



**Wednesday, May 15, 2024 @ 6:30 PM**

**HOW TO ATTEND**

- **In-person:** Council Chambers, Lakewood City Hall, 6000 Main St SW.
- **Virtually:** Online or by phone.  
Online: <https://us06web.zoom.us/j/83938455756>  
Phone: (253) 215-8782 and enter meeting ID: 839 3845 5756.
- **Livestream:** <https://YouTube.com/CityofLakewoodWA>

*Persons requesting special accommodation or language interpreters should call 253-983-7767 as soon as possible in advance of the meeting so that an attempt to provide special accommodation can be made.*

**PUBLIC COMMENT**

Public comments or testimony on public hearings are accepted by mail, email, or by in-person or virtual attendance. Mail comments to Karen Devereaux, Planning Commission Clerk, 6000 Main Street SW Lakewood, WA, 98499 or email [kdevereaux@cityoflakewood.us](mailto:kdevereaux@cityoflakewood.us). Comments received by noon the day of the meeting will be provided to the commission electronically.

**IN-PERSON/VIRTUAL COMMENTS**

Those attending in person will be called on by the Chair. Those attending via Zoom should use the “raise hand” function to indicate they wish to speak. Once the Chair calls your name, you will be unmuted. First state your name and city of residence. Each person has 3 minutes. Attendees are allowed to speak during public comment or public hearings only.

**WELCOME/CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MEETING MINUTES** dated May 1, 2024

**AGENDA UPDATES**

**PUBLIC COMMENT**

**PUBLIC HEARING**

- None

**UNFINISHED BUSINESS**

- None

**NEW BUSINESS**

- Introduction of new Community & Economic Development Director Jeff Rimack
- 2024 Comprehensive Plan Periodic Review Package Part 2
  - o Development Regulations (Title 18A)

**NEXT STEPS**

REPORTS FROM CITY COUNCIL LIAISON, CITY STAFF, PLANNING COMMISSION MEMBERS  
UPCOMING MEETING SCHEDULE: 6/5, 6/12, 6/26

**Attachments**

- Staff Report: 2024 Comprehensive Plan Periodic Review Package Part 2



## Lakewood Planning Commission May 1, 2024 Meeting Minutes

### **WELCOME/CALL TO ORDER**

Mr. Robert Estrada, Chair, called the meeting to order at 6:30 p.m.

### **ROLL CALL**

**Planning Commission Members Present** Robert Estrada, Chair; Phillip Combs, Vice Chair; Linn Larsen, Mark Herr, Ellen Talbo, Sharon Wallace, and Philip Lindholm.

**Planning Commission Members Excused** None.

**Planning Commission Members Absent** None.

**Staff** Tiffany Speir, Long Range & Strategic Planning Manager; Troy Pokswinski, Capital Projects Division Manager; and Karen Devereaux, Administrative Assistant

**Youth Council Liaison** None in attendance.

**Council Liaison** Councilmember Paul Bocchi was present.

### **APPROVAL OF MINUTES**

The minutes of the meeting held on April 17, 2024, were approved by voice vote 7 -0 as written. M/S/C Wallace/Lindholm.

**AGENDA UPDATES** None.

**PUBLIC COMMENT** None.

**PUBLIC HEARING** None.

**UNFINISHED BUSINESS** None.

### **NEW BUSINESS**

2024 Comprehensive Plan Periodic Review Package 1: Comprehensive Plan; Critical Areas Ordinance; Station District Subarea Plan Amendments; Tillicum-Woodbrook Subarea Plan

Ms. Tiffany Speir's presentation explained that Lakewood is required to conduct a "periodic review" (and potential update) of its Comprehensive Plan and development regulations every 10 years.

Lakewood's current periodic review must be completed by December 31, 2024; future periodic reviews will be conducted every 10 years beginning in 2034. Starting 2029, Lakewood is required to submit an implementation progress report on key outcomes five (5) years after each periodic review.

The Planning Commission discussed:

- the 2024 Draft Comprehensive Plan with updated Allowed Uses in Zones, Policies, Background Documents and Appendices and Policy Audit;
- 2024 Critical Areas Ordinance Updates and Audit

### **REPORTS**

**Council Liaison Comments** None.

**City Staff Comments**

Ms. Speir requested that Commissioners provide their proposed amendments to the 24CPPR package by May 29 if possible.

**Future Meetings (Special schedule)**

- 5/13 Joint Council Meeting @ 7:00 p.m. - Review Yearly Work Plan
- 5/15 Development Regulation Policies
- 6/5 Public Hearing on 24CPPR package
- 6/12 Discussion of 24CPPR package
- 6/26 Action on 24CPPR package

**NEXT MEETING** The Planning Commission would next meet on May 15, 2024.

**ADJOURNMENT** Meeting adjourned at 8:16 p.m.

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Robert Estrada, Chair

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Karen Devereaux, Clerk

# Lakewood Comprehensive Plan: Development Regulations Revisions

**WORKING DRAFT | May 2024**

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# Introduction

## Overview

As part of the updates to the Lakewood Comprehensive Plan, a thorough audit of the existing development regulations is essential to ensure alignment between policies and the Lakewood Municipal Code. This audit will ensure that these regulations do not conflict with the goals and policies of the Comprehensive Plan and can guide Lakewood's future growth in a sustainable and balanced manner.

This review provides a clear framework for Council, city staff, stakeholders, and the broader community to understand the recommended changes as part of this process. The revisions included provide both the changes necessary to reflect changes in the policies included in the Plan, and other required edits due to adjustments in the Growth Management Act and other enabling state statutes.

## Structure of the Audit

The audit of the City of Lakewood's development regulations is organized into a table format with three main columns, ensuring a clear and effective review process:

- **Original Code:** This column lists the current text of the Lakewood Municipal Code.
- **Rationale for Changes:** This column provides the reasons for proposed changes to the code, linking the adjustments to necessary alignment with the Comprehensive Plan and state statutory changes.
- **Final Edited Code:** This column shows the proposed amended code, with the final text provided in line to allow for comparison with the original code.

This structured table format ensures that the audit process is transparent and easy to understand for decision-makers and stakeholders, focusing particularly on improving housing policies. Note that there is also a full version of the relevant code provided at the end of this document with markups to show the proposed changes. **(Note for the draft version that renumbering of the policies has not been performed; this will not be done until the edits have been finalized.)**

These edits included the following Titles:

- Title 18A (Land Use and Development Code)
- Title 18B (Downtown Development Code)
- Title 18C (Station District Development Code)

The proposed revisions to Title 14 (Environmental Protection) have been provided in a separate document describing revisions to the Critical Areas Ordinance.



# Code Revisions

## **Title 18A      LAND USE AND DEVELOPMENT CODE**

Chapters:

<b>18A.10</b>	<b>Basic Provisions</b>
<b>18A.20</b>	<b>Administration</b>
<b>18A.30</b>	<b>Discretionary Permits</b>
<b>18A.40</b>	<b>Land Uses and Interpretation Tables</b>
<b>18A.50</b>	<b>Overlay Districts</b>
<b>18A.60</b>	<b>Site Planning and General Development Standards</b>
<b>18A.70</b>	<b>Community Design, Landscaping, and Tree Preservation</b>
<b>18A.80</b>	<b>Parking</b>
<b>18A.90</b>	<b>Housing Incentives Program</b>
<b>18A.95</b>	<b>Wireless Service Facilities</b>
<b>18A.100</b>	<b>Signs</b>

Prior legislation: Ords. 714, 706, 704, 697, 695, 683, 680, 678, 659, 651, 650, 630, 620, 604, 592, 591, 590, 585, 567, 552, 539, 536, 534, 525, 505, 500, 483, 472, 462, 425, 423, 412, 408, 397, 392, 385, 358, 357, 323, 322, 317, 308, 307, 293, 284, 277, 276, 266, 264.



## Chapter 18A.10 BASIC PROVISIONS

Sections:

18A.10.010	Title.
18A.10.020	Purpose.
18A.10.030	Scope.
18A.10.040	Rules of code interpretation.
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.10.125	JBLM Air Installation Compatible Use Zone (AICUZ) in relation to land use zones.
18A.10.130	Establishment of overlay districts.
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	Lakewood Military Coordination and Notice Area (MCNA).
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 and GIS.
18A.10.135.12	No delegation of local authority.
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 ~~shall be~~ known and may be cited as the “Lakewood Land Use and Development Code,” hereinafter referred to as “this title” or “this code.” [Ord. 726 § 2 (Exh. B), 2019.]

### 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.
- X. Plan for housing to ensure affordability across all income levels, support different housing types to meet a range of household needs, and support the preservation of existing affordable housing stock.
- 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. [Ord. 726 § 2 (Exh. B), 2019.]

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### 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 (2) or More Zoning Districts.

1. For parcels containing two (2) or more zoning districts (“split zoning”), the location of the zoning district boundary shall be determined by the Director.
2. For parcels containing two (2) 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 subsections (C) and (D) of this section and Chapter 18A.40 LMC for more details about each zoning district.

<b>Name</b>	<b>Symbol</b>
<b>Single-Family Residential</b>	
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4
<b>Mixed Residential</b>	
Mixed Residential 1	MR1
Mixed Residential 2	MR2
<b>Multifamily</b>	
Multifamily 1	MF1
Multifamily 2	MF2
Multifamily 3	MF3
<b>Neighborhood Business</b>	
Arterial Residential/Commercial	ARC
Neighborhood Commercial 1	NC1

<b>Name</b>	<b>Symbol</b>
Neighborhood Commercial 2	NC2
<b>Commercial</b>	
Transit-Oriented Commercial	TOC
Central Business District	CBD
Commercial 1	C1
Commercial 2	C2
Commercial 3	C3
<b>Military-Related</b>	
Military Lands	ML
Air Corridor 1	AC1
Air Corridor 2	AC2
Clear Zone	CZ
<b>Public/Institutional</b>	
Public/Institutional	PI
<b>Open Space/Recreation</b>	
Open Space and Recreation 1	OSR1
Open Space and Recreation 2	OSR2

C. Relationship between Comprehensive Plan Future Land Use Map Designations and Zoning Districts.

<b>Land Use Designation</b>	<b>Land Use Zoning District</b>
<b>Air Corridor 1 (AC1)</b>	Clear Zone (CZ) Air Corridor 1 (AC1) Air Corridor 2 (AC2)
<b>Air Corridor 2 (AC2)</b>	Clear Zone (CZ) Air Corridor 1 (AC1) Air Corridor 2 (AC2)
<b>Arterial Corridor (ARC)</b>	Arterial Residential/Commercial (ARC) Transit-Oriented Commercial (TOC) -- only within Lakewood Station District
<b>Corridor Commercial (CC)</b>	Commercial 1 (C1) Commercial 2 (C2) Commercial 3 (C3)

## Land Use Designation

### Downtown

### High-Density Multifamily (HD)

### Industrial (I)

### Public and Semi-Public Institutional (PI)

### Multifamily (MF)

### Military Lands (ML)

### Mixed Residential (MR)

### Neighborhood Business District (NBD)

### Open Space and Recreation (OSR)

### Residential (R)

## Land Use Zoning District

Central Business District (CBD)

Multifamily 2 (MF2)

Multifamily 3 (MF3)

Industrial Business Park (IBP)

Industrial 1 (I1)

Industrial 2 (I2)

Public Institutional (PI)

Multifamily 1 (MF1)

Military Lands (ML)

Mixed Residential 1 (MR1)

Mixed Residential 2 (MR2)

Neighborhood Commercial 1 (NC1)

Neighborhood Commercial 2 (NC2)

Open Space and Recreation 1 (OSR1)

Open Space and Recreation 2 (OSR2)

Residential 1 (R1)

Residential 2 (R2)

Residential 3 (R3)

Residential 4 (R4)

## D. Purpose and Applicability of Zoning Districts.

### 1. ~~Single-Family~~ Residential Zoning Districts.

- a. Purpose. The Residential 1 (R1) ~~and Residential 2 (R2)~~ zoning districts ~~provide for a continuation of large residential lots in specific areas where a pattern of large lots and extensive tree coverage exists. These zoning districts seek to preserve the identity of these residential areas, preserve significant tree stands and riparian environments along lake shores and within stream corridors, and reduce traffic volumes in the east-west arterial corridors.~~ primarily consists of larger residential lots where environmental factors would prevent more intensive development. This includes environmentally sensitive areas where development may impact lakes, creek habitat and Lakewood Water District wellheads.

