LMC Section 18A.20.030**, including the signature of the property owner(s) or an authorized representative thereof.

B. Notice of completeness. The Department shall provide a written notice within twenty-eight (28) days of the date of receipt of any application stating whether the application is complete, and identifying any other governmental agencies known to have jurisdiction over the proposal; or if not complete, setting forth any deficiency of the application, and specifying a date upon which the application will be null and void if any deficiencies have not been corrected.

Upon receipt of any required additional information, the Department shall notify the applicant within fourteen (14) days whether the application is now complete or what additional information is necessary.

Should the Department fail to provide a timely notice that an application is incomplete, the application shall be deemed vested as if complete on the 29th day after submittal.

C. Provision of additional information. Any information necessary to complete or to supplement an application must be submitted within six (6) months of the date of the notice describing such deficiency. The Department shall specify the date upon which the application will be null and void in any requests for supplemental information or studies. Should such information not be timely received, the application shall be null and void on the said date. Upon failure of the applicant to cure any deficiency by timely completing an application, fifty (50) percent of the application fee(s) submitted with the incomplete application shall be refunded.

D. Weekends and holidays. Regardless of whether any period is a minimum or maximum, when any permit review, notice or decision time limit of this Title terminates upon a weekend or City holiday, such time limit shall automatically be extended to the first following non-holiday weekday.

E. Review Period. The review and processing of project permit applications shall result in a decision being rendered within time limits set forth below.

F. Notice of Delayed Decision. If the City is unable to issue its final decision within the time limits listed below, the City will provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision.

G. Request for Timeline. Where no time limit is specified, upon written request the City will provide an estimated time of review.

H. Application Time Limits.

<b>PLANNING APPLICATION TYPE</b>	<b>TIME LIMIT</b>
Site-Specific Rezones (also see LMC Chapter 18A.20, Part IV) <b>[Update per Council Action]</b>	180-days
Environmental Review (SEPA Checklist and Assessment)	90-days
Environmental Impact Statement (draft)	365-days
Short Plats	90-days
Land Use Approval	120-days
Preliminary Plat (10 or more lots)	120-days
Planned Development District	120-days
Final Plat	120-days
Conditional Use Permit	120-days
Variance	120-days
Shoreline Substantial Development Permit	120-days
Shoreline Exemption	90-days
Small Cell Wireless Permit	Per Ord. 703
Time Extension or Modification	90-days
Boundary Line Adjustment	90-days
Appeal to Hearing Examiner	90-days
<b>ENGINEERING PERMIT APPLICATION TYPE</b>	<b>TIME LIMIT</b>
Site Development Permit	90 days
<b>BUILDING PERMIT APPLICATION TYPE</b>	<b>TIME LIMIT</b>
New Single-family Residential	60-days
Residential Addition/Remodel	60-days
New Multifamily	120-days
New Commercial	120-days
Commercial Addition/Remodel	120-days

I. Time Limit Exceptions. The time limits set forth above do not include:

1. Up to the first twenty-eight (28) days after receipt of an application during which the City determines whether the application is complete.
2. Any period during which the applicant has been requested by the City to correct plans, perform studies or provide additional information requested by the City.

3. If the City determines that the additional information submitted to the City by the applicant under Subsection (2) above is insufficient, the City shall notify the applicant of the deficiencies and the procedures of Subsection (2) shall apply as if a new request for information has been made.
4. Any appeal period. Decisions regarding appeals shall be issued by the Examiner within 90 days of receipt of an appeal.
5. Any extension of time mutually agreed upon by the applicant and the City.
6. The time required to prepare and issue a final EIS in accordance with the State Environmental Policy Act.

#### **18A.20.060 Effects of Project Permit Application Revisions.**

A. If, in the judgment of the Director or their designee, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the Director shall deem the revised proposal to be a new application.

In reaching a decision whether a revision is substantial, the Director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record.

A determination that any revision is substantial shall result in the time periods mandated by the Regulatory Reform Act, RCW Chapter 36.70B, set forth in this Title starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such complete substantial revision.

#### **18A.20.070 Approval and Appeal Authorities.**

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. Department Staff. Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:

1. Accessory buildings;

2. Accessory dwelling units;
3. Administrative nonconforming determinations;
4. Area-wide rezones;
5. Binding site plans;
6. Boundary line adjustments;
7. Building permits and other construction permits exempt from the State Environmental Policy Act;
8. Certificates of occupancy;
9. Cottage housing developments;
10. Demolition permits;
11. Design review;
12. Environmental determinations;
13. Home occupation permits;
14. Land use modifications;
15. Landscape plan review and approvals;
16. Lot line adjustments;
17. Manufactured/mobile home permits;
18. Minor modifications to final planned development districts (PDD);
19. Occupancy permits;
20. Parking variances;
21. Preliminary and final short plats (creating 2-9 lots);
22. Reasonable accommodation;
23. Sign permits;
24. Site-specific rezones;
25. Small cell wireless permits;
26. Temporary use permits;
27. Time extensions;
28. Tree plans;
29. Shoreline exemptions;
30. Shoreline substantial development permits;
31. Site development permits;
32. Wireless service facilities permits;
33. Zoning certifications;
34. Zoning boundary determinations; and
35. Interpretations of codes and regulations applicable to Title 18A.

B. Director. Pursuant to LMC Chapter 18A.30 Part V, Land Use Review and Approval, the Director shall have the authority to conduct pre-submission conferences and to grant, conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the Director or by the Hearing Examiner.

C. Lakewood Hearing Examiner. Lakewood Hearing Examiner shall have the authority vested pursuant to LMC Chapter 1.36.

D. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), LMC Title 14, Environmental Rules and Procedures, and LMC Title 14A, Critical Areas.



E. Shoreline Permit Review Process. See City of Lakewood Shoreline Master Program, Ordinance No. 590 or as amended hereafter.

F. Subdivision Review Process. See LMC Title 17.

### 18A.20.080 Review Authorities.

The following table describes development permits, the public notice requirements, and the final decision and appeal authorities. See 18A.20.400 et seq. for Appeals. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

<b>KEY:</b>		
Appeal	=	Body to whom appeal may be filed
Director	=	Community and Economic Development Director
PC	=	Planning Commission
HE	=	Hearing Examiner
CC	=	City Council
R	=	Recommendation to Higher Review Authority
D	=	Decision
O	=	Appeal Hearing (Open Record)
C	=	Appeal Hearing (Closed Record)
N	=	No
Y	=	Yes

	Public Notice of Application	Director	HE	PC	CC
<b>TYPE I ADMINISTRATIVE</b>					
Accessory building	N	D	O		
Accessory dwelling unit	N	D	O		
Building & grading permits	N	D	O		
Business license for home occupation	N	D	O		
Design review	N	D	O		
Interpretation	N	D	O		
Landscape plan	N	D	O		
Lot line adjustment	N	D	O		
Manufactured/mobile home permit	N	D	O		
Occupancy permit	N	D	O		
Parking variance	N	D	O		
Preliminary long plat, final	N	D	O		C/D
Preliminary short plat, final	N	D	O		
Sign permit	N	D	O		
Site plan review (administrative)	N	D	O		
Small cell wireless permit					
Tree removal/replacement	N	D	O		
<b>TYPE II ADMINISTRATIVE</b>					
Business license for home occupations (with customer visits/deliveries)	Y	D	O		
Binding site plan	Y	D	O		
Cottage housing	Y	D	O		
Environmental review (SEPA)	Y	D	O		

	<b>Public Notice of Application</b>	<b>Director</b>	<b>HE</b>	<b>PC</b>	<b>CC</b>
Home occupation permit	Y	D	O		
Preliminary plat, short (2-9 lots)	Y	D	O		
Shoreline substantial development permit	Y	D			
<b>TYPE III DISCRETIONARY</b>					
Conditional use permit	Y	R	O		
Land Use Modification [pending]					
Preliminary plat, long	Y	R	O		
Shoreline conditional use permit	Y	R	O		
Shoreline variance	Y	R	O		
Site-specific rezone	Y	R	D	R	
Substantial development permit when referred by the shoreline administrator	Y	R	O		
Planned development district	Y	R	O		
Variance	Y	R	O		
Major modification of a Type III permit	Y	R	O		
Time extension to a Type III permit	Y	R	O		
<b>TYPE IV OTHER</b>					
Preliminary plat, final	N	R			D
<b>TYPE V-A LEGISLATIVE</b>					
Modification to shoreline regulations	Y	R		R	D
<b>TYPE V-B LEGISLATIVE</b>					
Development regulation text amendments	Y	R		R	D
Comprehensive Plan map or text amendments (may include associated area-wide rezones)	Y	R		R	D

#### **18A.20.080 Expiration of Approvals.**

The City shall provide expiration dates in notifications of permit approvals. Knowledge of the expiration date of any approval is the responsibility of the applicant. The City shall not be held accountable for notification of pending expirations.

A. Variance. Except for variances related to Chapter 18A.60.050 and .060(F), unless exercised, a variance shall expire one year from the date a final decision is issued. If timely exercised, a variance shall be valid indefinitely.

B. Conditional use permit. Unless exercised or otherwise specified, a conditional use permit shall be void one (1) year from the date a notice of final decision was issued. If exercised, a conditional use permit shall be valid for the amount of time specified by the Hearing Examiner. If the use allowed by the permit is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be obtained in accordance with the provisions of this title prior to resuming operations.

C. Home occupation permit. **[Verify]** A home occupation permit shall be valid indefinitely unless a time limitation is specified by staff or the Hearing Examiner or it is revoked for lack of compliance to conditions. A home occupation permit shall be void unless exercised within one (1) year from the date such permit was issued. If the use allowed by the permit is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be applied for and obtained in accordance with the provisions of this title prior to resuming operations. A Home Occupation permit shall not be transferable to a new site or entity.

D. Land use approval. Unless exercised by complete application for necessary construction permits, any land use approval shall expire and be null and void two years from the date the final approval was issued. Land use approval shall be extended two additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in relevant circumstances and standards, land use approval may be extended up to two (2) additional years by the Director pursuant to a written request submitted prior to expiration of land use approval. Upon receiving such request, notice shall be provided pursuant to the comparable notice of application procedures of LMC Section 18A.20.310 **[verify cite]**. Following a comment period of at least 14 days, the Director may grant, limit or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, such extension shall be denied.

E. Detailed Design Review approval shall expire simultaneously with expiration of any associated building or other construction permit.

**18A.20.110 Licenses and Building Permits. [update per shift to use of DOL licensing system]**

Business and occupational licenses shall not be issued unless the applicant has a final inspection or certificate of occupancy as required by LMC 15A.05 and as defined hereunder. No building permit shall be issued for the construction, alteration, change of use, or relocation of any building, structure or part thereof unless the plans, specifications and intended use of such building or structure conforms in all respects with the provisions of this Title 15A.05.

**18A.20.120 Certificate of Occupancy.**

A certificate of occupancy shall be obtained from the Department when a certificate of occupancy is required by the International Construction Codes.

**18A.20.110 Annexed Land.**

All land or territory within the urban growth area that is hereafter annexed to the City shall be zoned as depicted on the official zoning map of the City. Any area that is not pre-zoned shall be zoned in conformance to the comprehensive plan.

**18A.20.120 Approval of Transfer of Development Rights.**

The purpose of the Transfer and Purchase of Development Rights (TDR) Program is to permanently conserve resource lands such as forestry and agriculture, rural lands, recreational trails, open space and habitat areas through acquisition and extinguishment of the development rights on those lands which are designated as "sending sites." Lakewood participates in the TDR program as administered in Pierce County Code Chapter 18G.10.

A. Required Instruments. Final approval for site plans or subdivision plats which involve the transfer of development rights (TDR) shall not be approved until evidence is provided to the City that the following instruments have been approved by the Pierce County TDR Program Administrator and recorded with the Pierce County Auditor:

1. Signed and Recorded TDR Certificates for each unit of density on the receiving parcel(s) in the Residential 4-8 District; and
2. A signed and recorded Document of Attachment of the development rights to the subject parcel(s).

B. Deed restrictions documenting the conveyance of development rights shall be recorded with the Pierce County Auditor on all applicable parcels and notice shall be placed on the title of the sending site indicating that a development right transfer has occurred.

The following information shall be recorded on the face of any plat for property which received a TDR under the provision of this Chapter: A statement that the development rights used in the plat have been transferred in accordance with the Deed of Transfer of Development Rights, prescribed by Pierce County; the volume and page number of the recordation of the Deed of Transfer of Development Rights between the owner and the applicant; the volume and page number of the recordation of the Transfer of Development Rights Easement between the original owner and Pierce County; the serial numbers issued by the Pierce County TDR Program Administrator of the TDRs used in the plat; and the volume and page number of the recorded Document of Attachment of the TDRs to the subject parcel.

## **Part II Nonconforming Uses and Structures**

### **18A.20.200 Purpose.**

This section establishes uniform provisions for the regulation of nonconforming land uses, structures, and lots (termed “nonconformities” within this chapter.) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. See LMC Chapter 18A.40 for a further discussion of permitted uses.

A. Within the City’s zoning districts, there may exist lots, uses, and structures that were lawfully established but which no longer conform to the most current provisions and standards of the zoning district in which they are located. Such nonconformities may adversely affect the development and redevelopment of the City consistent with the provisions of the comprehensive plan.

This section provides for the regulation of these legally existing nonconformities and attempts to balance the rights of property owners to continue the use of their properties and the perpetuation of uses envisioned under the City's Comprehensive Plan and this Title. These standards specify the circumstances, conditions, and procedures under which such nonconformities are permitted to endure.

B. It is the overall intent to generally discourage the long-term continuance of nonconforming lots, uses and structures and to:

1. Limit the number and extent of specific nonconforming uses and structures that conflict with the provisions of this Zoning Code by prohibiting their reestablishment after abandonment;
2. Establish procedures and criteria for evaluating the allowable enlargement of specific nonconforming uses and structures;
3. Allow for the continuation and maintenance of specific nonconforming uses and structures;
4. Eliminate specific nonconforming uses and structures;
5. Limit the alteration, enlargement, or relocation of nonconforming structures in any manner that increases their level of nonconformity to this current Zoning Code;
6. Limit the extent to which nonresidential uses that are involuntarily damaged or destroyed can be restored; and
7. Allow for the reconstruction of nonconforming residential dwelling units that are involuntarily damaged or destroyed.

### **18A.20.208 Applicability – Nonconformities.**

A. This section shall apply to legally existing nonconformities, except the following items, which shall be governed by the standards set forth in the chapters identified below.

1. Nonconforming uses and structures within the Downtown Subarea Plan, as governed in LMC Title 18B.
2. Nonconforming signs as defined in LMC Chapter 18A.100, Signs.
3. Nonconforming wireless services facilities as defined in LMC Section 18A.95.160.
4. Nonconforming mobile home parks as defined in LMC Section 18A.40.110(C), Manufactured Home Parks. **[Keep current 18A.70.460(A) re nonconforming parks? A. Nonconforming Manufactured and Mobile Home Parks.** Manufactured and mobile home parks which were legally approved prior to the effective date of this title may continue to exist, provided that the density of the park does not increase over the number of dwelling units legally existing on the effective date of this title. Manufactured home sites within legally nonconforming manufactured home parks may continue to be used, provided that the placement of newer manufactured homes do not result in encroachment of the dwelling beyond the lot space boundaries or into the right-of-way and fire code requirements for structure spacing are met.]
5. Nonconforming sexually oriented businesses as defined in the LMC Chapter 18A.50, Section III.
6. Permit applications at the time of this title's passage that constitute vested development.
  - i. Future plans to further develop property shall not constitute a basis for nonconformity status, whether or not documented in public record, except when they constitute a vesting.
  - ii. Nothing in this section shall be construed to require a change in plans, construction, or intended use related to vested development, though it may thereafter be regulated as a nonconformity.

### **18A.20.210 Preexisting, Nonconforming Lots of Record.**

A. Variances Allowable: The entire contiguous ownership of multiple parcels of land shall be considered as a single parcel of land for determination of non-conformance as a consideration of development. A record of separate lot or parcel boundaries shall be disregarded.

It is recognized that the dimensions of some nonconforming lots of record are so constrained that meeting some development regulations such as setbacks would render such lots essentially unbuildable. The City will consider unusual hardships in reviewing applications for such development. Variances may be granted in such instances based on individual circumstances and may be conditioned to mitigate any negative effect on the surrounding area.

B. Alteration: Nonconforming lots may not be altered in any way that would increase the degree of nonconformity; provided, this does not preclude acquisition or dedication of additional public right of way when deemed necessary by the City Engineer.

#### **18A.20.218 Transfer of Ownership - Nonconforming Uses.**

The transfer of ownership of a nonconforming lot, use, or structure will not alter its legal nonconforming status.

#### **18A.20.220 Proof of Nonconformity.**

The burden of demonstrating that nonconformity is lawful under this Chapter rests with the property or business owner. The City may, at its discretion, request such records from a property or business owner as a basis for determining whether nonconformity was legally established and preexisting. Some examples of evidence that may indicate legal nonconforming status include: tax assessment records, construction or other permit records, personal or business income tax records, business license records, dated past advertising, dated business receipts to customers, dated rent receipts, affidavits from neighbors or tenants, testamentary documents, photographs whose date may be clearly ascertained, and other such information which is competent and factual.

#### **18A.20.228 Nonconforming Uses.**

A. Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful subject to the following provisions:

1. Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of twelve months or more, the nonconforming use shall not be reestablished, and thereafter the use of the structure or site wherein it was located shall be in conformity with the regulations for its zoning district.

If any nonconforming use ceases for any reason for a period of more than twelve consecutive months, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.

Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

2. A nonconforming use within a single-tenant building may only be replaced by a conforming use or another nonconforming use that is the same as or similar to the previous nonconforming use, provided not more than twelve months have passed since the cessation of the previous nonconforming use, and provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.
3. A nonconforming use within a multi-tenant building may be replaced by a conforming use, a nonconforming use that is the same as or similar to the previous nonconforming use within the tenant space, provided not more than twelve months has passed since the cessation of the previous nonconforming use, or by a nonconforming use that is the same as or similar to an existing nonconforming use within the building, provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.
4. Except as permitted in this section, no nonconforming use shall be enlarged or extended beyond the space it occupied on the effective date of the ordinance that designated it nonconforming.
5. A structure containing a nonconforming use may be expanded so long as the new addition is occupied by a conforming use, and the conforming use does not directly facilitate or support the non-conforming use. The new addition is subject to the development standards of the underlying zoning district. Both the existing building and new addition must comply with currently adopted City design guidelines.

#### **18A.20.230 Nonconforming Structures.**

A. Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful subject to the following provisions:

1. No such structure may be enlarged or altered in a way that increases its degree of nonconformity. Alterations, additions or enlargements may be allowed as long as the work done does not extend further into any required yard or violate any other portion of this title. Complete plans shall be required of all work contemplated under this section.
2. Work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 25 percent of the current replacement value of the building. Replacement values shall be determined by the City's Building Official.
3. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, in the judgment of the City's



Building Official, it shall not be reconstructed except in conformity with provisions of this title.

4. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

#### **18A.20.240 Health or Safety Improvements.**

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the building official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.

#### **18A.20.248 Nonconforming Parking Lots.**

A. Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb cuts, for any structure or facility which existed on the date of adoption of the ordinance codified in this title.

B. If a change of use takes place within a nonconforming structure, or an addition is proposed, which requires an increase in the parking area, the additional parking area as required by this Title shall be provided.

#### **18A.20.250 Nonconforming Landscaped Areas.**

A. Adoption of the landscaping regulations contained in this title shall not be construed to require a change in the landscaped improvements for any legal landscape area which existed on the date of adoption of the ordinance codified in this title, unless and until a change of use or alteration of the structure is proposed.

B. At such time as a change is proposed for a use, or structure, and associated premises which does not comply with the landscape requirements of this title, a landscape plan which substantially conforms to the requirements of this title shall be submitted to the Director for approval prior to issuance of a building permit.

#### **18A.20.258 Conditional Uses.**

A legal use does not become nonconforming because the zone in which it is located is changed to a zone which requires a conditional use permit for the use, or because the use is changed from an allowed use to a conditional use within the same zone; however, a conditional use permit shall then be required for any expansion of the use or enlargement of the building.

#### **18A.20.260 Administrative Determinations.**

By their nature, nonconformities can be unique and difficult to identify and equitably regulate. If issues of interpretation arise regarding the nonconforming status or replacement when abandonment, damage, or destruction has occurred, the Director shall issue an administrative determination as set forth in LMC Section 18A.20.070 [\[verify cite\]](#).

#### **18A.20.268 Review of Administrative Decisions.**

The Director's decision on an administrative decision under this chapter may be appealed to the Hearing Examiner, pursuant to LMC Chapter 1.36.

### Part III Public Notice Requirements

#### 18A.20.300 Public Notice Procedures.

A. The Director shall determine the proper public notification procedure for all applications. If there is a question as to the appropriate process, the Director shall resolve it in favor of the higher process number procedure. Process I is the lowest number procedure and Process V is the highest.

B. An application that involves two (2) or more procedures may be processed, at the City's sole discretion, collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the chapter. If the application is processed under the individual procedure option, the highest numbered process procedure must be processed prior to the subsequent lower numbered procedure. Joint public hearings with other agencies shall be held in accordance with LMC Section 18A.120.360.

C. Abbreviated findings shall be restricted to Process I and II, where less discretion is required to make a decision, and may serve as a permit if requirements are met.

#### 18A.20.310 Public Notice Framework.

To inform the public of proposed project actions, the Department and applicants shall provide notice as identified in the table below. A vicinity map and basic site plan shall be included with any mailed notices. If a project is SEPA-exempt and no public hearing is required, notice of application as required by **RCW 36.70B.110** will be limited to the type of notice described below.

[Verify Process type for Hearing Ex reviews]

KEY	
NOA	= Notice of Application
CED	= Community and Economic Development Department
NOD	= Notice of Decision
PO-100	= Property owners within 100 feet of project site
PO-300	= Property owners within 300 feet of project site
PR	= Parties of Record on file
SEPA	= State Environmental Policy Act
WAC	= Washington Administrative Code

Process	Application Type	Notice Types	When	Who gets Notices
Type I Administrative	1. Accessory building; 2. Accessory dwelling unit; 3. Building & grading permits; 4. Business license for home occupation; 5. Design review; 6. Interpretation; 7. Landscape plan;	1. NOD	Within 120 calendar days after the City notifies the applicant that the application is complete	1. Applicant; 2. PR

Process	Application Type	Notice Types	When	Who gets Notices
	8. Lot line adjustment; 9. Manufactured/mobile home permit; 10. Occupancy permit; 11. Parking variance; 12. Preliminary short plat, final; 13. Sign permit; 14. Site plan review (administrative); 15. Tree removal/replace-ment			
Type II Administrative	1. Business license for home occupations (with customer visits/deliveries); 2. Binding site plan; 3. Cottage housing; 4. Preliminary plat, short (2-9 lots); 5. Shoreline substantial development permit	1. NOA; 2. PO-100; 3. Post site; 4. Notify in newspaper of record; 5. Post on the City's website  <u>And-</u> NOD	1. 14 calendar days after City has made determination that application is complete  <u>And-</u> Within 120 calendar days after the City notifies the applicant that the application is complete	1. Applicant; 2. PR; 3. PO-100; 4. Agencies with jurisdiction
SEPA	1. Environmental checklist	1. NOA; 2. PO-100 or PO-300 depending on Process; 3. Post site; 4. Notify in newspaper of record; 5. Post on the City's website  <u>And-</u> NOD	1. 14 calendar days after City has made determination that application is complete  <u>And-</u> SEPA Threshold Determination	1. Applicant; 2. PR; 3. PO-100 or PO-300 depending on Process; 4. Agencies with jurisdiction
Type III Discretionary (Hearing Examiner)	1. Conditional use permit 2. Preliminary plat, long; 3. Planned development district; 4. Public facilities master plan (uses which utilize contiguous parcels of land totaling 20 acres or more); 5. Variance; 6. Major modification of a Type III permit; and 7. Time extension to a Type III permit	1. NOA; 2. PO-300; 3. Post site; 4. Notify in newspaper of record; 5. Post on the City's website  <u>And-</u> 6. For Public Hearing, PO-300;	1. For NOA, 14 calendar days after City has made determination that application is complete  <u>And-</u> 2. For Public Hearing, not less than 15 nor more than 30	1. Applicant; 2. PR; 3. PO-300; 4. Agencies with jurisdiction

Process	Application Type	Notice Types	When	Who gets Notices
	8. Site-Specific Zoning Map Amendment	7. Post site; 8. Notify in newspaper of record; 9. Post on the City's website  <u>And-</u> NOD	days prior to the Public Hearing requiring the notice.  <u>And-</u> Within 120 calendar days after the City notifies the applicant that the application is complete	
	1. Shoreline conditional use permit; 2. Shoreline variance; 3. Substantial development permit when referred by the shoreline administrator;	Notification procedures are those that are contained in WAC 173-27-110		
Type IV Other	1. Final plat map 2. Area-wide Zoning Map Amendment 3. Scrivener corrections to Comprehensive Plan Map and/or Comprehensive Plan Text	Post on the City's website	After the Public Works & CED Director have determined that the final plat complies with the conditions of preliminary plat approval	1. Applicant; 2. PR
Type V-A	1. Rezones (site-specific, not associated with a Comprehensive Plan amendment); 2. Development agreement	1. NOA; 2. PO-300; 3. Post site; 4. Notify in newspaper of record; 5. Post on the City's website  <u>And-</u> For Public Hearing, PO-300; Post site; Notify in newspaper of record; and Post on the City's website  <u>And also-</u> NOD	1. For NOA, 14 calendar days after City has made determination that application is complete  <u>And-</u> For Public Hearing, not less than 15 nor more than 30 days prior to the Public Hearing requiring the notice.  <u>And also-</u> For NOD, 180 calendar days after City has made determination that application is complete	1. Applicant; 2. PR; 3. PO-300; 4. Agencies with jurisdiction

Process	Application Type	Notice Types	When	Who gets Notices
Type V-B Comprehensive Plan map and/or text amendments	Proposal  -----  Application	1. Post on City's website  -----  2. NOA; 3. PO-300; 4. Post site; 5. Notify in newspaper of record; 6. Post on the City's website  <u>And-</u> For Public Hearing, PO-300; Post site; Notify in newspaper of record; Post on the City's website  <u>And also-</u> NOD	1. 3 <sup>rd</sup> quarter of calendar year  -----  2. For NOA, 14 calendar days after City has made determination that application is complete  <u>And-</u> For Public Hearing, not less than 15 nor more than 30 days prior to the Public Hearing requiring the notice.  <u>And also-</u> For NOD, 180 calendar days after City has made determination that application is complete	Applicant, if any
	Development regulations (zoning text/shorelines);	1. NOA     <u>And-</u> If area wide, Public Hearing would be noticed in newspaper of record; Post on the City's website   <u>And also-</u> NOD	1. For NOA, 14 calendar days after City has made determination that application is complete  <u>And-</u> For Public Hearing, not less than 15 nor more than 30 days prior to the Public Hearing requiring the notice.  <u>And also-</u> For NOD, 180 calendar days after City has made determination that application is complete	

### **18A.20.320 Use of Pierce County Assessor's Office Taxpayer Data.**

The available records of the Pierce County Assessor's Office shall be used for determining the property taxpayer of record. Addresses for mailed notice shall be obtained from the County's real property tax records. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

### **18A.20.330 Notice of Application – Permits.**

A. A notice of application shall be issued within fourteen (14) calendar days after the City has made a determination of completeness pursuant to **LMC Section 18A.20.050** for: all Process I and II permits that require SEPA review; all short plats and shoreline substantial development permits; and all Process III and IV applications. The notice of application shall be provided at least fifteen (15) calendar days prior to any required open record hearing. One (1) notice of application shall be completed for all permit applications related to the same project at the time of the earliest complete permit application.

B. SEPA exempt projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record hearing is required prior to the decision on the project.

C. Contents. The notice of application shall include:

1. The case file number(s), the date of application, the date of the determination of completeness for the application and the date of the notice of application.
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the review authority pursuant to **RCW 36.70B.070**.
3. The identification of other required permits that are not included in the application, to the extent known by the City.
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.
5. A statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
6. The tentative date, time, place and type of hearing, if any. The tentative hearing date is to be set at the time of the date of notice of the application.

7. The identification of the development regulations that will govern mitigation of any project impacts.
8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant.
9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location.
10. Any other information determined appropriate by the City, such as a Determination of Significance, if complete at the time of issuance of the notice of application, or the City's statement of intent to issue a Determination of Non-Significance (DNS) pursuant to the optional Determination of Non-Significance (DNS) process set forth in WAC 197-11-355.

D. Mailing of Notice. The City shall mail a copy of the notice of application to the following:

1. The applicant.
2. Agencies with jurisdiction.
3. Any person who requests such notice in writing.

E. Public Comment on the Notice. All public comments on the notice of application must be received by the Community and Economic Development Department or postmarked by 5 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile or email. Comments should be as specific as possible.

F. Posted Notice. In addition to the mailed notice of application, the City will provide notice of application on the City's website. The applicant shall be responsible for posting a notice board on the property on which City notices can be placed. Public notice shall be accomplished through the use of City poster boards mounted on a four (4) foot by four (4) foot plywood face generic notice board to be supplied by the applicant, to the following specifications:

1. Posting. Posting of the property for site-specific proposals shall consist of one (1) or more notice boards as follows:
  - a. A single notice board shall be placed by the applicant in a conspicuous location on a street frontage bordering the subject property.
  - b. When the notice board is posted the applicant shall complete and return a written statement of posting to the department by regular or electronic mail.



- c. Each notice board shall be visible and accessible for inspection by members of the public.
- d. Additional notice boards may be required when:
  - (1) The site does not abut a public road; or
  - (2) Additional public notice boards are required under other provisions of the Lakewood Municipal Code; or
  - (3) The Director determines that additional notice boards are necessary to provide adequate public notice.
- e. Notice boards should be:
  - (1) Constructed and installed in accordance with specifications determined by the department, including mounted and bolted onto at least two four (4) inch by four (4) inch wood posts, and placed securely in the ground;
  - (2) Maintained in good condition by the applicant during the notice period;
  - (3) In place at least fifteen (15) calendar days prior to the end of any required comment period; and
  - (4) Removed by the applicant within ten (10) calendar days after the end of the notice period or final hearing date.
- f. Notice boards that are removed, stolen, or destroyed prior to the end of the notice period may be cause for discontinuance of the departmental review until the notice board is replaced and remains in place for the specified time period. The City shall notify the applicant when it comes to the City's attention that notice boards have been removed prematurely, stolen, or destroyed.
- g. An affidavit of posting shall be submitted to the Director at least seven (7) calendar days prior to the hearing. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application may be postponed in order to allow compliance with this notice requirement.
- h. SEPA information shall be added by the City to the posted sign within applicable deadlines.

G. Website. The Department shall publish notices on the City's website.

### **18A.20.340 Notice of Public Hearing.**

A. Notice of public hearing is required for all types of applications for which a public hearing is held. Notices of public hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under LMC Chapter 18A.110, Parts I and VI, shall contain the following information:

1. The name of the applicant or the applicant's representative.
2. Description of the affected property, which may be in the form of either a vicinity location sketch or written description, other than a legal description.
3. The date, time, and place of the hearing.
4. The nature of the proposed use or development.
5. A statement that all interested persons may appear and provide testimony.
6. When and where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted.
7. The name of a City representative to contact and the telephone number where additional information may be obtained.
8. That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the cost of reproduction.
9. That a copy of the staff report will be available for inspection at no cost at least five (5) calendar days prior to the hearing and copies will be provided at the cost of reproduction.

B. Posted Notice.

1. Mail. The Department shall mail notice at least fifteen (15) days prior to the hearing through the United States Postal Service to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of the subject property, any person who submitted written comments on an application, the applicant, and parties of record, if any.

2. Website. The Department shall publish notice on the City's website.

### **18A.20.350 Optional Public Notice.**

In addition to the required methods set forth in this chapter for providing public notice, the Director may require additional optional notification by the City, if determined necessary to ensure adequate notice to the public. The City's failure to provide the optional notice as

described in this subsection shall not be grounds for invalidation of any permit decision. Optional public notice includes, but is not limited to, any one or more of the following:

- A. Notify public or private individuals or groups with known interest in a certain proposal or type of proposal, or in proposals within a certain area or areas of the City;
- B. Notify the news media;
- C. Mail to neighboring property owners and occupants;
- D. Post notices in public places;
- E. Record notices on a telephone message line;
- F. Post notices electronically via the Internet;
- G. For legislative actions, except annexations, mail via the United States Postal Service to persons who have indicated an interest in such actions and who have paid an annual subscription fee based on the cost of such mailings. The list of such persons shall be maintained by the department of community development;
- H. For legislative actions, except annexations, e-mail to persons who have indicated an interest in such actions and a preference to be notified by e-mail. The list of such persons shall be maintained by the department of community development.

#### **18A.20.360 Joint Public Hearings.**

- A. The Director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
  - 1. The other agency consents to the joint hearing;
  - 2. The other agency is not expressly prohibited by statute from doing so;
  - 3. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
  - 4. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
  - 5. The hearing is held within the Lakewood City limits.
- B. An applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in LMC Section 18A.120.090. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

## Part IV Appeals/Reconsiderations

### 18A.20.400 Specific Appeal Procedures.

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in LMC Chapter 1.36.

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments [\[verify\]](#)
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Site-Specific Rezones [\[verify\]](#)
9. Small cell wireless permits [\[verify\]](#)
10. Variances
11. Building permits
12. Engineering permits
13. Application or interpretations of the International Building Code
14. Application or interpretations of the International Fire Code
15. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
16. Land Use (Director) decisions
17. Appeals of Drainage Manual Administrator decisions

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680 [verify cites]:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11 [verify cite]. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

iii. Environmental Impact Statement (EIS) Adequacy. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

iv. Denial of a proposed action. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

i. Findings and conclusions; and

ii. Testimony under oath; and

iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680 [verify cite] whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

C. Land use approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate City departments prior to the date the Hearing Examiner will consider the matter.

3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

4. Site-Specific Zoning Map amendments are appealed to the City Council per LMC 1.38.280 (C).

E. Building and fire permit appeals. For building or fire code appeals, the Hearing Examiner is authorized to appoint a master, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner. [Verify consistency w Title 15]

**18A.20.410 Appeals to Hearing Examiner.** [Include reference to LMC Title 14, Environmental Protection] [Verify consistency w Title 1]

A. Appellant. Appeals may be taken to the Hearing Examiner only by a party of record aggrieved or by any officer, department, board, council or commission of the City affected by any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title or any amendment thereto. Such appeals shall be filed in writing with the Department on forms provided by the Department within fourteen (14) days after the date of decision. Appeals of a land use approval combined with environmental threshold determinations shall be filed in writing with the Department within twenty-one (21) days of the date of final decision. The Department shall promptly forward a copy of such appeal to the Hearing Examiner.

B. Basis of appeal and relief sought. Every appeal shall state in writing:

1. How the appellant is or is likely to be harmed or prejudiced by the decision appealed from;

2. How or in what particular respect the administrative official erred; and
3. What relief or ruling is sought and how such ruling would eliminate or reduce harm to the appellant.

C. Dismissal. Failure to state specific grounds of the appeal and relief sought may result in dismissal of such appeal. The City staff or any party may request dismissal of an appeal at any time with notice to all parties. Upon finding that the appeal fails to state cause to reverse or modify the decision or that the Hearing Examiner lacks jurisdiction to grant relief, the Hearing Examiner may dismiss such appeal without hearing. The Hearing Examiner shall state in writing whether such dismissal is with or without prejudice.

D. Notice and record. Upon the finding that an appeal has sufficient merit the Hearing Examiner shall set the time and place at which the matter will be heard. At least a ten (10) day notice of the time and place of such open record appeal hearing shall be given to the parties of record and to the official whose decision is being appealed. The Department shall transmit to the Hearing Examiner a copy of all of the records pertaining to the decision being appealed, together with written reports as the Hearing Examiner deems pertinent.

E. Waiver of hearing. By agreement of all parties thereto, the appeal hearing may be waived. Such appeal may be decided by the Hearing Examiner on the basis of written briefs or memoranda.

F. Standard of review. The Hearing Examiner shall only grant the relief requested by an appellant upon finding that the appellant has established that:

1. The staff engaged in unlawful procedures or failed to follow a prescribed procedure;
2. The staff's decision was an erroneous interpretation of the law;
3. The decision is not supported by substantial evidence within the context of the whole record;
4. The decision is a clearly erroneous application of the law to the facts;
5. The decision is outside the authority or jurisdiction of the decision-maker; or
6. The decision is clearly in conflict with the City's adopted plans, policies or ordinances.

G. Decision. The decision of the Hearing Examiner shall be limited to those issues timely raised on appeal. The examiner may not reconsider or modify aspects of a project previously considered and settled by another final decision of the City. In exercising the powers granted herein, the Hearing Examiner may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed, and may make such order, requirement, decision or determination as should be made, and, to that end, shall have all the powers of the officer from whom the appeal is

being taken, insofar as the decision on the particular issue is concerned, and in making a determination the Hearing Examiner may hear any pertinent testimony and receive and consider any other evidence bearing on the case.

#### **18A.20.420 Reconsideration of Hearing Examiner Decision.**

A. Decisions of the Hearing Examiner may be reconsidered. Further, prior to issuing a decision, the Examiner may reconvene any hearing or continue any other proceeding in such manner as the Examiner deems appropriate to ensure a fair, timely, and reasoned decision.

B. After issuance of a final decision any party, including the Department, may file a motion for reconsideration on an appeal to the Hearing Examiner in accordance with subsection (C) of this Section. Such motion must be filed within ten days of service of the final decision. The original of the motion for reconsideration shall be filed at the Department with a copy to the Lakewood City Attorney's Office. At the same time, copies shall be served on all parties of record. Within five days of filing the motion for reconsideration, a party may file an answer to the motion for reconsideration without direction or request from the Hearing Examiner. The Hearing Examiner may require other parties to supply an answer. All answers to motions for reconsideration shall be served on all parties of record.

C. A motion for reconsideration shall be based on at least one of the following grounds:

1. Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;
2. Irregularity in the hearing before the Hearing Examiner by which such party was prevented from having a fair hearing; or
3. Clerical mistakes in the final decision and order.

D. In response to a motion for reconsideration, the Hearing Examiner may deny the motion, modify its decision, or reopen the hearing. A motion is deemed denied unless the Hearing Examiner takes action within 20 days of the filing of the motion for reconsideration. A Hearing Examiner order on a motion for reconsideration is not subject to a further motion for reconsideration.

E. A decision in response to the motion for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served on each party or the party's attorney or other authorized representative of record, unless the decision is deemed denied following the 20-day time frame set forth in Subsection C of this Section.

F. The time for an appeal to court does not commence until disposition of the motion for reconsideration. If the Hearing Examiner takes no action under subsection (D) of this Section, the motion for reconsideration is deemed disposed at the end of the 20-day period. The filing of a motion for reconsideration is not a prerequisite for seeking judicial review.



#### **18A.20.430 Clarification of Hearing Examiner Decision.**

A. Any interested party believing that a decision of the Hearing Examiner is ambiguous, vague, or internally inconsistent may request clarification of the decision by the Hearing Examiner. Such a request shall be submitted to the Department with the applicable fee and shall set forth the specific provision requiring additional clarity. The Department shall forward such request to the Hearing Examiner. Upon receipt of such a request, the Hearing Examiner may take action as the Hearing Examiner deems appropriate to the circumstances.

B. A request for clarification shall not provide an opportunity for reconsideration of a decision nor for introduction of new evidence. Except as ordered by the Hearing Examiner, the filing of a request for clarification shall not toll any appeal period or delay issuance of any permit.

C. When the Hearing Examiner determines that a clarification is in order, the Examiner may issue a supplemental or clarified decision. As deemed appropriate by the Hearing Examiner, the Hearing Examiner may order that the supplemental or clarified decision be subject to appropriate notice and an opportunity for appeal.

#### **18A.20.440 No Appeals to City Council.**

There are no appeals from the Hearing Examiner to the City Council.

## CHAPTER 18A.30 - DISCRETIONARY PERMITS

### Sections

18A.30.005 Definitions

### Part I Comprehensive Plan Amendment

#### Sections

18A.30.010	Type of action.
18A.30.020	Plan amendment procedures – Comprehensive Plan.
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.

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### 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.
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18A.30.190	Transferability - conditional use permit.
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### Part III Cottage Housing

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18A.30.390	Public hearing and city council action.
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18A.30.440	Delegation of authority.
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18A.30.500	Amendments.
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#### PART VI Planned Development

##### Sections

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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.
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18A.30.630	Binding site plan.
18A.30.640	Phased development.
18A.30.650	Required certificates and approvals.
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#### PART VII Rezone and Text Amendment [Update per QJCU]

##### Sections

18A.30.670	Authority.
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#### PART VIII Temporary Use Permit

##### Sections

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18A.30.710	Permitted uses.
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18A.30.730	Application and authorization.
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#### PART IX Transitory Accommodations

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#### PART X. Variances

##### Sections

18A.30.840	Purpose.
18A.30.850	Type of action.
18A.30.860	Limitations.
18A.30.870	Authority.
18A.30.880	Required findings.
18A.30.890	Additional conditions of approval.

#### PART XI. Unusual Uses

##### Sections

18A.30.900	Unusual uses.
18A.30.910	Type of action.

### **18A.30.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

## **Part I - Comprehensive Plan amendment**

### **18A.30.010 Type of action.**

A. A Comprehensive Plan map or text amendment (may include associated rezone) is a Type V-B legislative action as set forth in LMC 18A.20, Administration.

### **18A.30.020 Plan amendment procedures – Comprehensive Plan.**

Individual and agency initiated proposals to amend the Lakewood Comprehensive Plan shall be submitted to the Department on forms provided by the City. Proposals may be submitted at any time; however, to be considered in the same calendar year, they must be submitted by the deadline set by the City Council, unless otherwise specifically authorized by the City Council. All proposals shall be considered collectively once each year except in the case of an emergency as determined by the City Council (see Timing and Exemptions). The Comprehensive Plan Amendment calendar shall be approved by the City Council. No fee shall be charged at this proposal stage. The Department shall maintain a log or docket of all such proposals including a summary of the proposal, the principal proponent's name and address, the date on which the proposal was submitted, and its review status.

### **18A.30.030 Preliminary review and evaluation criteria – Comprehensive Plan.**

A. Prior to City Council action, the Department shall conduct a preliminary review and evaluation of proposed amendments, including rezones, and assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The preliminary review and evaluation shall also include any review by other departments deemed necessary by the Department, and except as provided in LMC Chapter 18A.30 Part VII Rezones and Text Amendments, shall be based on the following criteria:

1. Is the proposed amendment consistent with the county-wide planning policies, the Growth Management Act (GMA), other state or federal law, or the Washington Administrative Code?
2. Would the proposed amendment cause little or no adverse environmental impacts and, is the time required to analyze impacts available within the time frame of the standard annual review process?
3. Is sufficient analysis completed to determine any need for additional capital improvements and revenues to maintain level-of-service, and is the time required for this analysis available within the time frame for this annual review process?
4. Can the proposed amendment be considered now without conflicting with some other Comprehensive Plan established timeline?
5. Can the proposed amendment be acted on without significant other amendments or revisions not anticipated by the proponents and is the time required for processing those amendments or revisions available within the time frame of this annual review process?

6. If the proposed amendment was previously reviewed, ruled upon or rejected, has the applicant identified reasons to review the proposed amendment again?

B. If the Department determines that the answer to any of the above questions is no, it may recommend to the City Council that the proposed amendment or revision not be further processed in the current amendment review cycle. Upon direction from City Council, Department staff will inform those whose proposed amendments or revisions will not be considered because (a) impact analysis beyond the scope of the amendment process is needed; (b) the request does not meet preliminary criteria; or (c) likelihood of inclusion of the proposal in a department's work program. Proponents may resubmit proposals to the department at any time, subject to the timelines contained in this chapter.

#### **18A.30.040 Council approval of final docket – Comprehensive Plan.**

A. The Department shall compile a list giving the status of all proposed amendments, including rezones, and forward the list to the City Council. The City Council shall review all such proposals, determine which are appropriate and worthy of further review and consideration, and move those to the Planning Commission for review and public hearing.

B. The list approved by the City Council shall be known as the final docket. The Department shall notify proponents of the items on the docket that will be moved to the Planning Commission for review. Proponents shall be required to submit an application and shall pay such fee as may be established by the City Council. Proponents of the proposals not moved to the Planning Commission shall also be notified of the Council's decision. Department and City initiated proposals are exempt from application fees. Information about the amendment process and the schedule shall be distributed with final application forms.

#### **18A.30.050 Final review and evaluation– Comprehensive Plan.**

A. The Department shall distribute the final docket of proposed amendments, including rezones, to any state or local agency which is required by law to receive notice of proposed amendments and revisions to the Comprehensive Plan and implementing development regulations within the time required. In addition, the Department shall distribute the final docket of proposed amendments to recognized neighborhood associations and other affected interests identified by the City Council. The Department shall include issues identified in amendment proposal analyses and conduct any review required by SEPA of the proposed amendments, including rezones, listed on the final docket.

B. The Department shall prepare a report including any recommendations on each proposed amendment, including rezones, on the final docket and forward the report to the Planning Commission. At a minimum the Planning Commission recommendation and the Council decision should address the following:

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current

final docket that will be considered by the Planning Commission and the City Council?

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

#### **18A.30.060 Decision criteria for rezone requests – Comprehensive Plan.**

The following criteria will be used to evaluate each rezone request. A zoning map amendment shall only be approved if the Council concludes that at minimum the proposal complies with subsections A through C. To be considered are whether:

A. The rezone is consistent with either the Comprehensive Plan including the Plan's Future Land Use Map as described in **LMC Section 18A.30.070 [VERIFY CITE]** or with a concurrently approved amendment to the Plan.

B. The rezone will maintain the public health, safety, or welfare.

C. The rezone is consistent with other development regulations that implement the comprehensive plan.

D. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.

E. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.

#### **18A.30.070 Consistency between the zoning map and the future land use map – Comprehensive Plan.**

- A. Districts on the zoning map shall correspond to categories of the Future Land Use Map in accordance with the following table and be consistent with the purposes of each designation. Only those districts listed below are deemed to be consistent with the corresponding Future Land Use map designation.

COMPREHENSIVE PLAN/ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District Classification
Residential Estate	Residential 1 (R1); Residential 2 (R2)
Single Family	Residential 3 (R3); Residential 4 (R4)

COMPREHENSIVE PLAN/ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District Classification
Mixed Residential	Mixed Residential 1 (MR1)Mixed Residential 2 (MR2)
Multi Family	Multi Family 1 (MF1); Multi Family 2 (MF2);
High-Density Multi Family	Multi Family 3 (MF3)
Corridor Commercial	Commercial 1 (C1); Commercial 2 (C2); Commercial 3 (C3)
Central Business District	Central Business District (CBD)
Arterial Corridor	Arterial Residential Commercial (ARC)
Neighborhood Business District	Neighborhood Commercial 1 (NC1);Neighborhood Commercial 2 (NC2);Multi Family 2 (MF2);Multi Family 3 (MF3);

#### **18A.30.080 Planning Commission and City Council review and adoption process.**

A. Following one or more public hearings the Planning Commission shall forward its written recommendation regarding each Comprehensive Plan amendment and any text amendments or rezones to the City Council.

B. The Council shall review the recommendations of the Planning Commission, may hold a public hearing, and shall decide whether to adopt, modify and adopt, reject or defer to a later date, each proposed amendment.

C. Each proponent shall be notified by mail of all public hearings and of the Council's final decision.

#### **18A.30.090 Timing and exemptions.**

A. The City will consider proposed amendments to the Comprehensive Plan only once each year, except when amendments are adopted as part of:

1. The adoption of a subarea plan;
2. The adoption or amendment of a shoreline master program under the procedures set forth in **WAC 173-19**;
3. The response to an existing emergency;
4. Amendments necessitated by changes in state or federal laws;



5. The resolution of an appeal filed with the Growth Management Hearings Board or with a court; or

6. The amendment of a capital facilities element that occurs concurrently with the adoption or amendment of the city budget.

B. The Department will accept proposals for Comprehensive Plan amendments and revisions at any time; however, proposals or applications received after their established due dates will be considered in the next annual amendment review cycle.

**18A.30.100 Notice to County Assessor of changes in Comprehensive Plan and development regulations.**

The director shall provide to the Assessor of Pierce County by July 31st of each year a copy of the city's Comprehensive Plan and development regulations in effect on July 1st of that year.

## **Part II - Conditional use permit**

### **18A.30.110 Purpose – conditional use permit.**

The purpose of this sub-chapter is to establish the type of action, contents of a complete application, and criteria for approval for conditional use permits. Conditional use permits are required for land uses which are appropriate in a zone but typically have certain characteristics such as traffic generation or building mass which warrant imposition of special conditions to ensure compatibility with permitted uses in the zone.

### **18A.30.120 Type of action.**

A conditional use permit is a Type III action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.

### **18A.30.130 Criteria for approval.**

A conditional use permit shall be granted by the city, only if the applicant demonstrates that:

- A. The granting of the conditional use permit will not:
  - 1. Adversely affect the established character of the surrounding vicinity. For the purposes of this section, character shall mean the distinctive features or attributes of buildings and site design on adjacent properties and in the vicinity and as articulated in the comprehensive plan, including but not limited to building facade, length, building modulation, building height, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount and location of parking, fencing type, height and location, and the like;
  - 2. Be detrimental to the public health, safety and general welfare; and
  - 3. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
- B. The granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan.
- C. The proposed use is properly located in relation to other land uses, transportation and public facilities and services in the vicinity; and further, that the capacity of the transportation system and other public facilities and services will adequately serve the proposed use without placing an undue burden on such systems, facilities and services.
- D. The intensity (i.e., the nature, types and hours of human activity) and character of the proposed use is compatible with the intensity and character of the uses of adjacent property and of property in the vicinity.

E. That the site is of sufficient size to accommodate the proposed use; and further that, in the opinion of the city, all yards, open spaces, landscaping, walls and fences, parking, loading, and other necessary features are properly provided to assure the proposed use will be compatible with adjacent uses and the character of the vicinity.

F. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards.

G. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement.

#### **18A.30.140 Conditions of approval.**

The city may impose any condition of approval on a conditional use permit needed to mitigate adverse impacts to the environment, adjacent properties or the community, consistent with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan.

#### **18A.30.150 Minor modifications to approved conditional use permits.**

A minor modification to an approved CUP is a Type I action and shall be processed in accordance with the procedures for such actions as set forth in LMC Section 18A.30.080 and in accordance with the provisions of this section. Minor modifications to an approved CUP shall be defined as those which do not increase the intensity of the use and the resulting impacts to the surrounding area.

A. The community development director is authorized to allow minor modifications in accordance with subsection B of this section. The community development director shall allow only such minor modifications as are consistent with guidelines established in subsection B of this section.

B. For the purposes of this section, “minor modification” means a departure from the conditions of an approved CUP which is consistent with the following criteria:

1. It does not in any way change the use permitted by the approved CUP;
2. It maintains the design intent and quality of the original approval;
3. The number of dwelling units in residential developments and the square footage of nonresidential structures shall not increase;
4. The minor modification shall not relocate a building, parking area, street or other use or built feature in such a way that visual, light, noise, vibration or other impacts as experienced from surrounding properties and public rights-of-way are intensified, and shall not reduce any required yard, setback, buffer or open space below the area or dimensions established by code or conditions of CUP approval, whichever is more restrictive;

5. The height of buildings and other structures shall not increase;
6. Traffic volumes shall not increase;
7. Modifications to internal circulation layout are acceptable; provided, that ingress and egress points to the subject property are not modified in such a way that external traffic patterns are affected or impacts increased;
8. Minor changes to plant species, variety, color, etc., may be made; provided, that the type of landscaping required pursuant to BMC 12.18.040 shall not be modified;
9. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original SEPA documents;
10. The community development director determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

**18A.30.160 Time frame for submission of construction permits.**

A complete application of all required construction level permits shall have been submitted to the city for approval within three (3) years of the date of conditional use permit approval.

**18A.30.170 SEPA-exempt conditional uses.**

The director may authorize any conditional use that is exempt from the State Environmental Policy Act. See WAC 197-11. Notice of such proposed use shall be sent to property owners within three hundred (300) feet of the subject site, consistent with the notice requirements specified in LMC 18A.30 Part III. If anyone requests a public hearing in writing within the specified comment period, the director shall refer the request to the Hearing Examiner. Copies of all director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. Director decisions may be appealed to the Hearing Examiner consistent with LMC Section 18A.30.410, Appeals/reconsiderations.