~~The Residential 3 (R3) and Residential 4 (R4) zoning districts are the City's primary residential zones, which provide for single-family dwellings in established residential neighborhoods. The Residential 4 (R4) designation provides for increased residential density through smaller lot sizes and allowance for residential development comprising two (2) units per lot.~~

The Residential 2 (R2) and Residential 3 (R3) zoning districts accommodate a range of detached and attached housing types, including middle housing, accessory dwelling units (ADUs), and smaller- and moderate-scale multi-family housing.

The Residential 4 (R4) zoning districts include single-family, middle housing, ADUs, and smaller- and moderate-scale multi-family housing with greater densities and smaller lot sizes. These areas are typically allocated in neighborhoods where housing on individual lots is expected, but the area includes supporting infrastructure, amenities, and services that allow for higher-density development.

- b. Applicability. The R1, ~~and R2~~, R3, and R4 zoning districts are applicable to lands designated Residential ~~Estate~~ in the comprehensive plan.

~~The R3 and R4 zoning districts are applicable to lands designated Single-Family in the comprehensive plan.~~

## 2. Mixed Residential Zoning Districts.

- a. Purpose. The Mixed Residential 1 (MR1) and Mixed Residential 2 (MR2) zoning districts promote residential renewal to small-lot detached single-family residential dwellings, attached single-family dwellings, and two-family residential development. Small scale multifamily residential is permitted in the MR-2 zone. These districts provide for moderate residential density using a variety of urban housing types and designs. The mix of housing may take a variety of forms, either mixed within a single site or mixed within a general area, with varied dwelling types. Development standards for the Mixed Residential zoning districts are intended to encourage increased residential densities.
- b. Applicability – Mixed Residential Zoning Districts. The MR1 and MR2 zoning districts are applicable to land designated Mixed Residential in the comprehensive plan.

## 3. Multifamily Zoning Districts.

- a. Purpose. The Multifamily designation supports a mix of low- and moderate-density housing options that provides a variety of options for diverse families and lifestyles. This designation represents a transition to areas that include a greater amount of multifamily housing on larger lots.

The Multifamily 1 (MF1) zoning district provides for a variety of medium-density housing types and designs offering a wide choice of living accommodations for families of diverse composition and lifestyles. The designation incorporates a combination of urban design elements to enhance the living environment while integrating the housing into a neighborhood. ~~Urban design elements such as private and public open space, pedestrian orientation and connections, and security are integrated into the housing to create a high standard of community cohesion and character.~~

The Multifamily 2 (MF2) zoning district provides for high-density housing types and designs, especially of a multiple-story design, that combine urban design elements to

enhance the living environment. **Urban design elements stress pedestrian orientation and connections, security, transportation, and integration of housing.**

The Multifamily 3 (MF3) zoning district is intended to integrate urban, high-density, multi-story housing in close proximity to a principal or minor arterial, with commercial/residential districts. The MF 3 zoning districts are predominantly located adjacent to land zoned NC2, CBD, or SD.

- b. Applicability – Multifamily Zoning Districts. The MF1 zoning district is applicable to lands designated Multifamily in the comprehensive plan.

The MF2 and MF3 zoning districts are applicable to lands designated High Density Multifamily in the comprehensive plan.

#### 4. Neighborhood Business Zoning Districts.

- a. Purpose. The Arterial Residential/Commercial (ARC) zoning district provides for continuance of residential uses, many of which are existing, along busy City streets while permitting the incorporation of low-intensity and low-impact commercial uses into these compact areas.

The Neighborhood Commercial 1 (NC1) zoning district is intended to foster a sense of neighborhood identity and provide limited services within a neighborhood. The district provides for a small-scale mix of activities, including residential, retail, office, and local services, which serve the surrounding neighborhood.

The Neighborhood Commercial 2 (NC2) zoning district is intended to foster a sense of urban community in Lakewood. The district provides for a concentrated mix of activities, including residential, retail, office, and local services, which may serve the surrounding neighborhood or may serve more than one (1) neighborhood and attract people from other areas.

- b. Applicability. The ARC zoning district is applicable to lands designated Arterial Corridor in the comprehensive plan.

The NC1 and NC2 zoning districts are applicable to lands designated Neighborhood Business District in the comprehensive plan.

#### 5. Commercial Zoning Districts.

- a. Purpose. The Transit-Oriented Commercial (TOC) zoning district is an interactive mixture of uses which focus on regional transportation networks while providing for urban design, people orientation, and connectivity between uses and transportation routes.

The Central Business District (CBD) zoning district is the primary retail, office, social, urban residential, and government center of the City. The complementary and interactive mixture of uses and urban design provides for a regional intensity and viability with a local character. The regional focus and vitality of the district is evident in the urban density, intensity, and composition of the uses in the district. Local

character is reflected in the district’s design, people orientation, and connectivity between uses, structures, and public spaces, that foster a sense of community.

The Commercial 1 (C1), Commercial 2 (C2), and Commercial 3 (C3) zoning districts promote employment, services, retail, and business uses serving and linking neighborhoods to Lakewood’s major transportation networks. The geographic relationship of the corridors to major road networks and their limited integration with adjacent neighborhoods promote employment, services, retail, and business/light industrial uses linked to access the major transportation networks. The C3 zoning district is distinguished by its arterial location and focus on “big-box” type uses which form an anchor for a large-scale commercial development.

- b. Applicability. The TOC zoning district is only applicable to lands designated Corridor Commercial in the comprehensive plan that are also within the Lakewood Station District established in the comprehensive plan.

The CBD zoning district is applicable to lands designated Central Business District in the comprehensive plan.

The C1, C2, and C3 zoning districts are applicable to lands designated Corridor Commercial in the comprehensive plan.

## 6. Industrial Zoning Districts.

- a. Purpose. The Industrial Business Park (IBP) zoning district provides for a coordination of uses and design to facilitate an active integration of employment, services, and business/light industrial uses.

The Industrial 1 (I1) zoning district provides for regional research, light manufacturing, warehousing, concentrated business/employment parks, and other major regional employment uses. These industrial lands are the primary working areas of Lakewood, integrated into the community economically and environmentally while maximizing a regional economic presence based on Lakewood’s geographic position.

The Industrial 2 (I2) zoning district provides for high-intensity or high-impact uses and major regional employers.

- b. Applicability. The IBP, I1, and I2 zoning district are applicable to lands designated Industrial in the comprehensive plan.

## 7. Military-Related Zoning Districts.

- a. Purpose. The Military Lands (ML) zoning district formally recognizes the autonomy associated with federal and state ownership of the military installations adjacent to and within Lakewood and the unique character of their operations and support structures, which are not typical of civilian land uses and require special consideration by the City as a host community for the installations.

The purpose of the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zoning districts is to promote land use and development that is compatible with the



aircraft noise and accident potential associated with the proximity to McChord Air Force Base (AFB) aircraft flight operations. The potential risk to life and property from hazards associated with military aircraft operations necessitates control of the intensity, type, and design of land uses within the air corridor.

- b. Applicability. The ML zoning district is applicable to lands designated Military Lands in the comprehensive plan.

The CZ, AC1, and AC2 zoning districts are applicable to lands located within the area designated as Air Corridor 1 and Air Corridor 2 in the comprehensive plan and within the area identified as the Clear Zone in the most recent JBLM Air Installation Compatible (AICUZ) study. The AICUZ study is available for review at the Lakewood Community and Economic Development Department or by contacting Joint Base Lewis-McChord (JBLM).

#### 8. Public/Institutional Zoning District.

- a. Purpose. The Public/Institutional (PI) zoning district provides for moderate-scale and large-scale activities relating to the purpose of state and local governmental entities, except for military uses which are separately designated and zoned; special districts; and semi-public institutions providing necessary public services. The designation allows for the specialized needs of providing public services to all areas of Lakewood.
- b. Applicability. The PI zoning district is applicable to lands designated Public and Semi-Public Institutional in the comprehensive plan.

#### 9. Open Space/Recreation Zoning Districts.

- a. Purpose. 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.
- b. Applicability. The OSR1 and OSR2 zoning districts are applicable to lands designated Open Space and Recreation in the comprehensive plan.

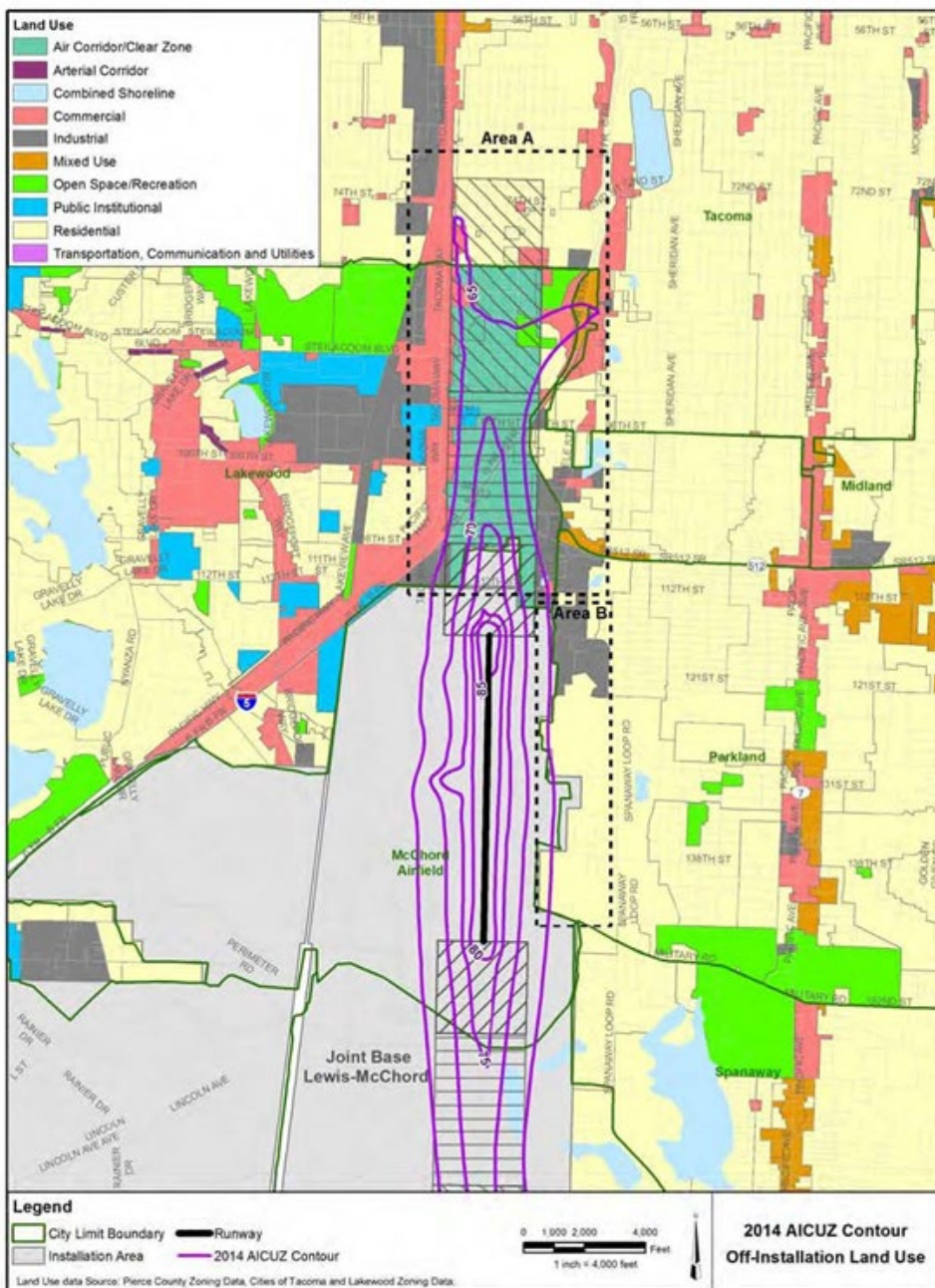
Unless otherwise shown on the official zoning map, all open bodies of water, including, but not limited to, American Lake, Lake Steilacoom, Gravelly Lake, Lake Louise, Waughop Lake, Wards Lake, Seeley Lake, Boyles Lake, Carp Lake, Lost Lake, Mud Lake and Barlow Pond, shall be considered to be within 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 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. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.10.125 JBLM Air Installation Compatible Use Zone (AICUZ) in relation to land use zones.**

The City of Lakewood is host city to Joint Base Lewis McChord, and portions of the JBLM flight patterns' ~~clear zone~~ Clear Zone (CZ) and ~~accident potential zones~~ Accident Potential Zones (APZs) are located within the City's boundaries. The City follows Department of Defense guidance and limits land use densities within the CZ and APZs. The AICUZ contour was used as a guide to establish the ~~clear zone~~ Clear Zone (CZ), ~~air corridor~~ Air Corridor 1 (AC1), and ~~air corridor~~ Air Corridor 2 (AC2) zone classifications under the ~~air corridor 1~~ AC1 and ~~air corridor 2~~ AC2 land use designations as described in LMC 18A.10.120(D). ~~The CZ and AC zones do not exactly align with the AICUZ contour in order to achieve a logical geographic boundary.~~ See Figure 3.

Figure 3. 2014 AICUZ Contour and Off-Installation Land Use



Source: 2015 JBLM Air Installation Compatible Use Zone (AICUZ) Study [Ord. 794 § 2 (Exh. A), 2023; Ord. 758 § 2 (Exh. A), 2021.]

**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
<u>Emergency Housing and Emergency Shelter Overlay</u>	<u>EHESO</u>
<u>Transit</u>	<u>T</u>

The boundaries of overlay districts are shown on the City’s official Overlay Districts Map included in Article XX Chapter 18A.50, 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 title. (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”.

X. The boundaries of the Emergency Housing and Emergency Shelter Overlay (EHESO) district shall be the areas identified and described in Lakewood Ordinance No. 789.

X. The boundaries of the Transit (T) overlay shall be areas designated as Residential that are found within one-quarter (1/4) mile of a major transit stop for bus rapid transit (BRT) and commuter rail. These areas allow for increased residential densities beyond what is allowed under Residential designations for locations once service is available.

## Figure 1. — Overlay Districts

[Ord. 726 § 2 (Exh. B), 2019.]

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### **18A.10.180 Definitions.**

See LMC 18A.10.040 for rules of code interpretation.

Unlisted Words and Phrases. The definition of any word or phrase not listed in this title, which is in question when administering this title, shall be defined from one of the following sources which are incorporated herein and adopted by reference. Said sources shall be utilized to find the desired definition in the order listed as follows:

1. City of Lakewood Land Use and Development Code.
2. City of Lakewood Comprehensive Plan.
3. Any other portion of the Lakewood Municipal Code or other City resolution, ordinance, or regulations.
4. Any statute or regulation of the State of Washington, beginning with the most applicable first.
5. Legal determinations and definitions from applicable case law.
6. Legal definitions from the most recent edition of Black's Law Dictionary.
7. Definitions from Webster's Dictionary or other common dictionary.

"A."

"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 dwelling unit, attached” means an accessory dwelling unit (ADU) located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Accessory dwelling unit, detached” means an accessory dwelling unit (ADU) that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“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 twenty (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 optician’s 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 storage building” means:

1. A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property; and
2. Cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.

“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.

“Accessory use” means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal 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 3A of Chapter 18A.10 LMC, McChord Field North Clear Zone and Accident Potential 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 3A of Chapter 18A.10 LMC, McChord Field North Clear Zone and Accident Potential Zones.

“Accident Potential Zone (APZ) surfaces” means: APZ I, which begins at the outer end of the CZ and is five thousand (5,000) feet long and three thousand (3,000) feet wide; and APZ II, which begins at the outer end of APZ I and is seven thousand (7,000) feet long and three thousand (3,000) feet wide.

“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 title, 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 (2)(b)(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 (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight (8) adults upon approval from the department under RCW 70.128.066. 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 nonclothing 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 title, 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 title, 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” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty (30) percent of the household’s monthly income. For the purposes of housing intended for owner occupancy, “affordable housing” means residential housing that is within the means of low- or moderate-income households.

“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 in 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 are 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.

“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.

“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 the date of the ordinance codified in this title, 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 5A of Chapter 18A.10 LMC, 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 LMC 18A.10.135.

“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 antennas” means any tower or antenna that is under seventy (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.

“Annexation” means the process by which jurisdiction over land within the urban growth area is transferred from the county to the City.

“ANSI A300” means the industry standards for tree care in the United States.

“Antenna” means:

1. 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; and
2. 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 a tower or any pole, telescoping mast, 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:

1. Any person who makes an application to the City of Lakewood for a development permit; and
2. Any person or corporation who makes an application to the City for a wireless service facility permit.

“Area median income” means the median family income for the Tacoma, WA HUD Metro 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 Tacoma, 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. However, an assisted living facility that is licensed for three (3) to six (6) 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”). The minimum size of such an establishment is twenty thousand (20,000) gsf. 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 facility – 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 facility – 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 nonrigid materials except for the supporting framework.

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

“B.”

“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 nonrigid material attached to any structure, staff, pole, rope, wire or framing which is anchored on two (2) or more edges or at all four (4) 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 (5) 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 preprinted 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:

1. Identifies and shows the areas and location of all streets, roads, improvements, utilities and open spaces;
2. 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;
3. Contains provisions requiring any development to conform with the site plan; and
4. 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 or any ground-level wall over six (6) 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 boarding house or rooming house 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 (3) 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 (1) U.S. gallon (128 U.S. fluid ounces), commonly referred to as growlers. The area of the establishment devoted to the production of malt 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 fifteen thousand (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 fifteen thousand (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, upright 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 (3) 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 and refers to all structures or parts thereof.

“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, 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 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 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 predominantly 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 as measured from the average elevation of the undisturbed natural topography or preexisting 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 preexisting 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.

Building Height 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 unless located within the CZ, AC1 or AC2 zones.

“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 park, general” means a location which has offices and light industry, rather than heavy industry. It provides for mixed employment districts in areas accessible to transportation and visible from freeways and major arterials, and is intended to promote the development of master-planned environments with a high quality of design and construction.

“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.”

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

“Campus facilities master plan” means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

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

“Cargo containers,” also known as intermodal freight containers or shipping containers, means standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship. When such containers are used as a building or structure, they are subject to the provisions of the building code as adopted and modified by the City of Lakewood. Accordingly, a building permit is required to locate and use such structures. (See 2015 International Building Code Sec. 105.1, Permit Required.) The site and building construction plans shall be adequate to demonstrate compliance with building, fire and site regulatory standards. Structural calculations are required for altered or structurally connected containers. As with other prefabricated structures such as portables or manufactured homes, building code approval of cargo containers may be obtained through the Washington State Department of Labor and Industries (L&I), Manufactured Homes and Other Mobile Structures.

“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.

“Certificate of occupancy” means a document issued by the Building Official when the completed work matches the submitted plans for new buildings or major alterations. The certificate states a building’s legal use and/or type of permitted occupancy.

“Certified arborist” means a specialist in the care and maintenance of trees who is certified by and in good standing with the International Society of Arboriculture (ISA).

“Certified irrigation designer” means a person certified to design irrigation systems by a professional trade organization or other educational organization.

“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 (24) 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 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 (24)



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, nonrecurring 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 (13) or more children within an age range of one (1) month through twelve (12) years, for periods of less than twenty-four (24) 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 McChord Field North 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 three thousand (3,000) feet in width, and extends three thousand (3,000) feet beyond the runway; as illustrated in Figure 3A of 18A.50, McChord Field North Clear Zone and Accident Potential Zones and Clear Zones.

"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 three thousand (3,000) feet. The CZ width is three thousand (3,000) feet (one thousand five hundred (1,500) feet to either side of runway centerline).

"Club, lodge, private meeting hall" means 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 preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Colony” means one (1) 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 (4) or more electronic games or coin-operated amusements in any establishment, or a premises where fifty (50) percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three (3) 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 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.

“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.

“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.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter 64.34 RCW (RCW 64.34.020(10)).

“Condominium, detached” means a condominium pursuant to Chapter 64.34 RCW comprising one (1) dwelling unit within one (1) structure that is surrounded by a yard area and has an outward appearance of a detached single-family residence. All legal features of a condominium, including common ownership, declarations, and other provisions, shall be consistent with Chapter 64.34 RCW.

“Conference/convention facility” means one (1) 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 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.. “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.

“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 (4) 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.

“Critical root zone” (CRZ) means the area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. CRZ can be determined using the dripline of the tree.

“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.”

“Day-night average sound level (DNL)” means a twenty-four (24) hour energy average sound level expressed in dBA, with a ten (10) decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

“Day care center,” “nursery school,” or “preschool” means any type of group day care 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 day care center, nursery schools or preschools:

1. “Babysitting care” means a dwelling which provides occasional custodial care to children, for periods of less than twenty-four (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.
2. “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 twelve (12) children in the provider’s home in the family living quarters.
3. “Day care center” means a place, other than the home of the provider, which provides regular custodial care for twelve (12) or more children, for periods of less than twenty-four (24) hours.
4. “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.

“DBH” is an acronym meaning tree diameter at breast height measured at four and one-half (4.5) feet above ground. For multi-trunked trees, DBH is the total of all individual trunks added together.

“Decibels (dB)” means a logarithmic unit that measures the intensity, or loudness, of sound. A sound level of zero (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 sixty (60) dB. Sound levels of about one hundred thirty (130) dB are felt in the human ear as discomfort and pain.

“Density” means the ratio and intensity of land use over a given area of land. Density may be defined by ratios such as the number of units per given area of land, such as “twenty (20) dwelling units per acre.”

“Detached single-family dwelling unit” means a dwelling unit surrounded on all sides by open space. “Dwelling unit, one unit per structure, detached” means the same thing as “single-family dwelling unit” and “single-family residence.”

“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 title 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 six (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.

“DNS” means determination of nonsignificance.

“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.

“Dripline” means the outermost edge of a tree’s canopy. When viewed from above, the dripline will appear as a line that follows the contour of the tree’s branches. At a minimum, the dripline is a circle whose diameter is fifteen (15) times a tree’s DBH.

“Drive-through” means a business establishment, building, or structure which, by design, physical facilities, or services or products format encourages or permits customers to access sales or services from a service window while remaining in their vehicles, with access provided by a dedicated lane or lanes incorporated into the site design.

“DS” means determination of significance.

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

“DUA” means dwelling units per gross acre.

“Dwelling unit” means a residential living unit that provides complete independent living facilities for one (1) or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

“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.”

“Efficiency dwelling unit” means a small one (1) room unit, which includes all living and cooking areas with a separate bathroom.

“EIS” means environmental impact statement.

“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 (1) through (9) shall apply to “eligible facilities requests” only, as described in Chapter 18A.95 LMC, Article II:

1. “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:
  - a. 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.
  - b. 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).
  - c. Any structure other than a tower that, at the time the relevant application is filed with the City under this definition, supports or houses equipment described in subsections (1)(a) and (b) 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 LMC 18A.95.160, does not support or house equipment described in subsections (1)(a) and (b) of this definition.
2. “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.
3. “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:
  - a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
4. “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.
5. “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 LMC 18A.95.160.
6. “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.



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

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
- b. 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 twenty (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 (6) feet;
- c. 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 (4) 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 ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. 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 (7)(a) through (7)(d) of this definition.

8. “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.

9. “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.

“Eligible household” means one (1) or more adults and their dependents who certify that their annual household income does not exceed the applicable percentage 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.

“Emergency amendment” means any proposed change or revision to the Comprehensive Plan due to a situation that requires expeditious action to preserve the health, safety or welfare of the public; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare. Emergency amendments may be reviewed and acted upon outside the annual amendment review cycle.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. RCW 36.70A.030(9) . Emergency housing is not a group home under LMC Title 18A, 18B, or 18C.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. RCW 36.70A.030(10). Emergency shelter facilities are not a group home under LMC Title 18A, 18B, or 18C.

“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 support and services to persons meeting the admission criteria in RCW 70.97.030 and for whom acute inpatient treatment is not medically necessary (RCW 70.97.010(5)).

“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.

“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. Special needs housing as defined in this title are considered essential public facilities.

“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, WA HUD Metro FMR Area.

“F.”

“Facility or facilities, wireless service” means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, antennas, and other

appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications service.

“Family” means individuals domiciled together in one (1) 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, that regulates interstate and international communications by radio, television, wire, satellite and cable.

“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.

“FHBM” 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 (1) edge or supported or anchored at only two (2) corners.

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

“Flex space” means flex space industrial or mixed-use industrial buildings or parks adaptable to multiple use types which primarily serve a number of small- to medium-size tenants, which predominantly require direct access for truck deliveries and have limited or controlled on-site customer service, and which are generally comprised of adaptable open floor space with a delineated office area. May include space within a single or multiple structures. The specific uses permitted in flex space buildings are limited to those uses allowed in the applicable zone classification.

“Floor area ratio (FAR)” means 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 (2) story building on a rectangular parcel that has one hundred (100) feet of street frontage and two hundred (200) feet of depth. The first story measures fifty (50) feet by two hundred (200) feet, and the second story measures fifty (50) feet by two hundred (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).

$$\text{FAR} = \text{GSF}/B$$

$$\text{FAR} = 20,000 \text{ sq. ft.} / 20,000 \text{ sq. ft.} = 1.0$$

“Footcandle” is defined as a unit of illuminance equal to one (1) lumen per square foot of surface area.