**18A.30.180 Compliance - conditional use permit.**

Noncompliance with the conditions of the permit shall be grounds for rehearing before the Hearing Examiner, in addition to fines and penalties. The Hearing Examiner may suspend or revoke a conditional use permit pursuant to this section and/or impose penalties, for violation of any of the provisions of this title or original conditions of approval.

**18A.30.190 Transferability - conditional use permit.**

A Conditional Use Permit shall be transferable provided that the transferee complies with the conditions. If at any time the conditional use no longer complies with the conditions of the permit, the owner shall be declared in violation of this title and shall be subject to fines and penalties, and the Hearing Examiner may suspend or revoke the permit.

**18A.30.200 Essential public facilities - conditional use permit.**

A conditional use permit is required for all essential public facilities as listed in LMC Section 18A.30.060(A). In addition to the regular conditional use permit review criteria, essential public facilities are subject to additional criteria as outlined in LMC Section 18A.30.060(B)(2).

**18A.30.210 Special needs housing - conditional use permit.**

A conditional use permit is required for all special needs housing listed in LMC Section 18A.30.120. In addition to the regular conditional use permit review criteria, essential public facilities are subject to additional criteria as outlined in LMC Section 18A.30.120(B)(3).

## **PART III – COTTAGE HOUSING**

### **18A.30.220 Purpose – Cottage housing.**

Cottage housing provides for a specific residential development type (“cottage housing”) featuring modestly sized single family detached residences with commonly held community amenities, and oriented around commonly held open-space areas. Specific design standards must be met. An increase in allowable density over the maximum density allowed in the underlying zoning district is provided as an incentive to encourage development of this type of housing, and in recognition of the reduced impacts expected from this type of housing versus typical single-family residential development. This housing type is intended to:

- A. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs.
- B. Provide opportunities for more affordable housing choices within single-family neighborhoods.
- C. Encourage creation of functional usable open space in residential communities.
- D. Promote neighborhood interaction and safety through design.
- E. Ensure compatibility with neighboring land uses.
- F. Provide opportunities for infill development that support the growth management goal of more efficient use of urban residential land.

### **18A.30.230 Applicability.**

- A. Cottage housing is permitted in the R1, R2, R3 and R4 zoning districts. The provisions of individual zoning districts shall be applicable to cottage housing developments; provided, that where a conflict exists, the provisions of this section shall have control.
- B. A cottage housing permit is a Type II administrative permit and shall be considered in accordance with the procedures for such permits as set forth in LMC Chapter 18A.20, Administration.

### **18A.30.240 General provisions.**

- A. Cottage housing projects are permitted with the approval of a Cottage Housing Development Plan. Discrete ownerships may only be created through the residential binding site plan and/or condominium declaration process pursuant to RCW Chapter 64.34 as applicable. Cottage housing development plans shall be subject to review and approval as an administrative review Process II permit procedures. Adherence to all applicable development standards shall be determined by the City’s Community Development Director as a component of the review process.

B. Individual cottage units shall contain at least eight hundred (800) and no more than one thousand five hundred (1,500) square feet of gross floor area. A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space shall not be converted into habitable space.

C. A community building of up to 2,500 square feet in size may be provided for the residents of the cottage housing development. Roof pitch, architectural themes, materials and colors shall be consistent with that of the dwelling units within the cottage housing development.

D. Accessory dwelling units shall not be permitted in cottage housing developments.

#### **18A.30.250 Development standards.**

Cottage housing development shall be subject to the following development standards.

A. Density.

1. In the R1 and R2 zoning districts, cottage housing development shall be allowed a density not to exceed three (3) times the base density allowed in the underlying zone.

2. In R3 and R4 zoning districts, cottage housing developments shall be allowed a density not to exceed two (2) times the base density allowed in the underlying zone.

3. On a site to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, may be permitted to remain at the discretion of the community development director, but the extent of the nonconformity shall not be increased. The number of any such nonconforming dwelling unit(s) shall be multiplied by the factors noted in sections 1 or 2 above, and included in calculating the density of the cottage housing development.

4. An applicant for a cottage housing development shall be required to show, through a conceptual site plan, the number of traditional units that could be constructed on the site under conventional development standards and addressing any environmental constraints affecting the property. This number of units shall be used to calculate the maximum number of cottage units that may be constructed on the property.

B. Locational Criteria.

1. The minimum area for a cottage housing project is 0.75 acre, which may include more than one contiguous lot.

2. Cottage housing development shall be separated from another cottage housing development by a minimum of 400 feet measured between the closest points of the subject properties.

C. Site Design.

1. Cottage housing development shall be clustered and shall consist of a minimum of four (4) dwelling units and a maximum of twelve (12) dwelling units.

2. At least seventy-five (75) percent of dwelling units shall abut the common open space.

3. Common open spaces shall have dwelling units abutting at least two (2) sides.

4. Creation of individual lots shall only be permitted through the residential binding site plan process provided in Title 17 Subdivisions, Chapter 17.34 LMC and Chapter 64.34 RCW.

5. Siting of dwelling units or common open space in areas with slopes exceeding fifteen (15) percent is discouraged. Dwelling units shall not be placed in such areas if extensive use of retaining walls is necessary to create building pads or open space areas.

6. Fencing and Screening. The intent of internal decorative fencing and screening is to delineate private yards, screen parking areas and structures, community assets, refuse and recycling areas, and unit walls. A cottage housing development is intended to be an internally open community sharing common areas. The intent of external fencing and screening is to conceal the higher density development from adjacent lower density land uses. Chain link and solid fences shall not be allowed internally. Solid fencing is allowed on the perimeter boundary, except where bordering an external street where streetscape landscaping is required.

D. Setbacks and building separation.

1. Dwelling units shall have at least a twenty (20) foot front setback, eight (8) foot side yard setback and a ten (10) foot rear setback.

2. Dwelling units shall be separated from one another by a minimum of ten (10) feet, not including projections.

3. Dwelling units shall maintain a ten (10) foot separation between buildings.

4. Dwelling units not abutting or oriented toward a right of way shall have a front yard oriented towards the common open space.

5. The approval authority may use appropriate discretion, consistent with the intent of this chapter, in determining orientation of yards.



E. Minimum Lot Size. Beyond the density restrictions listed in this chapter, there is no required minimum lot size for lots created through the subdivision process.

F. Lot Coverage (all impervious surfaces). Impervious Surfaces shall not exceed fifty (50) percent. Lot coverage shall be calculated for the overall cottage housing development, not for individual lots. Paved components of common open space areas and walkways shall not be counted in lot coverage calculations.

G. Refuse and Recycling. Refuse and recycling containers shall be screened from view by landscaping or architectural screening, and shall not be located in the front yard setback area, or in locations where smells may be offensive to adjacent properties.

H. Pedestrian Network. Within the confines of the cottage housing development a network of pedestrian pathways shall be provided. Connections to the wider neighborhood shall be made where appropriate and allowed. All such pathways shall be accessible by the general public, except that walkways into and through the cottage housing development may be limited to residents and their guests.

#### **18A.30.260 Open space.**

A. A minimum of five hundred (500) square feet of common open space shall be provided per dwelling unit.

B. Common open space shall be a minimum of three thousand (3,000) square feet in size, regardless of number of dwelling units.

C. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than ten (10) feet, unless part of a pathway or trail.

D. In subdivisions and short subdivisions, common open space shall be located in a separate tract or tracts.

E. Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.

F. Common open space shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common open space shall include amenities such as but not limited to seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or water features.

G. Surface water management facilities may be commonly held, but shall not counted toward meeting the common open space requirement.

H. Parking areas, required setbacks, private open space, and driveways do not qualify as common open space area.

I. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

### **18A.30.270 Building design standards.**

A cottage housing development is expected to reflect a coherent and high quality design concept and include architectural elements that ensure compatibility with existing neighborhood development and character. The following design elements are intended to provide compatibility with existing residential environments. Alternative designs may be submitted to the community development director for review and approval, but the community development director must find that any such concepts meet or exceed the design quality of the prescriptive standards, and fulfill the stated purpose and intent of this chapter.

#### **A. Building Height.**

1. The maximum building height for dwelling units shall be twenty-five (25) feet.
2. The maximum building height for garages, community buildings, and accessory structures shall be eighteen (18) feet.

#### **B. Roofs.**

1. Dwelling units shall have a minimum 6:12 roof pitch. Up to thirty-five (35) percent of roof area may have a slope not less than 4:12. Portions of a roof with a pitch of less than 6:12 shall be limited to architectural features such as dormers, porch roofs and shed roofs.
2. Garages and carports shall have a minimum 6:12 roof pitch.
3. Cottages shall be a maximum of two (2) stories. Any upper floor shall be located within the roof structure, not below it, in order to reduce building massing as much as possible.

#### **C. Entries and Porches.**

1. Each dwelling unit abutting a public right of way (excluding alleys) shall have a primary entry and covered porch a minimum of eighty (80) square feet in size, oriented toward the public right of way. If abutting more than one public right of way, the developer and City shall collaborate with the project proponent to determine which right of way the entrance and covered porch shall be oriented toward.
2. Each dwelling unit shall have an entry and covered porch oriented toward the common open space. If the dwelling unit abuts a public right of way, this may be a secondary entrance, and the minimum porch size shall be fifty (50) square feet. If not

abutting a public right of way, this shall be the primary entrance, and the minimum porch size shall be eighty (80) square feet.

3. Covered porches shall be a minimum of six (6) feet deep.

D. Dwelling units shall not include attached garages

E. Detached garages. Each dwelling unit shall have no more than one detached garage. The size of the garage shall not exceed two hundred and fifty (250) gross square feet in size. Garages can be combined into one garage structure; however, no garage structure may exceed one thousand (1,000) square feet in size for a total not to exceed four garage spaces.

F. Community Development Director review. The Community Development Director shall consider all aspects of the project, and shall ensure that the project is well designed and compatible with existing and planned development in the vicinity. Possible topics for review by the include community development director (but are not necessarily limited to): building materials and finishes, articulation and modulation, massing, trim details, colors, exterior lighting, special building heights, paving materials, mechanical equipment screening, fencing, tree retention and landscaping.

#### **18A.30.280 Parking.**

A. A minimum of 2.0 parking spaces per cottage shall be provided for the entire development. An additional fifteen (15) percent of total required spaces shall be designated for guests.

B. All or a portion of new on-street parking provided as a component of the development may be counted towards minimum parking requirements if the approval authority finds that such parking configuration will result in adequate parking, and is compatible with the character and context of the surrounding area.

C. Carports are prohibited in cottage housing development.

D. Shared detached garages and surface parking design. Parking areas should be located so their visual presence is minimized and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

1. Shared detached garage structures may not exceed four (4) garage doors per building, and a total of one-thousand (1,000) square feet.

2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.

3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping, consistent with LMC Section 18A.60.160, or architectural screening.

4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than four (4) spaces. Clusters must be separated by a distance of at least 20 feet.
6. The design of garages must include roof lines similar and compatible to that of the dwelling units within the development.
7. Parking lots shall be set back at least twenty (20) feet from front property lines and ten (10) feet from external side and rear property lines.
8. Garage doors shall not be oriented toward a public right of way with the exception of an alley.
9. Garages and carports shall not be located between the common open space and the dwelling units.

#### **18A.30.290 Common area maintenance.**

Cottage housing development shall be required to implement a mechanism, acceptable to the approval authority, to ensure the continued care and maintenance of all common areas including common open space, parking, surface water management facilities (if applicable) and any other common area or shared facilities. Such a mechanism shall include creation of either a homeowners' or condominium association with authority and funding necessary to maintain the common areas.

#### **18A.30.300 Low impact development standards.**

A. The proposed site design shall incorporate the use of low impact development (LID) strategies to meet storm water management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of storm water in numerous small, decentralized structures.
4. Use of natural topography for drainage ways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.

6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

#### **18A.30.310 Modifications.**

Applicants may request modifications to the open space, site design, design standards, setbacks and parking provisions of this chapter. The approval authority may modify the above referenced provisions of this chapter if both of the following apply:

- A. The site is constrained due to unusual shape, topography, easements or critical areas; and
- B. The modification will not result in a project that is less compatible with neighboring land uses than would have occurred under strict adherence to the provisions of this chapter.
- C. The approval authority may permit modifications to the building design standards if it finds the alternative design concept provides a high level of design quality and compatibility with the character of the surrounding neighborhood.

## **PART IV – DEVELOPMENT AGREEMENT**

### **18A.30.320 Authority.**

A. The execution of a development agreement is a proper exercise of city police power and contract authority. The city may consider, and enter into, a development agreement with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (“UGA,” as defined in RCW 36.70A.030(15), or as designated by the county pursuant to RCW 36.70A.110) as part of a proposed annexation or a service agreement.

B. A development agreement shall be consistent with applicable development regulations adopted by the City under Chapter 36.70A RCW.

### **18A.30.330 Type of action.**

A development agreement is a Type V-B legislative action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.

### **18A.30.340 Content.**

A. The development agreement must include the following:

1. The development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of real property for the duration of the agreement;
2. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities, building sizes, or nonresidential floor area;
3. Location of buffers, landscaping or open space;
4. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, local ordinance, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
5. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
6. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

7. Provisions for affordable housing;
8. Parks and common open space preservation;
9. Review procedures and standards for implementing decisions;
10. A build-out or vesting period for application standards;
11. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard; and
12. Phasing.

B. The development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to the public health or safety.

#### **18A.30.350 Application.**

Consideration of a development agreement may be initiated by City Council, City Staff, or applicant. Any person may personally, or through an agent, propose a development agreement regarding property he or she owns. The applicant shall file a complete development agreement application on forms provided by the Department. At minimum, such application shall include a copy of the proposed agreement, applicable fee, names and address of all current owners of real property, and all real property within 300 feet of each boundary of the subject property as shown in the records of the county assessor, and a vicinity map showing the subject property with enough information to locate the property within the larger area. In addition, the applicant may be required to submit any additional information or material that the Director determines is reasonably necessary for a decision on the matter.

#### **18A.30.360 Timing of public hearings.**

Any development agreement associated with a specific project or development plan shall be heard by the City Council prior to consideration of any related project application.

#### **18A.30.370 Notice.**

Prior to the public hearing held by the City Council, the Director shall issue a public hearing notice describing the purpose of hearing, the date, time, and place of the public hearing, the name of the applicant and the project name (if applicable), a description of the proposed agreement, and the street address of the subject property or other description of its location, a statement of the availability of the record, a statement of the right of any person to submit written comments to the Council and to appear at the public hearing to give comments. The Director shall distribute this notice and require at least one public notification sign in accordance with LMC Section 18A.30.310.

#### **18A.30.380 Staff report.**

The Director shall prepare a staff report for the public hearing by the City Council containing all pertinent application materials, all comments regarding the matter received by the Department prior to distribution of the staff report, an analysis of the application under the relevant provisions of this chapter and state law, and a recommendation on the matter. At least seven calendar days before the hearing, the Director shall distribute the staff report to the applicant and each person who has specifically requested it.

#### **18A.30.390 Public hearing and city council action.**

The City Council shall consider the proposed development agreement at and following the public hearing. The decision of City Council on a development agreement is the final decision of the City. Notice of the final decision by the City Council shall be mailed to the applicant, to any person who submitted comments to the City Council, and to any other person who has specifically requested it. A development agreement shall be recorded with the Pierce County Records Department.

#### **18A.30.400 Term of agreement.**

During the term of the development agreement, the agreement is binding on the parties and their successors. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. The development agreement and the development standards in the agreement govern during the term of the agreement, or for all or part of build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance, development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the City after the execution of the development agreement shall be consistent with the development agreement. Amendments to the terms of the development agreement shall be done only by a written instrument executed by all parties pursuant to the procedures of this article, or as may be amended. The City will process and decide upon an application for an amendment upon payment of applicable fees, as if it were an application for a new development agreement.



## **PART V - LAND USE REVIEW AND APPROVAL**

### **18A.30.410 Purpose – land use review and approval.**

The purpose of this section is to allow for the placement of uses permitted by Title 18A of the Lakewood City Code, through a comprehensive site plan review process, which insures compliance with the adopted plans, policies and ordinances of the City of Lakewood. It is further intended to provide for the examination of development proposals with respect to overall site design and to provide a means for guiding development in logical, safe and attractive manners.

### **18A.30.420 Type of action.**

Land use review and approval is either a Type I or Type II action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.

### **18A.30.430 Applicability.**

Construction and development of projects reviewed through the Land Use Approval process shall be in strict compliance with the approved site plan and conditions attached thereto. When required by this section, site plan review and land use approval shall be completed and all appeal periods terminated prior to issuance of a building or any other construction permit. Land use approval is required for the following types of projects:

- A. Any change of occupancy of a building from one International Building Code group or division of a group to another or a change of use of land;
- B. Any new nonresidential and nonagricultural use of land;
- C. The location or construction of any nonresidential or nonagricultural building, or any multifamily project in which more than four (4) dwelling units would be contained; and
- D. Any addition to such structure or remodel or substantial revision of the site plan associated with such use.

### **18A.30.440 Delegation of authority.**

The director may delegate review and approval of a proposed land use and associated improvements to the fire marshal, planning manager, building official and/or city engineer, as deemed appropriate by the director.

### **18A.30.450 Application –content.**

Each application for land use approval shall contain all required information as set forth in the approved land use application together with the following information:

- A. A complete environmental checklist, when required by the State Environmental Policy Act;
- B. All fees, signatures and information specified in the approved application form;
- C. Complete application(s) for all associated non-construction approvals or permits required by this code, including but not limited to concept design review, conditional use approval, shoreline development, site plan review, variance, preliminary plat approval, and rezone.

**18A.30.460 Application – review process.**

**A. Filing.**

1. Applications for land use approval shall be made on forms provided by the Director and made available at the Department.
2. A complete application for land use approval shall be filed with the department. An application shall not be considered complete if it fails to contain any of the information and material required by LMC Section 18A.30.040 and LMC Section 18A.30.050.
3. Upon determination of a complete application, the Department shall notify all appropriate recognized neighborhood associations.
4. Application fee(s) as established by the City are due upon presentation of an application for land use approval.

**B. Review by Director.**

1. The site plan review committee is hereby established and shall consist of the building official, planning manager, city engineer, SEPA official, and the fire marshal or their designees. The committee shall be chaired by the director or his/her designee and serves in an advisory capacity to the director, who shall be responsible for all land use related decisions. The committee shall adopt rules of procedure for the purpose of ensuring fair, lawful and timely recommendations.
2. Except when a public hearing is required or where the applicant agrees to an extension of time, the director shall, within one hundred twenty (120) days from the date of complete application, approve, disapprove or approve with conditions any proposed land use. Notice of the director's decision or recommendation shall be distributed as provided by LMC Section 18A.20.310.
3. When a public hearing is required prior to land use approval, the Director shall issue his/her recommendation to the Hearing Examiner in a manner that will provide the Hearing Examiner sufficient time to issue a notice of final decision within 120 days of the date of complete application.

4. Any time required to prepare, review and issue a final environmental impact statement as required under the provisions of SEPA shall not be included under the time constraints of this subsection.

5. The Director shall review proposed projects for consistency with the standards and provisions of the City of Lakewood as expressed in the various adopted plans and ordinances, including this Title.

6. Whenever the Director denies land use approval, he/she shall set forth, in writing, his/her findings which shall specify the reasons for the disapproval. Unless a public hearing is otherwise required, the decision of the director shall be final unless appealed to the Hearing Examiner pursuant to LMC Chapter 1.36, General Provisions and LMC 18A.30 Part IV.

C. Referral to Hearing Examiner. If in the Director's opinion a project is extraordinarily complex or presents significant environmental, design or compatibility issues, the Director may refer the project for a public hearing before the Hearing Examiner. A decision of the Director to refer a project to the Examiner may be made at any time.

D. Hearing Examiner. Any review by the Hearing Examiner shall be conducted according to the procedural requirements of LMC Chapter 1.36, General Provisions and LMC 18A.20 Part IV.

#### **18A.30.470 Site plan review log – summary of action.**

On the first work day following action of the Director, the Hearing Examiner or City Council on a project, the action shall be entered into the permit tracking system maintained by the Department.

#### **18A.30.480 Notification.**

Notice of the decision of the director, or hearing examiner shall be mailed to the applicant within seven (7) calendar days following the action.

#### **18A.30.490 Reconsideration in response to SEPA comments.**

Any interested person may submit written comments and request reconsideration by the Director within fifteen (15) days of the date any decision attached to a SEPA threshold determination is issued. Unless further action is taken by the Director in response to such comments, the period in which to file an appeal shall terminate twenty-one (21) days after the date the decision is issued. SEPA exempt actions of the committee shall not be subject to reconsideration and shall be subject to only a fourteen (14) day appeal period.

#### **18A.30.500 Amendments.**

A project approved by the Director, or Hearing Examiner may be amended at the applicant's request by the same procedures provided under this chapter for original application approval.

**18A.30.510 Dedication, improvements and performance bond.**

As a condition of land use approval, an applicant may be required to dedicate property, construct public improvements, and furnish a performance bond to the City to secure an obligation to complete the provisions and conditions of the project as approved.

**18A.30.520 Final approval – expiration.**

Unless utilized by application for unexpired construction permits or explicitly extended by the Director, the final approval of a land use application shall expire in one (1) year pursuant to LMC Section 18A.20.100.

## PART VI – PLANNED DEVELOPMENT

### 18A.30.530 Purpose.

A planned development district is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A planned development district allows for innovations and special features in site development, including the location of structures, conservation of natural land features, protection of critical areas and critical area buffers, the use of low impact development techniques, conservation of energy, and efficient utilization of open space.

### 18A.30.540 Application.

A. A PDD is a Type III action and shall be considered in accordance with the procedures for such permits as set forth in LMC Chapter 18A.20 Administration.

B. An application for approval of a PDD shall be submitted to the Community and Economic Development Department on forms provided by the Department along with established fees. For those planned development districts that include the division of land, a PDD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to LMC Title 17 and other applicable City regulations. Twenty-five copies of all associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the City.

An applicant for a PDD shall submit the following items to the City, unless the director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

1. A detailed narrative that includes:
  - a. A description detailing how the proposed development will be superior to or more innovative than conventional development methods as allowed under the City's land use regulations and how the approval criteria set forth in **LMC 18A.40.540 [verify cite]** have been satisfied;
  - b. A description of how the proposed PDD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
  - c. A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
  - d. A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
  - e. A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
  - f. Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;

- g. A description of the specific City standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with LMC Chapter 18A.20; and
    - h. A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening, buffering and other methods.
  - 2. A site plan with the heading “Planned Development District Site Plan” that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;
  - 3. Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;
  - 4. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PDD site plan and narrative;
  - 5. A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;
  - 6. A draft development agreement, if proposed by the applicant or as required by the City; and
  - 7. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.
- C. An applicant shall provide sufficient facts and evidence to enable the Hearing Examiner to make a decision. The established fee shall be submitted at time of application.
- D. Notice of application shall be provided pursuant to LMC Section 18A.30.330.

**18A.30.550 Public hearing.**

- A. The Hearing Examiner shall hold an open record public hearing on any proposed conditional use and shall give notice thereof in accordance with the procedures established pursuant to LMC 18.20 Part III.
- B. The hearing shall be conducted in accordance with the requirements of LMC 18.20 Part II, Public Notice Requirements.

**18A.30.560 Required findings.**

A PDD shall only be granted after the Hearing Examiner has reviewed the proposed use and has made written findings that all of the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. The PDD is consistent with the comprehensive plan; and
- B. The PDD, by the use of permitted flexibility and variation in design, is a development practice that results in better urban design features than found in traditional development. Net benefit to the City may be demonstrated by one or more of the following:
  - 1. Placement, type or reduced bulk of structures, or
  - 2. Interconnected usable open space, or
  - 3. Recreation facilities, or

4. Other public facilities, or
5. Conservation of natural features, or
6. Conservation of critical areas and critical area buffers beyond, or
7. Aesthetic features and harmonious design, or
8. Energy efficient site design or building features, or
9. Use of low impact development techniques;

C. The PDD results in no greater burden on present and projected public utilities and services than would result from traditional development and the PDD will be served by adequate public or private facilities including streets, fire protection, and utilities; and

D. The perimeter of the PDD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and

E. Landscaping within and along the perimeter of the PDD is superior to that required by **LMC Section 18A.70.150 [verify cite]**, and landscaping requirements applicable to specific districts contained in **LMC Section 18A.70.160 [verify cite]**, and enhances the visual compatibility of the development with the surrounding neighborhood; and

F. At least one major circulation point is functionally connected to a public right-of-way; and

G. Open space within the PDD is an integrated part of the project rather than an isolated element of the project; and

H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets; and

J. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

K. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

#### **18A.30.570 Action of hearing examiner.**

A. In addition to demonstrating compliance with the criteria as determined by the Hearing Examiner, the applicant shall accept those conditions that the Hearing Examiner finds are appropriate to obtain compliance with the criteria.

B. In permitting a PDD, the Hearing Examiner may impose any or all of the following conditions:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
2. Establish a special yard or other open space or lot area or dimension.
3. Limit the height, size or location of a building or other structure.
4. Designate the size, number, location or nature of vehicle access points.
5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
6. Designate the size, location, screening, drainage, surfacing or other improvement of parking or truck loading areas.
7. Limit or otherwise designate the number, size, location, and height of lighting of signs.
8. Limit the location and intensity of outdoor lighting or require its shielding.
9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
10. Design the size, height, location or materials for a fence.
11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.
13. Require provisions for stormwater drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities.
14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.
15. Require such financial guarantees and evidence that any applied conditions will be complied with.

C. The decision of the Hearing Examiner is considered final and conclusive by the City.

**18A.30.580 Minimum size.**

Planned development districts may be located on lots of two acres or greater; when necessary, the applicant must demonstrate the preservation of a significant natural feature (examples: wetlands, tree preservation, creeks and steep slopes), enhanced urban design, or amenity by the use of the planned development district process.

**18A.30.590 Permitted modifications.**

A. All zoning, site development, and subdivision requirements may be modified in a planned development district in the interest of the expressed purposes above except:

1. Permitted uses, and conditional uses;
2. Street setbacks on exterior streets in residential zones;
3. Surveying standards; and
4. Engineering design and construction standards of public improvements but not including street right-of-way width.



**18A.30.600 Permitted residential density and lot sizes.**

A. The number of dwelling units permitted in a planned development district may exceed the development standards found in **LMC Section 18A.60.030**. The permitted density shall be the maximum number of dwelling units allowed per gross acre (DUA) and shall be as follows:

1. R1 zoning district: 2 DUA;
2. R2 zoning district: 4 DUA;
3. R3 zoning district: 7 DUA;
4. R4 zoning district: 9 DUA.

B. The minimum lot sizes in gross square feet (GSF) for the residential zoning districts subject to the planned development district overlay shall be as follows:

1. R1 zoning district: 20,000 GSF;
2. R2 zoning district: 10,000 GSF;
3. R3 zoning district: 6,000 GSF;
4. R4 zoning district: 4,800 GSF.

C. The residential density and lot size standards of all other zoning districts are not subject to change.

**18A.30.610 Required open space and recreation facilities.**

In planned development districts, 20 percent of the net development area shall be established as open space and/or planned development district community recreation facilities. Upon approval of the Hearing Examiner, up to five percent of the unbuildable land may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for a specified recreational purpose.

**18A.30.620 Multiple zoning districts.**

If a planned development district is proposed within two or more zoning districts, the maximum number of dwelling units will be the total allowed in each zone combined. The permitted land uses of the more restrictive zone shall apply to the entire planned development district.

**18A.30.630 Binding site plan.**

A binding site plan is required for all planned development districts and shall include:

- A. All information required on a preliminary plat;
- B. The location of all proposed structures;
- C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, and the installed and mature height of all vegetation;
- D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

E. Inscriptions or attachments setting forth the limitations and conditions of development;

F. An outline of the documents of the owners' association, bylaws, deeds, covenants and agreements governing ownership, maintenance and operation of the planned development district shall be submitted with the binding site plan. Planned development district covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The City may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce association-related documents; and

G. The provisions ensuring the development will be in conformance with the site plan.

**18A.30.640 Phased development.**

If a planned development district is planned to be completed in more than two years from the date of preliminary plat/site plan approval, the planned development district will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The binding site plan for each phase shall be approved separately. Each division of development in a multiphase planned development district shall meet all the requirements of a planned development district independently.

**18A.30.650 Required certificates and approvals.**

Binding site plans shall include all the required certificates of a final plat. PDDs shall be subject to design review in accordance with **LMC 18A.60 Part I [verify cite]**.

**18A.30.660 Expiration.**

Approval of a binding site plan expires unless recorded by the county auditor within three years from the date of approval. An applicant who files a written request with the City Clerk within 30 days of the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the site plan.

## PART VII – REZONE AND TEXT AMENDMENTS

**[VERIFY ACCURACY – replace w/ QJCU language]**

### **18A.30.670 Authority.**

The City Council may, upon its own motion, amend, supplement or change by ordinance, any of the provisions, use district boundaries or use district classifications herein established.

In the case of site-specific rezones which do not require a Comprehensive Plan Amendment, and privately initiated rezones which require a Comprehensive Plan Amendment, the Council shall first review the recommendation of the Planning Commission.

Accordingly, the Department shall forward all proposed text amendments and rezone, i.e., zoning map amendment, proposals to the Planning Commission for review and recommendation, and to the City Council for consideration, review and action.

### **18A.30.680 Site-specific rezone procedures.**

In the case of site-specific rezones which do not require a Comprehensive Plan Amendment, the rezone application review shall follow the procedures outlined in this Chapter, in **LMC Section 18A.20.310 [VERIFY]**.

### **18A.30.690 Collection of rezone applications.**

Site-specific rezone applications may be submitted at any time. However, for review purposes, such proposals will be collected into two (2) sets in each calendar year. Unless otherwise specifically authorized by the City Council:

- A. Proposals submitted between April 1st and September 30th shall be considered collectively and voted upon by the City Council by March 31st of the following year.
- B. Proposals submitted between October 1st and March 31st shall be considered collectively and voted upon by the City Council by September 30th of the same year.
- C. Proposals will be considered no more than twice each year.
- D. Time limits for review shall be as established in LMC Section 18A.120.090, provided that the review period shall start on the latest submittal dates established under (A) and (B) of this section and not the date of application.

**[verify cites & content]**

### **18A.03**

### **REZONE PROCEDURES**

#### **Sections:**

**18A.03.010 Purpose.**

**18A.03.020 Applicability.**

**18A.03.030 Application Requirements.**

**18A.03.040 Public Notice.**

18A.03.050 Review.  
18A.03.060 Burden of Proof.  
18A.03.070 Examiner's Authority.  
18A.03.080 Appeals.  
18A.03.090 Compliance with Conditions.

**Cites to Chapter 1.38**  
**Procedures for Quasi-Judicial Hearings**

1.38.010 Application of Provisions.  
1.38.020 Definitions. Revised 3/18  
1.38.030 Standing – Notice – Continuance.  
1.38.040 Grounds for Appeal.  
1.38.050 Quorum – Decision.  
1.38.060 Submission of Documents.  
1.38.070 Requests to Testify.  
1.38.080 Presentations at Hearing.  
1.38.090 Decision on Appeal.  
1.38.100 Remand to Examiner.  
1.38.110 Reconsideration.  
1.38.120 Appeal.

**18A.03.010 Purpose.**

The purpose of this Chapter is to establish procedures and decision criteria which the City of Lakewood's Hearing Examiner will utilize in reviewing quasi-judicial rezone applications.

**18A.03.020 Applicability.**

**A. Parcel.** The rezone procedure set forth in this Chapter is only available to parcel(s) of land that are located within areas of the city.

**B. Planned Development District.** The Examiner may consider a rezone application only when it is accompanied with an application for a planned development district (PDD.)

**C. Community Plans.** The Examiner may utilize the policies contained in the applicable community(ies) plan which may provide additional criteria and procedures than is established herein.

**D. Comprehensive Plan.** The rezone procedure cannot be used to change the land use designation of parcels designated in the Comprehensive Plan. Changes in land use designation must be requested pursuant to the provisions of Chapter XXX.

**18A.03.030 Application Requirements.**

**A. Preliminary Review.** The provisions for conducting a preliminary review of a proposed rezone are set forth in Chapter XXX, Development Regulations – General Provisions.

**B. Application Filing.**

**1. Completeness Review.** Rezone applications shall be reviewed for completeness in accordance with Department submittal standards checklists and pursuant to Chapter XXX.

**2. Application Site Plan.** All rezone applications shall include a site plan that identifies the exact boundaries of the proposed rezone area. Such site plan shall also indicate the relationship of the proposed rezone to the related PDD proposal.

**3. Limitations on Refiling.** Applications for a rezone pursuant to this Chapter shall not be accepted if a similar rezone has been denied on the same site within the past 12 months from the date of final action. This time period may be waived or modified if the Director or Examiner finds that special circumstances warrant earlier reapplication.

**4. Fees.** Fees for any rezone application filed pursuant to this Title are set forth in Chapter XX LMC.

**18A.03.040 Public Notice.**

Public notice provisions for notice of application, public hearing, and final decision pursuant to this Chapter are outlined in Chapter XX, Development Regulations – General Provisions.

**18A.03.050 Review.**

**A. Initial Review.** The Department shall conduct an initial review of any rezone application in accordance with the provisions outlined in Chapter XXX.

**B. Public Hearing Required.** The Department shall set a date for a public hearing before the City Hearing Examiner after all requests for additional information or plan correction, as set forth in LMC XXX, have been satisfied and a SEPA threshold determination has been issued. The public hearing shall follow the procedures set forth in Chapter XXX.

**C. Decision Criteria.** The Hearing Examiner may approve an application for a rezone only if all of the following criteria are met:

**1. Comprehensive Plan.** The proposed rezone is consistent with the purpose and intent of the Comprehensive Plan, respective community(ies) plan, PDD approval criteria contained in LMC XXX, and other applicable regulations;

**2. Health, Safety and Welfare.** The proposed rezone bears a substantial relation to public health, safety, or welfare;

**3. Best Interest.** The proposed rezone is in the best interest of the residents of the City and the surrounding community(ies); and

**4. Appropriate.** The proposed rezone is appropriate because of one of the following:

- a. Conditions in the immediate vicinity have so markedly changed since the property was given its present zoning and that under those changed conditions a rezone is within the public interest; or
- b. The rezone will correct a zone classification or zone boundary that was inappropriate when established.

**D. Time Period for Final Decision.** The provisions for issuing a notice of final decision on any rezone application filed pursuant to this Chapter are set forth in Chapter XXX Development Regulations – General Provisions.

**18A.03.060 Burden of Proof.**

The applicant has the burden of proving that the rezone meets the criteria of LMC XXX.

**18A.03.070 Examiner's Authority.**

**A. Approval.** The Examiner may approve an application for a rezone, approve with additional requirements above those specified in this Title, or require modification of the proposal to comply with specified requirements or local conditions.

**B. Denial.** The Examiner shall have the authority to deny a rezone application when, in the opinion of the Examiner, the criteria established has not been met.

**C. Expiration Dates.** The Examiner has the authority, as part of the approval of the rezone, to establish expiration dates or time periods within which the approval must be exercised. Upon expiration, the approval shall be considered null and void. The expiration time period above may be extended by the Examiner provided such request has been made prior to the expiration date, in the following situations:

- 1. If the applicant can demonstrate to the Examiner that there have been unusual circumstances beyond their control to cause delay in the project, the time period may be extended by one year; or
- 2. The Examiner has the authority to grant a single one year time period extension.

**18A.03.080 Appeals.**

Procedures for appeal of a Hearing Examiner decision on a rezone issued pursuant to this Title are set forth in Chapter XXX LMC.

**18A.03.090 Compliance with Conditions.**

Compliance with conditions established in a rezone is required. Any departure from the conditions of approval or approved plans constitutes a violation of this Title and shall be subject to enforcement actions and penalties (see Chapter XXX LMC, Compliance).

## **Part VIII – TEMPORARY USE PERMITS**

### **18A.30.700 Purpose.**

The provisions of this section are designed to provide standards and criteria for temporary relief to situations resulting from strict application of this title. Provisions authorizing temporary uses are intended to permit occasional temporary uses, activities and structures when consistent with the purpose of this title and when compatible with the general vicinity and adjacent uses

### **18A.30.710 Permitted uses.**

The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the Director:

- A. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.
- B. Christmas tree sales lots, flower stands, and similar seasonal sales facilities limited to location on non-residential lots in commercial or industrial zoning districts. Specific facilities that are reestablished on the same site and at the same intensity every year may be reauthorized as a minor amendment to the original permit.
- C. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.
- D. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the intended use is permitted.
- E. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, permitted in commercial or industrial zoning districts only.
- F. Neighborhood or community garage or rummage sales, block parties, parades or holiday celebrations, and other similar neighborhood or community activities. The Director may exempt certain fund-raising or other activities by non-profit organizations from the permit requirements of this section where it is determined that the proposed activity is not likely to have adverse impacts on surrounding land uses or the community in general.
- G. The Director may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of this section.

### **18A.30.720 Exemptions.**

The following temporary uses, activities and structures may be exempted from the requirement to obtain a temporary use permit upon the determination by the Director that the use, activity or structure is expected and/or normal or customary for the facility or

property where it is occurring, and that the expected impacts of the use, activity or structure have been anticipated or are regulated directly by other sections of this code:

A. Model homes or apartments and related real estate sales and display activities located within a subdivision or residential development to which they pertain.

B. Indoor or outdoor art and craft shows and exhibits, swap meets and flea markets, limited parking lot and sidewalk sales and displays, warehouse sales and similar activities limited to locations on properties in commercial or industrial districts, where such activities have been anticipated and/or are considered customary for the facility, and which do not result in significant impacts on adjacent public and private properties and are conducted by the business licensed for the property. Parking lot sales that displace or interfere with required off-street parking shall require a temporary use permit.

C. Contractor's office, storage yard and equipment parking and servicing on or adjacent to the site of an active construction project; provided that the Director may require a temporary use permit or condition such facilities to resolve site specific issues. This exemption does not include caretaker quarters or other residential uses or dwellings, which are otherwise regulated.

D. The Director may authorize automatic or abbreviated renewal provisions for any temporary use permit. Such provisions shall be specified in the terms of the original permit.

#### **18A.10.730 Application and authorization.**

A. A temporary use permit is a Process I action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.

B. Temporary use applications shall be on a form prescribed by the community and economic development department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the Director to make a decision. The established fee shall be submitted at time of application.

C. Applications for temporary use permits shall be filed with the community and economic development department. Application shall be made at least fifteen (15) days prior to the requested date for commencement of the temporary use.

D. A temporary use authorized pursuant to this section shall be subject to all of the applicable standards of LMC 18A.30.740, Standards for Temporary Use, and shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

#### **18A.30.740 Standards.**

A. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.



- B. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty (20) percent of the spaces required for the permanent use.
- C. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.
- D. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the City Council.
- E. No temporary use shall occupy a site or operate within the city for more than forty-five (45) days within any calendar year, except as follows:
1. When authorized by the Director, a temporary use may operate an additional forty-five (45) days if it is found that such an extension will be consistent with the requirements of LMC 18A.30.700 Purpose, LMC 18A.30.710 Permitted Uses, and 18A.30.740 Standards for Temporary Use.
  2. A temporary use may be provided an additional extension if unique circumstances exist that necessitate a longer use such as construction office or security housing for an active construction site and such an extension will be consistent with the requirements of LMC 18A.30.700 Purpose, LMC 18A.30.710 Permitted Uses, and 18A.30.740 Standards for Temporary Use.
- F. All signs shall comply with the requirements of LMC 18A.100 Signs, except as otherwise specified in this section.
- G. All temporary uses shall obtain all required City permits, licenses or other approvals, prior to occupancy of the site.
- H. The Director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, setbacks, special yards, and spaces; control of points of vehicular ingress and egress, temporary arrangements for parking, loading and traffic circulation, requirements for screening or enclosure, site maintenance during use, and guarantees for site restoration and cleanup following temporary use.
- I. Subsequent temporary use permits may be denied to an applicant, event or organization based on failure to comply with the terms of an approved temporary use permit or applicable regulations.

#### **18A.30.750 Criteria for granting approval.**

A temporary use permit shall only be granted when the Community Development Director, after consultation and coordination with all other applicable City departments and other agencies, has determined that:

- A. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
- B. The temporary use will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- C. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.
- D. The temporary use will comply with the requirements of the zone within which it is proposed.
- E. The temporary use shall comply with all applicable standards of the Tacoma - Pierce County Health Department, if applicable.
- F. In applying temporary use criteria and determination of appropriate conditions, consideration shall be given, but not limited to:
  - 1. The harmony and scale, bulk, coverage, and density.
  - 2. The availability of public facilities and utilities.
  - 3. The harmful effect, if any, upon a desirable neighborhood character.
  - 4. The generation of traffic and the capacity of surrounding streets and roads.
  - 5. The creation of noise, vibration, odors, or other similar nuisances. and
  - 6. Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.

**18A.30.760 Decision.**

The Director shall provide the applicant with a written decision, either approving, denying or approving the application with modifications and/or conditions of approval, within fifteen (15) days after the date of submission of a complete application.

## PART IX – TRANSITORY ACCOMMODATIONS

### [NEW TYPE II PERMIT APPLICATION/FORM NEEDED. POTENTIAL “PARKING LOT ITEM”]

#### **18A.30.770 Definition.**

“Transitory accommodations” shall mean tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided the community development director determines on a case-by-case basis that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation, and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not; in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein.

#### **18A.30.780 Process.**

A. A transitory accommodation permit shall be required prior to the commencement of such a use, unless the community development director determines, after consideration of the performance criteria set forth in this section, that the proposed transitory accommodation possesses no characteristics which might adversely impact the community. The prospective transitory accommodation host (property owner and lessee, if applicable), sponsor and manager shall jointly apply for the transitory accommodation permit and shall be equally responsible for compliance with all conditions of the permit. “Applicant,” as used in these regulations, shall mean the transitory accommodation host, sponsor and manager. “Proponent,” as used in these regulations, shall mean the prospective host, sponsor and manager prior to submittal of an application for a transitory accommodation permit.

B. A transitory accommodation permit is a Type II action and shall be processed accordingly, as set forth in LMC 18A.20 Administration. The permit fee shall be established by resolution of the city council.

C. The applicant shall identify potential adverse effects of the proposed transitory accommodation on neighboring properties and the community and shall develop measures to mitigate such effects. The applicant shall submit a transitory accommodations impact mitigation plan with the permit application. The plan shall contain a narrative and drawing(s) that describe, to the satisfaction of the community development director, the measures the applicant will use to mitigate the effects of the transitory accommodation. At a minimum, the plan shall specifically describe the measures that will be implemented to

satisfy the approval criteria provided in **LMC Section 18A.30.820 [verify cite]**, except for criteria specifically waived by the Director.

The plan shall include a code of conduct and the names and phone numbers of all persons comprising the applicant. The form and organization of the mitigation plan shall be as specified by the community development director, but the elements of the plan shall be bound together. The approved transitory accommodation impact mitigation plan shall be signed by the community development director and the applicant, and implementation and enforcement of the plan shall be a condition of permit approval.

D. Advance discussions with nearby child care facilities and schools.

1. Prior to applying for a transitory accommodation permit, the proponent shall provide written notice to any licensed child care facility and the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed transitory accommodations site, and shall seek comments from said child care facility and school administration.

2. Where no comments are received, or where said child care facility(ies) or the administration of said school(s) is supportive of the proposal, the proponent shall submit an affidavit to this effect with the application.

3. Where said child care facility(ies) or the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the child care facility(ies) or school(s). Such a plan shall be submitted with the application and shall be incorporated in the conditions of the permit. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the child care facility or school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the city. In the event the parties cannot reach agreement after a good faith effort of at least 30 days from receipt by the child care facility or the school administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to reasonably accommodate, each party's needs, desires and concerns.

E. Decisions of the director and/or police chief may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with the procedures set forth in **LMC Chapter 1.36 General Provisions and LMC 18A.20 Part IV.**

F.      Emergencies. The community development director may waive these requirements when a natural or manmade disaster necessitates the immediate establishment of transitory accommodations.

G.      Failure to Comply. If a transitory accommodation permit has been issued, and the applicant has violated the terms therein, the City shall proceed with enforcement action pursuant to LMC, Title 1, Chapter 1.44, General Penalties. Additionally, the director may also issue a notice of violation and require compliance. Failure to correct any violation after a reasonable time for compliance shall result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition.

#### **18A.30.790 Site performance criteria.**

A.      Size. The site shall be of sufficient land area to support the activities of the transitory accommodation without overcrowding of occupants, intruding into required setbacks or critical areas, destroying vegetation, eroding soils or otherwise overtaxing the land. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the location of the proposed transitory accommodation on the host property; its area in square feet; and the proposed distribution of, and allocation of space for, anticipated activities including but not limited to sleeping, eating, socializing, and bathing and other personal functions.

B.      Setbacks from Property Line. All activities of the transitory accommodation shall be set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. The transitory accommodation shall be positioned on the property in the location that results in the least adverse impact to occupants of neighboring properties. The community development director may require the applicant to change the proposed location of the transitory accommodation to mitigate adverse impacts to occupants of neighboring properties. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating buildings and uses on properties surrounding the proposed transitory accommodation, and the distance the proposed accommodation would be set back from surrounding property lines. A transitory accommodation shall be set back no less than 20 feet from the exterior boundary lines of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback.

C.      Screening of Activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a minimum six-foot-high temporary fence, an existing fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

D.      Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan which addresses the following:

1. A description of parking capacity, both on-site and on-street, that describes the amount and location of parking prior to the transitory accommodation and any displacement of parking resulting from the transitory accommodation; and

2. Any circumstances which may reduce the normal demand for parking, such as off-peak-season use; and/or any mechanisms or strategies to reduce parking demand, such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

E. Access to Public Transportation. Where occupants of a proposed transitory accommodation are anticipated to walk to public transportation services, said accommodation shall be located no farther than one-half mile walking distance from a regular public transportation stop.

F. Critical Areas. All proposed transitory accommodations shall comply with the city's critical areas regulations as set forth in Chapter 14.04 BMC. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the presence and extent of any critical areas.

G. Restoration of Site. Upon cessation of the temporary accommodation, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the community development director, the applicant shall re-plant areas in which vegetation had been removed or destroyed.

#### **18A.30.800 Duration performance criteria.**

Length of time. The proposed transitory accommodations shall be in operation the minimal length of time necessary to achieve the recreational, humanitarian or other objective(s) of the applicant. Where deemed necessary by the community development director, the applicant shall provide a narrative explaining the objective(s) the applicant seeks to achieve, and the amount of time the applicant believes necessary to achieve that objective. However, under no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period, except that where the ninetieth day falls on a Friday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend.

#### **18A.30.810 Health and safety performance criteria.**

A. Transitory accommodations shall be operated in such a manner as to ensure the health and safety of occupants of the subject and surrounding properties. Accordingly, all transitory accommodations shall comply with the following:

1. Health Regulations. All applicable city, county and state regulations pertaining to public health shall be met.

2. Fire Safety. Inspections of the accommodation by the city for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the fire marshal, shall be maintained within and around the accommodation at all times to ensure that emergency vehicles can ingress/egress the site.
3. Building Code Inspections. Inspections of the accommodation by the city to ensure the public health and safety with regard to structures may be conducted at any time and without prior notice.
4. Drinking Water and Solid Waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.
5. Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.

**18A.30.820 Conduct and security performance criteria.**

- A. Noise. Any transitory accommodation shall comply with city noise regulations as set forth in Chapter 8.26 BMC. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential noise impacts.
- B. Light and glare. Any transitory accommodation shall comply with city light and glare regulations as set forth in Chapter 8.64 BMC. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential light and glare impacts.
- C. Security. Any transitory accommodation shall comply with city regulations regarding lawful behavior as set forth in LMC Title 9A Criminal Code. Any transitory accommodation shall provide all required legal access to public areas of the site by the city of Lakewood Police Department and any other relevant law enforcement agency at all times. Additionally, where deemed necessary by the director or the police chief, the applicant shall provide for the following:
  1. The applicant shall take all reasonable and legal steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current camp residents.
  2. The applicant will use such identification to obtain warrant and sex offender checks from the Pierce County Sheriff's office or other relevant authority. The anonymity of the requesting party shall be maintained.
  3. If said check reveals that the subject of the check is a sex offender, required to register with the city, county or state authorities pursuant to RCW 9A.44.130, then

the applicant shall immediately reject the subject of the check for residency in the transitory accommodation or eject the subject of the check if that person is currently a resident of the accommodation, and shall immediately notify the Lakewood Police Department of such rejection or ejection.

4. If said check reveals that the subject of the check has an existing or outstanding warrant, then the applicant may select either of the following alternative actions:

1. Immediately reject or eject the subject of the check and immediately notify the Lakewood Police Department of such rejection or ejection; or

2. Request the Lakewood Police Department to confer with the agency or court of jurisdiction from which the warrant originated to determine whether or not said agency or court desires the warrant to be served. If the originating agency or court desires the warrant to be served, the Lakewood Police Department shall do so immediately. If the originating agency or court declines warrant service, due to the minor nature of the offense for which the warrant was issued or for other reasons, the subject may enter or remain in the transitory accommodation; provided, that the applicant actively assists the subject in resolving the warrant.

5. The applicant shall keep a log of all individuals who stay overnight in the transitory accommodation, including names and dates. Logs shall be kept for a minimum of six months.

6. The applicant shall provide on-site security, as approved by the director in consultation with the city of Lakewood Police Department.

D. Code of conduct. The applicant shall provide and enforce a written code of conduct which mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.

#### **18A.30.830 Other performance criteria.**

A. Indemnification. Except for religious organizations, the applicant shall defend, indemnify, and hold the city, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the transitory accommodation.

B. Liability Insurance. Where deemed necessary by the community development director, with the exception of religious organizations, the applicant shall procure and maintain in full force, through the duration of the transitory accommodation, comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/aggregate for personal injury and property damage.



C. Other Criteria. Where deemed necessary, the community development director may identify other performance criteria; require the applicant to describe the potential impacts of the proposed transitory accommodation with respect to those criteria; and determine if measures are warranted to minimize or otherwise mitigate such impacts.

## **PART X – VARIANCE**

### **18A.30.840 Purpose.**

A variance shall not relieve an applicant from any of the procedural provisions of this title, conditions of approval established during prior permit review, any of the provisions of the critical areas code, except for the required buffer widths. The variance process shall not allow the establishment of a use that is not otherwise permitted in the zoning district in which the proposal is located or allow development that would result in an increase in density or a reduction in the minimum lot size.

### **18A.30.850 Type of action.**

A variance is a Type III action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.

### **18A.30.860 Limitations.**

A variance shall not relieve an applicant from any of the procedural provisions of this title, conditions of approval established during prior permit review, any of the provisions of the critical areas code, except for the required buffer widths. The variance process shall not allow the establishment of a use that is not otherwise permitted in the zoning district in which the proposal is located or allow development that would result in an increase in density or a reduction in the minimum lot size.

### **18A.30.870 Authority.**

The hearing examiner shall have the authority to grant a variance after considering the matter at a public hearing duly called and giving notice to adjoining property owners as provided in LMC Section 18A.20.310, Public Notice Framework.

### **18A.30.880 Required findings.**

A. Before any variance is granted, the hearing examiner shall find that the following circumstances exist:

1. That the proposed variance will not amount to a rezone or constitute a change in the district boundaries shown on the Official Zoning Map;
2. That because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property the variance is necessary to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting of the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated; and
6. That the variance is the minimum variance necessary to provide the rights and privileges described above.

**18A.30.890 Additional conditions of approval.**

Before granting a variance, the hearing examiner may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this Title shall not be violated. Noncompliance with the conditions of the permit shall be grounds for rehearing before the Hearing Examiner, in addition to fines and penalties under LMC Chapter 1.44, General Penalties. The Hearing Examiner may suspend or revoke a variance pursuant to this section for violation of any of the provisions of this title or original conditions of approval.

## **PART XI - UNUSUAL USES**

### **18A.30.900 Purpose.**

Certain unusual uses, which are not identified in LMC Title 18A may be allowed by the hearing examiner if such use will have no detrimental effect on other properties in the vicinity. In authorizing uses of this type, the hearing examiner shall impose limits and conditions necessary to safeguard the health, safety and general welfare of those persons that might be affected by the use.

### **18A.30.960 Type of action.**

An unusual use is a Type III action and shall be considered in accordance with the procedures for such permits as set forth in LMC 18A.20 Administration.



## CHAPTER 18A.40 - LAND USES AND INTERPRETATION TABLES

### Sections

18A.40.005	Definitions
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.40.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **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 not allowed.