“Foster care facility” means both a foster family home and a group-care facility as governed under Chapter 74.15 RCW.

“Foster family home” means an agency which regularly provides care on a twenty-four (24) hour basis to one (1) or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed (RCW 74.15.020).

“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 homes.”

“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.”

“Gas station” means a retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Chapter 18A.40 LMC (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 title 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 twenty thousand (20,000) square feet in size or greater. Also includes a grocery store use located within a larger format retail store where an area twenty thousand (20,000) square feet in size or greater is primarily devoted to the sale of food.

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

“Group-care facility” means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four (24) hour basis. “Group-care facility” includes but is not limited to:

1. Qualified residential treatment programs as defined in RCW 13.34.030;

2. Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

3. Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking (RCW 74.15.020).

“Group home” means group residential environments for people with disabilities, mental or physical. Group home does not include emergency housing or emergency shelter under LMC Title 18A. See also “Adult family home.” There are five (5) 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 (1) 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.

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.

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 71.09.020(15), 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.”

“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 21 U.S.C. Section 802.

“Hardscape” means permanent surface improvements to the site including parking lots, driveways, entrances, curbs, ramps, stairs, steps, medians, walkways and nonvegetated landscaping that is ten (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.

“Hearing Examiner” means a person appointed by the City to carry out the functions authorized under Chapter 18A.20 LMC, Administration, and Chapter 35A.63 RCW.

“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, noninstitutional 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 is 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 (1) 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.”

“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 nonflashing 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.

“Industrial business park” means an area zoned and planned for the purpose of industrial development. An industrial park can be thought of as a more “heavyweight” version of a business park or office park, which has offices and light industry, rather than heavy industry.

“Inflatable” 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. 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 the date of the ordinance codified in this title, 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” is a mode of transportation that can best link cities one hundred (100) to five hundred (500) miles apart. There are three (3) 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.”

“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 title, 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 and 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.”

“Kennel, animal boarding” means a commercial facility for the grooming, keeping, boarding or maintaining of five (5) or more dogs (four (4) months of age or older), or five (5) 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.”

“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, and 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 nonconstruction 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 predecision 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 predecision hearing.

“Landscape architect” means an individual who engages in the practice of landscape architecture and who possesses a certificate of licensure issued by the Washington State Board of Licensure for landscape architects (Chapter 18.96 RCW).

“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 LMC 18A.60.095, Tables 1 and 2. Light trespass shall be measured at sixty (60) inches 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 title 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 unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, 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 (1) 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 “plot”, “parcel” and “tract.”

“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, 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 at the junction of and having frontage on two (2) or more intersecting streets other than alleys.

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

“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 depth” means the perpendicular distance measured from the midpoint of the front lot line to the midpoint of the opposite lot line.

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

“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 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, 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 (80) percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area where the project is located, as reported for the Tacoma, WA HUD Metro FMR 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 (1) lumen per square meter of surface area.

“M.”

“Macro facility” means a large wireless service facility that provides radio frequency coverage for wireless services. 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 facilities typically contain antennas that are greater than three (3) 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.

“Major transit stop” means a stop on certain high capacity transportation systems; commuter rail stops; stops on rail or fixed guideway systems, including transitways; stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen (15) minutes during the peak hours of operation.

“Malicious cutting” occurs when a person willfully and without permit removes a significant or heritage tree, or otherwise injures, cuts, or tops a significant or heritage tree to the extent that the tree’s survival is compromised, according to best management practices as determined by a certified arborist. Removing more than one-third (1/3) of the tree’s canopy during a single growing season will always constitute malicious cutting.

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

1. Is comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long;
2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than three to twelve (3:12) pitch; and
3. 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 sixty (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 ten (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 nonsignificance.

“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, analytical”)).

“Medical service, urgent care clinic” 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, 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 and notice area (MCNA)” 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 title. The boundary of the MCNA is described in LMC 18A.10.135.2(C).

“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 two (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 two (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. Horizontal mixed-use means single-use buildings allowed on one (1) parcel. Vertical mixed-use means a combination of different uses in the same building. Commercial uses shall comprise a minimum of thirty-five (35) percent of the square footage of the ground floor in multistory buildings and shall align with the building’s frontage.

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



“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 (2) or more mobile homes used for residential purposes, or on which two (2) 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. The minimum size of such an establishment is twenty thousand (20,000) gsf.

“Moderate-income household” means a single person, family, or unrelated persons living together whose adjusted income is more than eighty (80) percent but is at or below one hundred fifteen (115) percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area where the project is located, as reported for the Tacoma, WA HUD Metro FMR Area.

“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.

“Motion picture studio” means film or video production uses including on-site production facilities and associated nonpermanent structures, and/or temporary sets.

“Multiple-unit housing,” “multifamily housing,” and “multifamily” may be used interchangeably and mean a building or a group of buildings having four (4) or more dwelling units for permanent residential occupancy, not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

“N.”

“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.

“Noise attenuation” means the process by which noise from military aircraft is reduced.

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

“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.

“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.

“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 a facility which provides short- or long-term care for seniors and other persons who need skilled nursing care but do not require hospitalization. Also 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 (24) consecutive hours for three (3) 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 title; 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.

“O.”

“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.

“Occupied” means to reside in as an owner or tenant, to take hold or possession or control of, and to take up (a place or extent in space). It is synonymous with “used” and includes the words “intended, designed or arranged to be used or occupied.”

“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, nonsexual), 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 engage 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:

1. Designed to mount on a pole using an arm, pendant, or vertical tenon;
2. Opaque or translucent top and/or sides;
3. An optical aperture that is either open or enclosed with a flat, sag or drop lens;
4. Mounted in a fixed position; and
5. With its photometric output measured using Type C photometry per IESNA LM-75-01.

“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 nonwalled buildings. This definition includes junkyards, but excludes outdoor sales.

“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 is established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district.

“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 (6) months out of any given year.

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

“P.”

“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 title by the terms “panoram” or “panoram device.” The terms “panoram” and “panoram device” as used in this title 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 a parcel is 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 for temporarily storing passenger vehicles not intended for long-term storage of vehicles. Also refers to parking lot.

“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:

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

“Pawnbroker” means every person engaged, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

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

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors (RCW 36.70A.030(19)). ~~Permanent supportive housing does not mean multifamily housing projects with fewer than fifty (50) percent of the units providing permanent supportive housing.~~ Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Permittee” means a person that has applied for and been issued a wireless service facility permit.

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

“Personal property” means anything besides land that may be subject to ownership. The main characteristic of personal property is that it is movable, unlike real property or real estate. There are two (2) basic types of personal property: tangible and intangible.

“Personal services” means establishments providing nonmedical 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 nonprescription 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, day care 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.

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

“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.

“Preapplication conference” means an informal meeting with City staff representatives held before a permit application is submitted to: acquaint the applicant with the substantive and procedural requirements of the Lakewood Municipal Code in relation to the proposed project and the applicable elements of the comprehensive plan; arrange such technical and design assistance as will aid the applicant; and otherwise identify policies and regulations associated with the proposed development.

“Prezoning” 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 (2) 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.

“Pruning” means removing branches from a tree to achieve a specified objective using approved practices according to ANSI A300 industry standards.

“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.020(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. Section 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.020(12).)

“Public Works Director” means the Director of the Lakewood Public Works Department and/or his/her designee.

“Q.”

“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).

"Queuing" means a specified area for vehicles awaiting service in a drive-through facility, which may include not only the space between point of ingress and the point of service, but also, where applicable, points of service internal to the drive-through operation. Where a drive-through contains not just one (1) but separate points of ordering, payment, and/or receipt of goods, queuing is considered to apply in between all three (3) points as well as between the ingress point and initial point of service. "Queuing" may be used interchangeably with "stacking."

"R."

"Rapid re-housing" means housing search and relocation services and short- and medium-term rental assistance to move homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.

"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 and 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. (See 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 U.S.C. Section 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 twenty-one (21) days after the Director's decision.

"Recreational vehicle" means a camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit.

“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.

“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 set-back requirement 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 – scrap and dismantling yards” 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, remanufacturing and shredding.

“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.

“Rehabilitation improvements” means modifications to existing structures that are vacant for twelve (12) months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

“Religious organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

“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.”

“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, lab”; “Medical service, doctor office”; and “Medical service, urgent care clinic”).

“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 the field only, may include investigation, testing or experimentation for study, research education, mitigation, and demonstration of scientific principles and is temporary in nature.

“Residential target area” (“RTA”) means an area that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public. With respect to designations after July 1, 2007, “residential targeted area” may not include a campus facilities master plan. See Chapter 3.64 LMC.

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

“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, 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 restaurants, cafés, coffee shops which serve beer, wine or distilled spirits with the meal.

“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.

“Retail store” 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.

“Right-of-way” means land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic. Right-of-way may also include land privately owned; provided, that such land has been developed and constructed in compliance with all applicable laws and standards for a public right-of-way.

“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.

“Root pruning” means removing roots from a tree to achieve a specified objective using approved practices according to ANSI A300 industry standards.

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

“Rowhouse” means any of two (2) or more identical or nearly identical attached dwelling units that share a common wall on one or both sides of the unit.

“S.”

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

“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.

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

“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 thirty (30) days of the date of installation and shall not be re-installed within the same calendar year.

“Secondhand dealer” means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, secondhand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the state. Secondhand dealer also includes persons or entities conducting business, more than three (3) times per year, at flea markets or swap meets. Secondhand dealer also includes persons or entities operating an automated kiosk.

“Secondhand 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. Does not include pawnbroker or secondhand dealer. Does not include outdoor flea markets or swap meets. 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 71.09.020(15), 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.

“Senior and/or disabled family or household” means one (1) or more persons sixty-two (62) years of age or older and/or disabled persons, and their domestic partners and/or live-in caregivers who need not be sixty-two (62) years of age or older and/or disabled, who are domiciled together; provided, that the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, as calculated under the City’s adopted building code.

“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 sixty (60) degrees above horizontal.

“Shipping containers.” See “Cargo containers.”

“Shopping center” means a primarily retail commercial site with three (3) or more separate businesses sharing common pedestrian and parking areas.

“Shroud” means any decorative covering used to conceal antennas and/or small wireless facility 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 (1) 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 individually 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 (1) 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 Standards Act (42 U.S.C. §§ 5401 through 5426).

“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 (3) factors: (1) a specific tract or parcel 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.

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

“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.

“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.

“Space, loading” means a marked off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

“Space, parking” means an off-street space used temporarily to park a motor vehicle and having access to a public street or alley. This does not include entrance alleyways or access space to a parking lot. This space does not include area for required circulation.

“Special needs housing” means assisted living facilities, confidential shelters, continuing care retirement communities, emergency housing, emergency shelters, enhanced services facilities, hospice care centers, nursing homes, permanent supportive housing, rapid re-housing, transitional housing, adult family homes, and group home Types 1 through 5. Special needs housing does not mean multifamily housing projects with fewer than fifty (50) percent of the units providing special needs housing.

“Specialized senior housing” means coordinated developments of two (2) 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 sixty-two (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 sixty-two (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.

“Specialized senior housing dwelling unit” means a room or rooms located within a senior housing development designed, arranged, occupied or intended to be occupied by not more than one (1) senior and/or disabled family or household as living accommodations separate from other households, except that specialized senior housing dwelling units need not contain food preparation facilities and areas within the room or rooms.

“Sporting vehicle” means a motor- or wind-powered device used in or on the water or off normal public roads for recreational or sporting purposes.

“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).



“Stacked duplex” means a small- to medium-sized structure that consists of two (2) stacked dwelling units, one (1) on top of the other, both of which face and are entered from the street.

“Stacking.” See “Queuing.”

A “stand” of trees means two (2) or more trees whose canopies, driplines, and/or critical root zones are adjacent, touching, or overlapping.

“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 one hundred eighty (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, 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 (5) 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.

“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.”

“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:

1. 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 (6) feet high, or paved areas, but which does include a gas or liquid storage tank that is principally above ground; it otherwise refers to all structures or parts thereof; and
2. For purposes of Chapter 18A.95 LMC, 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 commingled 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.

“Substantial compliance” means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

“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 (1) or more persons a place or area where such persons may offer or display secondhand or junk items. “Swap meet” includes, but is not limited to, flea markets, bazaars, and rummage sales. All swap meets must be conducted indoors.

“T.”

“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 (1) brewery/winery. The tasting room may be operated within a brewery/winery facility, accessory to separate on-site use or as a standalone retail use. Tasting rooms must comply with standard retail land use hours of operation (7:00 a.m. to 11:00 p.m.).

“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 title, 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 thirty (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.

“Three (3) family residential structure, attached or detached dwelling units” means three (3) dwelling units located on one (1) property. The term means the same thing as “triplex.”

“Title elimination” means a process under which as of March 1, 1990, owners of manufactured/mobile homes have an option in the titling process of their home. Owners may eliminate the separate title and opt to record their home with their land as real property. This process is usually done for financial reasons. A mortgage company may require it.

To apply, the property owner must obtain a manufactured home application. Forms and instruction sheets are available in the Auditor’s Office or any Department of Licensing substation.

The Assessor-Treasurer’s Office must verify that taxes on the manufactured/mobile home are paid in full for the current year. A City or county building department must certify that the home is affixed to the land. Title elimination forms must be notarized and/or certified at the county Auditor’s Office. Filing and application fees, plus sales or use tax, may be collected by the Auditor’s Office at the time the title elimination application is processed.

After the documentation is processed and recorded in the Auditor’s Office, the Assessor-Treasurer’s Office receives a copy and the tax rolls are updated to show that the title was eliminated on the home.

“Topping” means using inappropriate pruning techniques to reduce tree size that may result in unnecessary risk, tree stress, or decay.

“Townhouse” means a type of attached dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. Townhouses may be situated or grouped in different layouts within a development.

“Traffic island” means a solid or painted object in a road which marks a division between two (2) 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.

“Trailer” means every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle.

“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.

“Transit shelter” means a small roofed structure which provides partial protection from the elements for persons waiting for buses, trains or other transit vehicles.

“Transit station” means more than one (1) transit shelter in one (1) location, or one (1) large shelter, typically serving several transit routes and/or modes of transit, and which may or may not incorporate accessory convenience retail and service establishments.

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two (2) years and that has as its purpose facilitating the movement of homeless persons and families into independent living (RCW 84.36.043(2)(c)). Transitional housing does not mean multifamily housing projects with fewer than fifty (50) percent of the units providing transitional housing.

“Transitory accommodations” means 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.

“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.

“Tree protection plan” means an annotated and scaled drawing demonstrating compliance with tree protection specifications for construction operations as identified in this section.

“Trimming” means detaching a limb, branch, or root from a tree. “Trimming” shall include pruning and cutting.

“Truck/trailer parking” means a surface parking area for the purpose of temporarily parking semi-trucks and/or semi-truck trailers not intended for long-term storage of vehicles.

“Two (2) family residential structure, attached or detached dwelling units” means two (2) dwelling units located on one (1) property. The term means the same thing as “duplex” or “stacked duplex units.” A single-family dwelling containing an accessory dwelling unit shall not be interpreted as a duplex.

“U.”

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

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

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

“Urban center” means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain (a) several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies; (b) adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and (c) a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

“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” (noun) 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 Chapter 18A.30 LMC.

“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.

“Use, unusual” means a use that is not identified and not similar to another use or accessory use identified in this title. Furthermore, a use that could not have been anticipated as a possible use to regulate at the time this title was written.

“Used” (adjective) means employed in accomplishing something. It is synonymous with “occupied” and includes the words “intended, designed or arranged to be used or occupied.”

“Utilities” means electrical, natural gas, potable water, storm water, wastewater 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.

“Utility vehicle” includes those devices capable of being moved upon a public highway and in, upon, or by which any property or animal is or may be transported or drawn upon a public highway such as utility trailers, horse trailers, and other similar devices, except for devices moved by human or animal power or used exclusively upon stationary rails or tracks.

“V.”

“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/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 reported for the Tacoma, WA HUD Metro FMR Area.

“W.”

“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 (1) foot.

“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”).

“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.

“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 18A.40.060 or 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.

“Wireless service facilities” means facilities used for personal wireless services (and commingled information services).

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

“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 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.

“Y.”

“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.”

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



“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 uses 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:

1. Residential zoning can include single-family or any number of other designations which cover homes, apartments, duplexes, trailer parks, co-ops, condominiums, and special needs housing. Residential zoning can cover issues such as whether mobile homes can be placed on property, and the number of structures allowed on certain property.
2. 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, special needs housing, and 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.
3. 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 businesses—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, setback requirements are often higher for industrial zoned properties.

“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. [Ord. 794 § 2 (Exh. A), 2023; Ord. 789 § 2 (Exh. A), 2023; Ord. 775 § 1 (Exh. A), 2022; Ord. 758 § 2 (Exh. A), 2021; Ord. 756 § 2, 2021; Ord. 751 § 4 (Exh. C), 2021; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

## **Chapter 18A.20      ADMINISTRATION**

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- 18A.20.015      Preapplication conferences.**
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## **Chapter 18A.30      DISCRETIONARY PERMITS**

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- Article I.      Comprehensive Plan Amendment**
  - 18A.30.010      Type of action.**
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Article VI.	Planned Development
18A.30.530	Purpose.
18A.30.540	Application.
18A.30.550	Public hearing.
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18A.30.580	Minimum size.
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18A.30.610	Required open space and recreation facilities.
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Article VII.	Rezone and Text Amendments
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18A.30.695.40	Public notice.
18A.30.695.50	Review.
18A.30.695.60	Burden of proof.

- 18A.30.695.70 Examiner’s authority.**
- 18A.30.695.80 Appeals.**
- 18A.30.695.90 Compliance with conditions.**

**Article VIII. Temporary Use Permits**

- 18A.30.700 Purpose.**
- 18A.30.710 Permitted uses.**
- 18A.30.720 Exemptions.**
- 18A.30.730 Application and authorization.**
- 18A.30.740 Standards.**
- 18A.30.750 Criteria for granting approval.**
- 18A.30.760 Decision.**

**Article IX. (Reserved)**

**Article X. Variance**

- 18A.30.840 Purpose.**
- 18A.30.850 Process type of action.**
- 18A.30.860 Limitations.**
- 18A.30.870 Authority.**
- 18A.30.880 Required findings.**
- 18A.30.890 Additional conditions of approval.**

**Article XI. Unusual Uses**

- 18A.30.900 Purpose.**
- 18A.30.960 Process type of action.**

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**Article I. Comprehensive Plan Amendment**

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**18A.30.020 Plan amendment procedures – Comprehensive plan.**

X. Individual and agency initiated proposals to amend the Lakewood Comprehensive Plan shall be submitted to the Department on forms provided by the City.

X. 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.

X. All proposals shall be considered collectively once each year except in the case of an emergency as determined by the City Council (see LMC 18A.30.090, Timing and exemptions).

X. The comprehensive plan amendment calendar shall be approved by the City Council. No fee shall be charged at this proposal stage.

X. 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. [Ord. 726 § 2 (Exh. B), 2019.]

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### **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 Chapter 173-26 WAC;
  3. The response to an existing emergency, as specified in LMC 18A.30.XXX;
  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; or
  7. An update to the Transit Overlay under Article XX Chapter 18A.50.XXX consistent with changes in transit service.
- 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. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.XXX Emergency amendments.**

A. Emergency amendments to the Comprehensive Plan are those required in situations where regulatory action is needed to provide for the immediate protection of public health, safety, and welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare.



B. The process to amend the Comprehensive Plan will be initiated by the City Council upon adoption of a resolution specifying the nature of the emergency.

C. Emergency amendments will be assessed by City staff at the direction of Council and reviewed by the Planning Commission at a public hearing consistent with the requirements of LMC 18A.30.030. A subsequent recommendation from the Planning Commission on the proposed emergency amendment will be forwarded to the City Council.

D. The City Council will evaluate the proposed emergency amendments based on recommendations of the Planning Commission. The Council may take action on the proposed emergency amendment after a public hearing.

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## **Article III. Cottage Housing**

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### **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)~~ 1.5 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 subsections (A)(1) or (A)(2) of this section, 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 three-fourths (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 four hundred (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 LMC 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. [Ord. 726 § 2 (Exh. B), 2019.]

#### **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. [Ord. 726 § 2 (Exh. B), 2019.]

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### **18A.30.280 Parking.**

- A. A minimum of two (2) 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. If the lot is within one-half (1/2) mile of a major transit stop, defined as a stop for commuter rail or bus rapid transit, no parking is required if adequate provision of on-street parking facilities is available as determined by the Director.
- 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 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 twenty (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 shall not be located between the common open space and the dwelling units.  
[Ord. 726 § 2 (Exh. B), 2019.]

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## **Article IV. Development Agreement**

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## **Article V. Land Use Review and Approval**

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## **Article VI. Planned Development**

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## **Article VII. Rezone and Text Amendments**

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## **Article VIII. Temporary Use Permits**

### **18A.30.700 Purpose.**

The provisions of this article 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.  
[Ord. 726 § 2 (Exh. B), 2019.]

### **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 nonresidential 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 nonprofit 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. [Ord. 726 § 2 (Exh. B), 2019.]

### **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. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.730 Application and authorization.**

A. A temporary use permit is a Process Type I action and shall be considered in accordance with the procedures for such permits as set forth in Chapter 18A.20 LMC, 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, 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. [Ord. 726 § 2 (Exh. B), 2019.]

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### **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 days (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 this section.
  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 this section.
  3. Hosting the homeless by a religious organization is permitted for a total of six months during a year, with a three-month separation required between continuous hosting terms of a maximum of four months at any one time.
- F. All signs shall comply with the requirements of Chapter 18A.100 LMC, 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. [Ord. 726 § 2 (Exh. B), 2019.]

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## **Article IX. (Reserved)**

## **Article X. Variance**

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## Article XI. Unusual Uses

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## 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.40.025	Restrictions on dangerous and objectional elements.
18A.40.030	Agriculture.
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	Air corridor and clear zone.
18A.40.140	Transportation.
18A.40.150	Utilities.
18A.40.160	Marijuana prohibited.

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### 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 sixty (60) days, except that in no case shall a transitory accommodation, which may be allowed to operate continuously for a period of up to ~~ninety (90)~~ one hundred twenty (120) days. A use which will operate for sixty (60) days or less, and hosting the homeless by religious organizations, are considered temporary uses and are subject to the requirements of Chapter 18A.30 LMC, Article VIII. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located within the Lakewood City limits. [Ord. 756 § 2, 2021; Ord. 726 § 2 (Exh. B), 2019.]

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## 18A.40.060 Essential public facilities.

A. Essential Public Facilities Land Use Table. See LMC 18A.40.060(B) for development and operating conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Essential Public Facilities	Zoning Classifications																					OSR 1	OSR 2
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI		
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 LMC <a href="#">18A.40.120</a> , 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
Interstate Highway 5 (I-5) (B)(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P
Mental health facility (B)(1), (B)(2), (B)(4) through (B)(11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Military installation (B)(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum security institution (B)(1), (B)(2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
<u>Organic materials (OM) management facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Secure community transition facility (SCTFs) (B)(1), (B)(2), (B)(3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

**Zoning Classifications**

<b>Essential Public Facilities</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>	<b>ARC</b>	<b>NC1</b>	<b>NC2</b>	<b>TOC</b>	<b>CBD</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>IBP</b>	<b>I1</b>	<b>I2</b>	<b>PI</b>	<b>OSR 1</b>	<b>OSR 2</b>
Solid waste transfer station <a href="#">(B)(1)</a> , <a href="#">(B)(2)</a>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit facility <a href="#">(B)(1)</a>	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit railroad right-of-way <a href="#">(B)(1)</a>	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit bus, train, or other high capacity vehicle bases <a href="#">(B)(1)</a>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Washington State Highway 512 <a href="#">(B)(1)</a>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-
Work/training release facility <a href="#">(B)(1)</a> , <a href="#">(B)(2)</a>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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.

Applications for all uses must comply with all of subsection B of this section’s relevant general requirements.

## 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. Except for special needs housing, 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 two (2) 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, especially overburdened communities as defined under RCW 70A.02.010(11).
- 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), including consideration of overburdened communities. 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 six hundred (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 six hundred (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 six hundred (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 six hundred (600) feet of any residentially zoned property.
4. Additional Siting Criteria for Mental Health Facilities – Purpose. The purpose of the public facilities master plan process is to encourage essential public facilities civic uses on large parcels of land to be developed holistically, with internally compatible uses and physical development and with accommodations made for natural site and environmental conditions, assuring that:
- a. Appropriate provisions are made for water, sanitary sewer, drainage ways, utilities, roadways, emergency services, and any other applicable infrastructure or services;
  - b. Critical areas will be protected;
  - c. Usable open space will be provided;
  - d. Appropriate provisions are made for motorized and nonmotorized transportation circulation, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
  - e. Approval criteria and mitigation measures are established which include general design elements and linkage components; and
  - f. The safety of the general public as well as workers at and visitors to the facility is ensured.