F. If a number “B( )” 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	R1	R2	R3	R4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	II	I2	P I	O S R 1	O S R 2
Commercial beekeeping B(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 B(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 B(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 B(3)	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential beekeeping B(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																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
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 B(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	-	-
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Furniture, furnishings,	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
appliance/ equipment store																						
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 B(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	-	-	-
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

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
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 B(3), B(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 B(3)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	C
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	-	-

		Zoning Classifications																					
		R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C 1	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Wildlife preserve or sanctuary		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Wine production facility B(2)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Accessory commercial B(5)																							
Accessory industrial B(6)																							
		Blank squares for last 2 above = prohibited per 18A.40.020(B)? If not, what to put here to clarify what a "secondary permitted residential use" is?																					
		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		R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	II	I2	PI
Bar/tavern B(1)*		-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
Brewery - brew pub		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P				
Mobile food vending facility B(2)		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P
Night club		-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	C	-	-	-	-
Restaurant, café, coffee shop – counter ordering		-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	-	-
Restaurant, café, coffee shop –drive-through services B(3)		-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-
Restaurant, café, coffee shop –table service		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – outdoor dining B(4)		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – serving alcohol		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Tasting room		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Vendor stand B(5)		-	-	-	-	-	-	-	-	-	-	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. 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	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Airport (Seaplane) B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Community and technical colleges, colleges and universities B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	C	-	-	C	-	-
Correctional facilities B(1),B(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 B(1), B(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 B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C	-	-	-	C	-	-
Intercity High- Speed Ground Transportation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Intercity Passenger Rail Service B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Interstate Highway “I-5” B(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P
Mental Health Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Military Installation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum Security Institution B(1), B(2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
Secure Community Transition Facility (SCTFs) B(1), B(2), B(3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
Solid Waste Transfer Station B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit Railroad Right-of-Way B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit Bus, Train, or Other High Capacity Vehicle Bases B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Washington State Highway 512 B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-
Work/Trainin g Release Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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. 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																				
	R 1	R 2	R 3	R 4	M R1	M R2	M F1	M F2	M F3	A R C	N C1	N C2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
City, county, special district, state, and federal offices	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	C	-	P
Fire stations	P	P	P	P	C	C	C	C	C	-	P	P	P	P	P	P	P	P			P
Maintenance shops and vehicle and equipment parking and storage areas for general government services B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	p	C	-	C	P	P	P	P
Police stations, including temporary holding cells B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P
Post offices	-	-	-	-	-	-	-	-	-	-	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.
  - 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.

	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Day care center in existing and new schools B(2)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Day care center in existing or new churches B(2)	C	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 B(2), B(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	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	C	-	-	C	-	-

	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
establishment located on the same site B(2), B(3)																							
Day care center, independent B(2)	-	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-	-	-	C	-	-
Human service agency offices	-	-	-	-	-	-	-	-	-	C	P	P	P	P	-	P	P	C	-	-	-	-	-
Medical service - clinic, urgent care	-	-	-	-	-	-	-	-	-	-	-	P	C	P	-	P	P	-	-	-	-	-	-
Medical service - doctor office	-	-	-	-	-	-	-	-	-	C	P	P	-	P	-	P	P	-	-	-	-	-	-
Medical service – hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-
Medical service - integrated medical health center	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	C	-	-	-	C	-	-
Medical service – lab	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	C	C	-	-	-	C	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	-	-
Preschool/nursery school	C	C	C	C	-	-	C	C	C	-	C	P	P	P	-	C	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	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	II	I2	PI	O S R 1	O S R 2
Bed and breakfast guest houses B(1)*	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hostels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	P	-	-	-	-	-	-
Short term vacation rentals B(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. Purpose – Open Space/Recreation Zoning Districts.**

The Open Space and Recreation 1 (OSR1) and Open Space and Recreation 2 (OSR2) zoning districts provide for open space and public or semi-public recreational activities throughout the City.

The purpose of the Open Space and Recreation zones are to recognize those lands designated for City parks and public open space. Parks include developed City parks where typical uses include active and passive outdoor recreational activities, including but not limited to ball fields, sport courts, tot lots, trails, open space, and cultural activities. Park buildings and structures, concessionaires, general park operations and maintenance activities, storm drainage facilities, caretaker's quarters, other compatible public uses and structures, and uses customarily incidental to parks are also allowed.

Open space includes undeveloped City park lands and critical areas such as wetlands, steep slopes, and stream corridors owned by the City. Until developed as park land, uses in these areas should be low impact, low intensity uses such as permanent open space, passive hiking trails, and passive interpretative trails.

##### **B. Applicability - Open Space/Recreation Zoning Districts.**

The OSR1 and OSR2 zoning districts are applicable to lands designated Open Space and Recreation in the comprehensive plan.

Unless otherwise shown on the official zoning map, all open bodies of water, including, but not limited to, American Lake, Lake Steilacoom, Gravelly Lake, Lake Louise, Waughop Lake, Wards Lake, Seeley Lake, Boyles Lake, Carp Lake, Lost Lake, Mud Lake and Barlow Pond, shall be considered to be within the OSR1 zoning district.

In addition, the OSR1 and OSR2 zoning districts are considered compatible with and may be applied to areas within all other comprehensive plan land-use designations. The OSR1 zoning district may be applied to publicly or privately owned or controlled property used for natural open space and passive recreation. The OSR2 zoning district may be applied to privately and publicly owned active recreational uses and cemeteries.

##### **C. Land Use Regulations for Open Space/Recreation Zoning Districts.**

Table BLANK identifies land uses permitted in the Open Space/Recreation Zoning Districts.

	Zoning Classifications	
	OSR1	OSR2
Natural open space and passive recreation.		
Protected open space areas in a natural state,		

together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.		
Fish hatcheries.		
Historical cemeteries.		
Neighborhood-scale active recreation and limited accessory structures:		
Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size;		
Open sports fields two (2) acres or less in size, with no spectator seating;		
Improved trail systems;		
Paved multi-use areas and bridle trails within defined park areas;		
Public restrooms;		
Playground equipment; and		
Picnic tables and shelters.		
Accessory caretaker's quarters and accessory structures related thereto.		
Office and administrative uses related to the operations of park facilities not to exceed 5,000 square feet.		

Eating and drinking establishment (Level 1/2).		
Storage buildings and outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards, for maintenance equipment and goods utilized in the primary use.		
Antennae and satellite dishes for subject to specific standards, including siting criteria, set forth in LMC 18A.XX.XXX, Wireless Services Facilities.		
Facilities used in on-site grounds maintenance.		
On-site soil reclamation treatment in accordance with state regulations.		
Retaining walls, freestanding walls, and fences.		
Docks and mooring facilities as regulated by applicable shoreline management regulations.		
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>Zoning District</b>	<b>Permitted</b>	<b>Administrative</b>	<b>Conditional</b>
<b>OSR 1</b>	<p>Natural open space and passive recreation.</p> <p>Protected open space areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.</p> <p>Fish hatcheries.</p> <p>Historical cemeteries.</p> <p>Neighborhood-scale active recreation and limited accessory structures.</p> <p>Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size;</p> <p>Open sports fields two (2) acres or less in size, with no spectator seating;</p> <p>Improved trail systems;</p> <p>Paved multi-use areas and bridle trails within defined park areas;</p> <p>Public restrooms;</p> <p>Playground equipment; and</p> <p>Picnic tables and shelters.</p> <p>Accessory caretaker's quarters and accessory structures related thereto.</p> <p>Office and administrative uses related to the operations of park facilities not to exceed 5,000 square feet.</p> <p>Eating and drinking establishment (Level 1/2).</p> <p>Storage buildings and outdoor storage, subject to</p>	<p>Bus shelters.</p> <p>Cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae, wireless services facilities, structures, or private antenna and satellite dishes.</p> <p>Above ground and below ground electrical distribution lines, poles, and associated facilities and appurtenances with voltages of 55,000 volts and under.</p> <p>Natural gas distribution lines.</p> <p>Sewage collection facilities including distribution lines, such as wastewater transfer facilities, odor control structures, pump stations and lift stations.</p> <p>Stormwater collection and local conveyance systems.</p> <p>Constructed wetlands.</p> <p>Stormwater pond facilities that are also developed to allow uses such as parks, or for recreational purposes.</p>	<p>Playgrounds from two (2) to twenty (20) acres in size.</p> <p>Multi-use linear trails.</p> <p>Open sports fields with unenclosed seating for up to four hundred (400) spectators.</p> <p>Swimming pools for community or regional use.</p> <p>Public and private golf courses and associated driving ranges.</p> <p>Equestrian clubs, and marinas.</p> <p>Arboretums and community gardens more than two (2) acres in size.</p> <p>Playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities.</p>

Zoning District	Permitted	Administrative	Conditional
	<p>the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards, for maintenance equipment and goods utilized in the primary use.</p> <p>Antennae and satellite dishes for subject to specific standards, including siting criteria, set forth in LMC 18A.XX.XXX, Wireless Services Facilities.</p> <p>Facilities used in on-site grounds maintenance.</p> <p>On-site soil reclamation treatment in accordance with state regulations.</p> <p>Retaining walls, freestanding walls, and fences.</p> <p>Docks and mooring facilities as regulated by applicable shoreline management regulations.</p>	<p>Local water distribution systems, wellheads, and pump stations.</p> <p>Water storage facilities.</p>	



<b>Zoning District</b>	<b>Permitted</b>	<b>Administrative</b>	<b>Conditional</b>
<b>OSR 2</b>	<p>Outdoor <u>Recreation</u> (Level 1/2)</p> <p>Natural open space and passive recreation.</p> <p>Protected open space areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.</p> <p>Neighborhood-scale active recreation and limited accessory structures.</p> <p>Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size;</p> <p>Open sports fields two (2) acres or less in size, with no spectator seating;</p> <p>Improved trail systems;</p> <p>Paved multi-use areas and bridle trails within defined park areas;</p> <p>Public restrooms;</p> <p>Playground equipment; and</p> <p>Picnic tables and shelters.</p> <p>Bus shelters.</p> <p>Cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae, wireless services</p>	<p>Performing arts theaters.</p> <p>Parks and playgrounds from two (2) to twenty (20) acres in size.</p> <p>Multi-use linear trails.</p> <p>Open sports fields with unenclosed seating for up to four hundred (400) spectators.</p> <p>Swimming pools for community or regional use.</p> <p>Marinas.</p> <p>Arboretums and community gardens more than two (2) acres in size.</p> <p>Regional cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae or wireless services facilities.</p> <p>Above ground electrical transmission facilities of an operating voltage greater than 55,000 volts, with associated facilities and appurtenances, including substations.</p>	<p>Playgrounds from two (2) to twenty (20) acres in size.</p> <p>Multi-use linear trails.</p> <p>Open sports fields with unenclosed seating for up to four hundred (400) spectators.</p> <p>Public and private golf courses and associated driving ranges.</p> <p>Arboretums and community gardens more than two (2) acres in size.</p> <p>Playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities</p> <p>Senior center.</p> <p>Community center.</p> <p>Public and private outdoor recreational facilities such as golf courses and associated driving ranges.</p> <p>Pipelines engaged in the transmission of water, petroleum, oil, natural gas, or other substance, where lines do not serve as local distribution lines but may serve as a single regional facility.</p> <p>Funeral facilities such as preparation and display</p>

	<p>facilities, structures, or private antenna and satellite dishes.</p> <p>Sewage collection facilities including distribution lines, such as wastewater transfer facilities, odor control structures, pump stations and lift stations.</p> <p>Stormwater collection and local conveyance systems.</p> <p>Constructed wetlands.</p> <p>Stormwater pond facilities that are also developed to allow uses such as parks, or for recreational purposes.</p> <p>Storage buildings and outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards, for maintenance equipment and goods utilized in the primary use.</p> <p>Antennae and satellite dishes for subject to specific standards, including siting criteria, set forth in LMC 18A.XX.XXX, Wireless Services Facilities.</p> <p>Facilities used in on-site grounds maintenance.</p> <p>On-site soil reclamation treatment in accordance with state regulations.</p> <p>Retaining walls, freestanding walls, and fences.</p> <p>Docks and mooring facilities as regulated by applicable shoreline management regulations.</p>	<p>Natural gas distribution lines.</p> <p>Sewage collection facilities including distribution lines, such as wastewater transfer facilities, odor control structures, pump stations and lift stations.</p> <p>Stormwater collection and local conveyance systems.</p> <p>Constructed wetlands.</p> <p>Stormwater pond facilities that are also developed to allow uses such as parks, or for recreational purposes.</p> <p>Local water distribution systems, wellheads, and pump stations.</p> <p>Water storage facilities.</p>	<p>facilities, funeral chapels, cemeteries, crematories, subject to state air quality standards and intensity limits when situated within the military-related zoning districts, and affiliated offices.</p> <p>Sports complex engaged in the provision of physical sports, entertainment, or recreational services to the general public or members, which may or may not include eating and drinking establishments, and without alcohol sales.</p> <p>Hotels and motels associated with a sports complex facility.</p>
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## 18A.40.110 Residential Uses.

A. Residential Land Use Table.

	Zoning Classifications																				
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Accessory caretaker's unit	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-
Accessory dwelling unit B(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 B(2)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Co-housing (dormitories , fraternities and sororities) B(3)	-	-	-	-	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached single family B(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 B(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	-	-	-	-	-	-	-	-	-	-	-

		Zoning Classifications																				
		R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Home occupation B(6)		P	P	P	P	P	?	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home parks B(8)		-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/manufactured home parks B(8)		-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-
Residential accessory building B(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 B(10)		-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses B(11)		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. 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.

1. 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 subsection; 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 [What does this mean?] 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. Special Needs Housing Table.

		Zoning Classifications									
Description(s)	Number of residents (size)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
Assisted Living Facility	N/A	-	C	P	P	P	P	-	-	-	-
Confidential Shelter (5)	Max. of 15 residents plus resident staff	P	P	P	P	P	-	-	-	P	-
Continuing Care Retirement Community	N/A	-	C	P	P	P	P	-	-	-	-
Enhanced Services Facility	Max. of 16 residents plus resident staff	-	-	-	C	C	C (C2 zone only)	-	-	-	-
Hospice Care Center	N/A	C	C	P	-	-	-	-	-	-	-
Nursing Home	N/A	-	C	P	P	P	P	-	-	-	-
Type 1 Group Home – Adult Family Home (1)	Max. of 6 residents	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, Level 1	Max. of 7, plus resident staff	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, Level 2	Max. of 10 residents, plus resident staff	C	C	C	-	-	-	-	-	-	-
Type 2 Group Home, Level 3	More than 10	-	C	C	C	C	-	-	-	C	-



		Zoning Classifications									
Description(s)	Number of residents (size)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
	residents, plus resident staff										
Type 3 Group Home, Level 1	Max. of 8, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 2	Max. of 12 residents, plus resident staff	-	-	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 3	More than 12 residents, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 4 Group Home	N/A	-	-	-	-	-	C (C1 & C2 zones only)	-	-	-	-
Type 5 Group Home	N/A	-	-	-	C (NC2 zone only)	C	C(C2 zone only)	-	-	-	-
P: Permitted Use C: Conditional Use (2) (3) (4) N: Not allowed Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.											

### C. Operating and development conditions

1. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 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.
2. Conditional use permit requirements for special needs housing:

a. 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 BLANK, 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 300 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 BLANK for conditional use permits.

(b) Written confirmation from the applicant that a pre-application public meeting has been held, as required under subsection 3. A. 1. above.

(c) Demonstration of inspection by the appropriate Fire Marshal and Building Inspector, as required under subsection 3. A. 2. above.

(d) An operation plan that provides information about the proposed facility and its programs, per the requirements of the community economic development department.

3. Special Needs Housing Specific Conditional Use Permit Review Criteria. In addition to the requirements outlined in BLANK, a conditional use permit for a special needs housing facility shall only be approved upon a finding that such facility is consistent with all of the following criteria:

a. There is a demonstrated need for the use due to changing demographics, local demand for services which exceeds existing facility capacity, gaps in the continuum of service, or an increasing generation of need from within the community.

b. The proposed use is consistent with the goals and policies of the City of Lakewood Comprehensive Plan, and the City of Lakewood Consolidated Plan for Housing and Community Development.

c. The proposed location is or will be sufficiently served by public services which may be necessary or desirable for the support and operation of the use. These may include, but shall not be limited to, availability of utilities, access, transportation systems, education, police and fire facilities, and social and health services.

d. The use shall be located, planned, and developed such that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing in the facility or residing or working in the surrounding community. The following shall be considered in making a decision:

(1) The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety and the ability of the proponent to mitigate any potential impacts.

(2) The provision of adequate off-street parking, on-site circulation, and site access.

(3) The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties, to include the following development criteria:

(a) All program activities must take place within the facility or in an appropriately designed private yard space.

(b) Adequate outdoor/recreation space must be provided for resident use.

(4) Compatibility of the proposed structure and improvements with surrounding properties, including the size, height, location, setback, and arrangements of all proposed buildings, facilities, and signage, especially as they relate to less intensive, residential land uses.

(5) The generation of noise, noxious, or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.

(6) Demonstration of the owner's capacity to own, operate, and manage the proposed facility, to include the following:

(a) Provision of an operation plan which will provide for sufficient staffing, training, and program design to meet the program's mission and goals.

(b) Provision of a maintenance plan which will provide for the exterior of the building and site to be maintained at a level that will not detract from the character of the surrounding area, including adequate provision for litter control and solid waste disposal.

(c) Demonstration of knowledge of the City's Property Maintenance and Public Nuisance Codes, and plans to educate the facility staff.

(d) Provision of a point of contact for the facility to the City.

(e) Written procedures for addressing grievances from the neighborhood, City, and facility residents.

4. 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 the community and economic development director and subject to the approval of the City Attorney, and shall include as a minimum: the legal description of the property which has been permitted for the special needs housing facility; and 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 community and economic development department. 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 the community and economic development department for termination of the concomitant agreement. Such termination shall be granted upon proof that the facility no longer exists on the property.

5. The director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together in groups of between seven and 15 persons in single-family dwelling units subject to the following:

- a. An application for special accommodation must demonstrate to the satisfaction of the director that the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of size proposed, and that adverse impacts on the neighborhood from the increased density will be mitigated.
- b. 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.
- c. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the director, or the director shall deny the request for special accommodation.
- d. A grant of special 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 circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to six unless a new grant of special accommodation is issued for a modified proposal.
- e. A decision to grant special accommodation is a Type I action. The decision shall be recorded with the Pierce County auditor.

5. Registration of existing special needs housing. Facilities existing as of **BLANK DATE**, shall be required to register with the community and economic development department by **BLANK DATE**. Such registration shall be in a form provided by the community and economic development department and shall include the following information:

- a. The type of facility;

- b. The location of the facility;
  - c. The size of the facility, including the number of clients served and number of staff; and
  - d. Contact information for the facility and its operator.
6. 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.

$$(B) = (\text{Parcel Width} \times \text{Parcel Depth})$$

$$(B) = 100 \text{ ft.} \times 200 \text{ sq. ft.}$$

$$(B) = 20,000 \text{ sq. ft.}$$

Step 2. Determine the FLOOR AREA of each story of the building.

$$\text{Story 1 Floor Area} = 50 \text{ ft.} \times 200 \text{ ft.} = 10,000 \text{ sq. ft.}$$

$$\text{Story 2 Floor Area} = 50 \text{ ft.} \times 200 \text{ ft.} = 10,000 \text{ sq. ft.}$$

Step 3. Determine the GROSS FLOOR AREA (GSF) of the Building.

$$(\text{GSF}) = 10,000 \text{ sq. ft.} + 10,000 \text{ sq. ft.} = 20,000 \text{ sq. ft.}$$

Step 4. Calculate the FLOOR AREA RATIO (FAR).

$$\text{FAR} = \text{GSF} / B$$

$$\text{FAR} = 20,000 \text{ sq. ft.} / 20,000 \text{ sq. ft.} = 1.0$$

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
<b>Existing uses</b>				
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
<b>Agriculture and natural resources</b>				
Agriculture	-	-	-	N/A
Agriculture, clear zone	-	-	P	N/A
Agriculture, home	P	P	-	N/A
Natural resource extraction/recovery	C	C	-	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
<b>Residential uses</b>				
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
<b>Special needs housing (Essential Public Facilities)</b>				
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
<b>Commercial and industrial uses</b>				
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	-	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 APZ I & 0.28 in APZ II.
Office – business services	P	P	-	Maximum FAR of 0.22 in APZ II.

Land Use Categories	APZ-I	APZ-II	CZ	Density
Office – professional	P	-	-	Maximum FAR of 0.22 in APZII.
Places of assembly	-	-	-	N/A
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	-	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 APZII.
Wildlife preserve or sanctuary	P	P	-	N/A
<b>Eating and drinking establishments</b>				
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
<b>Lodging</b>				
Bed and breakfast guest houses	-	-	-	N/A
Hostels	-	-	-	N/A
Hotels and motels	-	-	-	N/A
Recreational vehicle parks	-	-	-	N/A
<b>Transportation</b>				
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
<b>Utilities</b>				

Land Use Categories	APZ-I	APZ-II	CZ	Density
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	-	N/A
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
<b>Essential public facilities</b>				
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

<b>Land Use Categories</b>	<b>APZ-I</b>	<b>APZ-II</b>	<b>CZ</b>	<b>Density</b>
Sound Transit Facility	-	-	-	N/A
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: Permitted Use C: Conditional Use “-”: Not Allowed N/A: Not Applicable Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.				

**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																							
		R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2	
Parking facilities (surface or structured) B(1)		P	P	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	P	P
Transit park and ride lots		P	P	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	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																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations B(1)*	P	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 B(2)	C	C	C	C	P	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 B(3)	P	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 B(7)	P	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	P
Potable water conveyance facilities B(5)	P	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	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	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	P
Telecommunications earth receiving stations (satellite dishes) B(4)	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
service, transmission/receiving/relay facilities, or switching facilities B(1)																							
Telecommunications switching facilities	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Telecommunications transmission/receiving/relay facilities B(2)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Waste water conveyance facilities B(5)	P	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) B(6)	P	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   “-“ Not allowed *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 definitions relevant to this Chapter, see Section 18A.10.180.**

### **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.

## CHAPTER 18A.50 - OVERLAY DISTRICTS

### Sections

18A.50.005 Definitions

### Part I Flood Hazard Overlay (FHO)

#### Sections

18A.50.010	Purpose.
18A.50.020	Applicability.
18A.50.030	Administration.
18A.50.040	Alteration of watercourses.
18A.50.050	Interpretation of FIRM boundaries.
18A.50.060	Variances - flood hazard overlay.
18A.50.070	Provisions for flood hazard reduction.
18A.50.080	Allowable activities within the regulatory floodplain.

### Part II Senior Housing Overlay (SHO)

#### Sections

18A.50.110	Purpose
18A.50.120	Applicability
18A.50.130	Provisions
18A.50.140	Monitoring

### Part III Sexually Oriented Businesses Overlay (SOBO)

#### Sections

18A.50.210	Purpose and intent
18A.50.220	Applicability
18A.50.230	Definitions
18A.50.240	Findings and legislative record
18A.50.250	Sexually oriented business overlay (SOBO) created
18A.50.260	Sexually oriented business (SOB) location within SOBO
18A.50.270	Processing of applications for licenses and permits
18A.50.280	Conforming and Nonconforming SOBs
18A.50.290	Notice to nonconforming SOB land uses
18A.50.300	Expiration of nonconforming status
18A.50.310	Notice and order
18A.50.320	Provision for conformance
18A.50.330	Prohibition and public nuisance

### Part IV Lakewood Overlay Districts Map

Figure 1 Lakewood Overlay Districts Map

### **18A.50.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

## **Part I Flood Hazard Overlay (FHO)**

### **18A.50.010 Purpose.**

The Flood Hazard Overlay (FHO) is intended to identify and recognize those areas of the city subject to the hazards of periodic flooding and to establish special standards and regulations to guide development and reduce personal injury, property damage and loss of life from flooding in those areas. This overlay shall apply to all areas of special flood hazards within the incorporated areas of the City of Lakewood as identified on Flood Insurance Rate Maps, Flood Boundary Maps, and Floodway Maps. In advancing these principles and the general purposes of the comprehensive plan, the specific objectives are to:

- A. Promote the general health, welfare and safety of the city's residents, and protect human life and property from the dangers of flooding.
- B. Prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
- C. Minimize the need for rescue and relief efforts associated with flooding.
- D. Help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions, and future blight areas.
- E. Minimize damage to public facilities and utilities located in flood hazard areas.
- F. Ensure that potential home and business buyers are notified that property is in a flood area.
- G. Minimize expenditure of public money for costly flood relief, damage repair and flood control projects.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- I. Qualify the City of Lakewood for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance.
- J. Maintain the quality of water in rivers, streams, and lakes and their floodplains so as to protect public water supplies, areas of the Public Trust, and wildlife habitat protected by the Federal Endangered Species Act.
- K. Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species.



L. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

#### **18A.50.020 Applicability.**

A. Establishment of Flood Zones. This section shall apply to the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific engineering report entitled "The Flood Insurance Study for the Unincorporated Areas of Pierce County, WA, Vols. 1 and 2," dated March 7, 2017, as amended with an accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary Maps, and any revisions thereto, and all Protected Areas within the City are hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study shall be kept on file by the City Engineer. The best available information for flood hazard area identification, as outlined in this section, shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized in administration of this section.

B. Noncompliance. No structure or land shall hereafter be developed, converted, altered, constructed, or located without full compliance with the terms of this section and other applicable regulations. Violations of the provisions of this section are subject to the penalties identified in this title.

C. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and other code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Interpretation of FIRM Boundaries. The Director shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. In the interpretation and application of this section, all provisions shall be:

1. Considered to constitute minimum requirements.
2. Liberally construed in favor of the public trust.
3. Deemed neither to limit nor repeal any other powers granted under state statutes. A party contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in this code.

E. Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Lakewood, or any officer or employee thereof, or FEMA for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

#### **18A.50.030 Administration.**

A. Establishment of Building Permit and Land-Use Permit. A building permit and zoning certification shall be required in conformance with the provisions of this section for all structures including manufactured homes and all other development including fill and other activities.

A certificate of occupancy or final inspection approval for a new or substantially improved structure or an addition shall not be issued until:

1. The applicant provides a completed, signed and sealed Elevation or Floodproofing Certificate showing finished construction data in accordance with this ordinance.
2. If a mitigation plan is required, all work identified in the plan has been completed according to the plan's schedule.
3. The applicant provides copies of all required Federal, State and local permits as noted in the application.
4. All provisions of this ordinance have been met.

B. A floodplain development agreement shall be obtained before any construction or development begins within the Regulatory Floodplain. Application for a floodplain development agreement shall be made on forms prescribed by the City and shall include:

1. A site plan, drawn to scale, showing:
  - a. The nature, location, dimensions and elevations of the property in question.
  - b. Names and location of all lakes, water bodies, water ways and drainage facilities within 300 feet of the site.
  - c. The elevations of the 10, 50, 100 and 500 year floods, where the data are available.
  - d. The boundaries of the Regulatory Floodplain, SFHA, floodway, riparian habitat zone, and channel migration area delineated in accordance with the provisions of this ordinance.
  - e. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads.
  - f. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials.
  - g. All wetlands.
  - h. Designated fish and wildlife habitat conservation areas.

- i. Existing vegetation and proposed vegetation.
  - j. Description of the extent to which any water course will be altered or relocated as a result of proposed development.
2. If the proposed project involves regrading, excavation or filling, the site plan shall include proposed post-development terrain at one foot contour intervals.
3. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the flood protection elevation (FPE) for the building and site and the proposed elevations of the following:
- a. The top of bottom floor (including basement, crawlspace or enclosure floor)
  - b. The top of the next higher floor.
  - c. The top of the slab of an attached garage.
  - d. The lowest elevation of machinery or equipment servicing the structure.
  - e. The lowest adjacent (finished) grade next to the structure.
  - f. The highest adjacent (finished) grade next to structure.
  - g. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.
4. If the proposed project includes dry floodproofing of a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure, the application shall include the flood protection elevation (FPE) for the building site. The elevation shall be noted in relation to the datum of the effective FIRM and the applicant shall provide certification by a registered professional engineer or licensed architect that the dry floodproofing methods meet the criteria in accordance with this ordinance.
5. If there has been no start of construction, a floodplain development agreement shall expire one year after the date of issuance. Where the applicant documents a need for an extension beyond this period due to circumstances beyond the applicant's control, the Director may authorize one or more extensions.
- C. Administrative Officials. The Director, the City Engineer and the Building Official shall jointly administer and implement this section by granting or denying permit applications in accordance with its provisions.

D. Duties and Responsibilities. The duties of the administrative officials shall include, but not be limited to the following:

1. Review all permit and land-use applications to determine that the requirements of this section have been satisfied.
2. Review all applications to insure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Review all applications in the area of special flood hazard to determine if the proposed development adversely affects the flood-carrying capacity of the area.
4. Review all applications to determine if the proposed development is located in the special flood hazard area or protected area and ensure that the provisions of this ordinance are met.

E. Use of Other Base Flood Data. When base flood elevation data has not been established, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A comply with LMC 18A.50.070(B)(1), 18A.50.070(B)(2), and 18A.50.070(B)(3).

F. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided by FEMA or required by this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - b. Maintain the flood-proofing certifications required in LMC 18A.30.070.
3. Maintain for public inspection all records pertaining to the provisions of this section.
4. The Director shall submit reports to include the projects for which they issue floodplain development agreements, including effects to flood storage, fish habitat and all indirect effects of development and mitigation provided, to FEMA as required for the National Flood Insurance Program.

#### **18A.50.040 Alteration of watercourses.**

A. The Director shall notify adjacent jurisdictions and the state Department of Ecology or successor agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

B. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. If the maintenance program does not call for cutting of native vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

C. An applicant for a project that will alter or relocate a watercourse shall submit a request for a Conditional Letter of Map Revision (CLOMR) where required by FEMA. The City shall not grant any permit unless FEMA issues the CLOMR and the provisions of the letter are made a part of the permit requirements.

#### **18A.50.050 Interpretation of FIRM boundaries.**

A. The City Engineer shall interpret the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions.

B. Any person contesting a flood area boundary may appeal the interpretation as provided in this title.

C. An appeal of the location of a flood area boundary shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:

1. The danger that material may be swept onto other lands to the injury of others.
2. The danger potential to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan for that area.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
- D. The City may attach such conditions to the granting of variances hereunder as deemed necessary to further the purposes of this section.
- E. The City shall maintain records of all appeal actions and report any variances to FEMA upon request.
- F. All requests to FEMA to revise or change the flood hazard data, including requests for a Letter of Map Revision and a Conditional Letter of Map Revision shall be reviewed by the Administrative Officials prior to submittal to FEMA.
1. The Administrative Officials shall not sign any Community Acknowledgment Form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this ordinance.
  2. The Administrative Officials shall not approve a request to revise or change a floodway delineation until FEMA has issued a Conditional Letter of Map Revision that approves the change.
- G. If an applicant disagrees with the regulatory data prescribed by this ordinance, he/she may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a Conditional Letter of Map Revision.
- H. All new hydrologic and hydraulic flood studies conducted pursuant to this section shall consider future conditions and the cumulative effects from anticipated future land use changes. This review shall be in accordance with Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and the Endangered Species Act, FEMA Region X, 2012.

#### **18A.50.060 Variances – Flood Hazard Overlay.**

- A. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

- B. Variances shall not be issued within a designated floodway if the proposed development would result in any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
1. A showing of good and sufficient cause.
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice of the required lowest floor elevation stated in feet below the base flood elevation. Applicants shall be made aware that the cost of flood insurance will be commensurate with the risk resulting from the reduced lowest flood elevation.
- F. Variance Time Limit. Authorization of a variance shall be void after six (6) months unless the new construction, substantial improvement or approved activity has taken place. However, the Director may, at his discretion, extend authorization for one (1) additional six (6) month period upon request.

#### **18A.50.070 Provisions for flood hazard reduction.**

- A. General Standards. In all areas of special flood hazards, the following standards shall apply for all new construction and substantial improvements or other development:
1. Anchoring.
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - b. All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
      - (1) Over-the-top ties provided at each end of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Additions to the manufactured home shall be similarly anchored.

c. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety (90) miles per hour or greater. Certification by a registered architect or engineer must be provided to the Building Official that this standard has been met.

## 2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## 3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. Water wells shall be located on high ground that is not in the floodway.

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Use of Openings in Enclosures below a Structure's Lowest Floor. All new construction and substantial improvements, which have fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in those areas. Designs for meeting this requirement must either be



certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All public utilities and facilities serving subdivision proposals, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments that contain more than fifty (50) lots or five (5) acres, whichever is less.
- e. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone and/or channel migration area, as appropriate.

6. Review of Building Permits. Where elevation data is not available either through a Flood Insurance Study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

7. Encroachments. It must be demonstrated that the cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided, the following provisions apply:

- 1. Residential Construction. New construction and substantial improvement of any residential structure shall elevate the lowest floor, including basement, at least one (1) foot above the base flood elevation.

2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either elevate the lowest floor, including basement, at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below one (1) foot above the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with the standards of this subsection. Such certification shall be provided to the City for review and approval.
- d. Non-residential structures that are elevated and are not flood-proofed must meet the same standards for space below the lowest floor as described in this section.
- e. Applicants flood-proofing non-residential buildings shall be advised that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g., a building flood-proofed to the base flood level will be rated as one (1) foot below).

3. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation.

- a. Manufactured homes shall be securely anchored to an adequately anchored foundation system so that:
  - (1) The lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation; or
  - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- b. The following provisions apply to existing manufactured home parks and subdivision where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before repair, reconstruction or improvement has

commenced. The same provisions apply to manufactured homes not placed in a manufactured home park or subdivision:

- (1) Pads or lots are elevated on compacted fill to or above the base flood level (insurance can be waived).
- (2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base level (insurance required).
- (3) Adequate surface drainage and access for hauler are provided; and
- (4) In the instance of elevation on piers or pilings where:
  - (a) Lots are large enough to permit steps.
  - (b) Pier and piling foundations are placed in stable soil no more than ten (10) feet apart.
  - (c) Reinforcement is provided for piers and pilings more than six (6) feet above the ground level.

#### 4. Accessory Structures and Uses.

a. New construction and substantial improvement of residential accessory structures in special flood hazard areas are not subject to the requirements of this section, provided that:

- (1) The floor area of all floors of the accessory structure totals one thousand (1,000) square feet or less.
- (2) The accessory structure shall not be used for human habitation.
- (3) The accessory structure shall be designed to have low flood damage potential.
- (4) The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (5) The accessory structure shall be firmly anchored to prevent flotation that may result in damage to other structures.
- (6) All service facilities, such as electrical and heating equipment associated with the accessory structure, shall be elevated or floodproofed.

b. If it is determined that the accessory structure may cause significant flood risk, all requirements of this section shall be satisfied.

c. When accessory structures built under the provisions of this section exceed a value greater than ten (10) percent of the value of the principal residential structure, substantial increases in insurance rates may result.

5. Critical Facilities. Construction of new critical facilities shall be, to the greatest extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the one hundred (100) year floodplain if no feasible alternative site is available. Critical facilities constructed within the one hundred (100) year floodplain shall have the lowest floor elevated three (3) feet or more above the level of the one hundred (100) year base flood elevation at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All access routes to critical facilities shall be elevated to at least one (1) foot above the base flood elevation, to the greatest extent possible.

6. Floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. The following provisions apply:

a. Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited, except for:

(1) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area.

(2) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the fair market value of the structure either before the repair, or reconstruction is started, or if the structure has been damaged, and is being restored, before the damage occurred.

(3) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

(4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places that do not increase the building's dimensions.

(5) Repairs, replacement, reconstruction or improvement to existing farmhouses located in designated floodways and on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075.

(6) Repairs, replacement, reconstruction or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075.

(7) Prior to the repair or replacement of a substantially damaged residential structure located within a floodway a recommendation shall be obtained from the Washington Department of Ecology in accordance with WAC 173-158-076.

(8) The applicant shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.

b. All new construction and substantial improvements permitted pursuant to LMC 18A.50.070(B)(6), Specific Standards, Floodways., shall comply with all applicable flood hazard reduction provisions of LMC 18A.50.070(B), Provisions For Flood Hazard Reduction, Specific Standards.

c. In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

7. Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM as AO zones with depth designations. The base flood depths in these zones range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In all areas of special flood hazards designated as areas of shallow flooding, the following provisions shall apply:

a. All new construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor, including the basement, elevated one (1) foot above the highest grade adjacent to the building site or above the depth number specified on the FIRM; at least two (2) feet if no depth number is specified.

b. All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated one (1) foot above the highest adjacent grade of the building site or above the depth

number specified on the FIRM, at least two (2) feet if no depth number is specified, or;

(2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

8. Site Design.

a. Structures and other development shall be located to avoid flood damage.

(1) If a lot has a buildable site out of the Regulatory Floodplain, all new structures shall be located in that area.

(2) If a lot does not have a buildable site out of the Regulatory Floodplain, all new structures, pavement and other development must be sited in the location that has the least impact on habitat by locating the structures as far from the water body as possible or placing the structures on the highest land and lot.

(3) A minimum setback of 15 feet from the Protected Area shall be required for all structures.

b. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality and habitat.

(1) Stormwater and drainage features shall incorporate low impact development techniques that mimic pre-development hydrologic conditions. Such methods include stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement and vegetative roof systems.

(2) If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the parcel in the Regulatory Floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of stormwater surface runoff that leaves the site or that the adverse impact is mitigated.

9. Hazardous Materials. No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Regulatory Floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use.

**18A.50.080 Allowable activities within the regulatory floodplain.**

A. Activities that do not meet the definition of “development” are allowed in the Regulatory Floodplain without the need for a floodplain development agreement under this ordinance, provided all other Federal, State and local requirements are met. Activities include, but are not limited to, the following.

1. Routine maintenance of landscaping that does not involve grading, excavation or filling.
2. Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation.
3. Normal maintenance of structures, such as re-roofing and replacing siding, provided that such work does not qualify as a substantial improvement.
4. Normal maintenance of above ground public utilities and facilities, such as replacing downed power lines.
5. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not expansion of paved areas.
6. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility.
7. Plowing and other normal farm practices (other than structures or filling) on farms in existence as of the effective date of this ordinance.

B. The following activities are allowed in the Regulatory Floodplain without the analysis required in LMC Section 18A.50.070(B)(6)(5) or the habitat impact assessment required under LMC 14.154.050(c), providing all other provisions of this ordinance are met, including obtaining a floodplain development agreement:

1. Repairs or remodeling of an existing structure, provided that the repairs or remodeling are not a substantial improvement or a repair of substantial damage.
2. Expansion of an existing structure that is no greater than ten percent beyond its existing footprint, provided that the repairs or remodeling are not a substantial improvement or a repair of substantial damage. This measurement is counted cumulatively from the effective date of this ordinance or September 22, 2011,

whichever is earlier. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow.

3. Activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet Federal and State standards, provided the activities do not include structures, grading, fill or impervious surfaces.

4. Development of open space and recreational facilities, such as parks, trails and hunting grounds, that do not include structures, grading, fill, impervious surfaces or removal of more than 5% of the native vegetation on that portion of the property in the Regulatory Floodplain.



## **Part II Senior Housing Overlay (SHO)**

### **18A.50.110 Purpose.**

In order to provide opportunities for housing elders in areas of the city where the greatest level of services are available, the comprehensive plan creates an overlay area in which senior housing is to be focused. This section carries forward the comprehensive plan's intent in creating regulatory incentives for senior housing within the Senior Housing overlay (SHO).

### **18A.50.120 Applicability.**

This section applies, at the developer's option, to land-use applications for senior housing within the SHO, except for the construction of a single-family dwelling on one (1) lot that can accommodate only one (1) dwelling based upon the density of the underlying zoning designation. This section shall not apply to congregate care and group living facilities.

### **18A.50.130 Provisions.**

A. All of the provisions and requirements of the City's housing incentives program set forth in Chapter 18A.90, Housing Incentives Program, shall be equally applied to senior housing developed within the SHO.

B. An additional fifteen (15) percent density bonus, over the maximum allowable additional density afforded by the Housing Incentives Program, shall be afforded in return for the provision of low-income or market-rate senior housing within the SHO, regardless of zoning district except for those districts within the Downtown Subarea Plan boundaries.

### **18A.50.140 Monitoring.**

In conjunction with monitoring required for the housing incentives program, the Community Development Department shall maintain a list of all senior units created within the SHO using the additional incentives herein. In conjunction with evaluation of the housing incentives program required as part of comprehensive plan review and amendment processes, the level and type of senior housing production under these terms shall likewise be reviewed and evaluated.

### **Part III Sexually Oriented Businesses Overlay (SOBO)**

#### **18A.50.210 Purpose and intent.**

This Chapter is for the purpose of minimizing the harmful secondary effects of Sexually Oriented Business land uses within the City and protecting Lakewood's citizens, persons who own property within the City, and people who travel through the City from crime, blight and other harmful secondary effects associated with such businesses.

By limiting the areas in which sexually oriented businesses are allowed to operate, the Lakewood City Council intends to protect families, children and residential neighborhoods from crimes, nuisances and disturbances of the public peace and safety; to protect residential neighborhoods and business districts from blight and deterioration of property values; and to protect, foster and support the goals and ideals of schools, religious and public service organizations serving the Lakewood community.

It is not the intent of this Chapter to suppress any constitutionally protected speech or expression. This Chapter is intended as a content neutral regulation to diminish and control crime and the harmful secondary effects associated with sexually oriented businesses, while allowing the existence of constitutionally protected expression.

#### **18A.50.220 Applicability.**

This section shall apply to all Sexually Oriented Business Overlay (SOBO) land uses, as defined herein or as may be hereafter defined, located within the City of Lakewood.

#### **18A.50.230 Definitions.**

See 18A.10.180 for definitions applicable to this Chapter.

#### **18A.50.240 Findings and legislative record.**

Prior to November 1, 2004, the City of Lakewood City Council enacted legislation related to Sexually Oriented Businesses (SOBs) based upon information and findings relevant to this Ordinance. These prior legislative actions included City of Lakewood Ordinances No. 171 and 258.

Lakewood Ordinance No. 171, adopted in May of 1998, provided for the licensing of and regulation of conduct within adult cabarets. Ordinance No. 171 based these regulations in part upon the city's lack of a clearly demarked commercial/business district, the location of commercial and business land uses near residential neighborhoods, and the need to protect citizens - especially children - from criminal and unlawful activities and impacts associated with SOBs. These impacts are known as, and are generally referred to herein as, the harmful secondary effects of SOBs.

Ordinance No. 258, adopted in February of 2001, regulated the location and zoning of SOBs within the City. Ordinance 258 cited a detailed review of the national record regarding the harmful secondary effects of SOBs, as well as studies from cities such as New

York, Indianapolis, San Diego and Los Angeles. Ordinance 258 found convincing documented evidence based upon that record to find that SOBs have detrimental effects upon nearby businesses and residential neighborhoods.

The legislative record and findings of Ordinances No. 171 and 258 are incorporated herein by this reference as if set forth fully herein, and such records and findings are cited hereby as support for the zoning regulations created in this Ordinance.

Prior to November 1, 2004, the Planning Advisory Board (PAB) held public meetings to consider relevant amendments to the City's comprehensive plan. During a public hearing held on October 15, 2003, approximately 35 people testified and many written comments were submitted in response to the City's proposed amendments, which at that time contemplated concentrating all SOBs within the city into a single defined overlay area. The comments were overwhelmingly negative and cited citizen perceptions regarding the adverse effects that adult entertainment and SOBs have upon the community, neighborhoods and families exposed to such land uses. Citizens resoundingly stated their belief that concentrating SOBs into a single zone would irreparably harm a thriving business community located near the proposed overlay.

The PAB then recommended to the City Council that the comprehensive plan goals and policies related to SOBs be deleted to allow flexibility to implement the changes shown in this Ordinance, because, by state statute, amendments to the City's comprehensive plan can be made only once per year. The City Council adopted this amendment to the comprehensive plan on December 1, 2003. Thereafter, public meetings were held and the PAB worked with a variety of stakeholders in formulating SOB zoning regulations that fit the specific needs, community and conditions of the City. The stakeholder groups included representatives from businesses, educational institutions, community leaders, and representatives from the adult entertainment industry.

After amendment of the City's comprehensive plan, the PAB commenced studying alternative SOB zoning proposals. The PAB's research and study resulted in the specific findings listed below. Based upon these findings, the PAB recommended to the Lakewood City Council that the harmful secondary effects of SOBs be minimized through regulations upon the zoning, operating and locating of SOBs. The PAB found that through creation of overlay areas within the City wherein SOBs could locate, the City could control the locations where SOBs exist and minimize the harmful secondary effects SOBs have upon business districts, neighborhoods and residential areas. Further, by creation of two or more overlay areas where SOBs will be allowed, the City could minimize the impact SOBs have upon any individual neighborhood or district within the City.

The City Council, through the passage of Ordinance No. 358 on November 1, 2004, adopted the specific findings of the PAB in regard to zoning SOBs, stated as follows:

A. Materials submitted to the PAB demonstrated that SOBs can create harmful secondary effects upon the communities they are located in, are detrimental to and conflict with the peace and tranquility of neighborhoods and residential land uses, and if left unregulated can cause deterioration of property values and increased crime and public disturbances in the areas in which they are located.

B. Citizens and business owners within the City have publicly expressed their fear of the harmful secondary effects SOBs cause and have testified that they strongly oppose SOB land uses. Citizens have expressed that they believe SOB land uses are harmful to neighborhoods and negatively impact families and children. Business owners have expressed concern that SOB land uses may impact commercial areas and business districts, increasing incidents of crime and decreasing property values.

C. Based upon a review of land use patterns, zoning and demographics throughout Lakewood, the PAB found that some areas are entirely unsuitable for and incompatible with SOB land uses. Such areas include residential neighborhoods and locations in close proximity to churches and schools. The PAB also found that the harmful effects of SOBs may be minimized if SOBs are limited to the areas where they currently exist; to areas that contain no residential land uses or only nonconforming residential land uses; and areas separated topographically and/or geographically from residential neighborhoods, churches and schools.

D. The PAB found that the creation of overlay areas wherein Sexually Oriented Businesses may locate is in the best interests of the City of Lakewood and necessary to protect the public health, safety and welfare. Protecting, preserving and improving the quality of its residential neighborhoods is sufficient to justify zoning regulations upon SOBs, as shown in the Washington State Supreme Court's opinion in *Northend Cinema, Inc. v. City of Seattle*, 90 Wn.2d 709, 585 P.2d 1153 (1978).

E. The PAB reviewed police incident reports that documented the occurrence of crimes within adult cabarets in the City. Since adoption of the City's adult entertainment standards of conduct and violations in 1998, three adult entertainment cabarets have offered or allowed entertainment that violated City regulations. These adult cabarets are Lipstix (now known as Stiletto's), the New Players Club, and the Déjà vu Nightclub. Police incident reports and court records regarding these violations are contained within the legislative record for this Ordinance.

F. The PAB has reviewed the administrative actions City officials have taken against the business licenses issued to adult entertainment cabarets. These administrative actions have included revocation of the New Players Club's business license, a thirty (30) day suspension of Lipstix' business license, and a pending action to revoke Stiletto's business license for one year. The specific facts, violations and crimes that form the basis for these administrative actions are contained within the legislative record.

G. The PAB has reviewed records that indicate that improperly operated SOBs can be the focal point for a variety of crimes. These crimes were documented in the case of *Heesan Corp. v. City of Lakewood*, 118 Wn.App. 341, 75 P.3d 1003 (2003), wherein it was shown that entertainers at the New Players Club, a SOB located in the Ponders neighborhood of Lakewood, engaged in many illegal practices. These practices included entertainers offering to perform and engaging in sexual conduct in exchange for money, entertainers performing at less than four feet from the audience, and entertainers engaging in improper physical contact with customers. Additionally, the decision in *Heesan Corp. v. City of Lakewood* contained documentation that the premises of the New Players Club was used

for the unlicensed consumption of alcohol, for illegal smoking of marijuana, and for the sale of other illegal drugs.

H. The PAB reviewed records that indicated that the harmful secondary effects of an improperly operated SOB can constitute a public or moral nuisance. Such a nuisance would impact the community as a whole, although the impact would be particularly burdensome to the employees and patrons of the business, and to property owners and persons residing and working in close proximity to the offending SOB land use.

I. The PAB concurred with the findings of the City of Lacey in the rationale for the adoption of City of Lacey Ordinances No. 11422 and 11274, regarding Urban Growth Area Zoning and adult entertainment facilities. When adopting these Ordinances in 1996 and 1997, the City of Lacey found that studies in Austin, Texas, and in the state of Michigan provided convincing evidence that crime increased in areas close to adult businesses. The City of Lacey also cited to a Detroit, Michigan, report and to evidence gathered from Seattle and Tacoma, Washington, that demonstrated that cities and metropolitan areas experienced harmful secondary effects related to adult entertainment activities. These harmful secondary effects can cause a detrimental impact upon residential land uses leading to destabilization of residential areas and depressed property values.

J. The PAB concurred with the findings contained in City of Spokane Ordinances No. 32778 and 33001, where the Spokane Planning Services Department documented evidence that adult bookstores and adult entertainment establishments create harmful secondary effects including negative health, safety, economic and aesthetic impacts upon neighboring properties and the community as a whole. The PAB cited to *World Wide Video v. City of Spokane*, No. 02-35936 (9th Cir. 2004), as documenting evidence of the harmful secondary effects of adult entertainment and as further support for the belief that reducing the undesirable effects of adult entertainment and SOBs is a substantial governmental interest that can be achieved with time, place and manner restrictions upon where such businesses may locate within a city.

K. The PAB reviewed studies that indicated that adult bookstores generate harmful secondary effects upon neighborhoods, families and the community. The PAB also reviewed police incident reports that indicated that crimes involving indecent exposure can occur at adult bookstores that contain panoram devices.

#### **18A.50.250 Sexually Oriented Business Overlays (SOBOs) created.**

A. There are hereby created Sexually Oriented Business Overlays (SOBOs) within the geographic areas of the City as identified and depicted on Figure 1, included in this Chapter at Part IV. Sexually oriented businesses as defined within this title may locate only within the SOBOs identified in Ord. 358 § 6 (part), 2004. (CRN: Exhibit D of this ordinance is on file in the City Clerk's Office.)

B. All new applications for SOB business licenses shall be denied unless the application clearly identifies a business location and premises located within a SOBO and the application is in compliance with all requirements stated in this title.

C. If a new application for a SOB business license shows a SOB business location or premises address upon a parcel of land partially within a SOBO, the application shall be approved if the application conforms in all other ways with the requirements of this title and at least 75 percent of the square footage of the parcel upon which the SOB is proposed is located within a SOBO.

#### **18A.50.260 Sexually oriented business location within SOBOs.**

Newly established or created SOBs shall be allowed to locate anywhere within a SOBO, except that all new SOBs must be located at least 1000 feet away from any SOB that lawfully existed prior to the receipt of the new application. New SOBs shall be required to locate at least 1000 feet away from existing conforming and existing nonconforming SOBs without regard to whether any nonconforming SOB is located within a SOBO. The 1000 foot distance separation shall be measured from the nearest building used for an existing SOB to the nearest portion of any building proposed to be used for a new SOB land use.

#### **18A.50.270 Processing of applications for licenses and permits.**

A. Upon receipt of an application for a permit or license for a SOB, the City Manager or the designee thereof shall determine within 28 days whether the application is complete. Whether an application is complete shall be determined as specified in Chapter 18A.30 Part I, Administration. Should an application for a SOB license or permit be determined to be incomplete, the director or designee shall notify the applicant in writing within the twenty-eight (28) day time frame stated above and describe the specific information necessary to complete the application. Should the City fail to request additional information or determine that an application is incomplete within the time frames specified in this section, the application shall be deemed complete and processed, accepted, denied, modified or conditioned within the time periods set forth in sub-sections (B) and (C) below.

B. Upon receipt of a completed application for a new SOB business license, the City Manager or designee thereof shall determine whether the application complies with all requirements of LMC Title 18A, including this Chapter, and LMC Title 5. The City Manager or Designee shall determine compliance within thirty-five (35) days after receiving a completed application.

C. Upon receipt of a completed application for a permit related to a SOB land use, the director or designee thereof shall determine whether the permit application complies with all requirements of the Lakewood Land Use and Development Code and this title. The director or designee shall determine compliance within one hundred and twenty (120) days of the receipt of the completed application based upon information contained within the application, the boundaries of the SOBO zone, and public records available to the City at the time of receipt of the application. Determinations related to SOB permit applications shall be processed in the same manner as any other completed permit application received by the City, however determinations regarding completed SOB permit applications must be made within one hundred and twenty (120) days of the receipt of the completed application.