5. Applicability.

A public facilities master plan is required for all essential public facilities civic uses which utilize contiguous parcels of land totaling twenty (20) acres or more and which are zoned Public/Institutional.

Exemption from a Public Facilities Master Plan. A public facilities master plan is not required for installation of portable classrooms as approved by the Director subject to Process Type I administrative action; permitted uses in the PI zoning district; renovations, remodeling and general maintenance, provided there is no expansion in occupiable space greater than one thousand (1,000) square feet of the structure proposed for renovation/remodeling; roof repairs; infrastructure improvements to existing systems (e.g., interior streets; sidewalks; lighting; security equipment; landscaping; and storm water, sewer, water, and power utilities); emergency repairs; and installation of fire/life safety equipment).

6. Uses. Uses not included in an approved public facilities master plan, except those listed in subsection (B)(5) of this section, shall not subsequently be allowed upon the site except by review and approval of an amended public facilities master plan following the same process as establishment of an initial public facilities master plan.

When a new essential public facility civic use is proposed which requires a public facilities master plan or amendment to an existing plan and it is located on the same property or site of an already established essential public facility civic use, the City shall

require the project proponent to prepare a compatibility study which, at minimum, contains the following information on a form prescribed by the City:

- a. The purpose of the proposed essential public facility civic use;
  - b. An operational characteristics description of the proposed essential public facility civic use and an operational characteristics description of the existing use or uses;
  - c. An evaluation of the potential effects of the proposed essential public facility civic use upon the existing use or uses;
  - d. An evaluation of the potential effects of the proposed essential public facility civic use upon the adjacent properties;
  - e. An evaluation of the potential effects of the proposed essential public facility civic use upon overburdened communities or at-risk or special needs populations, including but not limited to children and the physically or mentally disabled; and
  - f. Identification of any applicable mitigation measures designed to address any potential effects identified through the evaluation required herein.
7. Previous Permits. A previously adopted public facilities permit issued under Pierce County predating City incorporation, or a previously adopted administrative use or other permit issued pursuant to LMC Title 18 or 18A after City incorporation, may constitute an adopted public facilities master plan for the purposes of fulfilling the requirements herein. Any subsequent amendment(s) sought to an existing public facilities permit shall follow the process for a public facilities master plan.
8. Process. A public facilities master plan shall be reviewed as a Process Type III permit under LMC 18A.20.080.
9. Termination and Expiration of Approval. If a condition of approval is violated, or if any provision of this code is violated, the Director may, in his sole discretion, initiate a revocation of the public facilities master plan which shall require a public hearing before and decision by the Hearing Examiner. Nothing in this section shall limit or affect the revocation of building permits, issuance of stop orders or other similar proceedings authorized by this code.

Recognizing that the nature of essential public facilities often requires approval of significant capital appropriations and that the appropriations process may be unpredictable, a public facilities master plan typically would not expire unless and until the slate of projects to be completed thereunder has been substantially completed, and new projects that are not included in the scope of the public facilities master plan are proposed. In such case, the proponent shall undertake an update which shall follow the same process as an initial public facilities master plan.

10. Discontinuance of Public/Institutional and/or Essential Public Facilities Civic Use. When a public/institutional and/or an essential public facilities civic use has been discontinued for a period of six (6) or more months, the use of land and/or structure(s) shall be considered discontinued. In the event of discontinuance, the public/institutional and/or

essential public facilities civic use shall be demolished in accordance with the provisions of the International Building Code.

11. Adaptive Reuse. In the event that a public/institutional and/or an essential public facilities civic use is proposed for adaptive reuse, where buildings/structures are repurposed for viable new uses and modern functions, other than those originally intended, to address present-day needs, a public facilities master plan is required. Adaptive reuse does not constitute an exemption from a public facilities master plan as is outlined in subsection (B)(5) of this section. [Ord. 789 § 2 (Exh. A), 2023; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

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## 18A.40.080 Health and social services.

A. Health and Social Services Land Use Table. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Health and Social Services See note (B)(1)*	Zoning Classifications																						
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI	OSR 1	OSR 2
Day care center in existing and new schools (B)(2)	-	-	-	-	-	-	-	-	P	E	P	P	P	P	P	P	E	-	-	-	P	-	-
Day care center in existing or new churches (B)(2)	P	P	P	P	-	-	-	-	P	E	P	P	P	P	P	P	E	-	-	-	-	-	-
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	E	P	E	P	P	P	P	E	-	-	-	-	-	-
Day care center providing care for children and/or adult relatives of employees of a separate business establishment located on the same site (B)(2), (B)(3)	-	-	-	-	-	-	-	-	-	E	P	P	E	E	P	P	E	P	-	-	E	-	-
Day care center, independent (B)(2)	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	E	-	-	-	E	-	-
Day care center providing care for children and/or adults (B)(2), (B)(3)	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	C	C	=	=	P	=	=
Human service agency offices	-	-	-	-	-	-	-	-	-	C	P	P	P	P	-	P	P	P	-	-	-	-	-
Medical service, urgent care clinic	-	-	-	-	-	-	-	-	-	-	-	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	P	-	-	C	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	-	-
Preschool/nursery school	P	P	P	P	-	-	P	P	P	C	P	P	P	P	P	P	C	C	-	-	C	-	-

P: Permitted Use C: Conditional Use “-”: Not allowed

\* Numbers in parentheses reference use-specific development and operating conditions under subsection (B) of this section.

B. Development and Operating Conditions.

1. Family day care and other health and social services which are residential in nature are regulated under LMC 18A.40.110, Residential uses. Adult family homes are regulated under LMC 18A.40.120, Special needs housing.
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. [Ord. 794 § 2 (Exh. A), 2023; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

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## 18A.40.110 Residential uses.

A. Residential Land Use Table. See LMC 18A.40.110(B) for development and operating conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Residential Land Uses	Zoning Classifications																				
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Accessory caretaker's unit	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-
Accessory dwelling unit (ADU) (B)(1)*	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-
Babysitting care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Boarding house (B)(2)	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cottage housing (B)(3)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Foster care facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Co-housing (dormitories, fraternities and sororities) (B)(4)	-	-	-	-	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-
Detached single-family (B)(5)	P	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Two-family residential, attached or detached dwelling units	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	P	P	P	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Three-family residential, attached or detached dwelling units	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	P	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Four-family residential, attached or detached dwelling units	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Five- and six-family residential, attached or detached dwelling units	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Multifamily, <del>four</del> seven or more residential units	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Mixed use	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-
Family daycare (B)(6)	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Home agriculture	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Home occupation (B)(7)	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home parks (B)(8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Residential Land Uses	Zoning Classifications																				
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Residential accessory building <a href="#">(B)(9)</a>	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small craft distillery <a href="#">(B)(6)</a> , <a href="#">(B)(12)</a>	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-
Specialized senior housing <a href="#">(B)(10)</a>	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses <a href="#">(B)(11)</a>	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.

Applications for all uses must comply with all of subsection B of this section’s relevant general requirements.

B. Operating and Development Conditions.

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

a. ~~One (1)~~ Up to two (2) ADUs shall be allowed as ~~an~~ accessory uses in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing unit. ADUs shall not be included in the density calculations. A lot shall contain no more than ~~onetwo (12)~~ ADUs.

x. Lots designated with critical areas or their buffers shall be allowed up to one (1) ADU per lot.

b. An ADU may be established by creating the unit within or in addition to the new or existing principal 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 one thousand (1,000) square feet, excluding garage area. The size of a living space of a detached ADU shall be a maximum of one thousand (1,000) square feet excluding garage.

~~e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.~~

f. Wherever practicable, a principal dwelling shall have one (1) entrance on the front, with additional entrances permitted on the side and rear. On corner lots, it is permissible to locate the entry door to the accessory dwelling unit on a street side of the structure other than the street side with the entry door for the principal dwelling unit. The entrance to an attached accessory dwelling unit may be on the front of the house only if (i) it is located in such a manner as to be clearly secondary to the main entrance to the principal dwelling unit; or (ii) it is screened from the street.

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 18A.80.030(F). Such parking shall consist of a driveway, carport, garage, or a combination thereof, located on the lot they are intended to serve.

i. For lots located within one-quarter (1/4) mile of a Pierce Transit bus route; or one-half (1/2) mile of the Sound Transit Lakewood Station, commuter rail or bus rapid transit stop, or other major transit stop providing fixed route service at intervals of at least fifteen minutes for at least five hours during weekday peak hours, and also zoned RT,

~~R2, R3, R4, MR1, MR2, MF1, MF2, or TOC~~, off-street parking for an ADU may shall not be required provided there is adequate street capacity as determined by the Director; ~~and there is curb, gutter, and sidewalk, constructed to City standards, adjoining the lot where an ADU is proposed. Parking may be required.~~ Adequate street capacity is present if the ADU is in an area with ~~a lack of~~ access to street parking capacity, no physical space impediments, ~~or and no~~ other reasons to support indicate that on-street parking is infeasible for the ADU.

- j. Any legally constructed accessory building existing prior to the effective date of the ordinance codified in this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed one thousand (1,000) square feet, excluding garage area.

~~k. Where the residential accessory building is detached from an existing single family structure, the building height shall be limited to twenty-four (24) feet.~~

- l. 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.

x. Discrete ownership of an ADU may be created through the residential binding site plan and/or condominium declaration process pursuant to Chapter 17.30 LMC and Chapter 64.34 RCW as applicable.

## 2. Standards – Boarding House.

- a. Parking Requirements. At a minimum, there must be one (1) off-street parking stall per occupant, or 0.75 space per room if the lot is within one-quarter (1/4) mile of a commuter rail or bus rapid transit stop. An owner may reduce the off-street parking requirement if an affidavit is signed that an occupant does not own a vehicle.
- b. Solid Waste Management Regulations.
  - i. All occupied units shall have minimum garbage service as prescribed by the City pursuant to LMC Title 13.
  - ii. The owner is responsible to provide each occupant with the solid waste collection schedule and that schedule is to be posted within the unit as approved by the City.
- c. International Property Maintenance Code. Pursuant to LMC Title 15, International Property Maintenance Code occupancy requirements are applicable to a boarding house regardless of the number of individuals living in the residence.
- d. Amortization Schedule. Existing boarding houses have until December 31, 2015, to become compliant with the regulations outlined in this title and LMC Title 5 as it pertains to boarding house.

- e. Additional Standards. The following additional standards are required to be met for any boarding house housing over four (4) unrelated individuals excluding Types 1, 2, 3, 4, and 5 Group Homes in LMC 18A.10.040; hotels and motels as defined in LMC 18A.10.040; and excluding state-licensed foster homes, in addition to the criteria for a conditional use permit under Chapter 18A.30 LMC, Article II.
  - i. Adequate living space based on the International Residential Code standards will be taken into account when a request for more than four (4) unrelated individuals is requested.
  - ii. A designated property manager that is available twenty-four (24) hours a day, seven (7) days a week, is required.
  - iii. The request for more than four (4) unrelated individuals will not adversely impact the surrounding community.
  - iv. General Business License Required. A boarding house falling under this subsection is deemed a business activity and is subject to the requirements of Chapter 5.02 LMC.
  - v. The applicant must adhere to the provisions of the City's noise control regulations found in Chapter 8.36 LMC.
- 3. Cottage housing is permitted subject to Chapter 18A.30 LMC, Article III.
- 4. Dormitories, fraternities and sororities shall be permitted as accessory uses to public or private educational institutions or churches.
- 5. 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:
    - i. 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.
    - ii. Be built to meet or exceed the standards established by 42 U.S.C. Chapter 70 – Manufactured Home Construction and Safety Standards, now or hereafter amended.
    - iii. Be thermally equivalent or better to that required by the state energy code for new residential structures, now or hereafter amended.
    - iv. Be set on and securely attached to a permanent foundation as specified by the manufacturer.
    - v. Proof of title elimination per the Pierce County Auditor identified process is required prior to manufactured housing building occupancy.

- vi. 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:
  - i. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended.
  - ii. 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.
  - iii. 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.
- 6. 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.
- 7. 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 (1) additional person not residing in the dwelling unit.
  - d. Home occupations may have on-site client contact subject to the following limitations:
    - i. All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
    - ii. The home occupation shall generate no more than two (2) vehicle trips per hour to the licensed residence; and

- iii. The home occupation shall not create a public nuisance.
  - e. The following activities shall be prohibited:
    - i. Automobile, truck, boat and heavy equipment repair;
    - ii. Auto or truck body work or boat hull and deck work;
    - iii. Parking and storage of heavy equipment;
    - iv. Storage of building materials for use on other properties;
    - v. Painting or detailing of autos, trucks, boats, or other items;
    - vi. The outside storage of equipment, materials or more than one (1) vehicle related to the business;
    - vii. Vehicles larger than ten thousand (10,000) pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
    - viii. 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 forty-five (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.
8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with subsection (C) of this section.
9. Residential Accessory Building.
- a. The maximum height for residential accessory buildings 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 one hundred twenty (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.60.160, 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.60.160. 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 multifamily residential zoning district. Modified shipping containers or cargo containers approved for use as part of residential construction shall comply with criteria included in LMC 18A.10.180 under "Cargo containers."

10. See LMC 18A.40.120, Special needs housing.

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 vehicle, subject to LMC 18A.60.160.
- 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 provisions of LMC 18A.60.180.
- g. Hobbyist crop or flower gardens which are noncommercial 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. Antennas and satellite dishes for private telecommunication services.
  - k. Decks and patios.
  - l. Noncommercial 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.
12. Small craft distilleries may contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer's licenses and grower's licenses.
13. Conditions for Foster Care Facilities. Foster care facilities, including foster family homes and group-care facilities, must comply with Chapter 74.15 RCW and hold a business license as required thereunder.

...

**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. Public health and safety require that these facilities be subject to certain conditions.



B. Special Needs Housing Table. See subsection C of this section for development and operating conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts. See Chapter 18A.50 LMC, Article III, for the emergency housing and emergency shelter overlay (EHESO) district map.

**Zoning Classifications**

<b>Description(s)</b>	<b>R1, R2, R3, R4</b>	<b>MR1, MR2</b>	<b>MF1, MF2, MF3</b>	<b>ARC, NC1, NC2</b>	<b>TOC, CBD</b>	<b>C1, C2, C3</b>	<b>IBP, I1, I2</b>	<b>OSR1, OSR2</b>	<b>PI</b>	<b>ML, CZ, AC1, AC2</b>
Assisted Living Facility	<del>P</del>	<del>EP</del>	P	P	P	P	-	-	-	-
Confidential Shelter <a href="#">(C)(5)</a>	P	P	P	P	P	-	-	-	P	-
Continuing Care Retirement Community	-	<del>EP</del>	P	P	P	P	-	-	-	-
Emergency Housing	-	-	-	-	P	P	-	-	-	-
Emergency Shelter	-	-	-	-	P	P	-	-	-	-
Enhanced Services Facility	-	-	-	C	C	C (C2 zone only)	-	-	-	-
Hospice Care Center	C	C	P	-	-	-	-	-	-	-
Nursing Home	-	C	P	P	P	P	-	-	-	-
Permanent Supportive Housing	P	P	P	P	P	P	-	-	C	-
Rapid Re-Housing	P	P	P	P	P	-	-	-	C	-
Transitional Housing	P	P	P	P	P	P	-	-	C	-
Type 1 Group Home, adult family home <a href="#">(C)(1)</a>	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home	P	P	P	P	P	-	-	-	C	-
Type 3 Group Home	-	C	C	C	C	-	-	-	C	-
Type 4 Group Home	-	-	-	-	-	C (C1 and C2 zones only)	-	-	-	-
Type 5 Group Home	-	-	-	C (NC2 zone only)	C	C (C2 zone only)	-	-	-	-

P: Permitted Use C: Conditional Use - : Not allowed

Numbers in parentheses reference use-specific development and operating conditions under subsection C of this section.

Applications for all uses must comply with all of subsection C of this section’s relevant general requirements.

### C. Development and Operating Conditions.

1. Adult Family Homes. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW, Chapter 220, Laws of 2020 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. Development Conditions for Special Needs Housing.
  - a. Applications for special needs housing facilities shall be processed in accordance with the standard procedures and requirements as outlined in Chapter 18A.20 LMC, Article I, and with the following additional requirements:
    - i. Required Submittals. Applications for special needs housing for special needs housing facilities are public records and shall include the following:
      - (a) A land use permit application containing all of the required information and submissions set forth in Chapter 18A.20 LMC, Article I;
      - (b) A copy of any and all capital funding grants or award contracts related to the construction of a new structure or conversion of an existing structure to operate as a special needs housing facility;
      - (c) Written documentation from the applicant agreeing to hold a public informational community meeting within four (4) weeks, but no sooner than two (2) weeks, from the time of application. The purpose of the community meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed facility.

The community meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal, 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. The meeting is also an opportunity for the community to make the operator aware of the characteristics of the surrounding community and any particular issues or concerns.

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 three hundred (300) feet of the project site.

If the use is proposed in an existing facility, the community meeting shall be held following an inspection of the existing facility per subsection (C)(2)(a)(i)(d) of this section.

(d) Written request from the applicant to the Fire Marshal and Building Official for an inspection of an existing facility 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 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.

(e) An operation plan that provides per subsection (C)(5)(b)(i)(c)(iii) of this section information about the proposed facility and its programs, per the requirements of the Community and Economic Development Department.

ii. Participation in HMIS. All special needs housing facilities should participate in the Pierce County homeless management information system (HMIS).

3. Development Application Process – Residents of Domestic Violence Shelters – Special Accommodations. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together 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 the 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 (6) unless a new grant of special accommodation is issued for a modified proposal.

- e. A decision to grant special accommodation is a Process Type I action. The decision shall be recorded with the Pierce County Auditor.
4. Development Registration Process of Existing Special Needs Housing. The state intends to regularly allocate a number of people the City should expect to accommodate in special needs housing. To ensure that the City is aware of the existing special needs housing operating within the City, those operating special needs housing prior to the effective date of the ordinance codified in this title shall register with the Community and Economic Development Department within one (1) year after the effective date of the ordinance codified in this title. 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.
5. General Development and Operating Conditions – Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Development and Operation Conditions.
- a. Purpose and Applicability.
    - i. The purpose of this section is to establish reasonable standards for the safe operation and appropriate siting of emergency housing, emergency shelter, permanent supportive housing, and transitional housing facilities within the City of Lakewood, so as to protect public health and safety for both facility residents and the broader community. This section does not include regulations for foster care facilities or group homes.
    - ii. Supportive housing facilities are allowed in all residential districts, provided they are of a similar scale as surrounding development (e.g., lot coverage, setbacks, impervious surface requirements, building height, etc.) *As the needs of residents increase and/or the size of the facilities increase, such facilities should be located within areas of the City that allow increasing intensity of use and are in proximity of services in accordance with state law.*
  - b. Performance Standards.
    - i. General Requirements for Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Operations and Development Conditions.
      - (a) General.

- (i) When a site includes more than one (1) type of facility, the more restrictive requirements of this section shall apply.
- (ii) Each facility application will be reviewed through the Type 1 administrative permit review process in Chapter 18A.20 LMC. In considering whether the permit should be granted, the Director shall use the requirements in this code to consider the effects on the health and safety of facility residents and the neighboring communities.
- (iii) All facilities shall comply with all federal, state, county and local requirements to ensure housing safety and habitability. See, e.g., the Pierce County, WA Homeless Housing Program Policy and Operations Manual Chapters 5, 6, 7, and 8.
- (iv) All facilities are subject to the business license requirements under Chapter 5.02 LMC as applicable.
- (v) All facilities must comply with the Building and Construction Code under LMC Title 15. All facilities must also comply with the relevant provisions of LMC Title 18A and with LMC Title 18B or 18C if applicable.

~~(vi) All facilities must comply with the provisions of crime prevention through environmental design (CPTED) under LMC 18A.60.090, 18B.500.530 or 18C.500.530 as applicable; provided, however, that existing buildings being converted to emergency housing, emergency shelter, permanent supportive housing or transitional housing shall not be required to make structural changes solely to comply with CPTED unless the relevant structural elements of the building are being altered as part of the conversion.~~

(b) Site and Transit.

- (i) Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located.
- (ii) Exterior lighting must comply with LMC 18A.10.135.8 and 18A.60.095.
- (iii) The minimum number of off-street parking spaces required for each facility will be determined by the Director through the approval process per Chapter 18A.80 LMC, Chapter 18B.600 LMC, or Chapter 18C.600 LMC and taking into consideration factors such as the potential number of residents, site constraints, and impact on the surrounding neighborhood.
- (iv) A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.

(c) Facility Operations.

- (i) The sponsor or managing agency shall comply with all relevant federal, state, and local laws and regulations. The facility is subject to inspections by local

agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

- (ii) Service providers must provide on-site supervision of facilities and program participants at all times, unless providers demonstrate in the operations plan that another level of supervision will be effective in keeping residents and the public healthy and safe.
  - (iii) The sponsor or managing agency must provide the City with an operation plan at the time of the application per subsection (C)(2)(a)(i)(d) of this section that adequately addresses the following elements:
    - (A) Name and contact information for key staff;
    - (B) Roles and responsibilities of key staff;
    - (C) Site/facility management, including security policies and an emergency management plan;
    - (D) Site/facility maintenance;
    - (E) Occupancy policies, to the degree legally applicable, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
    - (F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;
    - (G) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
    - (H) Procedures for maintaining accurate and complete records.
  - (iv) Sponsors or managing agencies shall provide the City with accurate, written documentation demonstrating that the agency has applicable experience providing similar services to people experiencing homelessness.
  - (v) Sponsors or managing agencies shall provide the City with accurate, written documentation demonstrating that the agency has a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.
- ii. Special Conditions for Emergency Housing and Emergency Shelters. In addition to the requirements under subsection (C)(5)(b)(i) of this section, emergency housing and emergency shelters are required to comply with the following:
- (a) Facility Standards.
    - (i) No ~~special needs housing~~ emergency housing or emergency shelter may be located within an eight hundred eighty ~~one thousand (1,000)~~ 880 foot radius of

another property with emergency housing or an emergency shelter unless sponsored by the same governmental, religious, or not-for-profit agency.

(ii) Emergency housing and emergency shelters must meet all federal, state, county and local requirements to ensure housing safety and habitability, including occupancy requirements under the fire code.

~~(ii) In residential zones, no more than one (1) adult bed per two hundred fifty (250) square feet of floor area is allowed per facility. For the purposes of this section the following zones are considered residential zones: R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF3.~~

~~(iii) In all other zones, no more than one (1) adult bed per thirty five (35) square feet of floor area is allowed per facility.~~

(b) Facility Operations.

~~(i) Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.~~

(ii) No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless: the child is emancipated consistent with Chapter 13.64 RCW; accompanied by a parent or guardian; or the facility is licensed to provide services to this population. If a nonemancipated child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

(iii) No person under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

~~(c) Facility Services.~~

~~(i) Residents shall have access to the following services on site; if not provided on site, transportation shall be provided:~~

~~(a) For all facilities, medical services, including mental and behavioral health counseling.~~

~~(b) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.~~

~~(c) For emergency shelter facilities, substance abuse assistance.~~

~~(ii) All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.~~

~~(iii) Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.~~

~~(iv) The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.~~

iii. Special Conditions for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (C)(5)(b)(i) of this section, permanent supportive housing and transitional housing are required to comply with the following:

(a) Facility Standards.

(i) In residential zones, individual facilities ~~shall not have more than eighty (80) dwelling units and~~ are subject to the density standards of residential uses allowed in the zone where the facility is located. For the purposes of this section the following zones are considered residential zones: R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF3.

(ii) The multifamily housing design standards of LMC 18A.60.030 shall apply to all facilities with more than five (5) dwelling units.

(b) Facility Services.

(i) All residents shall have access to appropriate cooking and hygiene facilities.

~~(ii) Facilities serving more than five (5) dwelling units shall have dedicated spaces for residents to meet with service providers.~~

~~(iii) Residents shall have access to the following services on site or shall be provided transportation to such services by the sponsor or managing agency:~~

~~(a) Medical services, including mental and behavioral health counseling.~~

~~(b) Employment and education assistance.~~

6. Abandonment of Special Needs Housing Use. Any existing special needs housing facility that is abandoned for a continuous period of one (1) year or more shall not be permitted to be reestablished, except as allowed in accordance with the standards and requirements for establishment of a new facility. [Ord. 789 § 2 (Exh. A), 2023; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]



## **Chapter 18A.50      OVERLAY DISTRICTS**

Sections:

- 18A.50.005      Definitions.**
- Article I.      Flood Hazard Overlay (FHO)**
  - 18A.50.010      Purpose.**
  - 18A.50.020      Applicability.**
  - 18A.50.030      Administration.**
  - 18A.50.040      Alteration of water courses.**
  - 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.**
- Article II.      Senior Housing Overlay (SHO)**
  - 18A.50.110      Purpose.**
  - 18A.50.120      Applicability.**
  - 18A.50.130      Provisions.**
  - 18A.50.140      Monitoring.**
- Article III.      Sexually Oriented Businesses Overlay (SOBO)**
  - 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 overlays (SOBOS) created.**
  - 18A.50.260      Sexually oriented business location within SOBOS.**
  - 18A.50.270      Processing of applications for licenses and permits.**
  - 18A.50.280      Conforming and nonconforming sexually oriented businesses.**
  - 18A.50.290      Notice to nonconforming sexually oriented business 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.**
- Article IV.      Lakewood Overlay Districts Map**

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### **Article I.    Flood Hazard Overlay (FHO)**

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## Article II. Senior Housing Overlay (SHO)

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## Article III. Sexually Oriented Businesses Overlay (SOBO)

...