D. Should the City fail to make a determination of zoning compliance or fail to specifically approve, condition, modify or deny a completed application for an SOB-related

license or permit within the time frames set forth above, the SOB application will be assumed to be in conformity with all applicable zoning requirements. This presumption shall have the effect of making the application or permit a lawful and vested land use even if the City erred by failing to make a determination or by failing to deny, accept, condition or modify a license or permit.

E. Should a SOB that obtained a de facto license or permit as described above be found not to comply with applicable zoning or development regulations, the SOB land use shall obtain nonconforming status through the vested permit or application.

#### **18A.50.280 Conforming and nonconforming sexually oriented businesses.**

A. Any SOB that lawfully existed, held all valid and necessary business licenses, and operated within the boundaries of any Sexually oriented business overlay (SOBO) as of November 1, 2004 and identified in Figure 1 in Part IV of this Chapter shall be considered a conforming land use.

B. Any SOB that lawfully existed, held all valid and necessary business licenses, and operated within the City in a location or parcel of property not completely within the boundaries of a SOBO as of November 1, 2004 shall be considered a vested but nonconforming land use.

#### **18A.50.290 Notice to nonconforming sexually oriented business land uses.**

A. All SOBs made nonconforming as of November 1, 2004 shall be notified in writing of such nonconforming status pursuant to LMC Section 18A.10.050.

B. The City Manager or the designee thereof shall determine whether SOBs lawfully existing on November 1, 2004 are within SOBO zone boundaries. This determination shall be made within forty-five (45) days after the effective date of this Ordinance. This determination of zoning compliance shall be based upon the boundaries of the SOBOs and the location of each SOB as determined by a review of business licensing information and public records available to the City.

C. Determinations of nonconformity under this section shall be subject to appeal as provided in LMC Section 18A.30.260. Appeal of the hearing examiner's decision on a determination of nonconformity shall be to superior court as provided in LMC 18A.30 Part IV, Appeal/reconsiderations.

#### **18A.50.300 Expiration of nonconforming status.**

A. Nonconforming Sexually oriented businesses (SOBs) shall be discontinued upon the occurrence of any one or more of the following:

1. Upon abandonment of a nonconforming SOB land use for six months or longer. For the purposes of this section, abandonment shall mean voluntary discontinuance or closure of the SOB land use or failure to apply for required permits to rebuild, remodel and/or reopen the business after it has been damaged or

destroyed due to an involuntary event of fire, natural disaster or other casualty. For the purposes of this section, business license suspension or revocation shall not constitute a voluntary discontinuance or closure of a SOB.

2. Upon a change in use of the business to a use not defined as an SOB.

B. Nonconforming SOB land uses may apply for permits to make renovations or repairs as necessary or required for safety and health purposes. Applications for permits to perform renovations or repairs shall be processed, approved, modified, conditioned or denied in compliance with LMC Sections 18A.30.238 and **18A.10.060 [verify cite]**.

C. To determine issues regarding whether a SOB has nonconforming status or has maintained nonconforming status pursuant to this section, the director or designee shall rely upon the process and types of evidence listed in LMC Section **18A.11.220. [verify cite]**

#### **18A.50.310 Notice and order.**

A. Any SOB that becomes nonconforming upon the effective date of this Ordinance shall be given written notice of such nonconforming status by notice and order issued by the City Manager or designee pursuant to **LMC 18A.40.435 [verify cite]** and this section.

B. Whenever a completed application for a new SOB license or for a permit related to a SOB is denied, conditioned or modified, written notice shall be given to the applicant by notice and order issued by the City Manager or designee pursuant to this section.

C. A notice and order, and any amended or supplemental notice and order, shall be served upon the owner of the SOB either personally, by posting upon the property and personal service upon the manager or person responsible for the business during business hours, or by certified mail, postage prepaid, return receipt requested and addressed to the business owner at the address which appears on the most current license or permit application on file with the City.

D. Notice and orders issued pursuant to this section shall contain the following information:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the nonconforming business is located.

2. A statement clearly informing the applicant that an administrative determination has been made in regard to the SOB.

3. A description of or specific statement as to the reason(s) justifying the administrative determination.

4. A statement advising the SOB owner that an appeal may be made from the notice and order or from any action of the City Manager or designee to the City's Hearing Examiner. Appeals shall be governed by the provisions of Chapter 1.36



LMC. Failure to appeal shall constitute a waiver of all rights to an administrative hearing and appeal of the matter.

E. Timely Hearing of Appeals. Within forty-five (45) days of the receipt of a properly perfected appeal, the City Clerk shall set an appeal hearing before the Hearing Examiner and send notice of such hearing in writing to the SOB that requested the appeal. The Hearing Examiner hearing must be held within ninety (90) days after the receipt of an appeal under this Chapter, unless the party, entity or person seeking appeal waives this requirement in writing. Upon closing of the record in such an appeal, the Hearing Examiner shall have ten (10) days within which to render a written decision upon the appeal.

F. General Business Licensing Provisions Referenced. The provisions of Chapters 5.16 and 5.20 LMC shall apply to issues of licensing, zoning, development regulation, and notice and orders issued under this Chapter to the extent that the provisions of Chapters 5.16 and 5.20 LMC are not in specific conflict with the provisions set forth in this Chapter.

#### **18A.50.320 Provision for conformance.**

If any portion of this section is deemed to be in conflict or inconsistent with any other provisions of the Lakewood Municipal Code, including, but not limited to other sections of this title, such other provisions shall be construed in conformity herewith; provided, that if such other provisions cannot be so construed, then the provisions of this section shall control, and such other provisions shall be deemed modified to conform herewith, for the purposes of this section only.

#### **18A.50.330 Prohibition and public nuisance.**

All SOBs within the City of Lakewood shall be operated and maintained in compliance with this Chapter. Any SOB not conducted and maintained in compliance with the SOBO requirements set forth in this Chapter is hereby declared a public nuisance subject to abatement and removal.

## **Part V Lakewood Overlay Districts Map**

**Figure 1**



## **CHAPTER 18A.60 – SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS**

### **Sections**

18A.60.005	Definitions.
18A.60.010	Purpose.
18A.60.020	Interpretation of Tables.
18A.60.030	Residential Area and Dimensions.
18A.60.040	Commercial Area and Dimensions.
18A.60.050	Industrial Area and Dimensions.
18A.60.060	Military Lands Area and Dimensions.
18A.60.070	Open Space Area and Dimensions.
18A.60.080	Public/Institutional.
18A.60.090	General Standards.
18A.60.095	Outdoor Lighting Code
18A.60.100	Building Transition Area.
18A.60.110	Density Standards.
18A.60.120	Height Standards.
18A.60.130	Street Improvements.
18A.60.140	Concurrency.
18A.60.150	Gated Residential Subdivisions.
18A.60.160	Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.
18A.60.170	Parking of Commercial Vehicles Accessory to Residential Uses.
18A.60.180	Vehicle Service and Repair Accessory to Residential Uses.
18A.60.190	Outdoor Storage and Commercial Yard Surfacing Standards.
18A.60.200	Standards for Uses and Accessory Uses not Otherwise Listed.

### **18A.20.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **18A.60.010 Purpose.**

The purpose of this chapter is to establish area, dimension and design regulations which comply with and implement the goals and policies of the Lakewood Comprehensive Plan with respect to the desired intensity and appearance of development within the city's residential, commercial, industrial, military, open space, and public institutional areas.

### **18A.60.020 Interpretation of Tables.**

A. LMC 18A.60.030 and LMC 18A.60.040 contain general density and dimension standards for the various zones. Methods for measuring these standards are set forth in LMC sections 18A.60.090 through 18A.60.120.

B. The area and dimension standards are arranged in a table for each of two general land use categories:

1. Residential;
2. Commercial/industrial.

C. Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the area and dimensional requirements of each zone. All dimensions are measured in lineal feet, and all areas are measured in square feet. The parenthetical numbers in the matrix identify specific requirements or other information which is set forth following the matrix.

# 18A.60.030 Residential Area and Dimensions.

## A. Development Standards Table.

	Zoning Classifications								
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3
Density	1.45 DUA	2.2 DUA	4.8 DUA	6.4 DUA	8.7 DUA	14.6 DUA	22 DUA	35 DUA	54 DUA
Lot size	25,00 GSF	17,000 GSF	7,500 GSF	5,700 GSF	5,000 GSF /unit	3,000 GSF /unit for two or more units	No minimum lot size	No minimum lot size	No minimum lot size
Building coverage	35%	35%	45%	50%	55%	60%	60%	60%	60%
Impervious surface	45%	45%	60%	70%	70%	75%	70%	70%	70%
Front yard/street setback	25 feet	25 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Garage/carport setback	30 feet	30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Principal arterial and state highway setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Rear yard setback	20 feet	20 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Interior setback	8 feet	8 feet	5 feet	5 feet			8 feet	8 feet	8 feet
Interior setback for attached units					0 feet	0 feet			
Interior setback for detached units					5 feet	5 feet			
Building height	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	45 feet	65 feet	80 feet
Design	Design features shall be required as set forth in Chapter 18A.70 Part I.								
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70 Part II.								

	<b>Zoning Classifications</b>								
	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>MR1</b>	<b>MR2</b>	<b>MF1</b>	<b>MF2</b>	<b>MF3</b>
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.60 Part III.								
Parking	Parking shall conform to the requirements of Chapter 18A.80.								
Signs	Signage shall conform to the requirements of Chapter 18A.100.								

## 18A.60.040 Commercial Area and Dimensions.

### A. Development Standards Table.

	Zoning Classifications							
	ARC	NC1	NC2	TOC	CBD	C1	C2	C3
Density	15 DUA	22 DUA	35 DUA	54 DUA	54 DUA			
Lot size	The minimum lot size for the ARC zoning district is five thousand (5,000) gross square feet (GSF), plus 2,750 GSF for each dwelling unit over one (1) unit, where applicable.	There is no minimum established lot size for the commercial zoning districts. Proposed uses and their associated densities within these zoning districts, and the applicable community design standards shall be used to establish the minimum lot size for a project.						
Lot coverage	All building coverage and impervious surface maximums stated herein may be reduced at the time they are applied, because of stormwater requirements. The maximum lot coverage standards for the commercial zoning districts shall be as follows:							
Building coverage	50%	70%	80%	100%	100%	100%	100%	100%
Impervious surface	60%	80%	90%	100%	100%	100%	100%	100%
Setbacks	The minimum yard setbacks for the commercial zoning districts shall be as follows, except where increased setbacks due to landscaping and building/fire code requirements apply:							
Front yard/street setback	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Garage/carport setback	20 feet	20 feet	20 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Rear yard setback	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Interior setback	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Building height	40 feet	50 feet	60 feet	90 feet	90 feet	60 feet	60 feet	60 feet
Design	Design features shall be required as set forth in Chapter 18A.70 Part I.							
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70 Part II.							
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.60 Part III.							



	<b>Zoning Classifications</b>							
	<b>ARC</b>	<b>NC1</b>	<b>NC2</b>	<b>TOC</b>	<b>CBD</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>
Parking	Parking shall conform to the requirements of Chapter 18A.80.							
Signs	Signage shall conform to the requirements of Chapter 18A.100.							

## 18A.60.050 Industrial Area and Dimensions.

### A. Development Standards Table.

	<b>Industrial Zoning Classifications</b>		
	<b>IBP</b>	<b>I1</b>	<b>I2</b>
Lot size	One (1) acre	20,000 GSF	20,000 GSF
Building coverage	All building coverage and impervious surface maximums stated herein for the Industrial zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. The maximum building and impervious surface coverage and impervious surface for the Industrial zoning districts shall be 100 %.		
Impervious surface			
Setbacks	The minimum distance setbacks for the Industrial zoning districts shall be as follows, except where increased setbacks due to landscaping or building/fire code requirements apply.		
Front yard/street setback	10 feet	0 feet	0 feet
Principal arterial and state highway setback	25 feet	25 feet	25 feet
Rear yard setback	0 feet	0 feet	0 feet
Interior setback	0 feet	0 feet	0 feet
Building height	60 feet	60 feet	60 feet
Design	Design features shall be required as set forth in Chapter 18A.70 Part I.		
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70 Part II.		
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70 Part III.		
Parking	Parking shall conform to the requirements of Chapter 18A.80.		
Signs	Signage shall conform to the requirements of Chapter 18A.100.		

## **18A.60.060 Military Lands Area and Dimensions.**

### **A. Development Standards Table.**

	<b>ML</b>	<b>AC2</b>	<b>AC1</b>	<b>CZ</b>
Lot size	Lands owned by the federal government are exempt from local development standards. Otherwise, development standards for the Military-Related zoning districts shall be determined jointly by the Director and City Engineer on a case-by-case basis considering the intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.			
Building coverage				
Impervious surface				
Setbacks				
Front yard/street setback				
Principal arterial and state highway setback				
Rear yard setback				
Interior setback				
Building height				
Design	Design features shall be required as set forth in Chapter 18A.70 Part I.			
Tree Preservation	Landscaping shall be provided as set forth in Chapter 18A.70 Part II.			
Landscaping	Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70 Part III.			
Parking	Parking shall conform to the requirements of Chapter 18A.80.			
Signs	Signage shall conform to the requirements of Chapter 18A.100.			

**Section 18A.60.070 Open Space Area and Dimensions.**

	<b>OSR1</b>	<b>OSR2</b>
Lot size	N/A	N/A
Building coverage	N/A	N/A
Impervious surface	20%	30%
Setbacks		
Front yard/street setback	25 feet	25 feet
Principal arterial and state highway setback	35 feet	35 feet
Rear yard setback	20 feet	20 feet
Interior setback	20 feet	20 feet
Building height	The maximum building height, not including any applicable height bonus, for the Open Space/Recreation zoning districts shall be forty (40) feet.	
Design	Design features shall be required as set forth in Chapter 18A.70 Part I.	
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70 Part II.	
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70 Part III.	
Parking	Parking shall conform to the requirements of Chapter 18A.80.	
Signs	Signage shall conform to the requirements of Chapter 18A.100.	

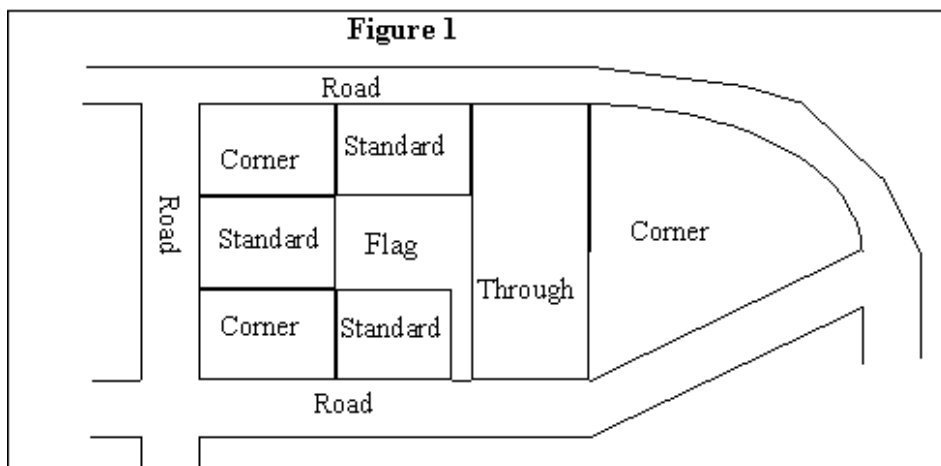
### **Section 18A.60.080 Public/Institutional.**

- A. Because of the nature of the typical uses characterizing this use type and the high need for flexibility in siting and operating public facilities, general development standards shall be determined jointly by the Director and City Engineer on a case-by-case basis considering the type and intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.
- B. SEPA Lead Agency. Unless specifically released on a case-by-case basis, the City hereby reserves lead agency status for environmental review under the State Environmental Policy Act for any and all uses within Public/Institutional zoning districts.
- C. Design. Design features shall be required as set forth in Chapter 18A.70 Part I.
- D. Landscaping. Landscaping shall be required as set forth in Chapter 18A.70 Part II.
- E. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70 Part III.
- F. Parking. Parking shall conform to the requirements of Chapter 18A.80.
- G. Signs. Signage shall conform to the requirements of Chapter 18A.100.

### **Section 18A.60.090 General Standards.**

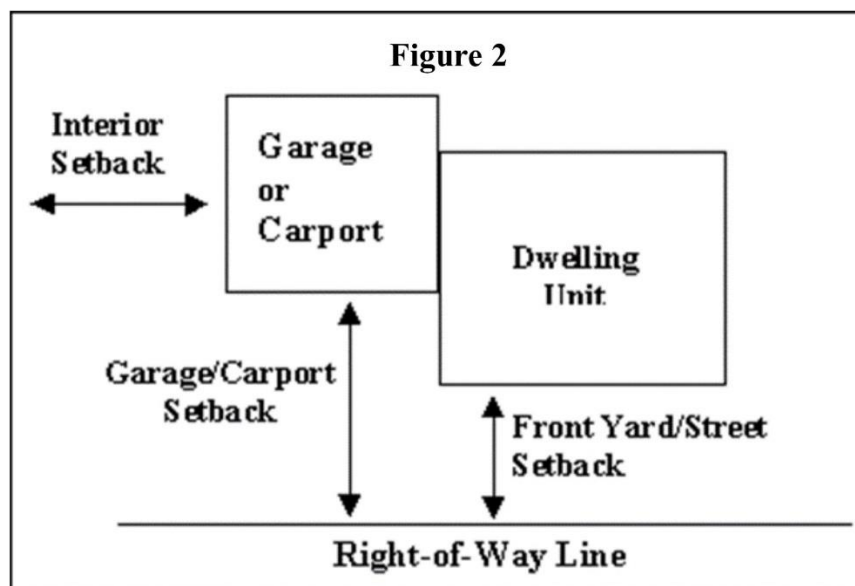
- A. Legally created lots.
  - 1. Development shall be permitted only on a legally created lot.
  - 2. To establish that a lot has been legally created, the applicant shall provide one (1) of the following:
    - a. A copy of a recorded formal plat, short plat, or subdivision approved by Pierce County or the City of Lakewood pursuant to Chapters RCW 58.17 or RCW 58.16 separately describing the lot.
    - b. A copy of the recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot.
    - c. Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.
    - d. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.

3. Where two (2) or more lots are used as a building site, the lots shall be legally combined to form a single lot prior to issuance of a building permit. No building permit shall be issued where the subject building, associated accessory buildings, or required improvements, other than shared access or parking facilities, cross a property line.
4. The minimum width for all lots shall be fifty (50) feet.
5. The minimum street frontage for all lots shall be fifty (50) feet, except flag lots and irregular lots as specified elsewhere in this section.
6. There shall be a maximum length to width ratio of four (4) to one (1) for all new lots. The Director may waive this requirement where lot configurations are limited by the circumstances of the original parcel.
7. The shape of the new lot shall conform to the general lot shapes described in this section unless the City determines that a specific topographic feature makes a standardized lot shape not feasible. In such cases, variations of general lot shapes shall be the minimum necessary to accommodate the topographic feature and shall not create extra-long lots, lots with extended projections, excluding flag lots, or unusual lot shapes which make meeting development standards difficult. The presence of a topographic feature does not require the City to consider or approve variances to lot shape.
8. No land may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.
9. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) feet and nine (9) feet above the grade of the centerline of each intersecting street, and a line joining points along the street lines twenty (20) feet from the point of the intersection. See Figure 1 for reference.



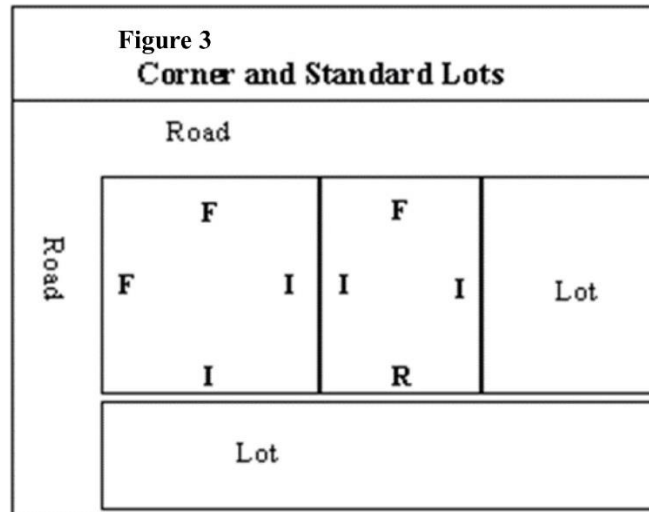
B. Setbacks and Lot Lines. Setbacks shall be measured from the property line of a lot to the wall line of a building or the exterior perimeter of a structure. A property line is a line of record bounding a lot that divides one (1) lot from another lot or from a public or private street right-of-way or any other private or public space.

1. Front lot line shall be that portion of a lot line abutting a street right-of-way.
2. Interior lot line shall be any lot line other than a front or rear lot line.
3. Rear lot line shall be that lot line opposite and most distant from the front lot line, and which runs most parallel to the front lot line.
4. Where the zoning district has a garage/carport setback requirement, that portion of the structure that acts as the vehicle entrance to the garage or carport portion of the structure, shall be setback from the property line as required by the zoning district to allow for vehicle parking and maneuvering. See Figure 2 for reference.



5. All lots shall contain at least one (1) front yard setback, except flag lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots shall contain one (1) rear yard setback except for through and flag lots. All other setbacks will be considered interior yard setbacks.
6. Standard lots. A standard lot is a lot that has only one (1) front lot line and one (1) rear lot line, and two (2) interior lot lines.

7. **Corner Lots.** If a lot abuts the intersection of two (2) or more street rights-of-way, a front yard setback is required abutting each right-of-way. This requirement is also applicable to a lot fronting a single right-of-way that simulates a corner lot. The minimum setbacks shall be the applicable front yard setback requirement on all sides with street frontage and the applicable interior setback on all remaining sides without street frontage. See Figure 3 for reference.



8. **Through Lots.** In the case of a through lot, a front yard setback is required abutting each street right-of-way.

9. **Flag Lots.** A flag lot shall have setbacks of a minimum of ten (10) feet from all property lines for both principal and accessory structures, except in R1 and R2 zoning districts where the minimum setbacks shall be fifteen (15) feet.

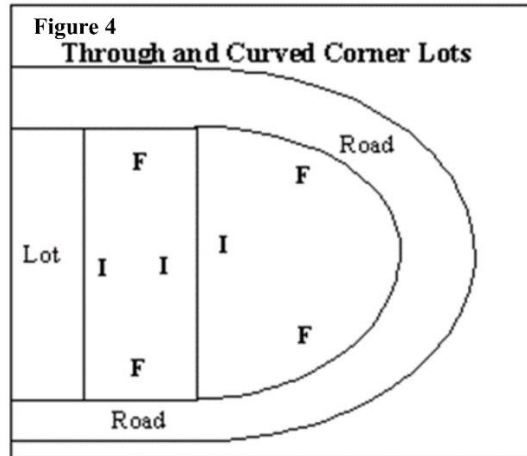
a. Flag lots in residential zones (R1, R2, R3, R4, M R1, MR2, MF1, MF2, MF3) shall have a minimum frontage of twenty (20) feet on a public road or street from which access is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of twenty (20) feet in width.

b. Flag lots in non-residential zones (ARC, NC1, NC2, C1, C2, TOC, CBD, IBP, I1, I2, AC1, AC2, OSR1, OSR2) shall have a minimum frontage of twenty-four (24) feet on a public road or street from which an accessway is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of twenty-four (24) feet in width.

10. **Irregular Lots.** Where the shape of a lot does not generally conform to the types of lots described above, the City shall make a determination on the location of front, rear, and interior lot line, applicable setbacks and the applicable development standards for the lot. See Figure 4 for reference.



- a. In the case of triangular or otherwise irregularly shaped lots, a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered to the “rear lot line” at the City’s discretion.
- b. In the case of an interior or “landlocked” lot or other irregular lot that does not meet the minimum frontage required for access, the street frontage width standards shall be the same as those required for flag lots. Minimum setbacks shall be the setbacks of the zoning district in which the lot is located.



# 11. Projection Exception.

- a. Fireplace structures, cornices, eaves, canopies, sunshades, gutters, chimneys, sills, lintels, bay or garden windows, ornamental features or similar architectural elements may project into any setback, provided such projections are:
  - (1) Not wider than ten (10) feet for each wall projection.
  - (2) Not more than two (2) feet into an interior, front, or rear yard setback.
- b. Porches, decks, and other structures which do not exceed thirty (30) inches height from the finished lot grade may project into any setback, provided such projections do not extend more than three (3) feet into a front, rear, or interior yard setback.
- c. Steps may project into any setback, provided such projections do not extend more than three (3) feet into the setback.
- d. A wheelchair ramp may project up to half of the distance into any required setback, provided that it does not obstruct the sight distance of a driveway or a street.

12. Fences within the required setbacks. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:

- a. Do not obstruct the sight distance of a driveway, private street, or public street.
- b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.
- c. Do not exceed a maximum height of four (4) feet within the front yard;
  - (1) Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and
  - (2) Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.
- d. In residential zoning districts, are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury.

13. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations which is used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required yard setbacks to a maximum height of four (4) feet on front property lines and eight (8) feet on side and rear property lines, provided all applicable site distance requirements and building permit requirements are met. If more than one retaining wall is used to terrace a slope, the minimum horizontal distance between the back edge of a lower wall and the front edge of an upper wall shall be two (2) feet.

14. Setbacks from ingress/egress easements. No additional setback is required from easements.

C. Access control.

- 1. Access control shall be applied, at the discretion of the City Engineer, to all street frontages to minimize traffic conflicts and where appropriate, to preserve on-street parking and promote non-motorized modes of transportation.
- 2. Areas for ingress and egress for automobiles shall be designed in such a manner that adequate visibility is ensured.

3. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing and required off-street parking.

D. Residential uses.

1. Adequate paved vehicular maneuvering area shall be provided in front of any residential garage or carport. The minimum depth of paving shall be twenty (20) feet from the front of the garage or carport and the minimum width shall be the total width of the garage or carport vehicular access opening(s).

2. A stormwater control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.

3. An erosion control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.

4. A geotechnical assessment shall be required for all residential development with a slope in excess of twenty (20) percent on any portion of the lot that will be developed.

E. Shoreline uses.

1. For new developments and additions that are adjacent to a shoreline or a shoreline buffer, the following information shall be submitted as part of the project permit application:

a. A professional survey that contains and illustrates:

- (1) The lot boundaries.
- (2) The ordinary high water mark.
- (3) The applicable shoreline setbacks.
- (4) The topographic lines at two (2) foot contours.
- (5) The location of building footprint.
- (6) The elevation of all corners of the proposed structure.
- (7) The location of any proposed docks/ramps and bulkheads.
- (8) The location of all other existing and proposed structures on the site.
- (9) The limits of proposed grading activity, soil disturbance and vegetation removal.

b. Sketch(es) showing proposed excavation, fill, and post-construction grade changes in relation to pre-construction grades.

c. An erosion control plan.

- d. A stormwater control plan.
  - e. A tree survey for entire lot and the location of all existing vegetation within the applicable shoreline setback, including riparian buffers.
- 2. Erosion control measures shall be in place and inspected prior to any grading activity on the site.
  - 3. The shoreline setback for buildings, retaining walls, rockeries, stairways, and all other structures, except bulkheads, docks, boat ramps, and other in-water uses permitted under the shoreline regulations, shall be a minimum of fifty (50) feet horizontal distance from the ordinary high water mark, and this distance shall not be averaged.
  - 4. No vegetation removal, excavation, fill, or landscaping shall be undertaken within the shoreline setback without first obtaining the appropriate shoreline permit(s) or a shoreline exemption letter from the Community Development Department.

F. Prohibited Uses and Development.

- 1. No more than one (1) dwelling shall be permitted per lot in all single family residential zoning districts, except as provided in LMC 18A.40.110(B)(1) [verify cite], or as may be allowed by the specific use regulations of a particular district.
- 2. Except as provided in LMC 18A.70.160, recreation and sporting vehicles shall not be used for dwelling purposes in any zoning district, and shall be subject to the requirements of LMC 18A.70.160.
- 3. Tents, yurts, membrane or rigid canopies, or other similar structures shall not be placed or maintained in any commercial or industrial zoning district, except with the written authorization of the Director. The Director shall evaluate any such proposal against the development standards and community design guidelines pertinent to the applicable zoning district.
- 4. No motor vehicle, which is advertised for sale, shall be parked in any location for more than 24 hours in a manner intended to facilitate that sale, except on residential property where the registered owner resides, or in conjunction with a permitted Motor Vehicle Sales and Rental use type.
- 5. Outdoor commercial activities shall be prohibited except for those uses and activities that are allowed as a primary permitted use or by discretionary permit under this title.

**18A.60.095 Outdoor Lighting Code.**

- A. Purpose. The purpose of this section is to protect and promote public health, safety, welfare, and quality of life by establishing regulations and a process for review of outdoor lighting that will accomplish the following:

1. Protect the air-based mission of Joint Base Lewis McCord (JBLM) by reducing lighting impacts that impair or negatively impact pilot training and missions and eliminating such impacts over time as obsolete lighting practices are curtailed;
2. Protect against light pollution, thereby reclaiming the ability to view the night sky and thereby help preserve the quality of life and scenic value of this desirable visual resource throughout the region and nearby natural open spaces, including State and National Parks;
3. Help protect and enhance human health and wellness and wildlife habitation and migration by minimizing light pollution and its impact on all forms of life.
4. Promote lighting practices and systems to conserve energy, decrease dependence on fossil fuels and limit greenhouse gas emissions.
5. Ensure that sufficient lighting can be provided where needed to promote safety and security on public and private property, and to allow for reasonable lighting for commercial properties and activities,
6. Provide easily understood regulations for residential lighting that help minimize obtrusive light and mitigate neighbor-to-neighbor lighting issues;
7. Allow reasonable flexibility in the style of lighting fixtures and the technology used to generate and control light; and,
8. Permit appropriate lighting employing historic and current technology, evolving advancements, energy use and economic needs.

B. Applicability. All outdoor lighting installed or modified after the effective date of this Ordinance shall comply with the provisions herein. This includes, but is not limited to, new lighting, replacement lighting, additions and alterations, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions: The following are not regulated by this Ordinance:

1. Indoor lighting.
2. Lighting solely for signs.
3. Repairs to existing luminaires, including lamp, ballast, and lens replacements.
4. Temporary lighting for one-time permitted events.

5. Underwater lighting in swimming pools and other water features.
6. Temporary lighting and seasonal lighting limited to cord-and-plug portable lighting or specifically permitted hard-wired lighting.
7. Short-term lighting associated with activities authorized by a valid temporary use permit, special event permit or film permit.
8. Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

C. General Requirements for all Outdoor Lighting.

1. Shielding. All luminaires shall be fully shielded and shall not emit light into the upper hemisphere around the luminaire once installed, except in accordance with Figure 1. Support and mounting systems for luminaires shall not allow post-installation adjustments that could defeat compliance of this requirement.

Exceptions: Decorative lighting, landscape lighting, or architectural floodlighting and outlining in Lighting Zone 3 or as otherwise specifically provided for herein.

2. Lighting Color (Chromaticity). The correlated color temperature of all outdoor lighting shall be 4000 Kelvin maximum or lower, with tolerance within the ANSI standard C78.377 of LED sources.

Exceptions:

- a. Amber sources necessary to protect shorelines and environmentally sensitive habitat areas, as determined by the Director.
- b. Legally required monochromatic light sources including but not limited to, aviation obstruction lighting, traffic signal lighting, and marine lighting
- c. Architectural floodlighting or outlining
- d. As allowed by a special use permit.

3. Prevention of Light Trespass. All lighting shall be designed and implemented to mitigate light trespass onto adjacent properties. The maximum allowable light trespass shall be per Table 1 and Table 2.

4. Lighting Not Permitted. None of the following outdoor lighting equipment is permitted except by special permit:
  - a. Dynamic lighting.

- b. Luminaires exceeding 500,000 peak candelas and/or 500,000 lumens.
- c. Laser lighting.
- d. Unshielded lighting such as string lights, light rope, neon lighting, or LED tubing.
- e. Any lighting of environmentally sensitive habitat.

5. Street Lighting.

- a. The only requirements of this Ordinance with respect to street lighting are for the shielding requirements set forth in Table 3, which specifically are intended to protect military missions associated with Joint Base Lewis-McChord.
- b. All other applicable local standards or regulations related to street lighting shall apply unless an *<insert jurisdiction's variance, conditional or special use permit, or other discretionary review process>* is approved. Such examples would include lighting for designated Historic Districts and/or designated Historic Luminaires.

D. Lighting Zones. The Community and Economic Development Director ("Director") shall develop and maintain a lighting zone map of Lakewood identifying the following lighting zones:

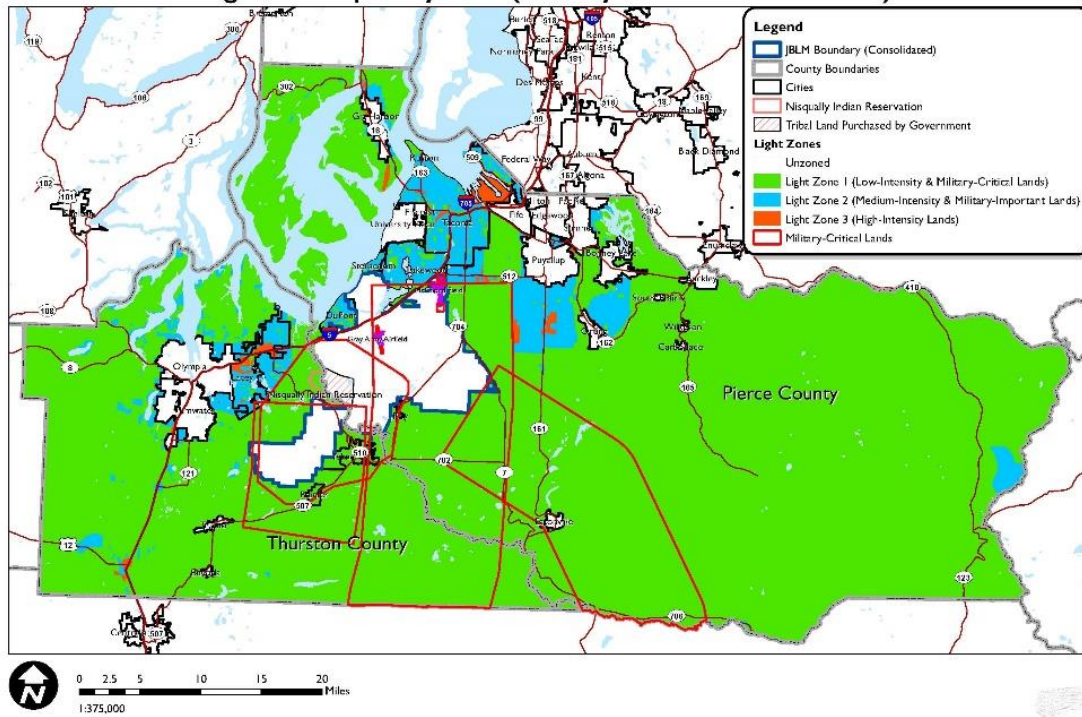
Lighting Zone 1 (LZ-1), which shall include all areas of Lakewood that are anticipated for low-intensity land uses, like parks, open space, rural areas, resource lands, and military- critical lands; LZ-1 may also be appropriate in other areas which are determined by the Director to be suitable for low levels of exterior lighting at night.

Lighting Zone 2 (LZ-2), which shall include all areas of Lakewood that are anticipated for medium-intensity land uses, like residential, mixed use, neighborhood commercial, neighborhood parks, office, light industrial, and military-important lands, and/or which are determined by the Director to be suitable needs for modest levels of exterior lighting at night.

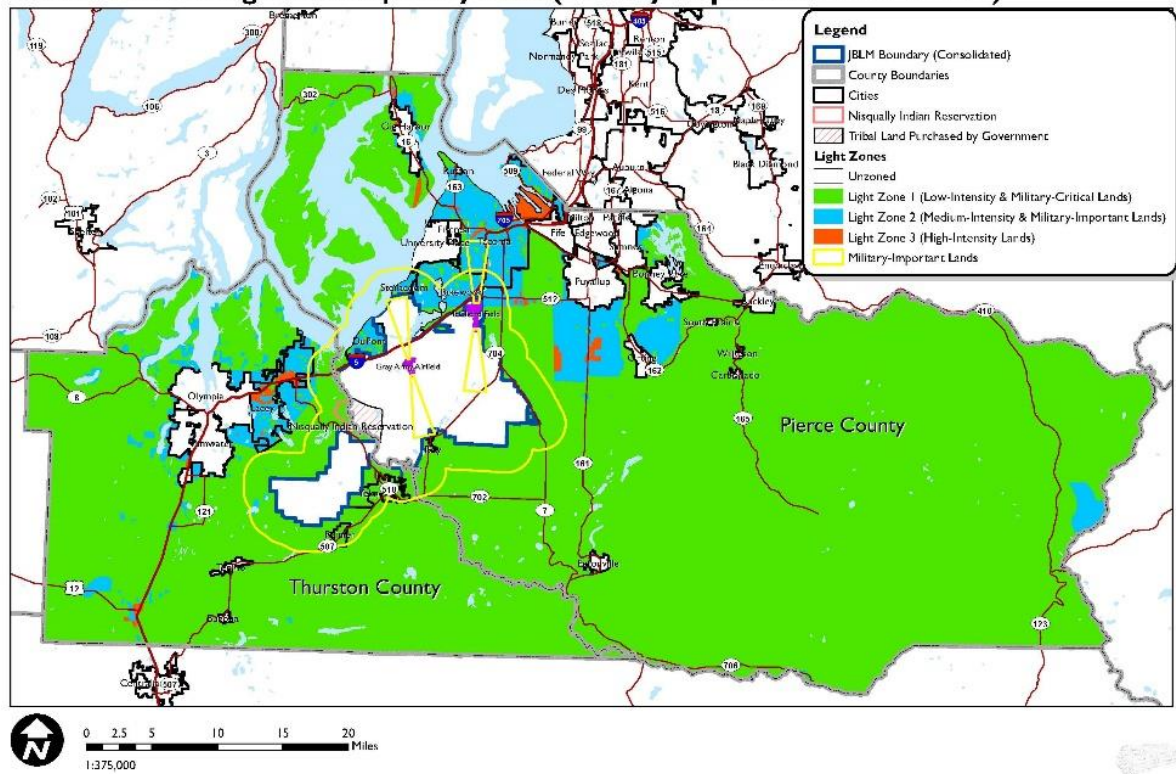
Lighting Zone 3 (LZ-3), which shall include all areas of Lakewood that are not likely to impact military operations, but are anticipated for high intensity uses, like heavy commercial and industrial, manufacturing, and major transportation hubs, and/or are determined by the Director to have needs for medium to high levels of exterior lighting at night. Deference to the needs of military critical and military important lands shall be accommodated where LZ-3 zoning exists in such areas.



### Recommended Light Zones | Study Area (Military-Critical Lands Shown)

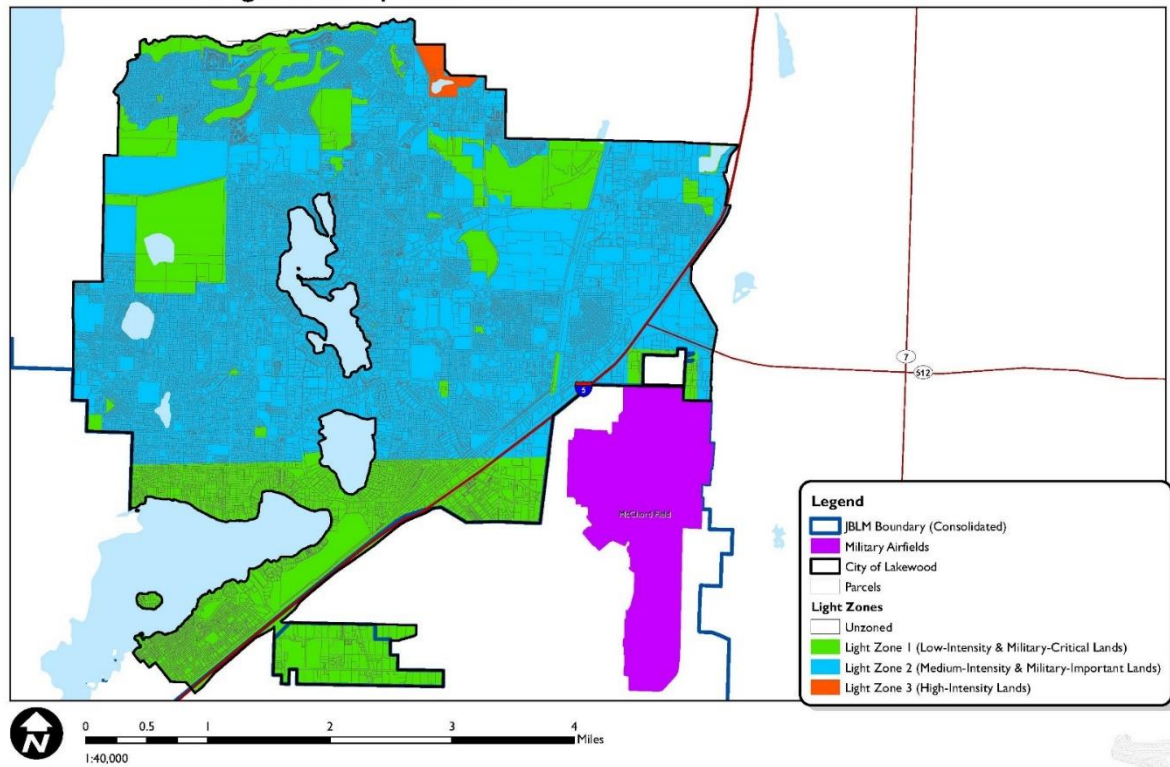


### Recommended Light Zones | Study Area (Military-Important Lands Shown)





## Recommended Light Zones | Lakewood



1. Posting of lighting zone map The lighting zone map shall be posted on the Lakewood website and remain available to the public.
2. Adoption and Administration of Lighting Zones
  - a. The Director shall recommend lighting zones for Lakewood to the City Council, based on the lighting zones recommended in the Lighting Study Report insofar as possible. The final lighting zone map and any subsequent changes thereto shall be approved by the City Council as required by law.
  - b. The Director shall develop a process to review proposed changes to and appeals from the lighting zone map approved by the City Council. Approved changes and appeals resulting in a required amendment to the lighting zone map shall be made by the Director.

### E. Rating of Luminaires

1. General. Luminaires shall not be equipped such that the luminaire may be aimed upward, except as specifically permitted in Lighting Zones 2 and 3 (LZ-2 and LZ-3).
2. Non-residential Luminaires.
  - a. Luminaires shall be rated for the lighting zone in which they are being installed according to the “BUG” system.

- b. In Lighting Zones 1 and 2, the BUG uplighting value (U) shall be Zero (0).

3. Residential Luminaires

- a. Luminaires having BUG ratings shall comply as for non-residential luminaires.
- b. Luminaires not rated shall be fully shielded in Lighting Zones 1 and 2 (LZ-1 and LZ-2) per Figure 1.

F. Lighting Zone Specific Lighting Requirements

1. Applicability

- a. In addition to the foregoing, and except as provided in subsection 2, all outdoor lighting must meet the following requirements based on lighting zone and whether the subject property is residential or non-residential. Residential properties shall comply with Table 1 and non-residential properties shall comply with Table 2 as described below. For the purposes of these requirements, multi-family residential properties of 8 dwelling units or more shall be considered non-residential.
- b. Section 4(E) and Table 3 of the Outdoor Lighting Ordinance govern the installation of street lighting within Lakewood. This section and Tables 1 and 2 do not apply to street lighting.

2. Curfew

- a. Generally. Automated control systems, such as energy management systems, photoelectric switches, motion sensors and astronomic timer switches, shall be used to meet the curfew requirements and the technical and energy efficiency requirements of the Washington State Energy Code.
- b. Exceptions:
  - 1. Egress lighting as required by the Building Code.
  - 2. Lighting required for accessibility.
  - 3. Lighting required by statute, law or ordinance to operate all night.
  - 4. A manual override at each exit door is allowed regardless of automatic control device.

- 3. Maximum Lumens. For a dedicated fluorescent, LED, or HID luminaire, the allowed maximum rated lumens shall be per a photometric report or manufacturer's product literature. For a line voltage socket luminaire or a low voltage socket luminaire shall be the rated lumens of the lamp installed in it.

- 4. Maximum Mounting Height. The maximum mounting height above adjacent grade for luminaire, shall be as provided in Tables 1 and 2.  
Exception 1: There is no maximum mounting height for fully recessed

luminaires.

Exception 2: For multi-story residential buildings and motels with exterior entrance doors, the maximum mounting height shall be 8 feet above adjacent floor unless recessed into an adjacent ceiling, soffit, or overhang.

5. Landscape lighting. Landscape lighting is permitted per Table 1 and Table 2.
6. Architectural Floodlighting and Outlining. The use of lighting to illuminate building facades, statuary, and similar edifices for appearance or other needs, which do not involve visual tasks such as walking or driving, may be permitted in Lighting Zone 3 only, if all the following conditions are met:
  - a. A plan and rendering is submitted for review and approval by the Director, which demonstrates compliance with the Ordinance.
  - b. The amount of unshielded lighting does not exceed 20,000 lumens per acre of the site.
  - c. The average illumination of a façade or edifice shall not exceed 50 lux.
  - d. Such lighting shall be extinguished at curfew, in accordance with Tables 1 and 2, as applicable.

No such lighting may be used within Lighting Zone 3, except in compliance with the above standards, shall not be allowed in Lighting Zones 1 and 2 under any conditions.

#### G. Plan Review and Permitting

1. Plan Review. All outdoor lighting installations or installations involving new lighting, or the modification, alteration, or replacement of outdoor lighting shall submit plans and related information as listed below and receive a permit prior to proceeding with any work.
  - a. Plans depicting the proposed luminaires.
  - b. Product specification data such as manufacturer's data sheets for each luminaire and control device(s) or systems being used.
  - c. For non-residential properties, demonstrated compliance with the Washington State Energy Code, with signatures required by Lakewood attached to the plans.
  - d. Details, elevations, summaries or calculations as required to demonstrate compliance with this Ordinance.
2. Alternative Means and Methods. Deviations from the lighting standards provided in this Ordinance may be approved pursuant to the *<insert cross-reference to jurisdictions variance, conditional or special use permit, or other discretionary review processes>*. The request shall state the circumstances and conditions relied upon for the approval and shall be accompanied by

accurate plans and a legal description of the subject property. In addition, the following information shall be submitted:

- a. Plans depicting the proposed light fixtures;
  - b. Detailed description of the circumstances which necessitate the deviation;
  - c. Details on the use of the proposed light fixtures for which the deviation is requested, including the type of outdoor light fixture(s) to be used, the total light output and character of the shielding, if any; and
  - d. Such other data and information as may be required by the Director to demonstrate compliance with the Ordinance, guidance provided in the JBLM Lighting Study Report, recommendations from JBLM, and other best practices guidance related to outdoor lighting.
3. No Substitutions or “Value Engineering.” Deviations from approved plans including products and control device(s) are not permitted unless the applicable processes set forth in (A.) or (B.) above are repeated and a new permit granted.
4. Appeals and variances. Appeals from and variances from the provisions of this Ordinance shall be in accordance with section *<insert section # of the jurisdiction’s applicable appeal and variance procedures and criteria>*.

#### H. Conflicts with other Laws.

In the event the provisions in this Ordinance conflict with other state or federal laws, this Ordinance shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this Ordinance and the provisions of federal or state law the provisions of federal or state law shall prevail over the provisions contained in this Ordinance only to the extent necessary to avoid a violation of those other laws or code provisions. In the event of a conflict between the standards for individual uses and other general requirements of this chapter, the more stringent shall apply. Determination for appropriate standards shall be made by the department.

#### I. Application of Ordinance to Legal Non-conforming Lighting.

1. Compliance Period.
  - a. Notwithstanding any other provisions in the Lakewood zoning code related to non-conforming structures and uses, a property owner shall comply with the requirements of this ordinance by

<insert number of months> from the effective date of this ordinance.

- b. Any non-compliant lighting still in place after this compliance deadline shall remain extinguished.
  - c. A property owner may apply for an extension of this deadline by submitting a request to the Director thirty days before the compliance deadline detailing why an extension is needed. Any non-compliant lighting shall remain extinguished while the request is pending. Upon demonstration of good cause for providing a property owner additional time to comply with the requirements of this section, the Director may extend the property owner's time to comply and/or may require a plan for compliance that required partial compliance in advance of full compliance. For purposes of this section, the term "good cause" shall mean a **<insert jurisdiction's criteria for relief based on zoning code, the Growth management Act, and state law>**. The decision of the Director shall be appealable pursuant to the provisions of the Jurisdiction's zoning code.
- 2. Change of Use. If a property with non-compliant lighting changes use, then all outdoor lighting shall be brought into compliance with this ordinance before the new use begins. Any uncorrected non-compliant lighting shall be removed or remain extinguished.
  - 3. Resumption of Use after Abandonment. If a property with non-compliant lighting is abandoned for a period of **<insert number of months>** or more prior to the compliance period described in subsection A, above, then all outdoor lighting shall be brought into compliance with this Ordinance before resumption of use of the property. Any uncorrected non-compliant lighting shall be removed or remain extinguished.
- J. Enforcement and Penalties.  
(RESERVED)

**<To Be Based on Jurisdiction's zoning code, the Growth Management Act, and state law.>**

## FIGURES AND TABLES

Figure 1 –Shielding Requirements

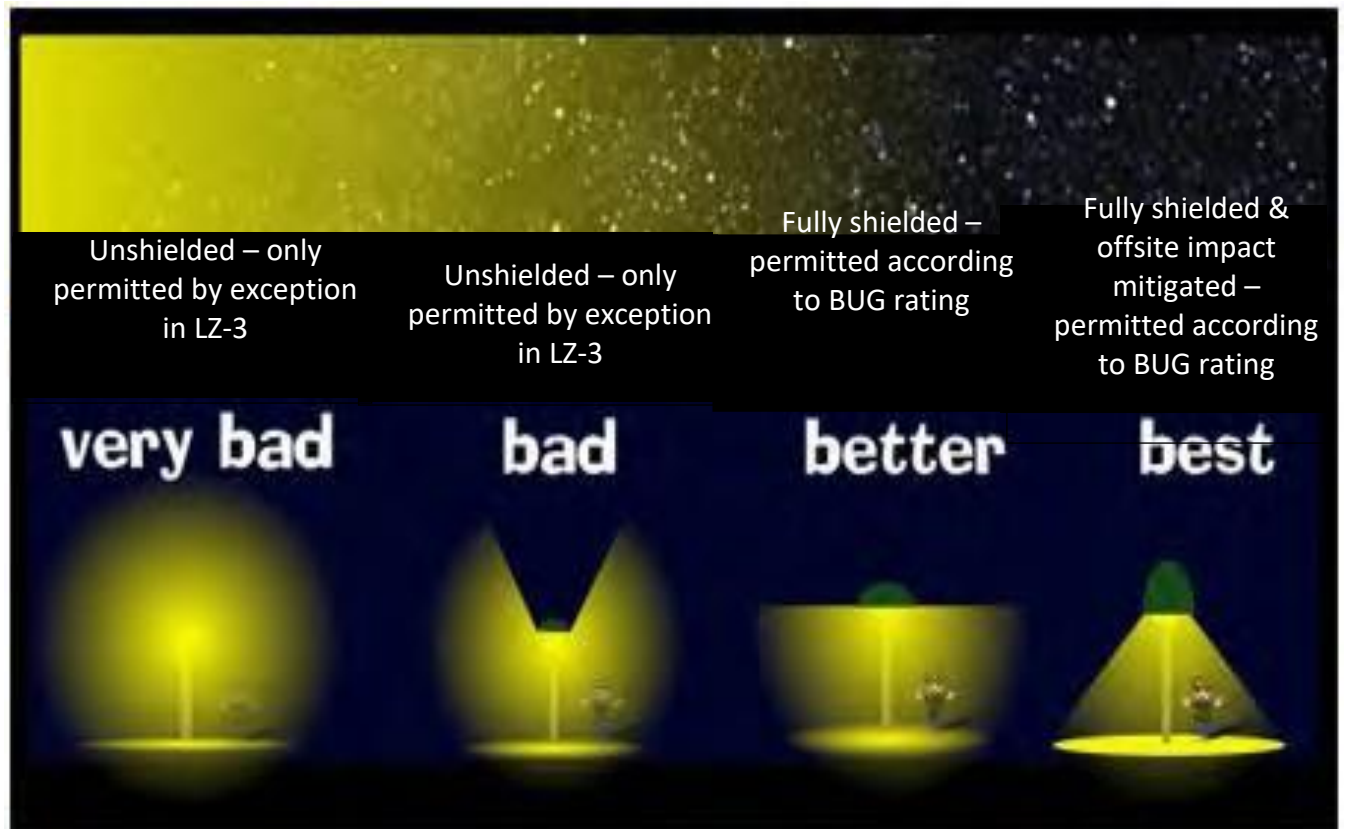


Table 1 – Residential Lighting Limits

	<b>Lighting Zone 1 (One)</b>	<b>Lighting Zone 2 (Two)</b>	<b>Lighting Zone 3 (Three)</b>
Maximum lumens per fully shielded luminaire	900	900	900
Unshielded and decorative lighting	One per residence not to exceed 300 lumens	Two per residence not to exceed 300 lumens	Three per residence not to exceed 600 lumens
Maximum mounting height above adjacent grade	12 feet	12 feet	15 feet
Landscape lighting	Downlighting only not to exceed 300 lumens	Downlighting and/or shielded uplighting not to exceed 450 lumens per luminaire	Downlight and/or shielded uplighting not to exceed 600 lumens per luminaire
Maximum landscape lighting lumens per acre	6000	12000	18000
Maximum allowable light trespass	0.1 footcandle (1 lux)	0.2 footcandle (2 lux)	0.5 footcandle (5 lux)

Table 2 – Non-Residential and Multi-family Residential Lighting Limits

	<b>Lighting Zone 1 (One)</b>	<b>Lighting Zone 2 (Two)</b>	<b>Lighting Zone 3 (Three)</b>
Maximum lumens per fully shielded luminaire, if not having BUG rating	2500	5000	15000
Unshielded and decorative lighting	None allowed	Maximum 600 lumens per luminaire not to exceed 12000 lumens per acre.	Maximum 900 lumens per luminaire not to exceed 18000 lumens per acre
Maximum mounting height above adjacent grade	20 feet	25 feet	35 feet
Landscape lighting	Downlighting only not to exceed 450 lumens	Downlighting and/or shielded uplighting not to exceed 600 lumens per luminaire	Downlighting and/or shielded uplighting not to exceed 900 lumens per luminaire
Maximum landscape lighting lumens per acre	9000	12000	18000

Maximum allowable light trespass	0.1 footcandle (1 lux)	0.2 footcandle (2 lux)	0.5 footcandle (5 lux)
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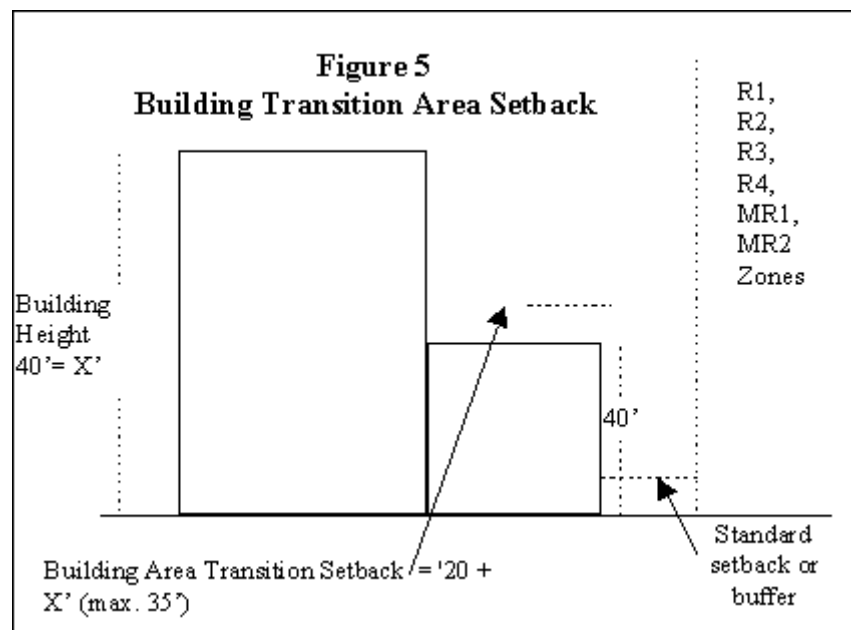
Table 3 – Street Lighting

	Lighting Zone 1 (One)	Lighting Zone 2 (Two)	Lighting Zone 3 (Three)
Unshielded and ornamental decorative street lighting	None allowed	None allowed	Shielded uplighting limit rating of U3
Fully Shielded Street Lighting	Allowed	Allowed	Allowed

### 18A.60.100 Building Transition Area.

A. The Building transition area limits the bulk of the multi-family dwelling and non-residential use type structures along property lines that abut the Residential (R1, R2, R3, R4) and Mixed Residential (MR1, MR2) zoning districts.

B. Buildings, or portions of buildings, located within a building transition area shall not exceed forty (40) feet in height. Buildings, or portions of buildings, that exceed forty (40) feet in height shall be setback twenty (20) feet from any property line abutting a R1, R2, R3, R4 zoning district, plus an additional foot of setback for each additional foot of building height. The maximum set back under this provision is thirty-five (35) feet. See Figure 5 for reference.

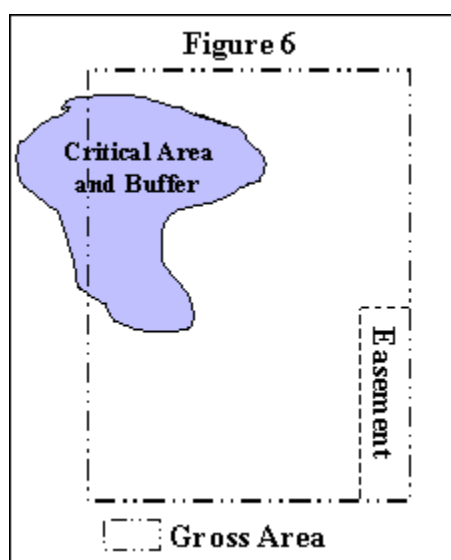


### 18A.60.110 Density Standards.



The permitted number of dwelling units or lots shall be determined as follows:

- A. The maximum density of each zoning district shall be the maximum number of dwelling units allowed per gross area of an acre, excluding accessory dwelling units. Maximum density shall be expressed as a ratio, i.e., three (3) dwelling units per acre.
- B. The minimum lot size shall not determine maximum density. Maximum density shall not be exceeded, except as allowed by the provisions of LMC Section 18A.10.060.
- C. Gross area is the total sum area of the lot, including easements, and wetlands, streams, shorelines, and other critical areas. The required critical area buffers and all legally recorded private access easements shall not be subtracted from the gross acre for the purpose of dwelling unit calculations. See Figure 6 below for reference.



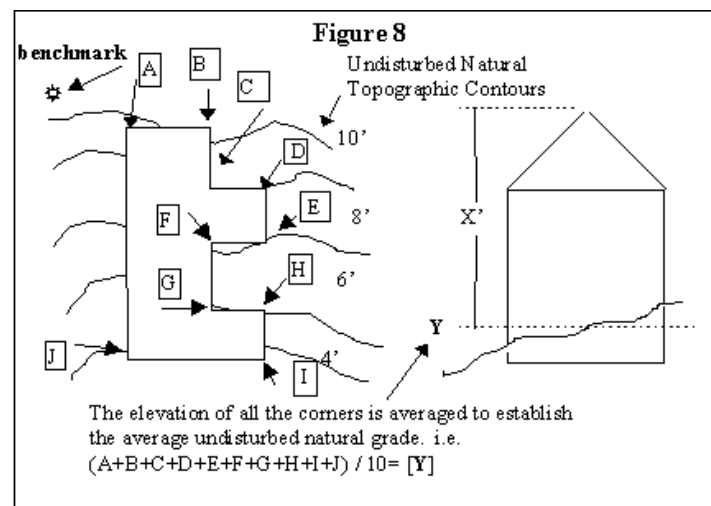
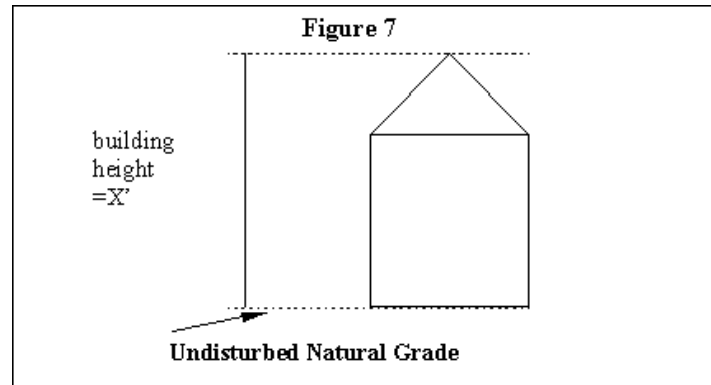
- D. Bonus density, where applicable, shall be computed by adding the bonus units authorized by LMC Section 18A.80.040 to the base units computed under this section.
- E. When calculations result in a fraction, the fraction shall be rounded down to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded down; and
2. Fractions below 0.50 shall be rounded down.

#### **Section 18A.60.120 Height Standards.**

- A. **Height Measurement.** The height of a structure is measured from the average elevation of the undisturbed natural topography or pre-existing grade on a site to the highest point of the structure. See Figure 7 for reference. The average elevation is determined by averaging the elevations of the undisturbed natural topography or the pre-existing grade at all corners or change in wall plane of the proposed structure. An elevation benchmark shall

be set on the lot, outside of the construction area, where it will remain undisturbed to allow verification of vertical elevation. See Figure 8 for reference.



B. Exceptions. Height standards shall not apply to assembly spires, flagpoles, belfries, and domes; chimneys, household antennas, ventilation stacks, or similar appurtenances that are required to be placed above the roof level and not intended for human occupancy.

C. Fence Heights. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm. Net fences, such as those used on golf courses and/or driving ranges shall not be higher than thirty-five (35) feet and shall meet the setbacks required for structures.

D. Flag Poles. Flag poles shall not exceed the maximum height allowed by the zone in which it is located. All such poles shall be placed so as to neither obstruct nor obscure adjacent property owners' lines of vision.

### 18A.60.130 Street Improvements.

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of providing sidewalks and other means of non-motorized circulation, controlling vehicle access, protecting living areas from traffic, unhealthy conditions and incompatible uses, and to continue to remedy potential groundwater contamination.

B. Sidewalks. Sidewalks shall be located along all arterial streets contiguous to the property line and shall serve to provide a pedestrian right-of-way and prevent interference or encroachment by fencing, walls, hedges, and other incompatible plantings and structures. Sidewalks of no less than five (5) feet in width shall be constructed with curb, gutter, and adjacent landscape strip, and shall meet the standards of **LMC Title 12, Streets Sidewalks and Public Thoroughfares** [verify cite].

1. Sidewalks shall be constructed by the developer of any new industrial, commercial, and multifamily development; non-residential change of use, or major tenant improvement; commercial, non-residential or multi-family residential remodel; or residential subdivision, where the new development, change of use, or remodel will increase vehicular or pedestrian traffic to and from the site, or otherwise impact the local street system as determined by the City Engineer.

2. In all subdivisions, in addition to sidewalks along arterial streets, sidewalks shall be installed by the developer on all interior streets as follows:

- a. For subdivisions with one to nine (1-9) dwelling units, sidewalks shall be required on one (1) side of the interior streets only.

- b. For subdivisions of ten (10) or more dwelling units, sidewalks shall be required on both sides of the interior streets.

C. Utilities. Utilities shall be placed underground wherever possible, as determined by the City Engineer.

D. Sanitary Sewers. At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within three hundred (300) feet of the property at the property owner's expense.

1. If connecting to the existing sewer requires the property owner to obtain an easement across private property but the property owner is unable to do so, and can provide evidence that a reasonable attempt to obtain such easement was made, and providing further that hookup to any existing and available sewer requires the property owner to extend a line greater than one thousand (1,000) feet, a waiver from this requirement can be granted. This waiver provision does not apply to new subdivisions of five (5) or more lots.

E. Access. Multifamily, commercial and industrial development shall have access located on arterial streets or have access to arterial streets. All newly created residential lots shall access off internal plat roads, except as authorized by the City Engineer.

F. Lighting. Street lighting shall be provided in conjunction with new industrial, commercial, and multifamily development, major tenant improvements, or subdivisions. Street lighting shall be provided along arterial streets in accordance with specification and standards included in LMC Chapter 18A.60.095 and as approved by the City Engineer.

1. In commercial and industrial developments, including major tenant improvements, lighting and glare shall be shielded or directed away from residential uses. New multi-unit developments shall provide shielding or direct lighting and glare away from all other residential uses.

G. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, utilities, and waste disposal shall be integrated into the design of the building(s) or development and screened from view.

H. Street improvements shall be improved for all new developments as specified in this section, Chapter 12A.09, Transportation Facilities, Chapter 12A.10, Site Development Regulations [verify cites], LMC Section 18A.60.040, Community Design, LMC 18A.60.150, Landscaping, Chapter 12.02 LMC, Streets Sidewalks and Public Thoroughfares, and Chapter 18A.70, Parking. [verify cites]

I. The City Engineer and the Director may modify the street improvements requirements of this section in accordance with LMC Sections 18A.60.120 and 18A.60.030 [verify cites] and the following:

1. The City Engineer and the Director may permit modification of street improvement requirements and standards when development of the required improvement(s) is not, in the opinion of the City Engineer and the Director, practical due to physical limitations of the site which are no fault of the applicant.

2. The City Engineer and the Director may permit modification of street improvement standards where the required street improvement is not, in the opinion of the City Engineer and the Director, roughly proportionate to the impact, type, scale, and cost of the proposed development action.

3. The street design alternatives shall be documented as an administrative determination. Mailing of notice to adjacent property owners potentially affected by the development regulation modifications is required.

#### **Section 18A.60.140 Concurrency.**

A. All new development and improvements, expansion, or intensification of an existing use shall be connected, at applicant expense, to a public primary infrastructure system to support the use.

B. If primary infrastructure is not available to the site or the existing infrastructure does not contain sufficient capacity to support the proposed development, the City may not:

1. Issue development permits which would allow for an increase in the amount of infrastructure demand generated from the site.
2. Permit the division of the property that provides for increased potential for development or demand for infrastructure. All new subdivisions, including short plats, preliminary/final plats, binding site plans and condominium conversions shall require connection to the public sewer system prior to recordation of the subdivision instrument.

C. Primary infrastructure includes, but is not limited to:

1. Sanitary sewer.
2. Water.
3. Transportation and transit facilities.
4. Stormwater.
5. Electrical.
6. Police, fire, and emergency medical.

D. The use of septic systems shall be limited to system replacement or as otherwise permitted by the Pierce County Health Department and approved by the City Engineer.

#### **Section 18A.60.150 Gated Residential Subdivisions.**

The street(s) within a residential subdivision may be allowed to be gated pursuant to the following:

A. Gated streets cannot adversely affect the automobile or pedestrian traffic of an existing or future neighborhood. This will be determined by (1) the use of gated streets would not cause discontinuity in the existing or proposed public street system (i.e., street layout) including pedestrian traffic, (2) the use of gated streets cannot preclude public street access to other properties, and (3) the use of gated streets would not distribute an unacceptable amount of traffic through an existing or future neighborhood than would otherwise result if through public streets were used.

B. Gated residential subdivisions of more than four lots can only be permitted as part of the plat process. Existing plats, proposed to be gated, must go through a plat alteration process as well as meeting all the requirements of this section.

C. The gated streets are to be privately owned and maintained. The private streets must however meet the same design, construction, and public facility extension standards required of public streets, including approval of the construction by the city.

D. A legally incorporated property owners' association must be established and assume the responsibility and cost to repair and maintain the proposed private street(s) and gate(s). The property owners must also agree to maintain a policy of liability insurance in a minimum amount of \$1,000,000 of which the city is named as insured to protect the city from any claims that may result from the property owners' utilization of a gated roadway, including but not limited to malfunctions of the gate.

If the association fails to maintain the street(s), the by-laws of the association must give the city the right to maintain the street(s) and charge the cost of the maintenance, including any administrative costs, to the association members.

The by-laws establishing the association must state that if future owners should request the private street(s) be changed to public then the owners fully agree that, before the acceptance of such streets by the city, the owners will bear the full expense of reconstruction or any other action necessary to make the streets substantially consistent with the requirements of public streets, applicable at the time.

If at any time the private streets are converted to public streets, then the gate(s) shall be removed at the expense of the association.

E. At the time of application for a preliminary plat or plat alteration the applicant shall address and provide evidence that those items as required in subsections A, B, C, D, and F of this section have been fulfilled. A preliminary plat or plat alteration shall not be approved unless it is found to meet the requirements of this section.

F. Design standards for all entry gates to residential developments including residential subdivisions, apartment complexes, condominiums, and mobile home parks.

1. A vehicle turnaround, turnout or similar mechanism shall be provided in front of the gate. The entrance to the proposed gate shall be designed and stamped by a professional civil engineer licensed in the state of Washington and shall allow for a safe turnaround for vehicles in front of the gate in cases where the vehicle is denied entry. The design for the gated entrance shall consider the abutting public roadway alignment and grade, sight distance, posted speeds and other engineering criteria relevant to designing the particular gated entrance. The proposal shall be reviewed for approval by the city engineer.

2. Gate construction shall be of wrought iron or similar material approved by the Director and be constructed in such a manner to allow for viewing of obstructions located within the swing path of the gate. The swing path of the gate shall be away from or parallel with the vehicle approaching the gate. The gate and accessory equipment shall be coated to prevent corrosion.

3. If the entry gate(s) obstructs access to solid waste collection, public water, sewer, or storm water utilities, then a property owner or homeowners' association will be required to meet all easement requirements and be responsible for assuring that 24-hour access is provided to the city. The City Engineer shall determine a specified number of activation keys, activation devices or receive the access code to the gate which shall be distributed to the appropriate city departments. If the access method to the gate is subsequently modified, then the property owner or homeowners' association shall notify the City Engineer and again provide to the City Engineer a specified number of activation keys, activation devices or the access code to the gate which shall be distributed to the appropriate city departments.

4. Emergency Access Provisions. Gates shall have rapid entry key capabilities as approved by the fire marshal. The gate shall provide for 20 feet of clear passage for emergency access with a minimum clear height of not less than 16 feet six inches in accordance with WSDOT Design Manual Section 1120.04, "Bridge Site Design Elements," paragraph 5(a)1. Electrically operated gates shall have the capability to automatically default to the unlocked (open) position in the event of a power outage.

#### **Section 18A.60.160 Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.**

The storage or parking of a recreational vehicle, utility vehicle or a sporting vehicle accessory to a residential use may be permitted subject to the following standards:

A. Recreational, utility and sporting vehicles shall not be stored on a lot where no residential use exists.

B. No more than one (1) recreational, utility and/or sporting vehicle as defined in LMC 18A.10.180, Definitions, or equipment shall be stored outside of an enclosed building or structure on any residential property. Multi-family residential complexes and zero lot line developments may allow the storage of additional recreational and sporting vehicles provided that the outdoor storage meets the requirements of LMC 18A.60.190, Outdoor Storage and Commercial Yard Surfacing Standards.

C. Recreational, utility and sporting vehicles and equipment placed for storage purposes on property upon which the owner resides, shall not be occupied for continuous periods, except for short-term, temporary purposes by a friend or relative for not more than twenty-one (21) days in any ninety (90) day period, whether it be in storage by the property owner or brought to said property by the friend or relative. Such temporary occupancy shall be permitted only with the prior written authorization of the Director for time periods as permitted in this section. Occupancy of the recreational, utility or sporting vehicle outside of the specific time periods referenced in the Director's written authorization shall constitute conclusive evidence of a violation of this section. No electrical hookup shall be permitted to a vehicle other than during the time period said vehicle(s) are occupied or for humidity control purposes. No other utility hook-ups shall be permitted at any time.

D. Recreational, utility and sporting vehicles shall be stored on a parking pad or in the driveway of the residence. No portion of the vehicle shall be stored within the public right-of-way, even if a portion of the driveway extends into the public right-of-way.

E. The parking pad shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition.

F. The parking pad shall be located at the side or rear of the dwelling, whenever feasible.

G. The parking pad shall be screened, to the maximum extent feasible, from the public street and neighboring properties by fencing and/or landscaping.

#### **18A.60.170 Parking of Commercial Vehicles Accessory to Residential Uses.**

A. No more than one (1) commercial vehicle of a type commonly referred to as a utility van, step van, box van, flatbed pickup, tow truck, utility vehicle, emergency vehicle, semi-truck cab, or other similar vehicle, may be parked on a residential lot or one (1) per dwelling unit on a multi-family property, as an residential accessory use. If parked in accordance with the requirements of LMC Chapter 18A.70 and the following standards:

1. The commercial vehicle shall be stored on a parking pad or in the driveway of the residence. No portion of the vehicle shall be parked within the public right-of-way, even if a portion of the driveway extends into the public right-of-way.

2. The parking pad shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition.

3. The parking pad shall be located at the side or rear of the dwelling, whenever feasible.

B. In residential zoning districts, the parking of buses, semi-truck trailer units attached to a semi-truck cab or detached, dump trucks, and other similar commercial vehicles or any commercial vehicles over ninety-six (96) inches in width or thirty (30) feet in length is prohibited as an accessory use. Unloading of shipping containers and semi-truck trailers may occur in residential zoning districts for periods not to exceed seventy-two (72) hours.

C. Commercial vehicles shall not be parked on, adjacent to, or abutting property zoned OSR1 or OSR2.

#### **Section 18A.60.180 Vehicle Service and Repair Accessory to Residential Uses.**

The repair, service, restoration, modification, assembly, disassembly, construction, reconstruction, or other work on a motor vehicle, recreational vehicle or a sporting vehicle on any residential premises in any zone that allows residential uses shall be subject to the following standards:



- A. Work shall be limited to the non-commercial repair and maintenance of motor vehicles, recreational vehicles, sporting vehicles and vehicular equipment that is currently registered to a resident of the premises or a member of the residents' family, which shall be limited to parents, grandparents, spouse, or children related by blood, marriage or adoption.
- B. Such work is prohibited in multi-family residential complexes of three (3) or more dwelling units on a parcel, unless totally within an enclosed garage.
- C. Such work shall be conducted on no more than one (1) vehicle at any one time.
- D. Such work shall be conducted only between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.
- E. Assembly, disassembly or bodywork shall only be conducted within a fully enclosed garage or accessory building. Minor service and repair work may only be performed in a fully enclosed building, an open accessory structure, on a parking pad or in the driveway directly adjacent to the garage or carport. Such work shall not be performed in the public right-of-way nor shall vehicles be stored in the public right-of-way, even if a portion of the driveway extends into the public right-of-way. Nor shall any vehicle be stored in violation of LMC 8.24.100, Storage of Certain Vehicles and Components Prohibited.
- F. The parking pad shall be located at the side or front of the dwelling, whenever feasible and shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition as to act as an impervious surface.
- G. Parts, equipment, debris, excess materials or other supplies needed for the repair of a vehicle on the premises shall be stored within a fully enclosed structure such as a garage or accessory building.
- H. The performance of such work shall not create a nuisance to the neighbors.
- I. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths or rags, and all other equipment or material used in the work, and the property shall be left in such a condition that no hazard to persons or property shall remain.
- J. Storage, containment, and disposal of all hazardous materials shall be in accordance with state and local regulations.
- K. Disposal of all waste products shall be in accordance with state and local regulations.
- L. Painting of vehicles is prohibited.

**Section 18A.60.190 Outdoor Storage and Commercial Yard Surfacing Standards.**

- A. 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.60.150 [verify cite].

B. Salvage yards, vehicle storage facilities, vehicle impound yards, and wrecking yards shall be paved with asphalt or concrete, fenced and landscaped pursuant to LMC 18A.60.150(A)(5) [verify cite].

#### **Section 18A.60.200 Standards for Uses and Accessory Uses not Otherwise Listed.**

For permitted accessory uses, principal uses, administrative uses, and conditional uses that are not specifically listed in this section, the following development standards shall apply:

A. **Parking Requirements.** Parking requirements shall be provided in the manner set forth in Chapter 18A.80, Parking.

B. **Landscaping Requirements.** Landscaping requirements shall be provided for in Chapter 18A.70 Part II.

C. **Tree Preservation.** Significant tree identification, preservation, and replacement shall be provided for in LMC Chapter 18A.60 Part III.

D. **Community design.** Community design shall be provided in Chapter 18A.70 Part I.

E. **Signs.** Sign requirements shall be provided for in Chapter 18A.100.

F. **Stormwater Management.** Storm drainage control as provided in LMC Chapter 12A.11, Stormwater Management [verify cite].

G. **Street improvements.** Street improvements as required by Chapter 12A.09, Transportation Facilities [verify cite].

H. For standards and requirements that are not identified within a specific zoning district or within this chapter, the Director may make a determination and/or adjustment of

the development standards using the following criteria, in addition to the appropriate discretionary permit review approval criteria:

1. Consistency. The development standards shall provide consistency with the intent, scale and character of the zoning district involved.
2. Impacts. The determination and/or adjustment of the development standard(s) does not negatively impact:
  - a. The adjacent property owners.
  - b. The safety of the general public.
  - c. The visual character, scale and design compatibility of the surrounding area.
3. The determination and/or adjustment of the development standard(s) shall be equal to, or superior in, fulfilling the intent and purpose of the original requirement.

## **CHAPTER 18A.70 – COMMUNITY DESIGN, LANDSCAPING, AND TREE PRESERVATION**

### **18A.70.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **Part I Community Design (.010-.050)**

#### **Sections**

- 18A.70.010 Purpose.
- 18A.70.020 Applicability.
- 18A.70.030 Administration.
- 18A.70.040 Specific Uses Design Standards.
- 18A.70.050 General and Special Uses Design Standards.

### **18A.70.010 Purpose.**

The purpose of this chapter is to establish design guidelines in order to enhance the general appearance of the city, provide for development that enhances the established character of Lakewood and reflects the lifestyle values of Lakewood citizens. This chapter is intended to help maintain and protect property values in a community that is safe, attractive, and prosperous. This chapter also endeavors to create a pedestrian-friendly environment by improving and expanding pedestrian circulation, public open space, and pedestrian amenities in the city. This chapter is intended to provide clear objectives for those embarking on the planning and design of projects and encourage creativity in building and site design, by assuring quality development balanced with administrative flexibility to consider the individual merits of proposals.

### **18A.70.020 Applicability.**

- A. This chapter shall apply to all new development, except single-family dwellings, in any zoning district in the city.
- B. Additions and exterior remodels associated with existing buildings and site redevelopment projects are subject to those provisions of this chapter that are determined by the Director to be reasonably related and applicable to the development project.
- C. Projects that modify parking and landscaping areas shall be subject to site design standards for pedestrian access, safety and landscaping standards.
- D. The Director may, at his/her sole discretion, determine which, if any, additional design standards apply to projects that modify an existing building or site.
- E. Proposals that will not modify a building exterior or the site, such as interior tenant improvements and interior remodels are exempt from the community design standards.

### **18A.70.030 Administration.**

A. Applications subject to community design guidelines shall be subject to the review processes pursuant to the procedures set forth in the **Land Use and Development Code, Chapter 18A.110, Part IV, land use review and approval and LMC Chapter 18A.120, Part I, administration**. Planning staff will inform the applicant which standards are applicable to the project to assist the applicant to meet the community design requirements. Each application shall demonstrate how the various building elements, such as walls, roofline, entries, modulation, and materials are organized into a functional and visually agreeable composition, and how the concept relates to site conditions and site design such as visibility, access, pedestrian circulation, and neighboring development. Design review will generally be conducted as a function of project permit review. During project permit review, the staff person will note which design standards have been satisfied and any requirements that have not yet been met. The Community Development Director shall have the authority to approve, modify, or deny proposals pursuant to a review under this process.

This chapter sets parameters for design, but is constructed to allow for design flexibility and innovative design solutions. Decisions under this chapter will consider proposals on the basis of individual merit and will encourage creative design alternatives in order to achieve the stated purpose and objectives of this chapter. Advisory guidelines may be used as a basis for the conditioning, modification, or denial of an application. Decisions under this chapter may be appealed using the appeal procedures of the administrative land-use process.

B. **Exceptions to the Standards.** The Director may permit a deviation from one (1) or more specific standards if it is determined that public benefit may be achieved by an alternative proposal. In addition, the Director may allow a development project to meet a lesser standard, if during redevelopment of an existing developed site, the Director, in consultation with the City Engineer, has determined that the specific standard(s) cannot be met due to the size or configuration of the parcel and makes findings that demonstrate that the public benefit associated with public safety and/or the community design standards that have been met by the project design exceeds the public benefit associated with those standards that will not be met by the proposed design. The alternative proposal shall be consistent with the purpose of this section, public safety practices and with the comprehensive plan goals and policies.

C. This chapter in no way should be construed to supersede or modify any other City codes or ordinances that apply to the proposal. To the extent that any provision of this chapter is inconsistent or conflicts with any other chapter or City ordinance, the more specific provision shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

### **18A.70.040 Specific Uses Design Standards.**

<p>A. <b>Commercial Uses and Zones.</b> These standards are intended to create an attractive and functional environment for commercial uses, improve vehicular and pedestrian circulation, and upgrade the city's visual appearance in commercial zones.</p>
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<p>1. Commercial site design objectives.</p>	<p>a. Streets in commercial zones should provide sidewalks and pedestrian amenities, but also accommodate vehicular access to businesses. Buildings should be pedestrian-oriented with ground floor retail sales or service uses, and should orient major entrances, display windows and other pedestrian features to the right-of-way. A consistent and unified setback pattern is desired. Commercial buildings in the Central Business District, the Lakewood Station District and Tillicum should be sited as close to the primary street frontage as possible with consideration given to the location and context of other buildings in the immediate vicinity to create consistent street walls at a scale appropriate to the district. Setback exceptions may be made for public spaces adjacent to a building that provide for pedestrian amenities such as a special entry, pedestrian plaza, outdoor dining, or a garden space associated with residential uses. The setback area should not be used for parking.</p> <p>b. Surface parking should be provided in courtyards, to the side, or behind buildings.</p> <p>c. Natural amenities such as views, significant or unique trees, creeks, riparian corridors, and similar features unique to the site shall be preserved and incorporated into the design. Natural topography shall be emphasized, rather than obscured or eliminated. Siting or massing of buildings should preserve public views of Mount Rainier and/or other significant natural features of the landscape.</p> <p>d. Pedestrian-oriented spaces, amenities and corridors should be incorporated in the overall site design. Pedestrian areas shall be easily accessible, clearly visible and located to take advantage of surrounding features such as building entrances, open spaces, significant landscaping, unique topography or architecture, and solar exposure.</p> <p>e. Provide pedestrian walkways connecting all business entries within a business complex or on the same development site. Pedestrian connections should be provided between properties to establish pedestrian links to adjacent buildings, parking, pedestrian areas and public streets.</p> <p>f. Multiple buildings on the same site should incorporate public spaces, formal or informal. The buildings should be integrated with site elements such as plazas, walkways and landscaping with pedestrian pathways, to provide clear view to destinations and to create a unified campus-like development.</p> <p>g. Provide pedestrian walkways through parking lots. Pedestrian pathways and pedestrian areas shall be delineated using a variation in pavement texture and color and protected from abutting vehicle circulation areas with landscaping or by being raised above the driving surface level. Paint striping on asphalt as a method of delineation is not encouraged. Approved methods of delineation include: stone, brick or granite pavers; exposed aggregate; or stamped and colored concrete. The pathway shall be at least 6 feet wide exclusive of bumper overhangs. Pedestrian routes through parking lots shall be distinctively marked using vertical and/or horizontal design elements, such as special paving of brick, colored stamped concrete, cobblestone and/or raised sidewalks. Crosswalk designs shall include caution signs for motorists. Include pedestrian amenities such as benches, trash containers, and planters where appropriate. In large parking lots, a pedestrian walkway shall be provided at least every one hundred fifty (150) feet. All walkways shall be integrated with the landscape plan and provide adequate sight distance to ensure a clear view of pedestrians and vehicles. Separate service vehicle access and loading zones from pedestrian areas where possible.</p> <p>h. Service and loading areas shall be designed in accordance with the general criteria outlined in <b>LMC Section 18A.60.050(B).</b></p>
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	<p>i. Grocery stores and large retailers shall provide shopping cart collection areas within the parking areas. The collection areas shall be evenly spaced and shall provide easy access and safety features.</p> <p>j. Weather protection for pedestrians shall be provided as outlined in <b>LMC Section 18A.60.050(C)</b>.</p> <p>k. Blank walls shall be treated as described in <b>LMC Section 18A.60.050(E)</b>.</p> <p>l. Drive through facilities shall be designed in accordance with <b>LMC Section 18A.20.050(B)(3)</b>.</p>
2. Commercial building design.	<p>The intent of this section is to encourage building design that is appropriate to the site and that becomes a positive element in the architectural composition of the city.</p> <p>a. Architectural Consistency. Project designers shall strive for overall design continuity by using similar elements throughout the project such as architectural style and features, materials, colors, and textures. Buildings should be of appropriate height, scale, and design so as to be generally consistent with those existing permanent neighboring developments that are consistent with the Code. An effort should be made to provide architectural and site design elements that help the building or development relate to broader architectural themes and design elements of the surrounding area and the city in general. Adjacent structures that are not in conformance with this Code shall be considered to be transitional.</p> <p>b. Architectural Scale. To create a commercial height and appearance, the minimum floor-to-floor height should be fourteen (14) to fifteen (15) feet for ground floor retail/office/service uses. Large buildings must provide design elements to reduce the appearance of bulk as required by Section 18A.BLANK. Building forms on structures two (2) stories in height or greater shall incorporate a base, middle, and a top. The base should contain the greatest amount of architectural detail, the middle should have relatively fewer details and forms, and the top should have a cornice or other distinctive form.</p> <p>c. Building Design Details. Use of architectural details and high-quality materials upgrade the visual attractiveness of new development both close up and at a distance. Decorative elements should be suitably scaled and related to the building concept. The following guidelines shall apply:</p> <ol style="list-style-type: none"> <li>(1) High-quality compatible building materials shall be used. Use of metal plastic, plywood, sheet wood products or fiberglass as an exterior siding material is discouraged.</li> <li>(2) If metal siding is permitted, the building design should include visible window and door trim painted or finished in a complementary color, corner and edge trim that cover exposed edges of the metal panels, accent bands to provide visual relief to the wall plane, and significant trim elements (Such as wainscoting or corner quoins) of natural materials such as brick, stone, or wood.</li> <li>(3) If concrete blocks, such as concrete masonry units or “cinder blocks”, are used for walls, the block construction shall be architecturally treated in one or more of the following ways: <ol style="list-style-type: none"> <li>(a) Textured blocks with surfaces such as split face or grooved.</li> <li>(b) Colored mortar and use of several colors of block.</li> <li>(c) Other masonry types such as brick, glass block or tile in conjunction with concrete blocks.</li> </ol> </li> <li>(4) The following materials are prohibited in locations visible from a public street or residential zone. <ol style="list-style-type: none"> <li>(a) Mirrored, darkly tinted, or reflective glass on the ground floor.</li> </ol> </li> </ol>

	<p>(b) Corrugated fiberglass or metal.</p> <p>(c) Chain-link fencing without a colored coating of plastic, vinyl or a decorative finish other than paint, except for a temporary purpose such as a construction site.</p> <p>(5) Roof mounted service equipment shall be screened from view. Screening used should ensure that the roofscape is an integral part of the design concept with respect to form, materials and color. Special attention shall be given in those areas where the roofs can be seen from adjacent roadways.</p>
3. Commercial landscape design.	<p>The intent of this section is to encourage landscape design that will enhance the pedestrian environment and complement building and site design using plant species that are of low maintenance, resistant to drought and otherwise appropriate for conditions within the zoning district. Landscaping must comply with the specific requirements of <b>LMC 18A.60, Part II.</b></p> <p>a. Landscape Components. Landscape plans for commercial development should provide for:</p> <p>(1) Streetscape landscaping. This includes the landscaping integrated with streetscape improvements including street trees, “splash strips” between the curb and sidewalk, and landscape areas around pedestal signs.</p> <p>(2) Perimeter landscaping. This includes landscape strips required around the perimeter of the commercial property.</p> <p>(3) Building base landscaping. Landscaping around the base of a commercial building to soften the building elevation, provide a visual base to the building, and to provide shade to address solar gain issues.</p> <p>(4) Parking lot landscaping. Landscaping to provide visual relief and shade to parking areas. This includes landscape islands and other landscaping within parking areas.</p> <p>(5) Screen landscaping. Special landscaped areas to visually screen loading areas, activity areas, garbage collection areas, etc.</p> <p>b. Landscape Design Objectives. The applicant should consider the following design objectives when creating a landscape plan for commercial projects:</p> <p>(1) Landscaping should be used to beautify the project site and provide a more inviting and attractive environment for potential customers. Healthy and well-kept landscaping projects an image of well-being, permanence, commitment to the community, and a sense of place.</p> <p>(2) Significant trees shall be retained within the landscape buffer perimeter around the site, pursuant to <b>LMC 18A.60, Part III.</b> Significant trees shall be retained and incorporated into the landscaping and open space areas on the site, whenever possible.</p> <p>(3) All walkways should be integrated with the landscape plan. Landscaping shall provide adequate sight distances and visibility for vehicles and pedestrians.</p> <p>(4) Highlight significant site features and define the function of the site, including parking, circulation, entries, open space, and activity areas.</p> <p>(5) Highlight principal entrances to sites with seasonal plantings arranged in a gateway effect. Consider containers planted with seasonal flowers. Use landscaping to accentuate signage.</p> <p>(6) Use building foundation plantings to provide visual softening of those portions of the building visible to the public, and a transition between the vertical planes of structures and the horizontal planes of the site.</p> <p>(7) Landscaping shall generally be located on the outside of any fencing that is otherwise provided so that the public view of the fence is softened by the landscaping.</p> <p>(8) Landscape patterns and themes should be used to unify different areas within a single or multi-tenant project site.</p>



	<p>(9) All areas not covered by buildings should be paved or landscaped, including areas of the road right-of-way between the property line and the traveled roadway. Gravel is only permitted where it is shown to be the most appropriate surface material for the proposed use of an area.</p>
4. Commercial Site Furnishings.	<p>Incorporate outdoor furniture, fixtures, and streetscape elements into the site design that enhances and complements the commercial functions of the site. Miscellaneous structures and street furniture should be designed to be part of the architectural design and landscape. The following guidelines shall apply:</p> <ul style="list-style-type: none"> <li>a. Use lighting, free standing signs, trellises, arbors, raised planters, benches and other forms of seating, trash receptacles, bus stops, phone booths, fencing, or other outdoor furniture or streetscape fixtures in the site design to create and define public spaces. <b>Exterior lighting shall comply with LMC 18A.60.095.</b></li> <li>b. Use high-quality, durable and easily maintained materials in site furnishings and features that discourage defacement. Furnishings that are easily removed or do not portray an image of care invite vandalism and misuse.</li> <li>c. Use safety materials, such as non-slip walkway surfaces.</li> <li>d. Locate site furnishings to maximize visual surveillance of the area by residents, pedestrians and passing vehicles to minimize covert activities in the space and lessen risks to public safety.</li> </ul>
5. Commercial lighting.	<p><b>Exterior lighting shall comply with LMC 18A.60.095.</b> Provide adequate lighting levels in commercial areas for safety and to project a feeling of activity at night. Special attention should be given to building entries, along walkways, parking areas, and other public areas. Provide a lighting plan that demonstrates compliance with the following principles:</p> <ul style="list-style-type: none"> <li>a. Provide an overlapping pattern of light and lighting levels designed to allow pedestrians to identify a face fifteen (15) yards away, generally at least three (3) footcandles. Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.</li> <li>b. Lighting standards along pedestrian pathways and in other pedestrian areas shall not exceed fifteen (15) feet in height and shall be spaced no greater distance than two (2) times the height of the lighting standards used. Lighting poles and standards in parking lots and in other areas may be up to twenty-five (25) feet in height, provided that all other lighting requirements are met. High pressure sodium lights are preferred for general outdoor lighting purposes in the City.</li> <li>c. Provide lighting at consistent lumens with a gradual transition to unlighted areas. Avoid highly contrasting pools of light and dark that can be temporarily blinding.</li> <li>d. Floodlighting of building elevations is encouraged, particularly to emphasize buildings with strong architectural form. Building lights should be ground mounted within landscaped settings, or mounted on the building itself. Colored and/or decorative lighting is encouraged to accentuate architectural and commercial themes.</li> <li>e. Provide adequate lighting at all building entrances, exits and corridors between buildings, generally at least three (3) footcandles during active use, especially where doors are recessed. Appropriate lighting levels shall be provided in all loading, disposal, storage, and circulation areas.</li> </ul>

	<p>f. Confine site lighting to the project site. Use shields or other methods to eliminate glare on adjacent properties or towards the sky.</p> <p>g. Place light posts and standards so that they do not create hazards for pedestrians or vehicles.</p> <p>h. Indicate specific lighting levels in each lighted area.</p>
<p><b>B. <i>Industrial Uses and Zones.</i></b> These standards are intended to create an attractive and functional environment for industrial uses, improve vehicular circulation and upgrade the city's visual appearance in industrial areas.</p>	
1. Industrial site design objectives.	<p>Industrial development shall present a neat and orderly facade to the street with appropriate and potentially separate provisions for pedestrian, visitor and passenger automobile traffic. Truck and service vehicle traffic shall be directed away from pedestrian and passenger automobile traffic to an area screened from the general public. Operational and storage components of the use shall also be screened from the general public.</p> <p>a. Streets in industrial zones should provide pedestrian-oriented amenities, but primarily accommodate vehicular access to businesses. Street frontage improvements should be designed to specifically provide for large trucks and service vehicles.</p> <p>b. Facility frontages should be developed to improve the visual image of the industrial areas of the City. Landscaping and streetscape improvements should be constructed so as to provide a pleasing visual presentation, identify the general boundaries of the property and direct different types of traffic onto the site. Streetscape plantings should allow for sightlines to view the main facade of the building while screening parking areas and loading areas.</p> <p>c. Storage, fleet parking and operational activities on the site should be screened from the public right-of-way by the building if possible. Such areas should otherwise be screened from the right-of-way and other properties by fencing and landscaping.</p> <p>d. Access driveways at property lines should be separated from the interior side lot line by a minimum 5-foot wide landscape buffer. If a larger planter strip is required by another section of this code, then the larger planter width shall be required.</p> <p>e. Service and loading areas shall be designed in accordance with the general criteria outlined in <b>LMC Section 18A.60.050(B)</b>.</p> <p>f. Weather protection for pedestrians shall be provided as outlined in <b>LMC Section 18A.60.050(C)</b>.</p> <p>g. Blank walls shall be treated as described in <b>LMC Section 18A.60.050(E)</b>.</p>
2. Industrial building design.	<p>The intent of this section is to encourage building design that is appropriate to the site and that becomes a positive element in the architectural composition of the city.</p> <p>a. Architectural Consistency. Individual buildings should have a distinct corporate identity and quality architectural appearance. Both office portions and industrial plants should be unified by the architectural treatment. Where this is not possible, the office portion should be designed as an architectural focal point with a neutral background of industrial architecture. An effort should be made to provide architectural and site design elements that help the building or development relate to broader architectural themes and design elements of the surrounding area and the City in general. Adjacent structures that are not in conformance with the Code should be considered to be transitional.</p>

	<p>b. Architectural Scale. Large buildings should provide design elements to reduce the appearance of bulk. Specific requirements for large building articulation are contained in <b>LMC Section 18A.60.050(A)</b>.</p> <p>c. Building Design Details. Use of architectural details and high-quality materials upgrade the visual attractiveness of new development both at close range and at a distance. Decorative elements may be quite simple provided they are suitably scaled and related to the building concept. The following guidelines shall apply:</p> <ol style="list-style-type: none"> <li>(1) High-quality compatible building materials shall be used. Use of metal, plastic, plywood, sheet wood products or fiberglass as an exterior siding material is discouraged.</li> <li>(2) If metal siding is permitted, the building design should include visible window and door trim painted or finished in a complementary color, corner and edge trim that cover exposed edges of the metal panels, and accent bands to provide visual relief to the wall plane.</li> <li>(3) If concrete blocks, such as concrete masonry units or “cinder blocks”, are used for walls, the block construction shall be architecturally treated in one or more of the following ways: <ol style="list-style-type: none"> <li>(a) Textured blocks with surfaces such as split face or grooved.</li> <li>(b) Colored mortar and use of several colors of block.</li> <li>(c) Other masonry types such as brick, glass block or tile in conjunction with concrete blocks.</li> </ol> </li> <li>(4) The following materials are prohibited in locations visible from a public street or residential zone. <ol style="list-style-type: none"> <li>(a) Mirrored, darkly tinted, or reflective glass on the ground floor.</li> <li>(b) Corrugated fiberglass or metal.</li> <li>(c) Chain-link fencing without a colored coating of plastic, vinyl or a decorative finish other than paint, except for a temporary purpose such as a construction site.</li> </ol> </li> <li>(5) Roof mounted service equipment shall be screened from view. Screening used should ensure that the roofscape is an integral part of the design concept with respect to form, materials and color. Special attention should be given in those areas where the roofs can be seen from adjacent roadways.</li> </ol>
<p>3. Industrial landscape design.</p>	<p>The intent of this section is to encourage landscape design that will provide for a positive visual image to the public and screen operational activities from public view. Industrial facilities should use plant species that are low maintenance, resistant to drought and otherwise appropriate for conditions within the zoning district. Landscaping must comply with the specific requirements of the <b>LMC 18A.60, Part II, Landscaping and Screening</b>.</p> <p>a. Landscape Components. Landscape plans for industrial development should provide for:</p> <ol style="list-style-type: none"> <li>(1) Streetscape landscaping. This includes the landscaping integrated with streetscape improvements including street trees, “splash strips” between the curb and sidewalk, and landscape areas around pedestal signs.</li> <li>(2) Perimeter landscaping. This includes landscape strips required around the perimeter of the industrial property. Landscaping should provide an effective visual screen where appropriate to block views of storage, loading, fleet parking and operational activities.</li> <li>(3) Building base landscaping. Landscaping around the base of the public facade to soften the building elevation, provide a visual base to the building, and to provide shade to address solar gain issues.</li> <li>(4) Parking lot landscaping. Landscaping to provide visual relief and shade to parking areas. This includes landscape islands and other landscaping within parking areas.</li> </ol>

	<p>(5) Landscape Screening. Special landscaped areas to visually screen loading areas, activity areas, garbage collection areas, etc. Landscape screening elements are particularly important for industrial projects.</p> <p>b. Landscape Design Objectives. The applicant should consider the following design objectives when creating a landscape plan for industrial projects:</p> <p>(1) Landscaping should be used to beautify the project site and provide a more inviting and attractive environment for employees and customers. Healthy and well-kept landscaping projects an image of well-being, permanence, commitment to the community, and a sense of place.</p> <p>(2) Significant trees shall be retained within the landscape buffer perimeter around the site, pursuant to the <b>LMC 18A.60, Part III, Tree Preservation</b>. Significant trees shall be retained and incorporated into the landscaping and open space areas on the site, whenever possible.</p> <p>(3) Landscaping shall provide adequate sight distances and visibility for vehicles and pedestrians.</p> <p>(4) Highlight significant site features and define the function of the site, including parking, circulation, entries, open space, and activity areas.</p> <p>(5) Highlight principal entrances to sites with seasonal plantings arranged in a gateway effect. Consider containers planted with seasonal flowers. Use landscaping to accentuate signage.</p> <p>(6) Use building foundation plantings to provide visual softening of those portions of buildings visible to the public.</p> <p>(7) Landscape screening is required to block industrial activities, storage areas, fleet parking areas and other unsightly elements from public view. Landscape screening should be both tall enough and robust enough to effectively block visual access to these areas of the site.</p> <p>(8) Landscaping shall generally be located on the outside of any fencing that is otherwise provided so that the public view of the fence is softened by the landscaping.</p> <p>(9) Landscape patterns and themes should be used to unify different areas within a single or multi-tenant project site.</p> <p>(10) All areas not covered by buildings should be paved or landscaped, including areas of the road right-of-way between the property line and the traveled roadway. Gravel is only permitted where it is shown to be the most appropriate surface material for the proposed use of an area.</p>
4. Industrial lighting.	<p><b>Exterior lighting shall comply with LMC 18A.60.095.</b> Provide adequate lighting levels in industrial areas for safety and security. Special attention should be given to building entries, along walkways, parking areas, and other public areas. Provide a lighting plan with:</p> <p>a. An overlapping pattern of light and lighting levels should be provided in parking lots and other public areas to allow pedestrians to identify a face fifteen (15) yards away, generally at least three (3) footcandles. Lighting standards in such areas should not exceed fifteen (15) feet in height and shall be spaced no greater distance than two (2) times the height of the lighting standards used. Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.</p> <p>b. Lighting poles and standards in loading and operational areas may be up to thirty-five (35) feet in height, provided that all other lighting requirements are met. Shielded downlighting shall be used to prevent light trespass onto other properties. High-pressure sodium lights are preferred for general lighting purposes in the City.</p> <p>c. Lighting at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.</p>

	<p>d. Floodlighting of building elevations to emphasize buildings with strong architectural form is encouraged. Building lights should be ground mounted within landscaped settings, or mounted on the building itself.</p> <p>e. Adequate lighting at all building entrances, exits and corridors between buildings, generally at least three (3) footcandles during active use, especially where doors are recessed. Appropriate lighting levels shall be provided in all loading, disposal, storage, and circulation areas.</p> <p>f. Place light posts and standards so that they do not create hazards for vehicles.</p>
<p><b>C. Multi-Family Residential Uses and Zones.</b> These standards are intended to create an attractive and enjoyable environment for multi-family residential uses, improve vehicular circulation and upgrade the city's visual appearance in high-density residential areas.</p>	
<p>1. Required multifamily site design and building design elements.</p>	<p>These standards are in addition to other development standards applicable under this chapter or other chapters of the Code. <b>Exterior lighting shall comply with LMC 18A.60.095.</b></p> <p>a. Significant trees shall be retained within the landscape buffer perimeter around the site, pursuant to <b>LMC 18A.60, Part II, Preservation</b>. Significant trees shall be retained and incorporated into the landscaping and open space areas on the site, whenever possible.</p> <p>b. Buildings shall be designed to have a distinct "base," "middle," and "top." The base, typically the first floor, shall contain the greatest number of architectural elements such as windows, materials, details, overhangs, cornice lines, and masonry belt courses. The midsection by comparison may be simple. Single-story buildings have no middle, but do have a base and a top. The top shall avoid the appearance of a flat roof and include distinctive roof shapes including but not limited to pitched, vaulted or terraced roof lines, etc. Rooflines shall be varied on individual buildings and among buildings in a multifamily residential complex.</p> <p>c. The longest dimension of any building shall not exceed one hundred sixty (160) feet. Buildings on the same site may be connected by covered pedestrian walkways.</p> <p>d. Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Multifamily residential buildings shall meet the following design standards:</p> <ol style="list-style-type: none"> <li>(1) The maximum width, as measured horizontally along the building exterior, without building modulation shall be fifty (50) feet.</li> <li>(2) The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of ten (10) feet.</li> <li>(3) Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.</li> <li>(4) Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.</li> <li>(5) Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.</li> </ol> <p>e. Modulated roof line. The rooflines shall be modulated according to the following standards:</p>

	<p>(1) Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.</p> <p>(2) Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than sixty (60) feet in width.</p> <p>(3) For existing flat roofs or facades with a horizontal eave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds sixty (60) feet, measured horizontally.</p> <p>f. Residential design features, including but not limited to entry porches, projecting window bays, balconies or decks, individual windows instead of strip windows, offsets and cascading or stepped roof forms shall be incorporated into all buildings. Window openings shall have visible trim material or painted detailing that resembles trim. Use design elements in the following manner to accent building articulation, providing the interval does not exceed sixty (60) feet:</p> <p>(1) Repeat distinctive window patterns at intervals less than or equal to the articulation interval.</p> <p>(2) Provide a porch, patio, deck, or covered entry for each interval.</p> <p>(3) Provide a balcony or bay window for each interval.</p> <p>(4) Provide a lighting fixture, trellis, tree or other landscape feature within each interval.</p> <p>g. Dwelling units on the ground floor level shall have private outdoor spaces adjacent to them to allow those exterior portions of the site to be controlled by individual households.</p> <p>h. Buildings in the development should be oriented to provide for privacy of residents.</p> <p>i. Dwelling units should be constructed so that windows are not located at ground level, below grade in window wells or below adjacent sidewalks, stairways, landscape areas or parking areas.</p> <p>j. Lighting fixtures should not exceed fifteen (15) feet in height and shall include luminaire shields.</p> <p>k. Provide substantial landscaping and/or pedestrian oriented open spaces near building entrances and along the building facade. Principal entries to buildings shall be highlighted with plaza or garden areas containing planting, lighting, seating, trellises and other features. Such areas should be located and designed so windows overlook them.</p> <p>l. All new buildings, including accessory buildings, such as carports and garages shall have a roof pitch ranging from at least three (3) feet vertical to twelve (12) feet horizontal.</p> <p>m. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.</p> <p>n. Carports and garages in front yards are discouraged. Parking areas should be beside or behind buildings that front upon streets. Subterranean parking is encouraged. Parking lots should be broken up into rows containing no more than sixteen (16) adjacent stalls, separated by planting areas and pedestrian walkways. If parking is located along a right-of way, a landscaped berm at least three (3) feet higher than the</p>
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	<p>finished grade of the parking lot shall be located between the parking lot and the right-of-way.</p> <p>o. Provide an open space network that is accessible to all units and that will accommodate a wide variety of activities, public and private, in the following manner:</p> <ol style="list-style-type: none"> <li>(1) Provide at least <b>one hundred (100)</b> square feet per unit of common open space in addition to individual balconies or patios and that area required by landscaping, recreation, building setbacks, critical area buffers and other code requirements.</li> <li>(2) Common open space shall be an open air area intended for use by all residents, guests, employees or patrons of a site and may include lawns, gardens, squares, plazas, courtyards, terraces, barbecue and picnic areas, games court or multi-use recreational areas, and other types of built space. Common open space shall meet the following standards: <ol style="list-style-type: none"> <li>(a) Linear dimensions of no less than twenty (20) feet.</li> <li>(b) No more than thirty (30) percent of the area covered by a structure.</li> <li>(c) Provide ample exposure to natural sunlight and fresh air.</li> <li>(d) Provide direct pedestrian connection to other parts of the site.</li> <li>(e) May include multi-use stormwater detention facilities, if the Community Development Director determines that the facilities are designed to function as common open space by providing an enhanced nature or visually aesthetic design.</li> </ol> </li> <li>(3) Ensure that the open space network provides privacy for the residents while allowing for security and surveillance from residential units. Common recreational spaces shall be located and arranged to allow windows to overlook them.</li> <li>(4) Provide adequate lighting in the open space network, but place and shield lighting so that it does not glare into housing units. <b>Exterior lighting shall comply with LMC 18A.60.095.</b></li> <li>(5) Provide landscaping that defines the open space and provides shade and wind protection where needed but permits surveillance from units and roads.</li> <li>(6) Design the residential open space network with specific uses in mind. In each multifamily residential or combined uses buildings, private open space shall be provided in addition to common open space areas. <ol style="list-style-type: none"> <li>(a) Private open space shall be a partially or fully screened or enclosed open-air area that is strictly intended for use by the residents of the dwelling unit.</li> <li>(b) Private open space may include yards, gardens, patios, courtyards, porches, balconies, terraces, rooftop gardens, decks or verandahs. Private open space shall not have a dimension less than six (6) feet in length.</li> </ol> </li> </ol> <p>p. Provide one (1) or more furnished play areas for children. Provide a minimum of two hundred (200) square feet or fifty (50) square feet per unit, whichever is greater. Game courts, bike tracks and other recreational facilities may be included as play areas, provided that at least one (1) play area for children ages seven (7) and under has been provided. "Adult only" housing that prohibits children as residents is exempt from providing a children's play area but shall provide equal area for recreational uses appropriate to the age of residents.</p>
2. Multifamily site design objectives.	<p>a. Streets in multi-family residential areas should be strongly pedestrian-oriented, with effective transitions onto the private sidewalk systems of individual properties.</p> <p>b. For multifamily residential complexes, no residential building over six (6) units in size may be located within fifty (50) feet of the property line abutting single-family</p>

	<p>residential development in a single family residential zone. Buildings containing the rental office, recreation and sports facilities and other community facilities may be located within this setback. Landscaped yards shall be provided between building(s) and public street(s).</p> <p>c. Individual properties should provide private open space areas in accordance with the requirements of this section. Private open space for individual units should orient towards pedestrian routes to provide opportunities for casual surveillance by residents.</p> <p>d. Natural amenities such as views, significant or unique trees, creeks, riparian corridors, and similar features unique to the site shall be preserved and incorporated into the design. Natural topography shall be emphasized, rather than obscured or eliminated. Multi-family residential projects should take advantage of unique opportunities to incorporate natural assets into project designs.</p> <p>e. Pedestrian-oriented spaces, amenities and corridors should be incorporated in the overall site design. Pedestrian areas should be easily accessible, clearly visible and located to take advantage of surrounding features such as building entrances, open spaces, significant landscaping, unique topography or architecture, and solar exposure.</p> <p>f. Residential amenities (such as swimming pools, clubhouses, sports courts, etc.) should be integrated into the architectural concept of the design.</p> <p>g. Garbage collection areas should be conveniently located, and located in enclosures constructed of durable materials, preferably concrete block walls and metal gates. Appropriate landscaping shall be installed around collection areas.</p> <p>h. Internal vehicular circulation routes should be designed to easily accommodate large vehicles such as moving vans and emergency/service vehicles. Separate but integrated pedestrian routes shall be provided. Vehicular entrances onto the property should be controlled to the greatest extent possible. Efficient loading areas for school buses must be provided.</p>
3. Multifamily building design.	<p>The intent of this section is to encourage residential building design that is appropriate to the site and that becomes a positive element in the architectural composition of the city. Multi-family residential designs should focus on providing high quality residential environments. Separate complexes should develop their own “sense of place”, while providing linkages with other developments.</p> <p>a. Architectural Consistency. Buildings should be of appropriate height, scale, and design to be compatible with existing permanent neighboring developments that are consistent with the Code. Individual buildings should have a distinct identity and quality architectural appearance. Complexes consisting of multiple buildings should be unified by the architectural treatment. The management office should be located in a logical and easily identified location. An effort should be made to provide architectural and site design elements that help the building or development relate to broader architectural themes and design elements of the surrounding area and the City in general. Adjacent structures that are not in conformance with the Comprehensive Plan should be considered to be transitional.</p> <p>b. Architectural Scale. Large buildings must provide design elements to reduce the appearance of bulk. Building massing should respect the pattern and rhythm of the existing streetscape. Specific requirements for building articulation in multi-family residential developments are contained in <b>LMC Section 18A.60.040(C)(1).</b></p>



4. Multifamily landscaping design.	<p>The intent of this section is to encourage landscape design that will enhance the pedestrian environment and complement building and site design using plant species that are low maintenance, resistant to drought and which enhance the residential quality of the development. Landscaping must comply with the specific requirements of LMC 18A.50.400.</p> <p>a. Landscape Components. Landscape plans for multi-family residential development should provide for:</p> <ol style="list-style-type: none"> <li>(1) Streetscape landscaping. This includes the landscaping integrated with streetscape improvements including street trees, “splash strips” between the curb and sidewalk, and landscape areas around pedestal signs.</li> <li>(2) Perimeter landscaping. This includes landscape strips required around the perimeter of the property.</li> <li>(3) Building base landscaping. Landscaping around the base of the building(s) to soften the building elevation, provide a visual base to the building, and to provide shade to address solar gain issues.</li> <li>(4) Residential open space, both common and private. Garden areas, active use areas and other landscape amenities are encouraged.</li> <li>(5) Parking lot landscaping. Landscaping to provide visual relief and shade to parking areas. This includes landscape islands and other landscaping within parking areas.</li> <li>(6) Screen landscaping. Special landscaped areas to visually screen loading areas, activity areas, garbage collection areas, etc.</li> </ol> <p>b. Landscape Design Objectives. The applicant should consider the following design objectives when creating a landscape plan for multi-family residential projects:</p> <ol style="list-style-type: none"> <li>(1) Landscaping should be used to beautify the project site and provide a more inviting and attractive environment for residents. Healthy and well-kept landscaping projects an image of well-being, permanence, commitment to the community, and a sense of place.</li> <li>(2) Highlight significant site features and define the function of the site, including parking, circulation, entries, open space, and activity areas.</li> <li>(3) Landscaping shall provide adequate sight distances and visibility for vehicles and pedestrians.</li> <li>(4) Highlight principal entrances to sites with seasonal plantings arranged in a gateway effect. Consider containers planted with seasonal flowers. Use landscaping to accentuate signage.</li> <li>(5) Use building foundation plantings to provide a transition between the vertical planes of structures and the horizontal planes of the site.</li> <li>(6) Use landscaping to improve the residential experience on the site. Use landscaping to screen unsightly views, provide shade, provide privacy, and provide color and fragrance.</li> </ol>
5. Multifamily site furnishings.	Incorporate outdoor furniture, fixtures, and streetscape elements into the site design that enhances and complements the residential functions of the site. Miscellaneous

	<p>structures and street furniture should be designed to be part of the architectural design and landscape. The following guidelines shall apply:</p> <ul style="list-style-type: none"> <li>a. Lighting, free standing signs, trellises, arbors, raised planters, benches and other forms of seating, trash receptacles, bus stops, phone booths, fencing, or other outdoor furniture or streetscape fixtures should be utilized in the site design to create and define public spaces. <b>Exterior lighting shall comply with LMC 18A.60.095.</b></li> <li>b. Utilize high-quality, durable and easily maintained materials in site furnishings and features that discourage defacement. Furnishings that are easily removed or do not portray an image of care invite vandalism and misuse.</li> <li>c. Use safety materials, such as non-slip walkway surfaces.</li> <li>d. Locate site furnishings to maximize visual surveillance of the area by residents, pedestrians and passing vehicles to minimize covert activities in the space and lessen risks to public safety.</li> </ul>
6. Multifamily lighting levels.	<p><b>Exterior lighting shall comply with LMC 18A.60.095.</b> Provide adequate lighting levels in multi-family residential areas for safety and security, to provide for activity at night. Special attention should be given to building entries, along walkways, parking areas, and other public areas. Provide a lighting plan with:</p> <ul style="list-style-type: none"> <li>a. An overlapping pattern of light and lighting levels designed to allow pedestrians to identify a face fifteen (15) yards away, generally at least three (3) footcandles. Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.</li> <li>b. Lighting standards along pedestrian pathways and in other pedestrian areas shall not exceed fifteen (15) feet in height and shall be spaced no greater distance than two (2) times the height of the lighting standards used. Lighting poles and standards in parking lots and in other areas may be up to twenty (20) feet in height, provided that all other lighting requirements are met. Lighting should be provided at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.</li> <li>c. Floodlighting of building elevations is encouraged, particularly to emphasize buildings with strong architectural form. Building lights should be ground mounted within landscaped settings, or mounted on the building itself. Colored and/or decorative lighting is encouraged to accentuate architectural and residential themes.</li> <li>d. Adequate lighting at all building entrances, exits and corridors between buildings, generally at least three (3) footcandles during active use, especially where doors are recessed. Appropriate lighting levels shall be provided in all loading, disposal, storage, and circulation areas.</li> <li>e. Confine site lighting to the project site. Use shields or other methods to eliminate glare on adjacent properties or towards the sky.</li> <li>f. Place light posts and standards so that they do not create hazards for pedestrians or vehicles.</li> <li>g. Indicate specific lighting levels in each lighted area.</li> </ul>
<p><b>D. Public Uses and Zones.</b> Any proposed public and semi-public uses are subject to the requirement for conditional use permit. In the consideration of any proposed public or institutional use in any zoning district, the director or Hearing Examiner shall consider and apply the general standards of this chapter as applicable.</p>	

Specific concepts identified for commercial, industrial, and multi-family residential uses may be applied if found to be pertinent to a particular public use.

**18A.60.050 Special Uses Design Standards.** The standards of this section apply generally to development in all zoning districts.

A. Large buildings.	<p>New buildings three (3) or more stories in height or over eight thousand (8,000) feet of gross floor area shall provide at least two (2) of the following features on those facades visible from public rights-of-way:</p> <ol style="list-style-type: none"><li>1. Upper story setback. To reduce the perception of bulk, one (1) or more upper stories shall be set back from the ground floor at least ten (10) feet.</li><li>2. Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Buildings within four hundred (400) feet of a public right-of-way or park and visible from that right-of-way or park shall meet the following design standards:<ol style="list-style-type: none"><li>a. The maximum width, as measured horizontally along the building exterior, without building modulation shall be one hundred (100) feet for commercial buildings.</li><li>b. The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of twenty (20) feet.</li><li>c. Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.</li><li>d. Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.</li><li>e. Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.</li><li>f. Canopies or arcades may be used along a facade as modulation only if the facade is visible from a right-of-way and the length of the canopy or arcade is at least fifty (50) percent of the length of the facade on which it will be located.</li></ol></li><li>3. Modulated roofline. Rooflines shall be modulated by one (1) or more of the following standards:<ol style="list-style-type: none"><li>a. Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.</li><li>b. Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than one hundred (100) feet in width.</li></ol></li></ol>
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	<p>c. For flat roofs or facades with a horizontal eave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds one hundred (100) feet, measured horizontally for commercial buildings.</p> <p>4. Building articulation with design elements such as the following, providing the interval does not exceed sixty (60) feet:</p> <ul style="list-style-type: none"> <li>a. Repeat distinctive window patterns at intervals equal to the articulation interval.</li> <li>b. Provide a porch, patio, deck, or covered entry for each interval.</li> <li>c. Provide a balcony or bay window for each interval.</li> <li>d. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.</li> <li>e. Change materials or colors with a change in building plane.</li> <li>f. Provide a lighting fixture, trellis, tree or other landscape feature within each interval. <b>Exterior lighting shall comply with LMC 18A.60.095.</b></li> <li>g. Clustering of smaller uses and activities around entrances on street-facing facades.</li> <li>h. Massing of substantial landscaping and/or pedestrian oriented open spaces along the building facade.</li> <li>i. A pedestrian pass-through that would access the rear of the lot through buildings over two hundred (200) feet in length.</li> </ul> <p>Other design methods proposed by the project applicant subject to approval by the City. The proposed methods must satisfy the intent of the design principles in this section.</p>
B. Siting and screening of service and parking facilities.	<p>Minimize the impacts of incompatible uses, reduce the visibility of unsightly uses and create compatible edges between business and residential uses among adjacent properties by encouraging more thoughtful siting of trash containers, service areas, private utilities apparatus and parking facilities, while balancing the need for these service uses with the desire to screen negative impacts.</p> <ul style="list-style-type: none"> <li>1. Locate incompatible uses and intrusive site elements away from neighboring properties to reduce conflicts with adjacent uses. Service yards and loading areas shall be designed and located for easy access by service vehicles and tenants and shall not displace required landscaping, impede other site uses, or create a nuisance for adjacent property owners.</li> <li>2. Landscape buffers or another form of screening shall be provided along property lines adjacent to incompatible uses. If changes in topography between the properties are sufficient to reduce impacts, then modification to some of the screening/buffer options may be allowed.</li> <li>3. When visible from public streets or adjacent residential uses, chain link fencing may only be used if the chain link fencing posts, gates, couplings and fasteners are coated with a colored plastic, vinyl or decorative finish, other than paint. Barbed wire may be utilized on the top of a fence, for security purposes only. Concertina or razor wire shall not be used.</li> </ul>

	<p>4. Integrate outdoor storage areas and loading facilities into the site design to reduce visual impact and obstruction of pedestrian and vehicular movement. Commercial services relating to loading, storage, trash and recycling should be located in such a manner as to optimize public circulation and minimize visibility into such facilities. Trash and recycling receptacles shall be located within enclosures and shall include covers to prevent odor and windblown litter.</p> <p>5. Service yard walls, enclosures, and similar accessory site elements shall be consistent with the primary building(s) relative to architecture, materials and colors.</p> <p>6. Locate and/or screen utility meters, electrical conduit, and other public and private utilities equipment and apparatus, including transformers, fire standpipes and engineered retention ponds, except biofiltration swales, so as not to be visible from the street or adjacent properties. Building utility equipment such as electrical panels and junction boxes should be located in an interior utility room. If site utilities must be located in a front yard, they shall be either underground or screened by walls and/or landscaping, and shall not obstruct views of tenant common spaces, public open spaces, monument signs, and/or driveways.</p> <p>7. Locate and/or screen roof-mounted mechanical equipment so that it blends with the architecture of the building and is not visible from the street or adjacent properties.</p>
C. Pedestrian weather protection.	<p>Provide pedestrian weather protection on building entrances as follows:</p> <p>1. At each primary building entry, provide weather protection in the form of an awning, canopy, marquee, building overhang or other feature that creates a covered pedestrian space that extends at least four (4) feet on either side of the entrance doors of the building and at least four (4) feet from the building wall.</p> <p>2. Canopies or awnings should not extend higher than fifteen (15) feet above ground level or lower than eight and one-half (8 1/2) feet at the lowest point. Vertical height of the overhead clearance for the bottom of an awning should not be more than ten (10) feet.</p> <p>3. The material and configuration of the pedestrian covering shall be reviewed by the City. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric, plastic and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings shall conform to the City's sign regulations as set forth in the <a href="#">LMC Chapter 18A.100</a>.</p>
D. Signage.	<p>Signage should be included as an integral element of the building and site design. Sign colors and design should relate and be complementary to the architecture of the building. Individual channel letters are generally preferred over cabinet-style signs. All signs must conform to the requirements of the <a href="#">LMC Chapter 18A.100</a>.</p>
E. Design treatment of blank walls.	<p>Reduce the apparent size and visual impact of large plain walls through the use of various architectural and landscaping treatments.</p> <p>1. All blank walls within one-hundred (100) feet and visible from a street right-of-way, park, or a residential use in a residential zone shall be treated in at least two (2) of the following methods:</p> <p>a. Install a vertical trellis in front of the wall with climbing vines or similar plant materials.</p>

	<p>b. Provide a planting bed at least five (5) feet wide or raised planter at least two (2) feet high and three (3) feet wide in front of the wall. Landscape with plant materials that obscure or screen at least fifty (50) percent of the wall surface within three (3) years.</p> <p>c. Provide artwork such as mosaic, mural, decorative masonry, metal patterns or grillwork, sculpture, relief or other art, on at least fifty (50) percent of the blank wall surface.</p> <p>d. Showcase, display, recessed windows.</p> <p>e. Architectural features such as setbacks, indentations, overhangs, projections, articulated cornices, bays, reveals, canopies, and awnings.</p> <p>f. Material variations such as colors, brick or metal banding, or textural changes;</p> <p>g. Landscaped public plaza(s) with space for vendor carts, concerts and other pedestrian activities.</p> <p>h. Other methods subject to City approval of architectural plans and elevations of the proposed treatments.</p>
F. Surface parking and parking structure facilities.	<p>Coordinate parking facilities to reduce visual and traffic impacts as follows:</p> <ol style="list-style-type: none"> <li>1. In parking facilities, the preferred location for markings and signs for individual stalls is the pavement. Parking and vehicle circulation areas shall be clearly delineated using directional signage. Limit the height of free standing or wall mounted stall signs to three (3) feet above grade, except for handicap accessible parking signs, which shall be three (3) to five (5) feet in height. Limit parking lot entrance signs to one (1) per parking area entrance. The sign shall be no more than six (6) feet in height above grade, and shall have a surface area of no more than six (6) square feet per side.</li> <li>2. Screen the storage of all moveable parking lot equipment, such as barrels, saw horses, etc. from the public right-of-way.</li> <li>3. Driveways shall be located to be visible from the right-of-way but not impede pedestrian circulation on-site or to adjoining properties. Parking aisles without loop access are discouraged. Driveways should be shared with adjacent properties to minimize the number of driveways and curb cuts. Vehicular circulation between adjoining properties is encouraged.</li> <li>4. Minimize the size and surface area of required parking lots by: <ol style="list-style-type: none"> <li>a. Encouraging the use of shared parking facilities whenever feasible.</li> <li>b. Encouraging the inclusion of underground and/or rooftop parking facilities in multi-story buildings.</li> <li>c. Encouraging the development and use of parking structures and facilities; and</li> <li>d. Encouraging the use of transit and ride share programs whenever possible.</li> </ol> </li> </ol>

	<p>5. Design parking structures, including parking floors located within commercial buildings, as follows:</p> <p>a. The bulk and mass of a parking structure as seen from the right-of-way should be minimized by placing its short dimension along the street edge. The parking structure shall include active uses at the ground level such as retail, offices or other commercial uses that occupy at least fifty (50) percent of the building's lineal frontage along the right-of-way.</p> <p>b. Parking structures which are part of new development shall be architecturally consistent with exterior architectural elements of the primary structure, including roof lines, facade design, and finish materials.</p> <p>c. Parking structures should incorporate methods of articulation and accessory elements, pursuant to LMC Section 18A.60.050(A), Large Buildings and LMC Section 18A.60.040 (A)(2), Commercial Building Design, for facades located above grade.</p> <p>d. Buildings built over parking should not appear to “float” over the parking area, but should be linked with ground level uses or screening. Parking at grade under a building is discouraged unless the parking area is completely enclosed within the building or wholly screened with walls and/or landscaped berms.</p> <p>e. Top deck lighting on multi-level parking structures shall be architecturally integrated with the building, and screened to control impacts to off-site uses. Exterior lighting shall comply with LMC 18A.60.095.</p> <p>f. Parking structures and vehicle entrances should be designed to minimize views of parked vehicles inside the structure from surrounding streets, without sacrificing public safety. Methods to help minimize such views may include, but are not limited to landscaping, planters, and decorative grilles and screens.</p> <p>g. Security grilles for parking structures shall be architecturally consistent with and integrated with the overall design. Chain link fencing is not permitted for garage security fencing.</p> <p>h. A minimum of eight (8) foot wide strip of landscaping along the base of the facade pursuant to LMC Section 18A.60.150(A)(1)(a), Landscape Types, Type I Vegetative Buffer, in those areas where ground level retail or other active uses are not located.</p> <p>i. When curtain wall glass and steel systems are used to enclose a building, the glazing panels shall be transparent on fifty (50) percent of the ground floor facade fronting a right-of-way or pedestrian area.</p> <p>j. Transparent glazing panels shall be utilized in the construction of all elevators and enclosed stairways. Elevators and stairways shall be sited so as to maximize the visual surveillance from the surrounding streets as well from within the parking structure.</p> <p>k. The parking structure shall be designed and lighted in accordance with crime prevention concepts so that personal safety risks are minimized.</p>
G. Public safety.	Provide surveillance opportunities from buildings and public streets to promote personal safety, discourage vandalism, and contribute to property security.

	<ol style="list-style-type: none"> <li>1. Avoid site design features that create entrapment areas such as long enclosed corridors and opaque fences in locations with pedestrian activity. Provide more than one (1) pedestrian access route to the sidewalk from a parking lot or other enclosed area.</li> <li>2. Ensure that site and building designs provide lines of sight that allow building occupants and passersby to observe on-site activities. All buildings adjacent to the street should provide visual access from the street into activities within the building. Windows, balconies, and entries overlooking parking lots, pedestrian corridors and vehicular routes will allow for informal surveillance.</li> </ol>
H. Transit facilities.	<p>Provide residents and shoppers with convenient transit and pedestrian connections to work places, parks, schools and shopping by:</p> <ol style="list-style-type: none"> <li>1. Encouraging the development of pedestrian-oriented retail and services uses in close proximity to transit facilities.</li> <li>2. Encouraging the development of residential uses within walking distance of the Sound Transit commuter rail station.</li> <li>3. Encouraging the development of multi-story combined uses buildings in the area around the Sound Transit commuter rail station.</li> <li>4. Encouraging the connection of a variety of transit modes, such as rail, bus, park and ride, vanpool, bicycles and pedestrian, around the Sound Transit commuter rail station to create a transit hub for the City of Lakewood.</li> </ol>
I. Development adjacent to highways.	<p>In new development and projects where there is an opportunity to address a property's frontage on Interstate 5 or Highway 512, the following principles should be applied:</p> <ol style="list-style-type: none"> <li>1. Development designs, including site design, architecture, and landscaping, should pay careful attention to the project's presentation to the highway. Designs should strive to present a positive visual presentation to the highway through architectural design elements and building orientation which acknowledge the presence of the highway.</li> <li>2. Signage should be sufficient for way-finding purposes, without being overly demanding of the viewer's attention. The scale and design of signage should be comparable to other signs in the vicinity. Businesses shall not try to out-compete each other for visual attention.</li> <li>3. To permit other businesses to have visual access to the highway, signage should be located within the first half of the highway frontage as encountered by oncoming highway traffic.</li> <li>4. Landscaping should frame views of the site, accentuating positive visual focal points and screening unsightly or visually distracting elements. If visual access to the freeway is not critical, then landscaping shall be installed that provides visual continuity and effective screening of the site as seen from the highway.</li> <li>5. Avoid the placement of service and utility areas toward the highway. Use the primary structure to screen such areas from the vision of oncoming traffic on the highway.</li> <li>6. Outdoor display of merchandise should be focused toward a limited, specially designated and designed area of the site. Landscaping should frame the display area,</li> </ol>



	<p>screening other areas of the site and focusing the viewer's attention to the display. Merchandise and equipment placed for display along the highway shall not exceed 20 feet in height.</p> <p>7. Work with WSDOT to provide complementary landscaping within the highway right-of-way.</p> <p>8. In order to establish visual continuity along the highway, fencing should be limited to vinyl coated galvanized chain link fencing for developments providing visual access to the highway, and grey colored split-face block walls for projects that do not require visual access. Fencing along the freeway shall be installed in accordance with design guidelines issued by the Washington State Department of Transportation. A coating to help allow clean-up of spray paint graffiti shall be applied to the face of the block wall.</p>
J. Large-scale commercial facilities.	<p>Large-Scale Commercial Facilities shall be designed in such a manner as to be adaptable for reuse/compartimentalization. The building design shall include specific elements that facilitates the structure's adaptation for multi-tenant reuse should the initial use cease. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for all of the following:</p> <ol style="list-style-type: none"> <li>1. Division of the interior of the structure into separate tenancies. The design for interior division shall accommodate multiple potential tenancies, each no larger than fifty (50) percent of the size of the original structure.</li> <li>2. Facades that readily adapt to multiple entrances without compromising the structural integrity of the building, and adapt to entrances on at least two sides of the building or, if the building is designed to have only one front façade, all potential tenancies shall be designed for access from the front façade.</li> <li>3. Parking lot designs that are shared by establishments or that are linked by safe and functional driving and bicycle/pedestrian connections.</li> <li>4. Landscaping schemes that complement a multiple entry redesign.</li> <li>5. Design and placement of loading docks/bays to accommodate potential multiple tenancies.</li> <li>6. Other elements of design which facilitate multi-tenant reuse of the building and site.</li> </ol>
K. Design elements for vendors	<p>Stands for espresso, food, merchandise, and other outdoor vendors are subject to the following design standards:</p> <ol style="list-style-type: none"> <li>1. The stand or cart shall be constructed of good quality, permanent materials. Tarps, bare plywood, cardboard, plastic sheeting, corrugated fiberglass or metal, or similar materials are not permitted.</li> <li>2. The design, materials, and colors shall be compatible with existing features in the proposed location.</li> <li>3. Awning quality shall be equal to that required for permanent buildings.</li> <li>4. The size of the stand or cart shall be adequate for storage, trash containers, and other facilities. No outside storage is permitted.</li> </ol>

	<p>5. Wiring and plumbing shall be hidden from view.</p> <p>6. One (1) sign, maximum area six (6) square feet, two (2) sided, is permitted. Menus and price lists two (2) square feet and less, are not signs for the purpose of this guideline.</p> <p>7. No music or drive-up speakers shall be audible off-site.</p>
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## **PART II LANDSCAPING (.100 - .200)**

### **Sections**

18A.70.100	Purpose.
18A.70.110	Applicability.
18A.70.120	Exceptions.
18A.70.130	Plan Requirements.
18A.70.140	Landscaping Standards.
18A.70.150	Landscaping Types.
18A.70.160	Landscaping Regulations by Zoning Districts.
18A.70.170	Street Tree Standards
18A.70.180	Water Conservation and Suggested Plant Materials.
18A.70.190	Performance Assurance.
18A.70.200	Maintenance.

### **18A.70.100 Purpose.**

This section establishes standards for landscaping, street trees and landscape maintenance for new development and uses. The use of landscaping, street trees, and the retention of existing vegetation by property owners reduces visual, noise and lighting impacts, and promotes compatibility between land uses while enhancing the visual appearance of the city. Landscaping protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and stormwater runoff, and helps to define public and private open spaces. This section also encourages the protection and planting of vegetation native and common to the Puget Sound region while providing policies and standards for the preservation of natural vegetation and maintenance of landscaping within the city of Lakewood.

### **18A.70.110 Applicability.**

This section shall apply to all land development proposals including tree removal permits, discretionary land use permits, zoning certifications, subdivisions and building permits. Landscaping, landscape buffering, and tree preservation shall be provided in accordance with the requirements of individual zoning districts, specific use requirements, and the provisions of this chapter. In the event one of the above permits is not required for the establishment of a permanent use, the standards of this section shall still apply. The Community Development Department shall review and may approve, disapprove, or approve with modification all site/landscape plans for public and private projects where required.

### **18A.70.120 Exceptions.**

Exceptions to this section are allowed under the following circumstances:

A. Residential Properties. The landscaping and street tree provisions of this chapter shall not apply to lots which are, as of the effective date of this title, zoned for and used as a detached or an attached single-family dwelling use type, excluding zero lot line developments, provided that the zoning and/or use continues unchanged from its status as of said effective date.

B. Interior Tenant Improvement. The landscaping provisions of this section shall not apply to existing structures where interior tenant improvements, such as interior remodel or painting, occur and where there is no addition to the number of parking spaces provided.

C. Existing Structures. Where existing structures are situated so as to preclude installation of required landscaping, the Director, at his/her sole discretion may reduce the required landscaping for the area affected by such structures pursuant to LMC Section 18A.70.120(E).

D. Physical Limitation of the Site. The Director may modify landscaping requirements for structure remodeling or tenant improvements when the development of the required landscaping improvement(s) is not, in the determination of the Director, feasible due to physical limitations of the site that are no fault of the applicant. Where landscaping requirements have been reduced, the landscaping shall be relocated in the following manner and order:

1. At the entry of the building.
2. To another lot line.
3. To an equal-sized area in another portion of the lot.
4. To an area, as determined by the Director upon review with the owner or developer.
5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.

E. Parking for Existing Structures. Where compliance with the provisions of loading areas and off-street parking requirements for existing buildings or structures conflicts with the requirements of this section, the required landscaping and/or parking may be reduced, as determined by the Director, pursuant to LMC Section 18A.70.120(F).

F. Landscaping Reduced. Where landscaping is reduced or waived in a specific location, equivalent landscaping shall be located elsewhere on the site in the following manner and order:

1. At the entry of the building.
2. To another lot line.
3. To an equal-sized area in another portion of the lot.
4. To an area, as determined by the Director upon review with the owner or developer.

5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.

G. Jointly Developed Properties. If contiguous lots or driveways to such lots are developed jointly with like uses, a portion of the perimeter buffering required between the lots may be relocated to other areas of the site, at the discretion of the Director, provided that the remaining portion of the perimeter buffering area is landscaped in a pedestrian-friendly manner to the required standard.

H. Existing Vegetation. Where existing vegetation can provide the same level of screening as required by the landscaping requirements, the Director may grant a waiver to some or all of the standard requirements. In such case, the applicant shall be responsible for submitting to the Community Development Department, an alternate conceptual landscape plan, supporting photographs and a brief explanation as to how the alternate plan satisfies the intent of the landscape standard required. Supplemental plant material may be required to be installed within, or adjacent to, the natural landscape area to fully comply with the intent of the required landscape standards.

#### **18A.70.130 Plan Requirements.**

The Director shall review and may approve, approve with modifications, or deny a landscape plan subject to the provisions of this section.

A. The following plans shall be submitted according to the requirements of the application form provided by the Community Development Department for any project permit subject to the provisions of this section:

1. Irrigation plan.
2. Tree retention plan, pursuant to LMC 18A.70 Part III Tree Preservation.
3. Landscape plan.

B. Persons qualified to prepare landscape plans. The landscape plans shall be prepared by a Washington state registered landscape architect, a Washington state certified nurseryman, or a Washington state certified landscaper, except that planting plans for short plats may be prepared by the applicant, subject to approval by the Community Development Director.

C. Review of landscape requirements. At the time of the preapplication conference, the Community Development Department staff shall review specific landscape requirements with the applicant or his/her representative.

D. Plan Requirements. New landscape plans must identify location, species and diameter or size of plant materials. Drawings shall reflect the ultimate size of plant materials at maturity. All drawings shall depict:

1. Existing property lines and perimeter landscape areas;
2. All public and private open space, including plazas, courts, etc. (if any);
3. Parking lot planting areas and vehicle use areas, driveways and walkways;
4. Location of clear sight triangle, if applicable;
5. Location of buildings or structures (existing and proposed);
6. Location of aboveground stormwater drainage pond(s) and swales;
7. Street tree location;
8. Screening of mechanical equipment;
9. Planting details describing method of installation;
10. Location and description of existing trees or groves of trees to be retained (if any);
11. Location and description of existing soils and groundcover vegetation to be retained;
12. Planting locations showing mature size of plants, size of planting stock, species of plant materials, and tree density calculations;
13. Timeline for site preparation and installation of plant materials;
14. Cost-estimate for the purchase, installation and three (3) years maintenance of landscaping.

E. Irrigation plan. All proposed multifamily or non-residential developments require an irrigation plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. The irrigation plan shall indicate the location of pipes, sprinkler heads, and back flow prevention devices. The Director or City Engineer may require additional information, including but not limited to pumps, pipe size, head capacity, water pressure in pounds per square inch at the pump and sprinkler heads, and timer system. The irrigation plan shall conform to the requirements of this section.

F. Persons qualified to prepare irrigation plans. The irrigation plan shall be prepared by a Washington State registered landscape architect, except that irrigation plans for short plats may be prepared by the applicant.

G. Approved landscaping plan required. A building permit or land use permit shall not be issued until the landscaping plan has been approved.

## **18A.70.140 Landscaping Standards.**

### **A. General Standards.**

1. Where any structure is enlarged or expanded, then landscaping shall be provided for the area of said expansion or enlargement in accordance with LMC 18A.70 Part II, Landscaping and Screening. A change in use in an existing structure may require additional landscaping as set forth in this section.
2. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is not reconfigured or expanded, the following standards apply:
  - a. Perimeter landscaping and parking area landscaping may be required pursuant to LMC 18A.70 Part I, Community Design.
  - b. Building and/or entry landscaping may be required pursuant to LMC 18A.70 Part I, Community Design.
3. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is reconfigured or expanded, the following standards apply:
  - a. Perimeter landscaping is required pursuant to LMC Section 18A.70.150, Landscaping Types and LMC Section 18A.70.160, Landscaping Regulations by Zoning Districts.
  - b. Parking area landscaping is required pursuant to LMC Section 18A.70.150(4), Landscaping Types.
  - c. Building and/or entry landscaping may be required pursuant to LMC 18A.70 Part I, Community Design.
4. If the development proposal is for a new structure, the following standards shall apply:
  - a. Perimeter landscaping is required pursuant to LMC Section 18A.70.150, Landscaping Types and LMC Section 18A.70.160, Landscaping Regulations by Zoning Districts.
  - b. Parking area landscaping is required pursuant to LMC Section 18A.70.150(4), Landscaping Types.
  - c. Building and/or entry landscaping may be required pursuant to LMC 18A.70 Part I, Community Design.

5. All parking areas of over 20,000 square feet shall have a minimum of 10 percent of the total parking area, drive aisles, maneuvering area and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Required perimeter landscaping adjacent to property lines shall not be calculated as accounting for a portion, or all, of the 10 percent figure.
6. All ingress or egress driveways, internal circulation routes and easements which provide access corridors to the subject lot, and which are not adjacent to a public right-of-way, shall be landscaped to the same standard as a public right-of-way.
7. All outside storage areas shall be screened by fencing and landscaping a minimum of five feet in depth unless it is determined by development plan review that such screening is not necessary because stored materials are not visually obtrusive.
8. All trash containers shall be screened from abutting properties and streets by a one-hundred (100) percent sight-obscuring fence or wall and appropriate landscaping.
9. Landscaping shall be placed outside of fences unless it is determined by the Community Development Department that such arrangement would be detrimental to the stated purpose of this chapter.
10. All portions of a lot not devoted to a building, future buildings, parking, storage or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter. Type III landscaping is the minimum landscaping required if no other landscaping standards apply.
11. All required landscaping areas shall extend to the curb line or the property line, whichever is greater.
12. All required landscaping areas shall be surrounded by concrete curbing and shall contain soil of sufficient quantity and quality to allow landscaping plantings to flourish. Landscaping areas shall not be placed on top of any impervious surface.
13. Required landscaping for those areas that are inappropriate to landscape due to the existence of rail lines or other features shall be relocated in the following manner and order:
  - a. At the entry of the building.
  - b. To another lot line.
  - c. To an equal-sized area in another portion of the lot.



- d. To an area as determined by the Director upon review with the owner or developer.
  - e. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.
14. The perimeter of parking lots that abut residential zones or uses shall be landscaped with Type I landscaping and a solid wood or equivalent fence. Substitute fencing may be allowed at the discretion of the Director to address public safety concerns. The term “adjacent residential property,” for purposes of this section, shall mean abutting property and lots immediately adjacent to abutting property.
15. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety.
16. The perimeter landscape strip of all property abutting Interstate 5 or abutting railroad right-of-way adjacent to Interstate 5 shall be increased to a minimum depth of ten (10) feet along the highway or railroad right-of-way frontage, unless a larger area is otherwise required by LMC Section 18A.60.150(4), Landscaping Types.
17. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area described in LMC Section 18A.60.150(4), Landscaping Types.
18. Landscape plans shall include, where feasible, a diversity of native plant species which promote native wildlife habitat.
19. Landscaping buffers shall be required adjacent to any above ground stormwater facilities of no less than five feet in width.
20. Landscape areas adjacent to required biofiltration systems that do not exceed one to three (1:3) slope may be counted toward a portion of any required landscaping areas if they meet the following:
- a. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of stormwater systems, and plant species and location are subject to approval of the City Engineer and Director.
21. Where the width of a required landscape strip exceeds the setback requirement for any structure subject to this section, the setback shall be increased to provide the full width of the landscape strip, except where otherwise permitted for commercial buildings under LMC 18A.60, Part I, Community Design.
22. Use of manmade non-vegetative material such as plastic or artificial plants or grass is prohibited as substitute for the required landscaping. Non-vegetative material

is not a substitute for plant material. Nonporous weed barriers are prohibited in landscaped areas. Bark, mulch, rock or other non-vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material.

23. Required landscape areas shall be provided with adequate drainage.

24. All trees shall be double staked for the first two years.

25. Slopes shall not exceed a one to three (1:3) ratio (height to width from center), in order to decrease erosion potential and assist in ease of maintenance.

B. Plant Standards. Where new landscaping is required, the following plant standards apply:

1. Deciduous Tree. A minimum three-inch diameter at six inches above grade at the time of planting.

2. Evergreen Tree. A minimum six feet in height above grade at the time of planting.

3. Low Shrub. Plants shall be a minimum of one to two feet in height at the time of planting with approximately a one- or two-gallon pot or ball-and-burlap.

4. Medium Shrub. Plants shall be a minimum of two to three feet in height at the time of planting with approximately a three- to five-gallon pot or ball-and-burlap.

5. Ornamental Tree. A minimum of one-inch diameter for deciduous; a minimum of two feet tall for evergreens. Ornamental trees may count as medium shrubs, but do not count for trees otherwise required.

6. Vegetative Groundcover. Grass sod, or spreading groundcover in four-inch pots with a maximum spacing of nine inches, or one-gallon pots with a maximum spacing of 18 inches and of sufficient size, spacing and species as to spread to form a solid cover of the planting area within two years from the time of planting.

7. Drought Tolerant Plants. The use of native and drought tolerant, low water use plants shall be incorporated into landscape design plans.

C. Irrigation Standards. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable to lack of watering and to survive periods of extended drought once they are established.

1. Irrigation systems shall be incorporated into a landscaping area and the applicant shall prepare a water use and conservation plan for review and approval by the City Engineer and Director.

2. The applicant shall choose one of the following options to provide all landscaped areas with an irrigation method:

- a. A permanent underground irrigation method with an automatic controller plus an overriding rain switch. All landscape that is placed in median strips in the middle of street rights-of-ways shall be irrigated with underground automated irrigation systems.
- b. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant material selected is classified as drought tolerant and a permanent irrigation system is determined to be unnecessary by the Community Development Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

#### **18A.70.150 Landscaping Types.**

A. The landscaping types are intended to provide a basic list of landscaping standards that may be applied within a proposed project as necessary to provide for the intent of the comprehensive plan.

1. **Type I, Vegetative Buffer.** A combination of landscaping, evergreen and deciduous trees, and fencing that provides a substantial visual barrier between uses and creates an impression of separation of spaces along an interior property line. The following standards shall be applied:

- a. Landscaping strip shall be a minimum of eight (8) feet in width, and shall be increased to ten (10) feet in width and fifteen (15) feet in width as required by LMC 18A.70.160, Landscaping Regulations by Zoning District.
- b. Depending on the use, a sight obscuring barrier may be required to be placed within the landscaping strip to consist of:
  - (1) Fence/wall five (5) feet in height, or
  - (2) A medium shrub barrier (hedge) which is of such a density as to provide a solid visual barrier.
- c. One (1) evergreen or deciduous tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than (20) feet on center along the full extent of the landscaping strip. No more than sixty (60) percent of the trees may be deciduous.

d. The percentage of evergreen trees allowed may be further reduced at the discretion of the Director to address public safety concerns.

e. Shrubs:

(1) Two (2) medium shrubs are required per six (6) linear feet of landscaping strip and placed no greater than four (4) feet on center.

(2) Three (3) low shrubs are required per six (6) linear feet of landscaping strip and placed no greater than three (3) feet on center.

(3) Shrubs shall be placed along the entire length of the landscaping strip as to provide vegetative cover.

f. Vegetative groundcover.

g. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative buffer. These are minimum standards, additional landscaping may be required if, in the determination of the Director, the proposed landscaping plan does not provide effective separation and screening.

2. **Type II, Streetscapes.** A unifying theme of canopy type trees along a public or private street within the right-of-way, with an optional landscaping strip and a minimum five (5) to eight (8) foot wide sidewalk, as required by the City Engineer, shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling. The following standards shall be applied:

a. Curb, gutter, and sidewalks standards as required in LMC Section 18A.60.130, Street Improvements; [LMC Chapter 12A.09, Transportation Facilities; and LMC Chapter 12A.10, Site Development Provisions.](#) [verify cites]

b. Landscaping strip of vegetative groundcover of three to eight feet in width, at the discretion of the City Engineer, located between the curb and the sidewalk.

c. Deciduous street trees, pursuant to LMC Section 18A.70.170, Street Tree Standards are required along the entire street frontage at a spacing of no more than thirty (30) feet on center or as required to continue the existing pattern of street, whichever is less distance.

d. Tree wells, a minimum of four (4) foot in any dimension, with a grating system approved by the City Engineer, are required when trees are placed within the sidewalk. Sidewalks must maintain a minimum 48-inch clear width exclusive of curbing. Trees not located on the sidewalk shall be centered on the landscaping strip, or behind the sidewalk within 10 feet of the

right-of-way if the right-of-way is insufficient to accommodate street trees, or if curbs, gutters and sidewalks already exist.

e. ~~Level 1 Utilities shall be placed underground as appropriate.~~ (?)

f. Street lights as directed by the City Engineer.

g. Landscaped medians within the roadway may be required at the discretion of the City Engineer and the Director including:

(1) Curb, gutter, four (4) to twelve (12) foot wide landscaping strip within the roadway with a length determined by the City Engineer.

(2) One (1) street tree at each end of the median, plus one (1) street tree per thirty (30) feet of median.

(3) Vegetative groundcover.

(4) Small shrubs shall be placed within the landscaping strip so as to cover thirty (30) percent of the strip, have a maximum bush height of three (3) feet, and provide year-round screening.

h. Bus stop(s), benches and/or bus shelter(s) as deemed necessary by the Director and Pierce Transit.

3. **Type III, Open Space.** A combination of natural and native open space, vegetative groundcover, and deciduous and evergreen trees.

a. One (1) deciduous or evergreen tree shall be spaced at intervals not greater than fifty (50) feet on center along the full extent of the open space. No more than eighty (80) percent of the trees may be deciduous.

b. Vegetative groundcover.

4. **Type IV, Parking Areas.** A combination of landscaping to break up the bulk of a parking area. The following standards shall be applied:

a. **Landscaping Islands.** Landscaped islands shall be located at the end of each parking row. Internal landscaping islands shall occur at intervals within the row so that no parking stall within that parking row is more than eight (8) parking stalls from a landscaping island. The following standards shall apply:

(1) The length of the island shall be the same depth as the adjacent parking stalls and have an interior width a minimum of four (4) feet.

(2) The island shall be completely curbed.

(3) Contain one (1) street tree.

(4) One (1) medium shrub or two (2) small shrubs per twelve (12) square feet of island.

(5) Vegetative ground cover.

b. Internal Landscaping. If internal landscaping other than landscaping islands is included in a parking area, the internal landscaping shall at a minimum consist of vegetative groundcover and trees per Type III, Open Space.

c. Perimeter Landscaping. Landscaping around the perimeter of the parking area shall be a Type I, Vegetative Buffer.

5. **Type V, Solid Barrier.** A combination of fencing and landscaping which is intended to provide a solid sight barrier between uses, around storage yards, salvage yards, and other incompatible or unsightly uses, and to create screening and a strong impression of spatial separation. The following standards shall be applied:

a. Landscaping strip minimum ten (10) feet in width.

b. Solid fence or wall six (6) feet in height located within the landscape strip.

c. The Director may direct the location, style, and construction materials of the required fence/wall to lessen visual impact on adjacent properties.

d. One (1) deciduous or evergreen tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than twenty (20) feet on center along the full extent of the landscaping strip. No more than forty (40) percent of the trees may be deciduous.

e. The percentage of evergreen trees allowed may only be reduced, at the discretion of the Community Development Director, to address public safety concerns.

f. Shrubs;

(1) Two (2) medium shrubs are required per four (4) linear feet of landscaping strip and placed no greater than five (5) feet on center.

(2) Three (3) low shrubs are required per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.

g. Vegetative groundcover.

h. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative barrier. These are minimum standards,

additional landscaping may be required if, in the determination of the Community Development Director, the proposed landscaping plan does not provide an actual or effective barrier or separation.

6. **Type VI, Area Screening.** A combination of fencing/wall and landscaping that provides visual relief from dumpsters, recycling areas, or small storage yards, of less than two hundred (200) square feet in size. The following standards shall be applied:

- a. Landscaping strip minimum five (5) feet in width around the area, excluding access points.
- b. A fence or wall six (6) feet in height located on the interior of the landscaping strip.
- c. Minimum six (6) foot tall Arborvitae or approved equivalent trees placed at four (4) feet on center.
- d. Shrubs.
  - (1) One (1) medium shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
  - (2) One (1) small shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
  - (3) Shrubs shall be spaced at intervals along the full extent of the landscaping strip.
- e. Vegetative groundcover.
- f. The fence and landscaping may be modified at the discretion of the Community Development Director to address public safety concerns.

#### **18A.70.160 Landscaping Regulations by Zoning Districts**

- A. Type II, streetscape shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling, pursuant to LMC Section 18A.60.130, Street Improvements; **LMC Chapter 12A.09, Transportation Facilities; and LMC Chapter 12A.10, Site Development Provisions.**[verify cites]
- B. Type III, open space shall apply to all zones where open space is required as part of the development standards or community design guidelines.
- C. Type IV, parking areas; and Type VI, area screening are types of landscaping that shall apply in all zones, as applicable.

D. Discretionary land use permit approval and conditions may require any landscaping type in order to mitigate the impacts of the proposed use.

E. The unique character of development within the OSR1 and OSR2 zones, as private and public open space, parks, and public facilities requires a case-by-case review of the landscaping standards and requirements by the Director.

F. The following standards are representative and may not include all uses or types. Where individual uses or zones are not specified, the Director shall make a determination as to the most appropriate Landscaping Type in order to mitigate the impacts of the proposed development.

G. Zones minimum landscaping requirements

1. Single Family Zones: Single Family Dwellings are exempt from perimeter landscaping standards.
2. Multi Family Zones that abut:
  - a. Single Family Zones - Type I, Vegetative Buffer, 10' landscape strip.
  - b. Open Space and Recreation Zones - Type I, Vegetative Buffer, 10' landscape strip.
3. Neighborhood Business and Commercial Zones that abut:
  - a. Single Family Zones - Type I, Vegetative Buffer, 15' landscape strip.
  - b. Multi Family Zones - Type I, Vegetative Buffer, 10' landscape strip.
  - c. Open Space and Recreation Zones - Type I, Vegetative Buffer, 10' landscape strip.
4. Industrial Zones that abut:
  - a. Single Family Zones - Type V, Solid Barrier.
  - b. Multi Family Zones - Type V, Solid Barrier.
  - c. Commercial Uses/Zones - Type I, Vegetative Buffer, 10' landscape strip.
  - d. Open Space and Recreation Zones - Type V, Solid Barrier.
5. Public/Institutional Zone - Type I, Vegetative Buffer, 10' landscape strip.
6. Between developments in the same zone: All Uses (other than Single Family uses) - Type I, Vegetative Buffer, 8' landscape strip



7. Parking Lots in all zones - Type I, Vegetative Buffer & Type IV, Parking Areas.
8. Property Lines abutting public right-of-way or private streets - Type II Streetscape and Type I, Vegetative Buffer, 8' landscape strip or appropriate landscaping per LMC 18A.60, Part I, Community Design.
9. Storage Space (for all uses other than single family residential):
  - a. Under 200 gross square feet - Type VI, Area Screening.
  - b. 200 or more gross square feet - Type V, Solid Barrier.
  - c. Salvage/Wrecking Use - Type V, Solid Barrier.
  - d. Industrial and Outdoor - Type V, Solid Barrier.
10. Wireless Telecommunication Facilities; see LMC Chapter 18A.90.
11. Open Space - Type III, Open Space.
12. Streets/Rights-of-Way - Type II, Streetscape.
13. Trash Dumpsters - Type VI, Area Screening.

**18A.70.170 Street Tree Standards.**

A. Applicability. This section applies to projects that require street trees in order to fulfill a landscaping standard, and to all projects that are installing street trees unrelated to other landscaping or street improvements.

B. Standards. All street trees shall meet the following standards:

1. A minimum of three (3) inches in diameter at the time of planting.
2. Street trees shall be located and placed within the street rights-of-way in accordance with the requirements of the City Engineer, unless otherwise permitted in LMC Section 18A.70.170(B)(3).
3. Street trees may be planted within ten (10) feet of the right-of-way only if the right-of-way is insufficient to accommodate street trees, or if curbs, gutters and sidewalks already exist.
4. The adjoining property owner shall be responsible for all maintenance of street trees and landscaping in public right-of-ways.

5. Street tree shall be trimmed to maintain the street canopy and provide for public safety. Street trees cannot be removed without the prior approval of the City Engineer.
6. Trees planted within five (5) feet of public or private road pavement edge, curbing or sidewalk, or within parking areas shall be surrounded by a root control barrier. Root control barriers shall consist of galvanized metal or plastic sheets extending a minimum of two (2) feet below the finished grade of the surrounding surface.
7. All trees shall be double (2) staked for the first two (2) years.
8. All street trees shall be of a species approved by the Community Development Department.

#### **18A.70.180 Water Conservation and Suggested Plant Materials.**

A. Intent. The following guidelines are recommended by the City to reduce the maintenance cost of a development, enhance the long-term health of plant material and reduce the cost of watering. The intent of water conservation guidelines is to ensure that costly plant material is provided with the opportunity to take advantage of natural watering and therefore reduce the amount of water required to maintain plant material health during the dry season. The intent of a plant material guideline is to encourage use of plants native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to maximize use of rainwater, to reduce general maintenance needs and to encourage the development of landscape designs reflective of our natural surroundings. It is also the intent of these guidelines to encourage the use of drought tolerant plants in landscape designs in order to reduce the amount of water devoted to outdoor watering at a time when population pressures are increasing faster than the water supply.

B. Water conservation guidelines. Water conservation measures shall be employed in the following manner:

1. Soil Preparation. Landscape areas should be deep-tilled to a depth of at least twelve (12) inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration or water-holding capacity. For all newly landscaped areas organic matter should be incorporated to a depth of four (4) to six (6) inches to facilitate deep water penetration and soil oxygenation.
2. Mulching. Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion. Mulches include organic materials such as wood chips and shredded bark. Mulches should be applied to the following depths: three (3) inches over bare soil and two (2) inches where plant materials will cover.

3. Plant Types. Applicants are encouraged to utilize drought tolerant plant material native to the Western Washington and introduced noninvasive plants common to the area that are well suited to the wet/dry climate of the Puget Sound.

#### **18A.70.190 Performance Assurance.**

##### **A. Landscape Installation.**

1. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a surety device to guarantee their installation.
2. A CO may be issued prior to completion of required landscaping provided the following criteria are met:
  - a. An applicant or property owner files a written request with the Department five (5) days prior to the CO inspection; and
  - b. The request explains what factors are beyond the applicant's control or which create a significant hardship to prevent the installation of landscape prior to the issuance of a CO; and
  - c. The applicant or property owner has demonstrated a good faith effort to install all required landscaping; and
  - d. Provided requirements (a) through (c) are met, a performance assurance must be posted with the city in a form listed in paragraphs B, C, and D below.
3. The time extension to complete all landscaping may not exceed one-hundred and eighty (180) days after issuance of a Certificate of Occupancy.
4. Failure to complete the installation of required landscape within one-hundred and eighty (180) days after the CO is issued shall constitute a violation of the zoning ordinance.

##### **B. Performance assurance devices shall be in the amount of one hundred fifty (150) percent of the estimated cost of the required landscaping and shall take the form of one of the following:**

1. A surety bond in a form approved by the City Attorney executed by a surety company authorized to transact business in the state;
2. Cash;
3. Assigned letter of credit or savings pursuant to an agreement approved by the City Attorney.

C. If a performance assurance device is employed, the developer/property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

D. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

#### **18A.70.200 Maintenance.**

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

### **PART III TREE PRESERVATION (.300 - .330)**

#### **Sections**

- 18A.70.300 Purpose.
- 18A.70.310 Tree removal applicability/exemptions.
- 18A.70.320 Significant tree preservation.
- 18A.70.330 City tree fund.

#### **18A.70.300 Purpose.**

This section promotes tree preservation by protecting the treed environment of the city of Lakewood by regulating the removal of significant trees and providing incentives to preserve trees that, because of their size, species, or location, provide special benefits. Tree preservation protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and storm water runoff, and helps to define public and private open spaces.

#### **18A.70.310 Tree Removal Applicability/Exemptions.**

A. Single family residential zones where lots are less than seventeen thousand (17,000) square feet. The requirements for tree preservation shall be provided in accordance with the development standards of each individual zoning district and the provisions of this section, and are applicable to all zoning districts. Lots of less than seventeen thousand (17,000) square feet in single family residential zones are exempt from this Chapter, except where specific tree preservation is required as a mitigation measure under SEPA. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

B. Industrially-zoned properties are exempt from this Chapter, except where specific tree preservation is required as a mitigation measure under SEPA.

C. Removal of non-significant trees that are not protected by any other means.

D. Removal of trees in association with right-of-way and easements. Tree removal by a public agency or a franchised utility within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sewer, power, gas or communication lines, or motorized or nonmotorized streets or paths are exempt from this Chapter. Notification to the City by the public agency or franchised utility is required prior to tree maintenance or removal within City rights-of-way.

E. Emergency Removal: Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property, including the presence of a target. Emergency removal may occur and all the following conditions shall be met:

1. The City is notified the following business day of the unpermitted action;
2. Visual documentation (i.e., photographs, video, etc.) is made available; and

3. The felled tree remains on site for City inspection.
4. Replacement required.
  - a. Non-single family use: The property owner will be required to provide replacement trees as established in LMC 18A.BLANK, replacement trees.
  - b. Single family use: The property owner will not be required to provide replacement trees.
5. Should the City determine that the tree(s) did not pose an emergency condition, the owner shall be cited for a violation of the terms of this chapter.

#### **18A.70.320 Significant Tree Preservation.**

- A. Standards. Significant tree preservation shall be required for any project permit.
  1. A significant tree is an existing tree which:
    - a. When measured at four and one-half (4.5) feet above ground, has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;
    - b. When measured at four and one-half (4.5) feet above ground; has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,
    - c. Regardless of the tree diameter, is determined to be significant by the Director due to the uniqueness of the species or provision of important wildlife habitat.
  2. For the purposes of this section, existing trees are measured by diameter at four and one-half (4.5) feet above ground level, which is the usual and customary forest standard. Replacement trees are measured by diameter at six (6) inches above ground level, which is the usual and customary nursery standard.
  3. Damaged or diseased trees. Trees will not be considered “significant” if, following inspection and a written report by a registered landscape architect, certified nursery professional or certified arborist, and upon review of the report and concurrence by the City, they are determined to be:
    - a. Safety hazards due to root, trunk or primary limb failure;
    - b. Damaged or diseased, and do not constitute an important wildlife habitat. At the discretion of the City, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as a safety hazard.

4. Preventive measure evaluation: An evaluation of preventive measures by an arborist in lieu of removing the tree and potential impacts of tree removal may be required. If required, this evaluation shall include the following measures:

- a. Avoid disturbing tree: Avoid disturbing the tree at all unless it represents a hazard as determined by an arborist;
- b. Stabilize tree: Stabilize the tree, if possible, using approved arboricultural methods such as cable and bracing in conjunction with other practices to rejuvenate the tree such as repairing damaged bark and trunk wounds, mulching, application of fertilizer, and improving aeration of the tree root zones;
- c. Pruning: Remove limbs from the tree, such as removing dead or broken branches, or by reducing branch end weights. If needed, remove up to one-quarter (1/4) of the branches from the canopy and main trunk only in small amounts, unless greater pruning is needed by approval of the arborist;
- d. Wildlife tree: Create a wildlife tree or snag, or cut the tree down to a safe condition, without disturbing the roots, where the tree no longer poses a hazard. To create snags, remove all branches from the canopy, girdle deciduous trees, and leave the main trunk standing. Wildlife trees or snags are most appropriate in City parks, greenbelts, vacant property, and environmentally critical areas;
- e. Steep slopes: Removal of tree roots on steep slopes may require a geotechnical evaluation;
- f. Creeks and lakes: Trees fallen into creeks and lakes are to remain in place unless they create a hazard; and
- g. Provide professional recommendations on:
  - (1) The necessity of removal, including alternative measures to removal;
  - (2) The lowest-impact approach to removal;
  - (3) A replacement tree plan, if required.

B. Preservation Criteria. All significant trees shall be preserved according to the following criteria:

- 1. Perimeter trees. All significant trees within twenty (20) feet of the lot perimeter or required buffer, whichever is greater, shall be preserved; EXCEPT THAT significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or

pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Director.

This requirement shall not apply to single family residential lots less than 17,000 square feet in size, where no specific tree preservation is required.

2. Interior trees. A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.

a. For new single family residential development including a single family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot, shall be retained.

b. For new residential subdivisions where the proposed lot size is greater than 17,000 square feet, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than 17,000 square feet, no specific tree preservation is required.

c. For commercial development, ten (10) percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.

d. In Open Space and Recreation zones, ninety-five (95) percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Director.

3. Buffers and Sensitive/Critical Areas. Tree preservation criteria listed above shall exclude sensitive/critical areas and their buffers, and open space areas and tracts. All trees within such areas shall be retained except as may be specifically approved and indicated in the written findings of a discretionary land use permit or a tree removal permit. See also LMC 18A.40.240 for tree removal standards within the Riparian Overlay.

4. SEPA Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

C. Tree Retention Plan Required.

1. A significant tree retention plan shall be submitted to the community economic and development department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the community economic and development department.



2. The Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.

3. A significant tree permit is required for the removal of any significant tree unless specifically exempted within this section.

D. Permit/plan requirements. Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:

1. Submit a tree retention plan that consists of a tree survey that identifies the location, size and species of all significant trees on a site and any trees over three (3) inches in diameter at four and one half (4 1/2) feet above ground level that will be retained on the site.

a. The tree survey may be conducted by a method that locates individual significant trees, or

b. Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.

2. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.

3. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continued healthy life of retained significant trees.

4. If tree retention and/or landscape plans are required, no clearing, grading or disturbance of vegetation shall be allowed on the site until approval of such plans by the City.

E. Construction requirements.

1. An area free of disturbance, corresponding to the drip line of the significant tree's canopy, shall be identified and protected during the construction stage with a temporary three (3) foot high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, or parking of vehicles shall be permitted within the area defined by such fencing.

2. At Director's sole discretion, a protective tree well may be required to be constructed if the grade level within ten (10) feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least five (5) feet of additional diameter.

3. The Director may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.

4. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies or is removed within five (5) years of the development of the site, then the significant tree shall be replaced pursuant to LMC 18A.60.320(G).

F. Maximum tree removal on developed properties

Existing single family lots: Single family homeowners may remove significant, without a permit based on the following:

Maximum Tree Removal on Existing Single Family Lots without a Permit		
Lot Size	Maximum number of significant trees allowed to be removed in one year without a permit	Maximum number of significant trees allowed to be removed in 5 years without a permit
Lots up to 17,000 sq. ft.	2	4
Lots 17,001 to 30,000 sq. ft.	4	8
Lots 30,001 sq. ft. or greater	6	12

G. Replacement. When a significant tree subject to this section cannot be retained, the tree shall be replaced as a condition for the removal of the significant tree, in accordance with the following.

1. On-Site Replacement.

a. Significant trees shall be replaced at a ratio of two to one (2:1) of the total diameter inches of all replacement trees to the diameter inches of all the significant trees removed.

b. Replacement trees shall be a no smaller than three (3) inches in diameter at six (6) inches above ground;

c. Existing healthy trees anywhere on the site which are retained to support the remaining significant trees can be counted against the on-site replacement requirements on a one to one (1:1) basis of the total diameter inches of all replacement trees removed, provided it meets the following criteria:

(1) The tree does not present a safety hazard; and,

(2) The tree is between three (3) and nine (9) inches in diameter at four and one half (4.5) feet above ground.

2. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a one and one-half to one (1.5:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between nine (9) inches and twenty-four (24) inches in diameter for evergreen trees, or between nine (9) inches and thirty (30) inches in diameter for deciduous trees.

3. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:

a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.

b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.

c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.

d. The tree belongs to a unique or unusual species.

e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.

f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.

4. Off-Site Replacement. When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:

a. The planting of the required replacement trees at locations approved by the Director throughout the city. Plantings shall be completed prior to completion of the project permit requiring tree replacement.

b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the city. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

H. Trimming. Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard.

**18A.70.330 City Tree Fund.**

A. Funding sources. All civil penalties received under this chapter and all money received pursuant to Chapter 14.02 LMC, Environmental Rules and Regulations, shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

1. Agreed upon restoration payments or settlements in lieu of penalties;
2. Donations and grants for tree purposes;
3. Other monies allocated by the City Council.

B. Funding purposes. The City shall use money received pursuant to this section for the following purposes:

1. Acquiring, maintaining, and preserving wooded areas within the City;
2. Planting and maintaining trees within the City;
3. Establishment of a holding public tree nursery;
4. Urban forestry education;
5. Implementation of a tree canopy monitoring program;
6. Scientific research; or
7. Other purposes relating to trees as determined by the City Council.

## CHAPTER 18A.80 – PARKING

### Sections

18A.80.005	Definitions.
18A.80.010	Purpose.
18A.80.020	General Requirements.
18A.80.030	Zoning District Parking Requirements.
18A.80.040	Development Standards.
18A.80.050	Loading and Unloading.
18A.80.060	Parking Incentives.

### **18A.20.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **18A.80.010 Purpose.**

It is the purpose of this chapter to:

- A. Assure that space is provided for the parking, loading and unloading of motor vehicles on the site of premises or uses which attract said motor vehicles;
- B. Provide minimum and maximum standards of space and parking arrangements, and for the movement of motor vehicles into and out of such spaces;
- C. Promote implementation of the city of Lakewood Transportation Plan policies to support commute trip reduction programs and more use of transportation choices;
- D. Provide alternatives and incentives to reduce parking needs by utilizing transportation demand management (TDM) strategies;
- E. Reduced parking has benefits, particularly considering opportunities for alternative use of valuable land resources. Less space utilized for parking means additional area for retail space, additional building pads, or more pervious surface and landscaping. Increased retail space can help promote a healthy retail tax base. More pervious surface and landscaping can reduce drainage impacts, and promote more attractive cityscape;
- F. Calm traffic for pedestrian comfort and security on public streets and parking lots by:
  - 1. Controlling access to sites; and
  - 2. Allowing parking on the streets in zones with a pedestrian emphasis for separation between the sidewalk and moving automobiles;
- G. Enhance safety for pedestrians and motor vehicle operators; and
- H. Encourage the creation of an aesthetically pleasing and functionally adequate system of off-street parking and loading facilities.

## **18A.80.020 General Requirements.**

A. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

B. Off-street parking spaces and driveways shall not be used at any time for purposes other than their intended use, i.e., the temporary storage of motor vehicles used by persons visiting or having business to conduct on the premises for which the parking is provided. Provided, however, the Director may approve other uses deemed to be reasonable and that will not adversely impact parking requirements for the primary use of the property such as street merchant pads, pedestrian refuge islands, and pocket parks for pedestrian seating and use.

C. Parking space required and intended for use by occupants or users of specific premises shall not be leased or rented to others, nor shall such space be made unavailable through other means to the users for whom the parking spaces are intended. This requirement, however, does not preclude shared parking arrangements approved by the city or other activities approved by the site plan review committee.

D. Except where specifically permitted in certain zoning districts, off-street parking spaces shall not be used for loading or unloading of commercial vehicles larger than those vehicles for which the parking spaces are intended.

E. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

1. When a main or accessory building is erected.
2. When a main or accessory building is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.
4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

F. Proposed large projects that are defined as major employers or worksites (RCW 70.94.524) shall provide an assessment of the cost of parking space separate from the cost of the area used for building purposes. This information will assist the applicant, the city of Lakewood and Pierce Transit to evaluate opportunities for parking reduction and TDM strategies.

G. Location. Off-street parking facilities shall be located on the same property as the use they are required to serve and within three hundred (300) feet of the use, except as

provided below. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

1. For a nursing home, assisted living facility, convalescent home, or group home, the parking facilities shall be located within one hundred (100) feet of the building they are required to serve.
2. For multifamily dwellings where the lot cannot accommodate all the required parking on-site for its needs, up to forty (40) percent of the required parking may be located on a lot adjacent to the development, provided that the lot is legally encumbered pursuant to LMC Section 18A.80.060.
3. For all non-residential uses where the lot cannot accommodate all the required parking on-site for its needs, parking facilities shall be located not farther than seven hundred fifty (750) feet from the facility, provided that the lot is legally encumbered pursuant to LMC Section 18A.80.060. Parking shall not be permitted on properties zoned single-family residential (R1, R2, R3, R4) or open space (OSR1 and OSR2) unless the parking is being provided for a use that is permitted in said district.

H. **Unlawful Removal.** It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

#### **18A.80.030 Zoning District Parking Requirements.**

- A. The requirements for any use not listed herein shall be those of the listed use most similar to the unlisted use. When similarity is not apparent, the Director shall determine the minimum and maximum for the unlisted use. The Director may require that the applicant conduct a parking study to evaluate the parking needs associated with a proposed use.
- B. For conditional uses, as identified and described in LMC 18A.20 Part II, the parking requirement shall be as provided in that chapter or as determined by the hearing examiner.
- C. Residential zoning district. Off-street parking requirements for residential districts are located in LMC Section 18A.80.030(F).
- D. Commercial, office and industrial uses. In commercial, industrial, and mixed use districts, off-street parking requirements shall be as shown in LMC Section 18A.80.030(F), provided, that all of the property is controlled by a single person or corporation, or written agreements for shared parking, acceptable to the city, are filed with the Director.
- E. **Rounding of Fractions.** When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half ( $1/2$ ) shall be disregarded and any fraction of one-half ( $1/2$ ) or over shall be counted as one (1) space.

F. Parking standards.

<b>PARKING STANDARD TABLE</b>				
Use	Unit measure	Optional Minimum (TDM program only)	Max	Required bicycle parking spaces
<b>BUSINESS PARK</b>				
General business park	Per 1,000 square feet	2	4	See offices
<b>COMMERCIAL</b>				
Banks	Per 1,000 gross square feet	2	3	See offices
Billiard halls	Per table	1	2	1 per 20 auto stalls. Minimum of 4
Bowling alleys	Per alley	3	5	1 per 20 auto stalls. Minimum of 4
Commercial recreation	Per 1,000 square feet	3	5	1 per 20 auto stalls. Minimum of 4
Daycare, preschools, nursery schools	Per staff member plus one drop-off loading area per 7 students	0.5	1	1 per 25 auto stalls. Minimum of 1
Hotels, motels	Per room or suite. Hotel/motel banquet and meeting rooms shall provide six (6) spaces for each thousand (1,000) square feet of seating area. Restaurants are figured separately.	1	2	See retail
Medical and dental clinic and offices	Per 1,000 square feet of GFA	2	4	See offices
Mini storage	Per 100 units or a minimum of 3 spaces plus 2 for permanent on-site managers	1		None
Mortuaries, funeral homes	Per 4 seats	1	2	None
Neighborhood commercial shopping area	Per 1,000 square feet	1	2	See retail
Office building	Per 1,000 square feet of GFA			1 per 15 auto stalls. Minimum of 2
	• With on-site customer service	2	4	
	• Without on-site customer service	1.5	3	
Regional shopping centers, food and drug stores	Per 1,000 square feet of GFA	3	6	See retail
Restaurants	Per 100 square feet of dining area	1	4	See retail



PARKING STANDARD TABLE				
Use	Unit measure	Optional Minimum (TDM program only)	Max	Required bicycle parking spaces
Retail	Per 1,000 gross square feet	3	6	1 per 20 auto stalls. Minimum of 2
Retail in mixed use development	Per 1,000 gross square feet	2	4	See retail
Service stations (mini marts are retail uses)	Per employee plus per service bay	0.5	1	None
INDUSTRIAL				
General industrial	Greatest number of employees on a single shift plus one square foot of parking for each square foot of display area plus one space for each vehicle owned, leased or operated by the company	0.5	1	See offices
Warehouse	Per 1,000 square feet of GFA plus	1		None
	Per 400 square feet of GFA used for office or display area	1		
INSTITUTIONAL				
Convalescent facilities, nursing homes	Per 2 patient beds	1	3	See offices
Hospital	Per bed	0.5	1	See offices
Libraries	Per 200 square feet of GFA	0.5	1	1 per 20 auto stalls. Minimum of 2
Schools, elementary and junior high	Per classroom and office	1	1.5	1 per classroom
Schools, senior high	Per classroom and office plus per each 5 students of designated capacity	1	2	1 per five auto stalls. Minimum of 2
PLACES OF ASSEMBLY				
Places of assembly without fixed seats	Per 1,000 square feet of GFA	10	11	1 per 25 auto stalls. Minimum of 2
Places of assembly with fixed seat	Per 4 seats	1	2	1 per 40 auto stalls. Minimum of 4
Stadiums, auditoriums, gymnasiums, theaters	Per 4 seats of the permitted assembly occupants. (School and/or public facility parking spaces may be used provided the facilities are on the	1	1.5	1 per 25 auto stalls. Minimum of 4

<b>PARKING STANDARD TABLE</b>				
Use	Unit measure	Optional Minimum (TDM program only)	Max	Required bicycle parking spaces
	same or contiguous parcels within three hundred feet of the theater or auditorium.)			
<b>RESIDENTIAL</b>				
Accessory dwelling unit	Per dwelling unit	1		None
Single-family	Per dwelling unit	2		None
Duplexes	Per dwelling unit	2		None
Multifamily structures	Per dwelling unit	1.5		1 per 10 auto stalls. 2 minimum per building
Mobile home subdivision	Per dwelling unit	2		None
Mobile home parks	Per dwelling unit. (In mobile home parks, the parking spaces in excess of one per mobile home may be grouped in shared parking areas.)	1.5		None
Rooming houses, lodging houses, bachelor or efficiency units	Per occupant	1	3	None
Senior citizen apartments	Per 3 dwelling units	1	2	See multifamily

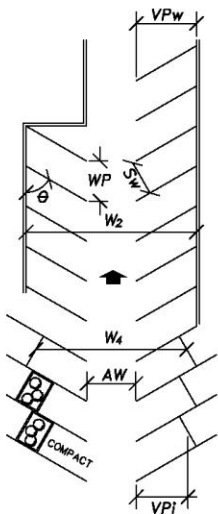
### 18A.80.040 Development Standards.

#### A. Parking area design shall include:

1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the City Engineer.
2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.
3. Parking Spaces--Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. Maneuvering aisles and parking stall dimensions shall be as shown in the following three diagrams.

a.      Parking layout one way traffic.

- $\theta$     Parking angle
- $S_w$    Stall width
- $W_p$    Stall width parallel to aisle
- $VP_w$    Stall depth from curb to aisle
- $VP_i$    Stall depth to interlock
- $AW$    Aisle width
- $W_2$    Parking module width (curb to curb), double loaded aisle
- $W_4$    Parking module width (interlock to interlock), double loaded aisle

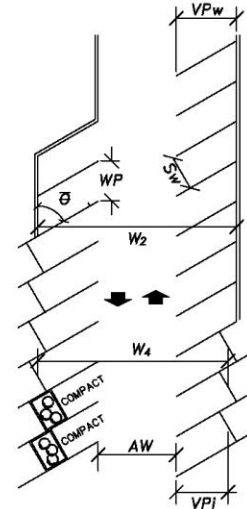


	$\theta$	$S_w$	$W_p$	$VP_w$	$VP_i$	$AW$	$W_2$	$W_4$
STANDARD CAR PARKING	45°	9'	12.7'	18'	16.5'	15'	51'	48'
	60°	9'	10.4'	19.5'	18.5'	18'	57'	55'
	75°	9'	9.3'	20'	19.5'	22'	62'	61'
COMPACT CAR PARKING	45°	8.25'	11.7'	15.5'	14'	15'	51'	48'
	60°	8.25'	9.5'	17'	16'	18'	57'	55'
	75°	8.25'	8.5'	17'	16.5'	20'	62'	61'
PARALLEL PARKING		22'	22'	8'	8'	12'	40'	40'

GENERAL NOTES:  
1. COMPACT PARKING DIMENSIONS ASSUME  
LANDSCAPE ISLANDS.

b. Parking layout two way traffic

- $\theta$  Parking angle  
 $S_w$  Stall width  
 $W_p$  Stall width parallel to aisle  
 $VP_w$  Stall depth from curb to aisle  
 $VP_i$  Stall depth to interlock  
 $AW$  Aisle width  
 $W_2$  Parking module width (curb to curb), double loaded aisle  
 $W_4$  Parking module width (interlock to interlock), double loaded aisle



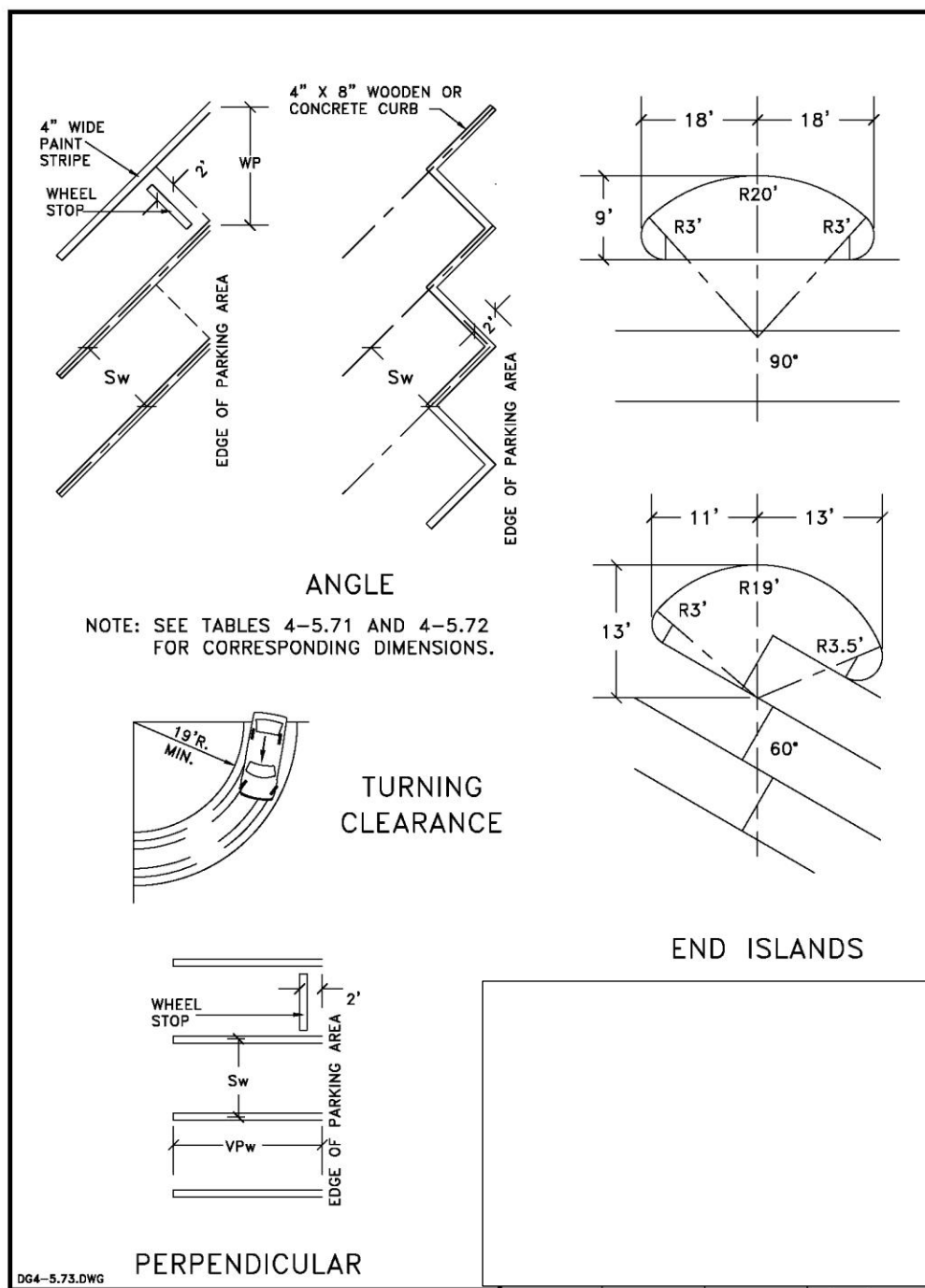
	$\theta$	$S_w$	$W_p$	$VP_w$	$VP_i$	$AW$	$W_2$	$W_4$
STANDARD CAR PARKING	45°	9'	12.7'	18'	16.5'	24'	60'	57'
	60°	9'	10.4'	19.5'	18.5'	25'	64'	62'
	90°	9'	9'	18'	19'	24'	64'	64'
COMPACT CAR PARKING	45°	8.25'	11.7'	15.5'	14'	24'	60'	57'
	60°	8.25'	9.5'	17'	16'	25'	64'	62'
	90°	8'	8'	16'	16'	22'	64'	64'
PARALLEL PARKING		22'	22'	8'	8'	18'	40'	40'

GENERAL NOTES:

1. COMPACT PARKING DIMENSIONS ASSUME LANDSCAPE ISLANDS.

DG4-5.72.DWG

c. Parking stall.



4. Surfacing. All parking areas shall be surfaced with permeable paving surfaces in conformance with the current City of Lakewood Stormwater Design Manual, asphalt, concrete or similar pavement so as to provide a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water.

5. 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.
6. Parking shall be designed and constructed for a minimum of thirty percent and a maximum of fifty percent of the required number of spaces for compact size cars. An applicant must clearly identify all spaces designed and constructed for compact car use. The Director may approve the design and designation of more than fifty percent of the spaces for use by compact cars if the applicant demonstrates that no adverse impact will result.
7. Parking area for land uses located outside the city shall be prohibited.
8. Community design requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part I.
9. Landscaping requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part II.
10. Marking: The property owner shall identify required parking stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the approving authority. Crosswalk marking shall be provided consistent with the requirements of the public works department. Paint is not permitted as a sole means of marking crosswalks. Display areas which are not required parking areas, such as a car dealership or rental display area, are not required to be marked as individual stalls.
11. An owner/developer may install parking spaces in phases if a phased schedule has been approved. This schedule must specifically indicate when the parking will be provided. The Director may permit the use of temporary parking areas with appropriate screening as part of a phasing schedule. In addition, the Director may require a performance assurance device to insure conformance with the requirements.
12. When adequate vehicular access to an approved lot or development is available from a side street, no such access shall be permitted from the front street. Where lots have double frontage, if vehicular access from a side street or a street of lower functional classification is not available, such access shall be from the street anticipated to carry the least amount of traffic or the street that would have the least conflict with pedestrian traffic.
13. Parking Area and Circulation Design.
  - a. The city public works department shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

b. Internal circulation of the lot shall be so designed as to minimize conflicts with pedestrians with priority given to pedestrians considering convenience, comfort, safety and security. In-and-out driving time, idling time and time spent looking for a parking space should be a consideration, but should not influence design parameters that reduce pedestrian functionality.

14. Parking places for the physically disabled: All parking lots regulated by this chapter shall be modified as necessary to provide parking places for the physically disabled as specified in the building code, including installation of curb ramps, signage and other required improvements.

15. Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a five percent parking reduction for two uses, ten percent parking reduction for three uses and fifteen percent parking reduction for four or more uses.

16. All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least five percent of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.

B. Bicycle Parking: Bicycle parking shall be provided as follows:

1. Quantity: All sites required to provide nonmotorized facilities shall provide bicycle parking spaces equal to five (5) percent of required automobile parking spaces for the first three hundred (300) required auto stalls and one (1) percent of auto stalls in excess of three hundred (300). Only customer and employee parking spaces shall be used to determine this requirement. In no case shall the amount be less than two (2) bicycle spaces.

2. Location: Bicycle parking shall be placed in a publicly visible location within fifty (50) feet of a primary building entrance. Bicycle parking shall not block pedestrian use of a walkway. Shopping centers or other multi-building developments may group bicycle parking in a unified location, provided the location is consistent with the other location requirements.

3. Exceptions:

a. Sites requiring eight (8) or fewer auto stalls are exempt from bicycle parking.

b. The Director may reduce the quantity of bicycle parking spaces when it is demonstrated that bicycle activity will be limited at that location, but in no case can the amount be reduced to less than two (2) bicycle spaces.

c. The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

- (1) Park/playfield;
- (2) Marina;
- (3) Library/museum/arboretum;
- (4) Elementary/secondary school or colleges/universities;
- (5) Sports club; or
- (6) Retail business (when located along a developed bicycle trail or designated bicycle route)

#### **18A.80.050 Loading and Unloading.**

A. Required Loading and Unloading Areas. Any building that is erected, enlarged or for which a change of use is proposed, shall provide a minimum of one (1) off-street or off-alley loading area.

1. The minimum area required for commercial and industrial loading spaces is as follows:

- a. 250 SF for buildings of 5,000 to 20,000 GSF.
- b. 500 SF for buildings of 20,000 to 50,000 GSF.
- c. 750 SF for buildings in excess of 50,000 GSF.
- d. Additional loading space shall be required of buildings based on the size, proposed use, potential uses, and location, as deemed necessary by the Director.

2. Each loading space shall measure not less than ten (10) feet by twenty-five (25) feet and shall have an unobstructed height of fourteen (14) feet

3. Each loading space shall be made permanently available for such purpose, and shall be surfaced, improved, maintained, and screened in accordance with this section and LMC 18A.60.400, Landscaping.

4. Loading spaces shall be located adjacent to the building to be served and in such a manner that these spaces shall not encroach upon or interfere with areas reserved for off-street parking nor project into any public right-of-way or pedestrian area. Loading space or maneuvering areas shall be in addition to area required for off-street parking spaces.



5. Loading berths shall be located no closer than fifty (50) feet from any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six (6) feet in height and by Type V, Solid Barrier landscaping.

6. Space for loading berths may occupy all or any part of any required setback except for landscaping setback requirements as long as the loading berth is uncovered. A covered loading area shall comply with the minimum building setback requirements for the district.

7. If the site where such loading space is to be located abuts upon an alley, such loading space shall be accessed off the alley, unless alley dimensions and vehicle maneuvering turn radius prohibits such access.

B. Maneuvering areas for buildings with loading doors. Buildings that utilize dock-high loading doors shall provide a minimum of one hundred (100) feet of clear maneuvering area in front of each door. Buildings that utilize ground level service or loading doors shall provide a minimum of forty five (45) feet of clear maneuvering area in front of each door.

#### **18A.80.060 Parking Incentives.**

A. When residential uses are combined with commercial uses in the same building, parking requirements may be reduced by 20 percent, except when located within the CBD or TOC zoning districts for which parking requirements are reduced by 35 percent.

B. A structured parking space shall count as one and one-half parking spaces towards the required number of parking spaces.

C. When affordable housing is constructed pursuant to LMC Chapter 18A.90, Housing Incentives Program, the parking space requirements shall be calculated employing any available modifications based upon LMC 18A.90.060.

D. Shared Use Parking. Joint use of required parking spaces may be permitted where two or more uses on the same site or separate sites in close proximity to one another are able to share the same parking spaces because their parking usage does not materially overlap (e.g., uses primarily of a daytime vs. nighttime, or weekday vs. weekend nature). Shared parking shall be legally encumbered and shall meet all of the applicable standards of this section pursuant to subsection E of this section, Off-Site Parking.

E. Off-Site Parking. Joint use of required parking spaces may be authorized by the Director if the following documentation is submitted in writing to the community economic development department:

1. The names and addresses of the owners and/or tenants that are sharing the parking.

2. The uses that are involved in the shared parking.
3. The location and number of parking spaces that are being shared.
4. An analysis showing that the peak parking times of the uses occur at different times and/or that the parking area will be large enough for the anticipated demands of both uses.
5. A legal instrument such as an easement or deed restriction that guarantees continuing access to the parking for both uses which shall be subject to review and approval by the Director.

F. On-street parking credit. Where adjacent roads are designed for on-street parking and approved by the public works director, parking credit may be given for on-street parking.

G. Electric vehicle charging parking provisions. For every electric vehicle charging station provided, the required number of parking spaces may be reduced by an equivalent number, provided the total reduction does not exceed five (5) percent of the total required parking spaces. For example, if forty (40) parking spaces are required and two (2) electric vehicle charging stations are provided, the total required parking may be reduced to thirty-eight (38) spaces, yielding thirty-six (36) “regular” parking spaces and two (2) electric vehicle charging parking spaces. Note that in this example the total reduction may not be in excess of two (2) spaces ( $40 * 5\% = 2$ ), so if three (3) electric vehicle charging stations were provided instead, the total reduction in required parking would still be two (2) spaces, yielding thirty-five (35) “regular” parking spaces and three (3) electric vehicle charging parking spaces.

H. Phased reduction of maximum parking standards. One technique for transportation demand management (TDM) is to reduce maximum allowable parking spaces. This reduction in parking can be accomplished by slowly phasing down the maximum allowable number of parking spaces over a period of years. This procedure has advantages of reducing vehicle trips and conserving urban commercial land that can be used for other purposes. However, TDM has the potential to have a significant adverse impact on the jurisdiction’s economic development if other reasonable forms of alternative transportation are not available. This technique should be periodically revisited to consider its viability but should not be implemented until its feasibility for Lakewood is established.

1. Minimum optional guidelines and maximum standards. To promote parking reduction, the optional minimum guideline listed in LMC Section 18A.80.030(F) serves as a suggested parking number but is not mandatory for automobiles except for single-family residential development. Applicants will be encouraged to provide less automobile parking than the minimum listed whenever possible based upon TDM, available on-street parking, and the potential for shared parking within walking distance and other factors. The minimum number listed for bicycle parking shall be provided as indicated in the table for both commercial and residential development.

2. The number of parking spaces needed to serve a project must be demonstrated to the Director based upon a parking plan considering TDM techniques and other relevant factors. Upon justification to the satisfaction of the Director, whatever number of parking spaces agreed upon shall be the number required, and this shall be an enforceable condition of the approval.

3. The maximum parking standards may be increased if the Director finds compelling reasons to do so. Such determination shall be at the sole discretion of the Director based upon such factors as unique site or use requirements, historical data of a particular use or other relevant factors indicating additional parking is necessary to properly serve a use or uses at a site.

4. For large projects where a traffic study is required and the proposal has one hundred or more employees, a comprehensive TDM strategy may be proposed to achieve a reduction in minimum parking listed in LMC Section 18A.80.030(F). The reduction in parking permitted shall be commensurate with the permanence, effectiveness and demonstrated reduction in off-street parking demand effectuated by such alternative programs.

Alternative programs that may be considered by the Director under this provision include, but are not limited to, the following:

- (1) Private vanpool operation;
- (2) Transit/vanpool fare subsidy;
- (3) Imposition of a charge for parking;
- (4) Provision of subscription bus services;
- (5) Flexible work hour schedule;
- (6) Capital improvements for transit services;
- (7) Preferential parking for carpools/vanpools;
- (8) Participation in the ride-matching program;
- (9) Reduction of parking fees for carpools and vanpools;
- (10) Establishment of a transportation coordinator position to implement carpool, vanpool and transit programs;
- (11) Bicycle parking facilities including associated shower and changing facilities;
- (12) Compressed work week;

- (13) Telecommuting;
- (14) Other techniques and strategies approved by the site plan review committee.

5. Parking reduction under this subsection must provide information regarding the administration of the program to the Director. The information must include:

- (1) Address each individual TDM strategy as part of the transportation impact analysis;
- (2) Provide the City with an estimate of peak hour employees as part of their development application and traffic impact analysis;
- (3) Provide estimated parking occupancy rates for the development as part of the transportation impact analysis showing average weekday use;
- (4) Demonstrate how TDM strategies will be used to minimize the need for parking.

## **CHAPTER 18A.90 – HOUSING INCENTIVES PROGRAM**

### **Sections**

- 18A.90.010 Definitions.
- 18A.90.020 Purpose.
- 18A.90.030 Applicability.
- 18A.90.040 General provisions.
- 18A.90.050 Inclusionary density bonuses.
- 18A.90.060 Development standard modifications.
- 18A.90.070 Fee reduction.
- 18A.90.080 Review process.
- 18A.90.090 Monitoring.

### **18A.90.010 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **18A.90.020 Purpose.**

The City is responsible for establishing regulations that will result in housing opportunities for all of its residents, no matter what their economic means. To that end, the City's comprehensive plan contains policies designed to encourage affordable housing. Not only are a number of regulatory tools available to help stimulate the development of desired housing in the city, but some of these tools benefit the city by dispersing low-income units throughout the city so as to avoid perpetuating existing concentrations of poverty. The provisions contained herein would allow a project proponent to receive more return from a project through additional density, relaxed development standards, and discounted review fees in return for helping meet public goals.

### **18A.90.030 Applicability.**

This section applies, at the developer's option, to land-use applications for rental housing in all zones, except the construction of a single-family dwelling on one (1) lot that can accommodate only one (1) dwelling based upon the underlying zoning designation, excluding accessory dwelling units allowed under **LMC 18A.40.110(A) and (B)(1)** and the underlying zoning. This section shall not apply to congregate care and group living facilities.

### **18A.90.040 General provisions.**

All housing developed under these standards shall meet all applicable federal, local, and state guidelines and requirements for limiting occupancy to identified qualified groups.

### **18A.90.050 Inclusionary density bonuses.**

A. Rate and calculation. In return for the inclusion of a number of "qualified," as defined herein, on-site units dedicated to serving and reserved for occupancy by very-low- and/or extremely-low income, as defined herein, persons, families, or groups, one (1) additional, on-site market-rate unit is permitted as a bonus for each qualified very-low-

income unit provided, and 1.5 additional, on-site market rate units are permitted as a bonus for each qualified extremely-low-income unit provided, up to a maximum percentage above the maximum density permitted in the underlying zoning district as shown below.

Inclusionary density bonuses	
Zoning district(s)	Maximum density increase as a percentage of the base zoning district
R1, R2, R3, R4	10
MR1, MR2, ARC, NC1, NC2	15
MF1, MF2, MF3	20
CBD, TOC	25

B. Duration. Prior to the final approval of any land-use application for which density bonuses are being sought, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the qualified dwellings created pursuant to this section shall remain as such for a period of at least twenty (20) years from the commencement date. The covenant shall form an enduring contractual agreement between the owner/applicant and the City. The owner/applicant shall be responsible for the cost of preparing and recording the covenant, and the owner/applicant or subsequent owner(s) or operator(s) shall be responsible for administering the covenant. The commencement date shall be the date that the first lease agreement with a qualified renter becomes effective.

C. Siting of units. The qualified units constructed under these provisions shall be integrated and dispersed within the development for which the density bonus is granted. The physical segregation of qualified housing units from unqualified market-rate housing units, or the congregation of qualified housing units into a single physical portion of the development, is prohibited.

D. Size of Units. The size of the qualified units constructed under the provisions of this chapter shall be proportionate to the size of the units contained in the entire project, i.e., if fifty (50) percent of the units in the project are one-bedroom units and fifty (50) percent are two-bedroom units, then the qualified units shall be divided equally between one- and two-bedroom units.

E. Appearance of Units. Qualified units shall possess the same style and architectural character and shall utilize the same building materials as market-rate units.

F. Completion. If a project is to be phased, the proportion of qualified units to be completed with each phase shall be determined as part of the phasing plan approved by the Director.

#### **18A.90.060 Development standard modifications.**

In order to accommodate bonus housing units awarded under this program, the development standards set forth separately in this code may be modified as follows for properties containing qualified housing units:

- A. **Lot Coverage.** Where it does not conflict with surface water management requirements, the maximum percent of lot coverage may be increased by up to five (5) percent of the total square footage over the maximum lot coverage permitted by the underlying zoning district.
- B. **Parking Requirements.** For multifamily developments containing qualified housing, the percentage of compact parking stalls may be increased up to fifty (50) percent of the total required parking. In addition, for multifamily developments containing qualified housing dedicated to extremely-low-income, as defined herein, persons, families, or groups, the number of required parking stalls serving such units shall be reduced by fifty (50) percent.
- C. In circumstances where housing serving qualified populations is located within one quarter (1/4) mile of transit routes and can be shown to generate significantly lower-than-average parking demand, parking requirements may be further reduced at the Director's discretion. The applicant shall be responsible for preparing any additional studies or evaluation required to provide evidence of demand.
- D. **Building Height.** The maximum building height may be increased by up to twelve (12) feet for those portions of the building(s) at least twenty (20) feet from any property line.

**18A.90.070 Fee reduction.**

In order to further stimulate the provision of qualified units under this program, review fees for land-use applications and building permits for properties containing housing units dedicated to serving very-low-income and/or extremely-low-income, as defined herein, persons, families, and groups shall be reduced by the percentage shown below at the time of application. Discounts shall be applicable to the entire scope of the application, including both standard and qualified units, and shall correspond with the percentage of dedicated qualified units in the overall project. For properties containing both levels of qualified units, the highest discount shall apply. For projects dedicating in excess of 50 percent of units to qualified housing, a standard 75 percent discount shall apply. Any available refunds for applications withdrawn in progress shall also be discounted correspondingly.

Fee Reductions		
% of Qualified Units	Discount for Very Low Income	Discount for Extremely Low Income
0 – 10 percent	10 percent	15 percent
11 – 20 percent	20 percent	25 percent
21 – 30 percent	30 percent	35 percent

Fee Reductions		
% of Qualified Units	Discount for Very Low Income	Discount for Extremely Low Income
31 – 40 percent	40 percent	45 percent
41 – 50 percent	50 percent	55 percent

**18A.90.080 Review process.**

A preapplication conference will be required for any land-use application that includes a proposal for density bonus under this program. Density bonus proposals shall be reviewed and approved concurrently with the primary land-use application and shall follow the established procedures for review and appeal.

**18A.90.090 Monitoring.**

The community economic development department shall maintain a list of all qualified units created under this program. On a yearly basis, the property owner shall provide the City with a signed affidavit of compliance with the terms under which any qualified units have been dedicated. In conjunction with comprehensive plan review and amendment processes, the level and type of unit production and other factors relating to this program shall be evaluated to gauge how effectively these regulations are functioning and to direct necessary adjustments in the program.



## CHAPTER 18A.95 - WIRELESS SERVICE FACILITIES

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### **18A.20.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **Part I General**

#### **18A.95.010 Purpose.**

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunication marketplace in the city. Among the purposes included are to:

A. Minimize potential adverse visual, aesthetic, and safety impacts of all wireless communication facilities.

- B. Establish objective standards for the placement of wireless communication facilities.
- C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such wireless communication facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- E. Encourage the collocation or attachment of wireless communication facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

#### **18.95.020 Applicability.**

The placement of any wireless services facility in any location within the city is subject to the provisions of this chapter except those specifically exempted under LMC Section 18A.95.040.

- A. Permit Required. Any person holding a license from the FCC to provide wireless services who desires to place any wireless service facility within the boundaries of the city must apply to the city for the appropriate wireless service facility permit.
- C. Lease Required. In addition to the requirement of obtaining the appropriate wireless services facility permit, if all or a portion of the wireless service facility will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- D. Franchise Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement with the city for the use of the city's right-of-way.
- E. Nonconforming structure or use. Wireless service facilities existing before April 28, 1998, or those with permits issued by the city after April 28, 1998, but prior to the effective date of this title, which do not meet the requirements of this section shall be allowed to continue as they presently exist, but shall be considered nonconforming uses for the purposes of this title and subject to LMC 18A.20.835 as applicable.

#### **18A.95.040 General Provisions.**

- A. Wireless service facilities shall not be considered nor regulated as essential public facilities.
- B. Wireless service facilities located outside the public right-of-way may be either a primary or secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless communication facility.

C. A small wireless facility, as defined in LMC 18A.95.030, located within the public right-of-way pursuant to a valid franchise are outright permitted uses in every zone of the city but still require a small wireless facility permit pursuant to LMC 18A.95.190.

D. Macro facilities, as defined in LMC 18A.95.030 are permitted uses in every zone of the City, but still require a macro facility permit pursuant to LMC 18A.95.060.

E. The following wireless communication facilities shall be exempt from the requirement to obtain land use permits:

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
2. Antennae and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale.
3. Amateur radio station operators or receive-only antennae.
4. Home satellite services, including satellite dish antennae less than six and one-half (6 1/2) feet in diameter and direct-to-home satellite services, when used as an accessory use of the property.
5. Public safety wireless services facilities and equipment, including the regional 911 system, radar systems for military and civilian communication and navigation, and wireless radio utilized for temporary emergency communications in the event of a disaster.
6. A mobile transmission facility or other temporary wireless service facility temporarily placed on a site for a period of thirty (30) days or less, unless an administrative use permit is obtained for an additional period or unless the city has declared an area-wide emergency.
7. Emergency or routine maintenance and repair of an existing wireless service facility and related equipment, excluding structural work or changes in height or dimensions of antennae, towers, or buildings, provided that compliance with the standards herein is maintained.
8. Wireless service facilities installed on properties that are subject to the Chambers Creek Properties Joint Procedural Use Agreement, which shall instead be regulated to the terms and conditions of the interlocal agreement and design standards adopted thereunder, as administered by the City of University Place pursuant to interlocal agreement. If, at some point, the interlocal agreement is abandoned or terminated, such uses on the Lakewood portion of the Chambers Creek Properties shall once again be subject to the requirements set forth herein; provided, that any existing uses which do not meet these standards shall be considered to be and shall be regulated as nonconforming.

F. Non-use or abandonment.

## 1. Abandonment.

(i) The owner or operator of any abandoned wireless service facility shall notify the City of Lakewood, in writing, at least thirty (30) days prior to the date of discontinuation of operation or abandonment of a wireless service facility. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation or upon a determination by the city of the date abandoned, and subsequent notice of the city's determination of abandoned status to the WSF owner and/or operator.

(ii) Except as provided in LMC Section 18A.95.040(F)(1)(3), an owner or operator shall have ninety (90) days from the date of abandonment within which to reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.

(iii) If abandonment occurs due to the relocation of an antenna to a lower point on the antenna support structure, a reduction in the effective radiated power of the antenna or a reduction in the number of transmissions from the antennae, then the operator of the tower shall have six (6) months from the date of effective abandonment to collocate another service on the tower. If another service provider is not added to the tower, then the operator shall dismantle and remove, within thirty (30) days, that portion of the tower which resulted from a collocation height increment and/or exceeds the minimum height required to function satisfactorily. City approval for that portion of the tower shall automatically expire two hundred ten (210) days from the date of abandonment if the collocation is not completed or upon completion of the dismantlement and removal of that portion of the tower that is no longer being utilized, whichever comes first.

(iv) Except as provided in this section, changes which are made to wireless communication facilities that do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers' towers in the city or surrounding area, then all of the towers within the city shall similarly be reduced in height.

2. Dismantlement and Removal of Facility. If the abandoned wireless service facility, including all accessory structures, antenna, foundation, and other associated appurtenances are not removed within the required time period, the city may remove the wireless service facility and all associated development at the provider's expense. If there are two (2) or more providers collocating on a facility, this provision shall not become effective until all providers cease using the facility, except as provided in LMC 18A.95.040(F)(1)(iii).

3. Except as provided in LMC 18A.95.040(F)(1)(iii), city approval for the facility shall automatically expire ninety (90) days from the date of abandonment if

the wireless service facility is not reactivated or upon completion of the dismantlement and removal of the wireless service facility, whichever comes first.

4. Security and Lien. Prior to the commencement of demolition, each applicant shall post sufficient security in the form of a cash guarantee or assignment of funds in a form acceptable to the city, cashier's check, or cash, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If, for any reason, the posted funds are not adequate to cover the cost of removal, then the city may charge the facility owner or operator with the city's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

#### **18A.95.050 Controlling Provisions.**

To the extent that any provision of this chapter is inconsistent or conflicts with any other city ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the city.

### **Part II Macro Facilities**

#### **18.A.95.060 Application Requirements.**

A. A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

B. Applications for a macro facility shall be filed with the Director on forms prescribed by the city. All applications shall be accompanied by a filing fee and other applicable fees as required by the Lakewood Master Fee Schedule. Each application shall contain the following:

1. The name, address, phone number and authorized signature on behalf of the applicant;
2. If the proposed site is not owned by the city, the name, address and phone number of the owner and a signed document or lease confirming that the applicant has the owner's permission to construct the macro facility;
3. A statement identifying the nature and operation of the macro facility;
4. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;
5. A plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;

6. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;
7. An explanation of the technical need for the macro facility, this may include but is not limited to capacity or coverage requirements;
8. If not proposing a co-location, then documentation showing that the applicant has made a reasonable attempt to find a co-location site acceptable to engineering standards and that co-locating was not technically feasible or that it posed a physical problem; and
9. Inventory of existing sites. Each applicant for a tower shall provide an inventory of its existing WSF sites that are within the jurisdiction of the city and within one (1) mile of its borders, including specific information about the location, height, and design of each facility; and
10. Such additional information as deemed necessary by the Director for proper review of the application, and which is sufficient to enable the Director to make a fully informed decision pursuant to the requirements of this chapter.

#### **18A.95.070 Procedure for macro facilities permit.**

- A. Application. Upon receipt of a complete application for a macro facility, application shall be processed administratively. In addition to the administrative use permit, additional permits including, but not limited to, a building permit, zoning certification, site development permit and if applicable, a right-of-way permit is required prior to site development and construction.
- B. Review. The Director shall review the application for conformance with the application requirements and review criteria listed in this section to determine whether the application is consistent with this chapter.
- C. Decision. A permit may be granted, granted with conditions pursuant to this chapter and the code, or denied. Any condition reasonably required to enable the proposed use to meet the standards of this chapter and code may be imposed. If no reasonable condition(s) can be imposed that ensure the application meets such requirements, the application shall be denied.
- D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use. Each permit issued by the city shall be conditioned to:
  1. Require the permittee to allow collocation of proposed macro facilities on the permittees' site, unless the permittee demonstrates that collocation will substantially impair the technical operation of the existing macro facilities to a substantial degree.
  2. Require the permittee to maintain the macro facility in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.

3. Require the permittee to notify the city of any sale, transfer, assignment of a site or a macro facility within 60 days of such event.
4. Require the permittee to comply with the provisions of this title and all other applicable city ordinances and rules and regulations.

**18A.95.080 Review criteria for macro facilities.**

No application for a macro facility may be approved unless all of the following criteria are satisfied:

- A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.
- B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.
- C. The proposed use will not be materially detrimental to the public health, safety and welfare.
- D. The proposed use is in accord with the comprehensive plan.
- E. The proposed use complies with this chapter and all other provisions of this code.
- F. The Director shall review the application for conformance with the following criteria:
  1. Compliance with prioritized locations pursuant to LMC 18A.95.090.
  2. Compliance with design standards pursuant to LMC 18A.95.100, .110, .120 as applicable.

**18A.95.090 Priority of locations for macro facilities.**

The city's priorities for the location of wireless service facilities shall be located in the following prioritized order of preference:

- A. Collocation with existing macro facility(ies) or another existing public facility/utility facility (i.e., existing or replacement utility pole or an existing monopole/tower).
- B. Collocation on existing buildings and structures located in nonresidential zones.
- C. Collocation on existing buildings and structures in residential zones not used for residential use (e.g., religious facility or public facility).
- D. New monopole structure where the sole purpose is for wireless communication facilities; i.e., monopole or other type of tower, located in the following order of priority:
  1. Locate macro facilities in the IBP, I1, and I2 zoning districts.

2. Locate macro facilities in the C1 and C2 zoning districts.
3. Locate macro facilities on non-residential property in the CBD, TOC, and PI zoning districts.
4. Locate macro facilities on non-residential property in the NC1 and NC2 zoning districts.
6. Locate macro facilities in the C3 zoning district.
7. Locate macro facilities on non-residential property in the OSR1 and OSR2 zoning districts.
8. Locate macro facilities on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
9. Locate macro facilities on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
10. Locate macro facilities on residential property in MF1, MF2, and MF3 zoning districts.
11. Antennae and new towers shall not be located in single-family residential zoning districts, except as allowed above, unless the applicant demonstrates that all other possible locations, collocations and wireless technologies cannot be modified to function within their grid system.

New monopole structures pursuant to LMC 18A.95.090(D) shall be the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. Further, the monopole structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).

**18A.95.100 General siting and design requirements for macro facilities.**

The location and design of macro facilities shall consider the impacts, including visual, of the facility on the surrounding neighborhood.

A. Siting. Any applicant who proposes to construct a new macro facility shall demonstrate, that the proposed facility is located at the least obtrusive and the most appropriate site available. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and shall be designed to minimize any significant adverse impact on residential property.

C. Development. Development and construction of the site shall preserve the existing character of the site as much as possible. Existing vegetation should be preserved. When



existing vegetation cannot be preserved, vegetation shall be improved by landscaping. Disturbance of the existing topography of the site shall be minimized.

D. Design. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

E. FCC licensure. The city will only process macro facility permit applications upon a satisfactory showing of proof that the applicant is a FCC-licensed telecommunications provider or that the applicant has agreements with a FCC-licensed telecommunications provider for use or lease of the facility.

F. Compliance with other laws. Macro facility service providers shall demonstrate compliance with FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules and regulations, including FAA and U.S. Air Force airspace maximum height criteria. Failure to maintain compliance with applicable standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

G. Lot size. For purposes of determining whether the installation of a macro facility complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other development requirements, the dimensions of the entire lot shall control, even though the macro facility may be located on leased parcel within that lot.

H. Height. Except as allowed by LMC Section 18A.95.130, Collocation, no macro facility may exceed one hundred (100) feet in height. Further, the applicant must demonstrate, by engineering evidence satisfactory to the city, that the height requested is the minimum height necessary.

I. Security fencing. Macro facilities shall be enclosed by security fencing not less than six (6) feet in height, constructed of masonry, solid wood or coated chain link with matching colored slats, designed to blend with the character of the existing neighborhood provided, however, that the Community Development Director or, where applicable, the Hearing Examiner may waive these requirements as appropriate. Access to the macro facility shall be through a locked gate, and there shall be a universal key box at any such gates.

J. Landscaping. Macro facilities shall be landscaped as follows:

1. Macro facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the macro facility compound. The city may also require any combination of existing vegetation, topography, walls, decorative fences or other features, in addition to landscaping, necessary to achieve the desired level of screening of the site. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping may not be required. Landscaping is not required for facilities mounted on rooftops or on the top of other structures; however, other methods of screening may be required to be utilized.

2. Screening. The visual impacts of a macro facility shall be mitigated through landscaping or other screening materials at the base of a facility and/or compound. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or as a supplement to landscaping requirements. The following landscaping and buffering shall be required around the perimeter of the compound:

(i) Evergreen trees, a minimum of twelve (12) feet tall at planting, shall be planted in two (2) rows around the perimeter of the fence. The trees shall be planted so that the trees are staggered in the rows to provide maximum screening and are located no further apart than fifteen (15) feet on center.

(ii) A row of bushes at least thirty (30) inches high at planting and which is capable of growing into a continuous hedge to at least forty eight (48) inches in height within two (2) years shall be planted no more than four (4) feet on center, in front of the tree line referenced above.

(iii) Groundcover shall be planted such that it will completely cover the soil within the landscape area within eighteen (18) months of planting, generally one (1) gallon size plants planted no more than eighteen (18) inches on center.

3. In the event that landscaping is not maintained at the level required herein or as required in any administrative use or conditional use permit, the city may, after giving thirty (30) days' advance written notice, establish and/or maintain the landscaping and bill both the owner and lessee of the site for such costs until such costs are paid in full.

L. Aesthetics. Macro facilities shall meet the following requirements:

1. Unless a different color is required by the FCC or FAA, a macro facility shall be painted a neutral color generally matching the surroundings or background to minimize its visual obtrusiveness.

2. At a macro facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

M. View corridors. Due consideration shall be given so that macro facilities do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound, the Olympic Mountains or other scenic vistas.

N. Required parking. Off-street parking shall be determined by the Director or designee. The amount of parking required to be provided shall be dependent on whether the cell site is fully automated, partially automated, or is not automated.

O. Lighting. If lighting is required for any macro facility, then the lighting shall be of a type to cause the least disturbance to the surrounding area and which shall not cause glare skyward or beyond the property line. **Exterior lighting shall comply with LMC 18A.60.095.**

P. Measurement. For purposes of measurement, macro facility setbacks and separation distances shall be calculated and applied irrespective of jurisdictional boundaries.

R. Signs. No signs shall be allowed on antennae or towers.

S. Backhaul providers. Backhaul providers shall be identified at the time of right-of-way (ROW) Permit application and as a condition of ROW permit approval, and shall obtain and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, either wired or wireless, shall be identified.

T. Safety inspections. Each owner and/or service provider shall conduct all safety inspections in accordance with the EIA and FCC standards.

U. Equipment structures. Ground-level equipment, buildings, and the tower base shall be screened from public view. All such structures shall be considered primary structures, not accessory structures, for the purposes of development regulations. The standards for the equipment buildings are as follows:

1. The maximum floor area shall be three hundred (300) square feet, and the maximum height shall be twelve (12) feet, unless the applicant demonstrates that the macro facility and/or proposed collocation will require additional space or height to function within the provider's local network. The city may, at its sole discretion, approve multiple equipment structures or one (1) or more larger structures if it will result in a more aesthetically pleasing structure and/or site design or will further other public policy objectives.

2. The equipment building shall be located no more than fifty (50) feet from the tower or antenna, except under unique and unusual circumstances demonstrated by the applicant to the city's satisfaction or for other public policy considerations.

3. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified in this title or other city ordinances or regulations.

4. A macro facility, including equipment buildings, antennae, and related equipment, shall occupy no more than twenty-five (25) percent of the total roof area of the building on which the macro facility is mounted. The city may, at its sole discretion, increase the percentage of building coverage allowed, if collocation is achieved and an adequate screening structure is used.

5. Equipment buildings mounted on a roof shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

6. If located in residential zones, equipment buildings shall be designed so as to conform in appearance with nearby residential buildings and equipment structures shall comply with the setback requirements of the zoning district.

**18A.95.110 Structure-mounted macro facility siting and design requirements.**

A macro facility mounted on and/or extending above a structure shall be subject to the following:

A. The antenna shall be architecturally compatible, to the maximum extent feasible, with the building and/or wall on which it is mounted, and shall be designed and located so as to minimize adverse aesthetic impact.

1. The antenna may be mounted on a wall of an existing building if it is mounted as flush to the wall as is technically possible and does not project further above the top of the wall on which it is mounted beyond that height necessary to fulfill the function of that site within the local network system.
2. The antenna may be mounted on a building roof if the city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
3. The antenna shall be constructed, painted, or fully screened to match, as closely as possible, the color and texture of the building and/or wall on which it is mounted.
4. No portion of the antenna or base station shall exceed the height limitations set forth in this section.

B. If an equipment shelter is present, the structure shall be architecturally and visually compatible with surrounding existing buildings, structures, vegetation, and uses in terms of color, size, and bulk. Such facilities will be considered architecturally and visually compatible if they blend with the surrounding buildings in architectural character and color and are camouflaged to disguise the facility.

C. The maximum height of a utility pole extension shall be determined by the city engineer and Director. The pole extension shall be designed such that the height of the utility pole is the minimum additional height necessary to support the antenna and the diameter of the utility pole required to support the antenna is not increased more than twenty (20) percent of the existing utility pole.

D. An antenna attached to the roof or sides of a building at least thirty (30) feet in height, or on an existing tower, a water tank, or a similar structure, must be either:

1. An omnidirectional or whip antenna no more than seven (7) inches in diameter and extending no more than sixteen (16) feet above the structure to which it is attached.
2. A panel antenna no more than two (2) feet wide and six (6) feet long, extending no more than ten (10) feet above the structure to which it is attached.

**18A.95.120 Tower siting and design requirements.**

A. Setbacks. All towers, support structures and accessory buildings must satisfy the minimum setback requirements for the zoning district in which they are located, except under the following conditions:

1. Tower setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the MF1, MF2, MF3, MR1, MR2, R1, R2, R3, and R4 zoning districts, where permitted, and on property abutting or adjacent to such districts, towers shall be set back from any property line in or abutting a residential zone a distance equal to one hundred (100) percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined at the city's sole discretion.
2. In all other zones, towers shall comply with a minimum setback of fifteen (15) feet from all property lines.
3. Right-of-way setback exception. The setback requirement may be waived if the antenna and antenna support structure are located in the public right-of-way.

B. Support systems setbacks. All guy wires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks or within the landscape screening buffer area and which shall be located no closer than fifteen (15) feet to any property line.

C. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, then the lighting must be of the type to cause the least disturbance to the surrounding area and shall not cause glare skyward or beyond the property line. Furthermore, dual mode lighting shall be requested from the FAA when residential uses are located within five hundred (500) feet of the tower. **Exterior lighting shall comply with LMC 18A.60.095.**

D. Monopole construction required. All towers shall be of a tapering monopole construction unless the provider can demonstrate that another type of tower would cause less impact to the surrounding property than a tapering monopole structure and/or would otherwise further the purposes and goals of this section.

E. Building and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with applicable city building codes and EIA standards, as amended.

G. Antenna and support structure safety. The tower or antenna and its support structure shall be designed to withstand, at a minimum, a wind force of one hundred (100) miles per hour and one-half (1/2) inch of ice without the use of supporting guy wires. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

H. Site selection and tower height. Towers shall be located to minimize their number, height, and visual impacts on the surrounding area in accordance with the following policies:

1. Tower height shall not exceed one hundred (100) feet in height except under the following conditions:

- a. Collocation of two (2) or more service providers allows for additional height by using collocation height increment provisions.

- b. A single service provider can demonstrate, via the conditional use permit criteria and all other applicable criteria in this section and this title, that a tower greater than one hundred (100) feet in height is necessary to provide service within its provider system.

2. The height of a tower shall have the least visual impact feasible and the height shall be no greater than necessary to achieve service area requirements and to provide for potential collocation; and

3. The owner or service provider has demonstrated that the tower site selected provides, to the greatest extent feasible, the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

4. The tower shall be sited to minimize solitary or prominent visibility when viewed from surrounding areas, especially residential areas. The facility shall be camouflaged to the maximum extent feasible.

I. Screening. Towers shall be significantly screened to the extent that it does not result in significant signal degradation. If there are no trees to provide screening, the site shall utilize significant camouflage or other design/construction methods satisfactory to the city, so as to provide compatible aesthetics on and around the site, to the fullest extent reasonably possible.

J. Separation distances between towers. Separation distances between towers shall be measured between the proposed tower and pre-existing towers. Measurement shall be from base of tower to base of tower, excluding pad, footing or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan

of the proposed tower. The separation distances shall be listed in linear feet. Separation distances between towers shall be one thousand five hundred (1,500) linear feet, except when both towers are lattice or guyed towers, then the separation distance shall be five thousand (5,000) linear feet, or one (1) of the towers is a monopole is less than one hundred (100) feet in height, then the separation distance shall be one thousand (1,000) linear feet; or, if the city designates areas where multiple towers can be located in closer proximity. The Director or Hearing Examiner, as applicable, may reduce tower separation distance requirements if written findings are made that the provider has demonstrated that the purposes and goals of this section or this title would be better served in doing so. However, the development of multiple tower locations on one (1) or more sites in close proximity, often referred to as “antenna farms,” are specifically prohibited, unless such a site has been so designated by the City Council.

K. Collocation priority. Collocation of antennae by more than one (1) provider on existing towers is preferred to the construction of new towers. New facilities shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for technical reasons.

#### **18A.95.130 Collocation.**

To minimize adverse visual impacts associated with the proliferation of towers, collocation of macro facilities on existing or new towers is promoted and encouraged as follows:

A. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennae for more than one user, unless the applicant demonstrates why such design is not feasible for technical reasons.

B. Proposed facilities shall collocate onto existing towers wherever reasonably feasible. A new or additional administrative use or conditional use permit approval, as appropriate, is not required when a new service provider is added to an existing tower without modification or reconstruction of the tower. However, requirements for any and all other permits, licenses, leases, or franchise conditions must be satisfied, and the collocation must be accomplished in a manner consistent with the policies, siting and design criteria, and landscape and screening provisions contained in this section, as well as any applicable requirements of the original administrative use or conditional use permit and building permit.

C. An existing tower may be modified or rebuilt to a taller height to accommodate collocation of an additional antenna without a new or additional administrative use or conditional use permit, as appropriate, and without additional distance separation, provided that:

1. The tower shall be of the same tower type as the existing tower, or of a less obtrusive design, such as a monopole.
2. The additional antenna shall be of a similar type as those on the existing tower;

3. The tower, if reconstructed, is placed on its existing site within fifty (50) feet of its existing location.

4. The tower conforms to or can be modified to conform to the applicable design and development standards in this section.

5. The tower is not located within a single-family or multifamily residential zone. A tower may not be increased in height without a new or additional administrative use or conditional use permit, as appropriate, in these zones.

D. The city may deny an application to construct new facilities if the applicant has not demonstrated by substantial evidence that a diligent effort has been made to collocate the facilities.

E. Collocation height increments. Collocated wireless service facilities are eligible for additional height allowances if collocation occurs according to certain height and usage criteria.

1. To qualify for collocation height increments, the minimum required number of service providers must either be co-applicants and/or have valid lease agreements with the applicant for collocation, at the time of application. However, space reserved for future collocations may qualify for a maximum of one (1) additional service provider for the purpose of height increments, when at least two (2) providers have already located facilities on the tower or have valid lease agreements for such location. Additional height resulting from a height increment shall not require an additional distance separation.

2. In cases of space reservation, a first right-of-refusal, which is either executed or maintained while the provider's facilities and services are in use, to lease the area at the base of the tower and/or mount for other providers will meet the reservation requirement. The site plan shall reserve area for other providers' equipment near the base of the applicant's tower.

3. The additional height increment allowed for two (2) or more providers is thirty (30) feet above the base height. The additional height increment allowed for three (3) or more providers is fifty (50) feet above the base height and, for four (4) or more providers, is seventy (70) feet above the base height.

F. No macro facility service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate collocation with competitors. If a dispute arises about the feasibility of collocating, the Community Development Director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

### **Article III Eligible Facility Requests**

#### **18A.95.140 Purpose.**

This chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report



and Order, which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

**18A.95.160 Application and review.**

A. Application. The city shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

B. Type of Review. Upon receipt of an application for an eligible facility request pursuant to this chapter, the City shall review such application to determine whether the application so qualifies.

C. Time Frame for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this chapter, the City shall approve the application unless it determines that the application is not covered by this chapter.

D. Tolling of the Time Frame for Review. The sixty (60)-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City and the applicant, or in cases where it is determined that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to jurisdiction's notice of incompleteness.

3. Following a supplemental submission, the city will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (D). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Interaction with Section 332(c)(7). If the city determines that the applicant's request is not covered by Section 6409(a) as delineated under this chapter, the federally presumptively reasonable time frame under Section 332(c)(7) will begin to run from the issuance of the city's decision that the application is not a covered request. To the extent such information is necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7)10, pursuant to the limitations applicable to other Section 332(c)(7) reviews.

F. Failure to Act. In the event the city fails to approve or deny a request seeking approval under this chapter within the time frame for review (accounting for any tolling),

the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. Remedies. Applicants and the city may bring claims related to Section 6409(a) to any court of competent jurisdiction.

#### **Article IV. Small Wireless Facilities**

##### **18A.95.170 Application requirements.**

A. Applicability. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this Chapter. For small wireless facilities within the right-of-way, the applicant shall also comply with the requirements pursuant to LMC Chapters 12.07 and 12.08. Small wireless permits are issued by the Director.

B. Consolidated Permits. All permits, leases, and franchises necessary for the deployment of small wireless facilities shall be consolidated for review and a decision rendered to the full extent feasible within the presumptively reasonable time periods established by federal law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless permit.

C. Pre-Application meeting. A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

D. Application Process. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way, consistent with the requirements in LMC Chapters 12.07 and 12.08. An applicant with a franchise for the deployment of small wireless facilities in the city may proceed to directly apply for a small wireless facility permit and related approvals. An applicant may utilize phased development.

2. Small Wireless Facility Permits. The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in subsection E below. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee as set forth in the Lakewood Master Fee Schedule.

3. Associated Permit(s). The applicant shall attach all associated permits requirements such as applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applications for deployment of small wireless facilities in Design Zones or on Pedestrian Poles or for new poles shall comply with the requirements in LMC 18A.95.250.

4. Leases. An applicant who desires to attach a small wireless facility on any utility pole or light pole owned by the city shall include an application for a lease as a component of its application. Leases for the use of utility poles, light poles, or other public property, structures or facilities shall be submitted to the City Council for approval.

E. Small Wireless Permit Application. The following information shall be provided by all applicants for a small wireless permit.

1. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

(i) The location of overhead and underground public utilities, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet of the proposed project area.

(ii) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

(iii) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small cell facility.

(iv) If the site location includes a new replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk within 150 feet of the existing light.

(v) Compliance with the aesthetic requirements of LMC 18A.95.230.

2. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the city. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the city prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the city to evaluate the usage of a specific pole.

3. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

4. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that the applicant has evaluated the following:

(i) Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

(ii) Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views. The applicant must demonstrate that no technically feasible alternative location exists which is not directly in front of a window or views.

5. Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and LMC Chapter 18A.20. Further, any application proposing small wireless facilities in Critical Areas (pursuant to LMC Title 14) must indicate that the application is exempt or comply with the review processes in such codes.

6. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of

the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

7. The applicant shall provide proof of FCC or other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

8. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that construction plans of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads.

9. A right-of-way use permit as required by LMC Chapters 12.07 and 12.08.

10. Proof of a valid Lakewood Business License.

11. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of city-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to city-owned structures.

12. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering and aesthetic considerations.

#### **18A.95.180 Review criteria.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. The city will review the permit application to determine compliance with this Chapter.

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of LMC Chapter 8.36.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. Community Development Services Department. All small wireless facility deployment applications shall be reviewed by the Director. The Director's decision shall be final and is appealable to Pierce County Superior Court.

D. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon submittal of an Eligible Facilities Request described in LMC 18A.95.170, when the modification does not defeat the concealment elements of the small wireless facility.

E. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

F. Withdrawal. Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

G. Supplemental Information. Failure of an applicant to provide supplemental information as requested by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

#### **18A.95.190 Permit requirements.**

A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.

B. Post-Construction As-Built. Within thirty (30) days after construction of the small wireless facility, the grantee shall provide the city with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

C. **Permit Time Limit.** Construction of the small wireless facility must be completed within six (6) months after the approval date by the city. The grantee may request one (1) extension prior to the expiration date which is limited to an additional (6) months, if the applicant cannot construct the small wireless facility within the original six (6) month period. The permit shall be deemed abandoned and the facilities removed as provided in 18A.95.040 LMC if the small wireless facility is not activated within six (6) months of construction.

D. **Site Safety and Maintenance.** The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

#### **18A.95.200 Modifications.**

A. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the right-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with LMC Chapters 12.07 and 12.08.

#### **18A.95.210 Consolidated permit.**

A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the right-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services divisions. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. To the extent they do not conflict with the requirements of this chapter, the general standards applicable to the use of the right-of-way described in LMC Chapters 12.07 and 12.08 shall apply to all small wireless facility permits.

#### **18A.95.220 Design Zones for small wireless facilities.**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities.

1. All city-owned parks within the city.
2. All Urban Design Focus Area District as defined in Lakewood Comprehensive Plan Chapter 4, Urban Design and Community Character.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first demonstrate that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for new small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones are subject to approval by the Director and must comply with a concealment element design described in LMC 18A.95.250.

#### **18A.95.230 Small wireless facility design requirements.**

A. The following provisions establish design and concealment standards for small wireless facilities. These standards shall also apply to distributed antenna systems (“DAS”) when externally installed. Throughout this Section, unless context clearly provides otherwise, the term “small cell facilities” refers to small wireless facilities, small cell facilities, microcells, small cell networks, and DAS.

B. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection B.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located using one of the following methods:
  - (a) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other



appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

4. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole

except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way. Any replacement pole shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole and shall comply with the requirements in LMC 18A.95.250(F)(4).

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and

materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in LMC 18A.95.250(C)(1). A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to LMC 18A.95.250(F)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if

designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the city's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with subsection F(1).

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards:

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;

2. Only one strand mounted facility is permitted between any two existing poles;

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

F. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights-of-way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 8.36 LMC.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

6. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

7. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

9. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.

10. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

11. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

12. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

13. The city may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

G. Parking Lot Lighting: Small wireless facilities are permitted as attachments to or replacements of existing parking lot light fixtures. The design of the parking lot light fixture shall be in accordance with LMC 18A.50.231 A.5 and 5.32.090; provided, that a pole extender up to four feet (4') in height may be utilized. Exterior lighting shall comply with LMC 18A.60.095.

#### **18A.95.240 Priority of siting location**

Small wireless facilities shall be located in the following prioritized order of preference:

A. Located on utility poles within the right-of-way: collocated on public water towers or existing WSF towers; or located on other public and/or non-residential buildings in commercial and industrial zoning districts.

B. Located on utility poles within the right-of-way; collocated on public water towers or existing WSF towers; or located on other public or non-residential buildings in all zoning districts.

C. Locate new facilities in the IBP, I1, and I2 zoning districts.

D. Locate new facilities in the C1 and C2 zoning districts.

E. Locate new facilities on non-residential property in the CBD, TOC, and PI zoning districts.

F. Locate new facilities on non-residential property in the NC1 and NC2 zoning districts.

G. Locate new facilities in the C3 zoning district.

- H. Locate new facilities on non-residential property in the OSR1 and OSR2 zoning districts.
- I. Locate new facilities on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
- J. Locate new facilities on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
- K. Locate new facilities on residential property in MF1, MF2, and MF3 zoning districts.
- L. All new small wireless facilities are subject to the requirements in LMC 18A.95.250.

**18A.95.250 Design requirements for new poles for small wireless facilities and placement of pedestrian poles in the Design Zones.**

- A. New poles for small wireless facilities or placement on a pedestrian pole in the Design Zones are only permitted if the applicant can establish that:
  - 1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
  - 2. The proposed small wireless facility complies with the applicable requirements of LMC 18A.95.230(F).
  - 3. The proposed small wireless facility receives approval for a concealment element design, as described in LMC 18A.95.250(B);
  - 4. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and
  - 5. The proposed small wireless facility complies with the locational priority pursuant to LMC 18A.95.240.
  - 6. No new poles shall be located in a critical area or associated buffer required by LMC Title 14, except when determined to be exempt pursuant to LMC Title 14.
- B. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.
  - 1. The concealment element design should seek to minimize the visual



obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically and physically possible, comply with the generally applicable design standards adopted pursuant to LMC 18A.95.230.

2. In situations where interior concealment is not possible for the equipment enclosures, the equipment enclosures shall be concealed in underground vaults, if either telecommunication or electrical utilities are underground. If this is not technologically feasible, or other telecommunication or electrical utilities are not underground, equipment cabinets shall next be located in dual use street furniture conforming to the design district's adopted standards such as a refuse container or street bench which incorporates an equipment enclosure. If use of dual purpose street furniture is not technically feasible, the equipment enclosure shall be mounted as described in the relevant section of LMC 18A.95.230.

3. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

C. Even if an alternative location is established pursuant to LMC 18A.95.270(B)(1), the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the city, the concealment element design, the city's Comprehensive Plan and the added benefits to the community.

D. Meters and fiber optic connections.

1. Independent power and communication sources required. Small wireless facilities located on city-owned wireless support structures may not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the support structure. The independent power source must be contained within a separate conduit inside the support

structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.

2. A line drop (no electrical meter enclosure) shall be utilized whenever possible. If this is not possible, use the narrowest electrical meter and disconnect available.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the city to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

## **Chapter 18A.100 SIGNS**

### **Sections**

- 18A.100.005 Definitions.
- 18A.100.010 Purpose - Sign Regulations.
- 18A.100.030 Administration - Sign Regulations.
- 18A.100.040 Prohibited Signs.
- 18A.100.050 General Provisions.
- 18A.100.060 Provisions for Permanent Signs or Continuous Displays.
- 18A.100.070 Provisions for Temporary Signs
- 18A.100.080 Nonconforming Signs

### **18A.20.005 Definitions.**

See 18A.10.180 for definitions relevant to this Chapter.

### **18A.100.010 Purpose - Sign Regulations.**

The purpose of this section is to further the City's efforts to foster an attractive City, which in turn encourages people to do business and live in Lakewood. This section is also intended to protect public safety through sign regulation. These goals are balanced with the business interest of attracting customers and public interest in free speech.

With these purposes in mind, it is the intent of this Chapter to ensure that the use and regulation of signage is consistent with the public interest as follows:

- A. Balance multiple goals including promoting economic development by enhancing the City's appearance and creating an attractive community;
- B. Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures;
- C. Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure vision of motorists, distract motorists, or interfere with traffic signs and signals;
- D. Minimize overhead clutter for drivers and pedestrians;
- E. Provide for types and sizes of signs appropriate to the land uses and zoning districts of the City;
- F. Encourage well-designed and properly maintained signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant;
- G. Provide the public with reasonable means to help them easily and safely locate businesses and other locations in Lakewood;

- H. Recognize free speech rights by regulating signs in a content-neutral manner.

**18A.100.030 Administration - Sign Regulations.**

- A. A sign permit is required for all new signs or structural modifications to any existing sign visible from the public right-of-way except:
1. Signs visible from the public right-of-way that are under (2) square feet and total less than 1% of the individual building façade.
  2. Signs located inside of a building, painted on a window, or hanging inside of a window, provided that window signs shall be limited to forty (40) percent of the window area.
  3. Temporary signs as outlined in LMC 18A.50.665
- B. Each individual permanent sign shall require a separate sign permit, except as specifically exempted in this section. Any sign for which a building permit is required under the International Building Code shall also obtain a building permit.
- C. The Community Development Director shall not issue a sign permit for a freestanding sign or modification of a freestanding sign if a nonconforming freestanding sign exists on the subject property or contiguously owned properties; nor issue a sign permit for a wall sign or modification of a wall sign if a nonconforming wall or roof sign exists on the subject property or contiguously owned properties, except as provided in LMC 18A.50.675, Nonconforming Signs.
- D. Application for a Permit.
1. An application for a sign permit must be filed with the Community Development Department on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and all other applicable laws, including the international building code, regulations and ordinances.
  2. Review and time limits. The Community Development Director shall promptly review the application upon the receipt of a completed permit application and payment of the permit fee by the applicant. The Community Development Director shall grant or deny the permit application within twenty (20) days from the date the completed application and permit fee is filed with the Community Development Department.
  3. If the application is rejected, the Community Development Department must provide a list of the reasons for the rejection in writing. An application may only be rejected for non-compliance with the terms of this code, the building code, or other applicable law, regulation or ordinance.

E. Permit Fee. A nonrefundable fee as set forth in the fee schedule adopted by the City of Lakewood City Council must accompany all sign permit applications.

F. Duration and Revocation of permit. If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days for temporary signs), the permit shall be void. The City of Lakewood may revoke a sign permit under any of the following circumstances:

1. The City of Lakewood determines that information in the application was materially false;
2. The sign as installed does not conform to the sign permit application;
3. The sign violates this code, building code, or other application law, regulations or ordinance; or
4. The Community Development Department Director determines that the sign is not being properly maintained.

G. Appeal of sign permit determinations. Final Decisions regarding issuance of a sign permit application may be appealed to the City's hearing examiner pursuant to LMC Section 18A.02.740. An appeal hearing regarding the issuance of a sign permit shall be conducted within 30 days of the receipt of the appeal petition and appeal fee.

H. Enforcement. This section shall be enforced pursuant to the procedures established in LMC 18A.02.460, Enforcement.

I. Signs placed in round-a-bouts. A right-of-way permit shall be required for any sign located in a roundabout.

#### **18A.100.040 Prohibited Signs.**

The following signs are prohibited in all zoning districts:

- A. Roof signs.
- B. Signs posted upon utility poles, traffic control devices, or other public utility devices.
- C. Signs which, by virtue of their size, location, movement, coloring or manner of illumination, may be confused with traffic control signs or signals.
- D. Posters, pennants, banners, streamers, string pennants, blinking or flashing or strobe lights, searchlights, strings, twirlers, propellers, flares, and other displays of a carnival nature, blimps, or inflatables except as permitted in conjunction with a temporary sign pursuant to LMC 18A.50.665, Signs for Temporary Display.
- E. Animated, emitting, moving, rotating, or visually projecting signs.

- F. Signs affixed to a tree, shrub, rock or other natural object.
- G. Public address systems or sound devices used in conjunction with any sign.
- H. Abandoned signs
- I. Billboard signs, except as provided for in LMC 18A.50.675 “non-conforming signs”.
- J. Temporary signs installed at Gateway locations or traffic islands located within the public right-of-way.
- K. Signs installed in roundabouts, except when expressly allowed by the City Engineer via a right-of-way permit approved by the City of Lakewood Public Works Engineering Department.
- L. Feather Banners.

**18A.100.050 General Provisions.**

The provisions of this section apply within all zoning districts citywide and includes general rules for the placement and maintenance of all signs.

**A. General Sign Requirements.**

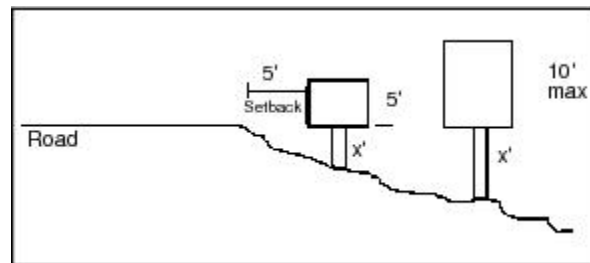
1. No permanent sign shall be constructed, erected, or retained unless the sign and sign structure is constructed, erected, and as specified in the International Building Code or other applicable regulations.
2. Area of Signs.
  - a. The area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display.
  - b. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the sign faces. No more than two faces are permitted per freestanding sign. The area of a spherical, cubical or polyhedral sign equals one-half the total surface area.
3. Area of Freestanding Letters. Freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.
4. Height of Signs. Maximum height of all freestanding signs or any part of the freestanding sign structure shall be 10 feet above average finished grade. Sign height shall be measured from the average finished grade at the sign foundation. The average finished grade for signs on grades lower than the

adjacent right-of-way shall be considered the same as the average grade of the adjacent right-of-way. See the diagram following subsection (A)(8) of this section for grade exceptions.

5. Width of Signs. The maximum width of a freestanding sign structure shall be 12 feet. Sign width shall be measured on the face side of the sign from one side of the face or any part of the sign structure to the farthest point on the opposite side of the face or part of the sign structure.

6. Illumination. External sign illumination shall be directed only towards the sign face or freestanding letters and shall be shielded in ways to prevent light and glare on adjacent properties.

7. Grade Exception. When the elevation at the base of a freestanding sign is at least five feet below the elevation of the adjacent road, a single pole may be used to support the sign provided the portion of the sign above the elevation of the adjacent roadway has the appearance of a monument sign. See figure below.



#### 8. Maintenance of Signs.

a. All signs shall be maintained in a safe condition and in good repair per the Community Development Director or designee. Any sign that is damaged shall be restored to a safe condition immediately. Failure to maintain a sign in a safe condition and in good repair shall be grounds for revocation of a sign permit. Any temporary sign that is poorly maintained must be replaced or is subject to removal.

i. All signs shall be free of tears, holes, chipping, cracking, peeling, fading or discoloration, graffiti, rust on any functional or non-functional component, and must not be battered, shredded or damaged.

ii. Any sign that has fallen is subject to removal.

iii. All illuminated sign faces must be maintain a consistent level of illumination

9. Unsafe Signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit

hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

B. Placement.

1. Setbacks for Signs. All signs are permitted a zero-foot setback, except as provided in this chapter, provided the owner demonstrates to the City by reasonable evidence that the sign will not obstruct the clear sight zone as determined by the City Engineer.

2. Establishment of Property Lines. It shall be the responsibility of the property owner or an authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken. In the event of a dispute or discrepancy the Director may order an independent survey to ensure compliance with this chapter. The survey cost shall be charged to the sign applicant.

3. A sign shall not be affixed to a tree, shrub, rock or other natural object.

4. No sign may be affixed to a utility pole, or other public structure.

5. Signs shall not be mounted on any portion of the roof or extend above the roof line unless mounted on a parapet wall. Signs shall not extend above the top edge of the parapet wall.

6. No sign shall project into the vehicular or pedestrian public way, or be less than nine (9) feet above a pedestrian way.

7. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a zone.

8. Signs shall not cover architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.

9. Signs shall not obstruct traffic signals. The issuance of a sign permit as regulated by this code shall not relieve the permit holder from fully complying with the State of Washington or any other law governing the obstruction of any authorized traffic sign, signal or device.

10. Signs shall not obstruct vision clearance as determined by the City Engineer.

11. Unauthorized signs in the public right-of-way that the City Engineer determines to be located so as to present a hazard to the public health or safety may be immediately removed without prior notice.



12. Transmission Lines - Clearance. Horizontal and vertical clearance of signs or sign structures from power and communication transmission lines shall not be less than twelve (12) feet.

C. Flagpoles. No flagpole shall extend to a height above the maximum building height allowed in the zone. A flagpole greater than six (6) feet in height shall require a building permit. All flagpoles shall be set back eight (8) feet from all property lines. Flagpoles greater than twenty-five (25) feet in height shall be set back an additional foot for each foot in height above twenty-five (25) feet.

D. Digital Signs. The purpose of this section is to regulate how digital signage technology might be applied to sign types otherwise permitted by this chapter. It is not intended to allow more signs or larger signs than otherwise permitted by this chapter.

1. One digital sign is allowed per one hundred (100) feet of street frontage in non-residential zones.

2. Maximum luminance of not more than 0.2 foot-candles over ambient lighting conditions. All permitted digital signs shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions. Digital sign illumination shall be measured in accordance with Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers. (International Sign Association, August 2016). **Exterior lighting shall comply with LMC 18A.60.095.**

3. No motion allowed except for instantaneous change of message or image.

4. Minimum hold between messages: eight (8) seconds plus 1.5 second transition fade.

5. Programming. To ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming only.

E. Bus Shelter Signs. To support the provision of transit bus shelters in Lakewood, signs are permitted when provided in conjunction with the City-approved Pierce Transit Lakewood Bus Shelter Program, subject to the following requirements:

A bus shelter sign is an accessory sign that is structurally integrated into a bus shelter approved for design, construction, and location by Pierce Transit and the City of Lakewood.

1. The maximum sign area is forty-eight (48) square feet for the entire shelter structure.

2. Sign setback requirements are waived.
3. Sign separation requirements are waived.
4. Bus shelter signage is exclusive of signage limits of the lot on which it is located.

**18A.100.060 Provisions for Permanent Signs or Continuous Displays.**

A. The permanent sign standards table presents the dimensional standards and permit requirements by zoning district for signs that are permanently installed or otherwise permitted for display without time restriction.

Zone Districts	Permanent Sign Standards					
	Sign Type	Number Allowed	Sign Size (Min/Max)	Maximum Total Area	Height	Permit Rqd?
<b>Residential (All R, MR, and MF Zones)</b>						
Subdivision	Monument	1 per primary entrance	0 sf. / 32 sf.		7'	Y
Each residential lot	All	1 per street frontage	0 sf. / 4 sf.	4 sf.	4' for picket	N
MF with more than 6 units	Monument	1 per primary entrance	0 sf. / 32 sf.		7'	Y
All other permitted non-residential	Monument	1 per primary entrance	0 / 32 sf.		7'	Y
	Wall	Number limited by Total Area	0 / 50 sf.	5% of façade up to 50 sf		Y
<b>Commercial / Industrial (Excluding Freeway)</b>						
	Monument (by frontage)					Y
	50' or less	1	16 sf. / 24 sf.	24 sf.	7'	Y
	More than 50'	Number limited by Total Area	24 sf. / 40 sf.	24 sf. plus 0.17 for each frontage foot over 50 sf.	7'	Y
		A monument sign shall be separated from any other monument sign on the same property by a minimum 200'				
	Pole (by frontage)					
	Less than 250'	None				
	250' to 500'	1 in trade for any 2	24 sf. / 40 sf.		20'	Y

	Over 500'	permitted Monument	24 sf. /48 sf.		20'	Y
		A pole sign shall be separated from any <b>other monument and/or pole sign</b> on the same property by a minimum 200'				
	Wall		200 sfper sign or group	10% of facade		Y
	Window		40% of the window area on each wall.			N
Freeway (Select TOC, C1, C2, IBP, II)						
	Pole/Monu- ment- Surface Street frontage	Same as Non-Freeway Commercial / Industrial				Y
	Pole- Freewa y Frontage	1 additional pole sign per freeway frontage. Min 60 l.f. surface street frontage req'd.	60 s.f. min/ 200 s.f. max. Must be within 50' of freeway r.o .w.)	1 sq. ft. per lineal foot arterial frontage (min. 60 linear feet of surface street frontage to qualify for freeway pole sign)		Y
	Wall, Window	Same as Non-Freeway Commercial / Industrial				
Open Space, Public, and Institutional (OSR1, OSR2, P1)						
	Monument (by frontage)					Y
	50' or less	1	16 sf. / 24 sf.	24 sf.	7'	Y
	More than 50'	Number limited by Total Area	24 sf. / 40 sf.	24 sf. plus 0.17 for each frontage foot over 50 sf.	7'	Y
		A monument sign shall be separated from any other monument sign on the same property by a minimum 200'				
	Wall		200 per sign or group	10% of facade		Y
	Window		40% of the window area on each wall.			N

B. Notes for Table 1

1. The following abbreviations are used in the Table:

Min. / Max. = Minimum / Maximum; sf = square foot or feet; Y = Yes; N = No; Rqd.= Required; r.o.w. = right-of-way.

2. Wall sign includes Projecting, Canopy, Awning, and Marquee signs.

3. Freeway Commercial / Industrial. TOC, C1, C2, IBP, NC2 and I1 zoning districts which abut I-5, SR 512, Tacoma Mall Boulevard, or the BNSF railroad right-of-way in Tillicum.

C. Additional requirements and explanations for specific Sign Types and situations:

1. Wall signs shall not project more than 18 (eighteen) inches from the façade of the supporting structure.

2. Projecting signs shall not extend more than 6 (six) feet from the attached building.

3. Freestanding signage for landlocked parcels.

a. For purposes of this section:

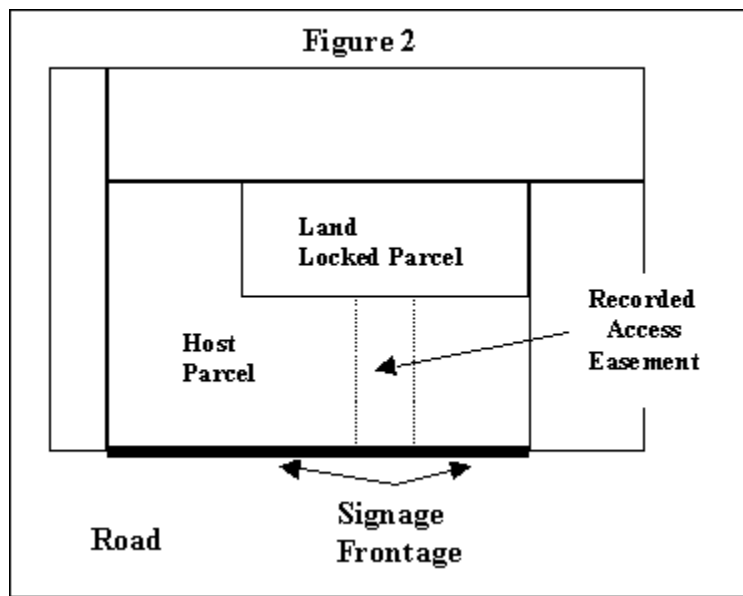
(1) A landlocked parcel is a parcel which does not have frontage on a public street and access to the parcel is provided through an adjacent parcel via a recorded access easement, or is a parcel that has less than 30 (thirty) feet on a public street and may or may not have access on that street.

(2) A host parcel is the parcel which provides the access to a landlocked parcel, via an easement.

b. A host parcel may share its allocation of freestanding signage with the landlocked parcel. The host parcel is under no obligation to grant the landlocked parcel use of its property for an easement or to grant part of its signage allotment.

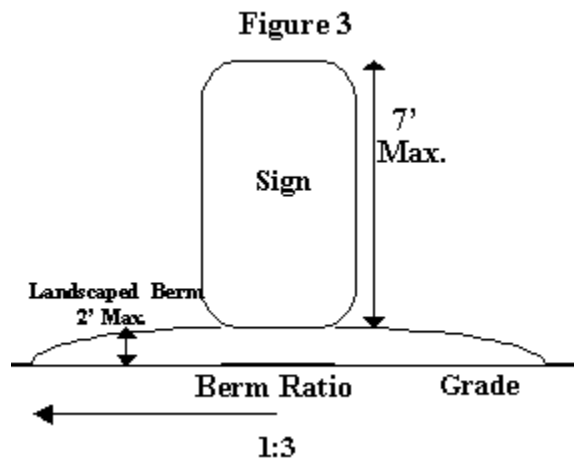
c. Freestanding signage for the landlocked parcel shall be placed adjacent to the recorded access easement and shall only advertise those businesses located on the landlocked parcel and/or the host parcel.

d. In the case of landlocked parcels utilizing a host parcel for signage, the signage for the landlocked parcel shall not be considered to be off-premise signage.



4. Landscaped berm and decorative block edged berm alternatives for a monument sign.

Landscaped berms or decorative block edged berms of 2 (two) feet or less in height shall not be included in the height calculations of a ground sign. Berms of more than 2 (two) feet in height shall be counted toward the sign height calculation. Landscaped berms shall have a slope ratio of not more than 1:3 height-to-width, from the center of the berm to be considered a landscaped berm.



D. Integrated Sign Plans. Major Employment Centers within the NC1, NC2, CBD, TOC, C1, C2, IBP, I1 and I2 zoning districts may vary from the development standards of this section by obtaining approval of an Integrated Sign Plan for the center.

1. The sign plan for the center shall be reviewed either separately or as part of the conditional use permit for the project.
2. In approving the sign plan for the center, the Hearing Examiner shall make a finding that the sign plan is proportionate to the intensity of

the major commercial or employment center and consistent with the intent of this code. (Ord. 534 § 7, 2011; Ord. 264 § 1 (part), 2001.)

### 18A.100.070 Provisions for Temporary Signs

A. Table 2 presents the dimensional standards and permit requirements by zone district for temporary signs.

Temporary Sign Standards			
Residential (All R, MR, and MF Zones)			
Sign Type	Sign Size	Maximum Height	Duration
Temporary Sign	24 sf for banners and flags, 12 sf for all other signs	<ul style="list-style-type: none"> <li>• 6 ft.</li> <li>• Banners shall be hung &lt;24 ft</li> </ul>	-
Sandwich Board or A-frame signs	7 sf per sign face	3.5 ft	6:00 AM -10:00 PM, daily
Non Residential Zones			
Temporary Sign	32 sf for banners and flags, 12 sf for all other signs	<ul style="list-style-type: none"> <li>• 6 ft.</li> <li>• Banners shall be hung &lt;24 ft</li> </ul>	-
Sandwich Board or A-frame signs	7 sf per sign face	3.5 ft	6:00 AM -10:00 PM, daily
Open Space, Public, and Institutional (OSR1, OSR2, P1)			
Large Banner Sign	32-80 sf*	<ul style="list-style-type: none"> <li>• Banners shall be hung &lt;24 ft</li> </ul>	-
Temporary Sign	12 sf	<ul style="list-style-type: none"> <li>• 6 ft.</li> <li>• Banners shall be hung &lt;24 ft</li> </ul>	-
Sandwich Board or A-frame signs	7 sf per sign face	3.5 ft	6:00 AM -10:00 PM, daily
* maximum banner size is calculated using 32 sf. plus 1 square foot for every 100f of over 400f of street frontage. Notes regarding location/placement: 1) Portable signs may be located on sidewalks so long as a minimum of 48" unobstructed sidewalk is maintained. 2) Temporary sign types are <b>not exempt</b> from LMC 18A.50.620 "Prohibited signs" 3) Any sign located in the public right-of-way is subject to removal per LMC 18A.50.630.B.11 4) All temporary signs must meet the maintenance standards identified in LMC 18A.50.630.A.9			

B. Notes for Table 2.

1. The following abbreviations are used in the Table:

Min. / Max. = Minimum / Maximum; sf = square foot or feet; Y = Yes; N = No; Rqd.= Required; r.o.w. = right-of-way.

C. Additional requirements and explanations for specific Sign Types and situations:

1. Temporary signs:

- a. Temporary signs, as defined by this section, are exempt from standard permit requirements. Temporary signs that comply with the requirements of this sub-section shall not be included in the determination of the type, number, or area of permanent signs allowed on a property.
  - b. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign. The property owner is able to remove any unauthorized sign on their property.
  - c. Illumination: Illumination of any temporary sign is prohibited.
- 2. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of permanent signs allowed on a property.
  - a. Hours of Display
    - i. Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM.
  - b. Sign Placement
    - i. If a sign is located on a public or private sidewalk, a minimum of 4 ft of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
    - ii. A sign may not be placed on a sidewalk less than 4 ft. wide.
    - iii. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

#### **18A.100.080 Nonconforming Signs.**

A. Any sign which does not conform to the sign standards within this chapter, for which a permit was issued by Pierce County prior to February 28, 1996, and which was constructed, erected, and maintained in compliance with applicable Pierce County regulations shall be regarded as a legal non-conforming sign; excluding those signs that are prohibited under LMC 18A.50.620, Prohibited Signs.

B. Nonconforming Sign Permits. Changes to nonconforming signs, as allowed pursuant to this title, shall be permitted by documenting the nature and extent of the change using a sign permit.

C. Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this title, excluding the, repair, and/or restoration of a sign to a safe condition. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.

D. Billboards: The following requirements shall pertain to all billboards located within the City.

1. The total number of billboard faces within the City of Lakewood shall not exceed the total number of billboard faces existing on the date of incorporation of the City.
2. The demolition or removal of any billboard face reduces the number of allowable billboard faces by the number removed.
3. In the event that the City of Lakewood annexes areas containing billboards after the date of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.
4. Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered nonconforming.
5. Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within ninety (90) days of demolition permit issuance.
6. Billboards shall not be altered or modified, except for the following:
  - a. Ordinary and necessary maintenance and repairs that do not change the size, shape, orientation, height, or location of billboards shall not require a zoning certification, but may require a building permit. Billboard copy replacement may occur at any time and is exempt from the requirement for permits.
  - b. Billboards that have any projections that extend more than three (3) feet out from the surface of the billboard face shall not be modified, except to remove or reduce such projections.
  - c. Billboards that contain, include, or are illuminated by any flashing, intermittent, or moving lights shall not be altered or modified, except to remove or reduce such lights. Billboards shall not include lighting unless it is effectively shielded so that the light is directed to the billboard face and prevents beams or rays of light from being directed at any portion of the traveled ways of the highway or airways, or is of



such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Billboards found to have excessive illumination, at the sole discretion of the City, shall be modified in accordance with the City's instructions. Exterior lighting shall comply with LMC 18A.60.095.

#### E. Removal required for non-conforming signs

1. The following situations will require removal of existing non-conforming signs.

a. In conjunction with any administrative use permit, conditional use permit, variance, subdivision, change in use, or building permit application for an expansion or alteration (including new structures) on the property on which the sign is located, where the cost of the expansion, alteration, or new construction is greater than twenty-five (25) percent of the value of the existing structure(s) on the site. This calculation shall include cumulative value, adjusted for inflation, of all expansions, alterations, and new construction initiated since incorporation of the City.

b. Within ninety (90) days of the demolition or destruction of any portion of a building containing the use to which a non-conforming sign is accessory, where the value of that portion of the building is greater than fifty (50) percent of the appraised value of the entire building.

c. Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign. The Building Official may require that such sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.

d. Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign.

e. Upon notice by the City that the sign constitutes a traffic hazard.

F. Any signs not removed within the time limit specified in Section E above, or as otherwise ordered by the City, shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the City if the sign owner or property owner fails to do so after being so ordered by the Community Development Director. Costs, including administrative and indirect

costs of said removal, shall be borne by the sign and/or property owner and may be recovered by the City, if necessary, by placing a lien on the property from which the sign has been removed.

**ATTACHMENT C**  
**Draft Planning Commission Resolution 2019-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE UPDATE TO LAKEWOOD MUNICIPAL CODE TITLES 12,17, AND 18A.**

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

WHEREAS, it is appropriate for the Lakewood City Council to consider and adopt amendments needed to ensure that the Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, the Lakewood City Council, has subsequently amended the Comprehensive Plan and related land use development code; and

WHEREAS, the Planning Commission began consideration of a comprehensive update to LMC Title 18A in the fall of 2018, and has held a series of meetings since then to review proposed amendments to LMC Title 12, 17 and 18A, including a duly noticed, open record public hearing on August 7, 2019; and

WHEREAS, multiple stakeholder meetings have been held to seek feedback from users of the LMC;

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on February 4, 2019 under #201900557 of the SEPA Register; and

WHEREAS, notice was provided to state agencies on July 8, 2019, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, notice has been provided to Joint Base Lewis-McChord (JBLM) prior to the adoption of this Resolution, and JBLM has been afforded the opportunity to comment per RCW 36.70A.530(5); and

WHEREAS, the Lakewood Planning Commission finds that the proposed amendments further the goals and policies of the Comprehensive Plan and promote the community's overall health, safety, and welfare;

**NOW, THEREFORE, THE LAKEWOOD PLANNING COMMISSION OF  
THE CITY OF LAKEWOOD, WASHINGTON, DOES RECOMMEND AS  
FOLLOWS:**

Section 1. Amendments to the City's LMC Titles 12, 17 and 18A as contained in the CEDD staff report dated September 3, 2019, summarized as follows:

Section 2: The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 3<sup>rd</sup> day of September, 2019, by the following vote:

AYES:           BOARDMEMBERS:

NOES:           BOARDMEMBERS:

ABSENT:       BOARDMEMBERS:

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
KAREN DEVEREAUX, SECRETARY

**PLANNING COMMISSION RESOLUTION NO. 2019-XX**

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WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

WHEREAS, it is appropriate for the Lakewood City Council to consider and adopt amendments needed to ensure that the Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, the Lakewood City Council, has subsequently amended the Comprehensive Plan and related land use development code; and

WHEREAS, the Planning Commission began consideration of a comprehensive update to LMC Title 18A in the fall of 2018, and has held a series of meetings since then to review proposed amendments to LMC Title 12, 17 and 18A, including a duly noticed, open record public hearing on August 7, 2019; and

WHEREAS, multiple stakeholder meetings have been held to seek feedback from users of the LMC;

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on February 4, 2019 under #201900557 of the SEPA Register; and

WHEREAS, notice was provided to state agencies on July 8, 2019, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, notice has been provided to Joint Base Lewis-McChord (JBLM) prior to the adoption of this Resolution, and JBLM has been afforded the opportunity to comment per RCW 36.70A.530(5); and

WHEREAS, the Lakewood Planning Commission finds that the proposed amendments further the goals and policies of the Comprehensive Plan and promote the community's overall health, safety, and welfare;

**NOW, THEREFORE, THE LAKEWOOD PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, DOES RECOMMEND AS FOLLOWS:**

Section 1. Amendments to the City's LMC Titles 3, 12, 17 and 18A as contained in the CEDD staff report dated September 3, 2019, summarized as follows:

Section 2: The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 2<sup>nd</sup> day of October, 2019, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

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CHAIR, PLANNING COMMISSION

ATTEST:

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KAREN DEVEREAUX, SECRETARY