## **Article XX. Emergency Housing and Emergency Shelter Overlay (EHESO)**

### **18A.50.XXX Purpose.**

To ensure that local needs for emergency housing and shelter options can be provided, the Emergency Housing and Emergency Shelter Overlay provides

### **18A.50.XXX Applicability.**

- A. The EHESO extends to all zoning districts where hostels, hotels, or motels are allowed as per LMC 18A.40.090(A), as reflected in the Lakewood Overlay Districts Map provided in Article XX. Additional areas may be included by Council through updates to the Lakewood Overlay Districts Map.
- B. Any changes to the zoning of a lot that impact whether hostels, hotels, or motels are allowed as a use must also change the boundaries of the EHESO.

### **18A.50.XXX Provisions.**

- A. The following uses are considered to be permitted uses within the EHESO, as per LMC 18A.40.120:
  - a. Emergency housing;
  - b. Emergency shelter; and
  - c. Accessory uses such as office spaces and kitchen facilities related to the operation of (a) and (b).
- B. As per LMC 18A.40.120(C)(5)(b)(ii)(a)(i), no emergency housing or emergency shelter may be located within an eight hundred eighty (880) foot radius of another property with emergency housing or an emergency shelter unless sponsored by the same governmental, religious, or not-for-profit agency.

C. Other provisions for emergency housing and shelter uses in the overlay

## **Article XX. Transit (T)**

### **18A.50.XXX Purpose.**

To provide additional density in locations with frequent transit service to encourage the use of multimodal transportation options, the Comprehensive Plan defines an overlay area where additional density is allowed close to major transit stops, defined as within one-half (1/2) mile of a major transit stop, defined as a stop for commuter rail or bus rapid transit.

### **18A.50.XXX Applicability.**

This article applies at the developer's discretion to land use applications for duplexes and multifamily housing in Residential (R) zoning districts generally within one-quarter (1/4) mile of major transit stops as defined above. The Council has the discretion of changing the boundaries of the overlay to consider access to transit stops and consistency of the boundaries of the overlay.

### **18A.50.XXX Provisions.**

- A. For lots located within the Transit Overlay, additional development densities of at least four (4) units per lot are allowed as a maximum base density as per the provisions of RCW 36.70A.635(1)(a)(ii) and LMC 18A.60.030.
- B. The timing of updates to the Transit Overlay under the Comprehensive Plan and Municipal Code may be managed under LMC 18A.30.090(A).

## **Article ~~IV~~XX. Lakewood Overlay Districts Map**

[ MAP INCLUDED ]

[Ord. 726 § 2 (Exh. B), 2019.]

# 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.60.195 Storage container standards.
- 18A.60.200 Standards for uses and accessory uses not otherwise listed.

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## 18A.60.030 Residential area and dimensions.

A. Development Standards Table.

	Zoning Classifications									
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	
<b>Density (units per acre)</b> <b>(B)(1)</b>	<del>7.0 / 3.5 / 1.8</del>	<del>10.3 / 5.2 / 2.6</del>	<del>23.3 / 11.7 / 5.9</del>	<del>30.6 / 15.3 / 7.7</del>	<del>22</del>	<del>35</del>	<del>22-DUA</del>	<del>35-DUA</del>	<del>54-DUA</del>	
	<del>1.45-DUA</del>	<del>2.2-DUA</del>	<del>4.8-DUA</del>	<del>6.4-DUA</del>	<del>8.7-DUA</del>	<del>14.6-DUA</del>				
<b>Lot size</b>	25,000 GSF	17,000 GSF	7,500 GSF	5,700 GSF	<del>5,000-GSF /unit</del>	<del>3,000-GSF /unit</del>	No minimum lot size	No minimum lot size	No minimum lot size	

**Zoning Classifications**

	<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>
					No minimum lot size	No minimum lot size			
<b>Building coverage</b>	35%	35%	45%	50%	55%	60%	60%	60%	60%
<b>Impervious surface</b>	45%	45%	60%	70%	70%	75%	70%	70%	70%
<b>Front yard/street setback</b>	25 feet	25 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
<b>Garage/carport setback</b>	30 feet	30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
<b>Principal arterial and state highway setback</b>	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
<b>Rear yard setback</b>	20 feet	20 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
<b>Interior setback</b>	8 feet	8 feet	5 feet	5 feet	Attached units: 0 feet; Detached units: 5 feet	Attached units: 0 feet; Detached units: 5 feet	8 feet	8 feet	8 feet
<b>Building height</b>	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	45 feet	65 feet	80 feet
<b>Design</b>	Design features shall be required as set forth in Chapter <a href="#">18A.70</a> , Article I.								
<b>Landscaping</b>	Landscaping shall be provided as set forth in Chapter <a href="#">18A.70</a> , Article II.								
<b>Tree Preservation</b>	Significant tree identification and preservation and/or replacement shall be required as set forth in LMC <a href="#">18A.70.300</a> through <a href="#">18A.70.330</a> .								
<b>Parking</b>	Parking shall conform to the requirements of Chapter <a href="#">18A.80</a> .								
<b>Signs</b>	Signage shall conform to the requirements of Chapter <a href="#">18A.100</a> .								

**B. Specific Development Conditions.**

**1. Residential (R) Maximum Density**

**a. Maximum density requirements for Residential (R) zoning districts are listed as three figures, which are interpreted as follows:**

**i. The first number refers to the maximum housing density (excluding accessory dwelling units) permitted on lots where additional affordable units are provided according to LMC 18A.90.XXX or is located within the Transit Overlay as defined in Article XX Chapter 18A.50 LMC, and do not include critical areas or their buffers as defined under Title 14 LMC.**

**i. The second number refers to the maximum housing density (excluding accessory dwelling units) permitted on lots that do not include critical areas or their buffers.**

**ii. The third number refers to the maximum housing density (excluding accessory dwelling units) permitted on lots that include critical areas or their buffers.**

**b. For all Residential (R) zoning districts, a minimum of two (2) housing units per lot (excluding accessory dwelling units) are allowed on all lots that meet minimum lot size requirements and do not include critical areas or their buffers, or four (4) housing**

units per lot where additional affordable units are provided according to LMC 18A.90.XXX or additional units are permitted in locations close to a major transit stop under Article XX Chapter 18A.50 LMC.

**BC.** Tree Preservation Incentives.

1. The Director may reduce a rear yard and/or side yard building setback to compensate for significant or heritage tree preservation; provided, that the setback is not reduced more than five (5) feet, is no closer to the property line than three (3) feet, is the minimum reduction required for tree preservation, and complies with LMC 18A.60.100, Building transition area.
2. The Director may increase the amount of allowable impervious surface by five (5) percent to compensate for the preservation of a significant or heritage tree. [Ord. 794 § 2 (Exh. A), 2023; Ord. 775 § 1 (Exh. A), 2022; Ord. 726 § 2 (Exh. B), 2019.]

**18A.60.040 Commercial area and dimensions.**

A. Development Standards Table.

	Zoning Classifications							
	ARC	NC1	NC2	TOC	CBD	C1	C2	C3
<b>Density (units per acre)</b>	15-DUA	22-DUA	35-DUA	80 54-DUA	80 54-DUA			
<b>Lot size</b>	The minimum lot size for the ARC zoning district is 5,000 gross square feet (GSF), plus 2,750 GSF for each dwelling unit over 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.			
<b>Lot coverage</b>	All building coverage and impervious surface maximums stated herein may be reduced at the time they are applied, because of storm water requirements. The maximum lot coverage standards for the commercial zoning districts shall be as follows:							
<b>Building coverage</b>	50%	70%	80%	100%	100%	100%	100%	100%
<b>Impervious surface</b>	60%	80%	90%	100%	100%	100%	100%	100%
<b>Setbacks</b>	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:							
<b>Front yard/street setback</b>	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
<b>Garage/carport setback</b>	20 feet	20 feet	20 feet	0 feet	0 feet	0 feet	0 feet	0 feet
<b>Rear yard setback</b>	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
<b>Interior setback</b>	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
<b>Building height</b>	40 feet	50 feet	60 feet	90 feet	90 feet	60 feet	60 feet	60 feet
<b>Design</b>	Design features shall be required as set forth in Chapter <a href="#">18A.70</a> LMC, Article I.							
<b>Landscaping</b>	Landscaping shall be provided as set forth in Chapter <a href="#">18A.70</a> LMC, Article II.							
<b>Tree Preservation</b>	Significant tree identification and preservation and/or replacement shall be required as set forth in LMC <a href="#">18A.70.300</a> through <a href="#">18A.70.330</a> .							

**Zoning Classifications**

**ARC      NC1      NC2      TOC      CBD      C1      C2      C3**

**Parking**      Parking shall conform to the requirements of Chapter [18A.80](#).

**Signs**      Signage shall conform to the requirements of Chapter [18A.100](#) LMC.

B. Tree Preservation Incentives.

1. The Director may increase the amount of allowable impervious surface by five (5) percent to compensate for the preservation of a significant or heritage tree. [Ord. 775 § 1 (Exh. A), 2022; Ord. 726 § 2 (Exh. B), 2019.]

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## **Chapter 18A.70      COMMUNITY DESIGN, LANDSCAPING, AND TREE PRESERVATION**

Sections:

<b>18A.70.005</b>	<b>Definitions.</b>
<b>Article I.</b>	<b>Community Design</b>
<b>18A.70.010</b>	<b>Purpose.</b>
<b>18A.70.020</b>	<b>Applicability.</b>
<b>18A.70.030</b>	<b>Administration.</b>
<b>18A.70.040</b>	<b>Specific uses design standards.</b>
<b>18A.70.050</b>	<b>Special uses design standards.</b>
<b>Article II.</b>	<b>Landscaping</b>
<b>18A.70.100</b>	<b>Purpose.</b>
<b>18A.70.110</b>	<b>Applicability.</b>
<b>18A.70.120</b>	<b>Exceptions.</b>
<b>18A.70.130</b>	<b>Plan requirements.</b>
<b>18A.70.140</b>	<b>Landscaping standards.</b>
<b>18A.70.150</b>	<b>Landscaping types.</b>
<b>18A.70.160</b>	<b>Landscaping regulations by zoning districts.</b>
<b>18A.70.170</b>	<b>Street tree standards.</b>
<b>18A.70.180</b>	<b>Water conservation and suggested plant materials.</b>
<b>18A.70.190</b>	<b>Performance assurance.</b>
<b>18A.70.200</b>	<b>Maintenance.</b>
<b>Article III.</b>	<b>Tree Preservation</b>
<b>18A.70.300</b>	<b>Purpose.</b>
<b>18A.70.310</b>	<b>Tree removal applicability/exemptions.</b>
<b>18A.70.320</b>	<b>Significant tree preservation.</b>
<b>18A.70.330</b>	<b>Oregon white oak preservation.</b>
<b>18A.70.340</b>	<b>City Tree Fund.</b>
<b>18A.70.350</b>	<b>Definitions.</b>

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### **Article I.    Community Design**

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## **Article II. Landscaping**

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## **Article III. Tree Preservation**

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## Chapter 18A.80      PARKING

Sections:

- 18A.80.005      Definitions.**
- 18A.80.010      Purpose.**
- 18A.80.020      General requirements.**
- 18A.80.025      Maintenance.**
- 18A.80.030      Zoning district parking requirements.**
- 18A.80.040      Development standards.**
- 18A.80.050      Loading and unloading.**
- 18A.80.060      Parking incentives.**

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### **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 Chapter 18A.20 LMC, Article 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 subsection (F) of this section.
- D. Commercial, Office and Industrial Uses. In commercial, industrial, and mixed use districts, off-street parking requirements shall be as shown in subsection (F) of this section; 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. Note the parenthetical numbers in the matrix identify specific requirements or other information which is set forth following the matrix in subsection (G).

#### **PARKING STANDARDS TABLE**

Use	Unit measure	Optional Minimum (TDM program only; see 18A.80.060(H));	Maximum	Required bicycle parking spaces
<b>BUSINESS PARK</b>				

**PARKING STANDARDS TABLE**

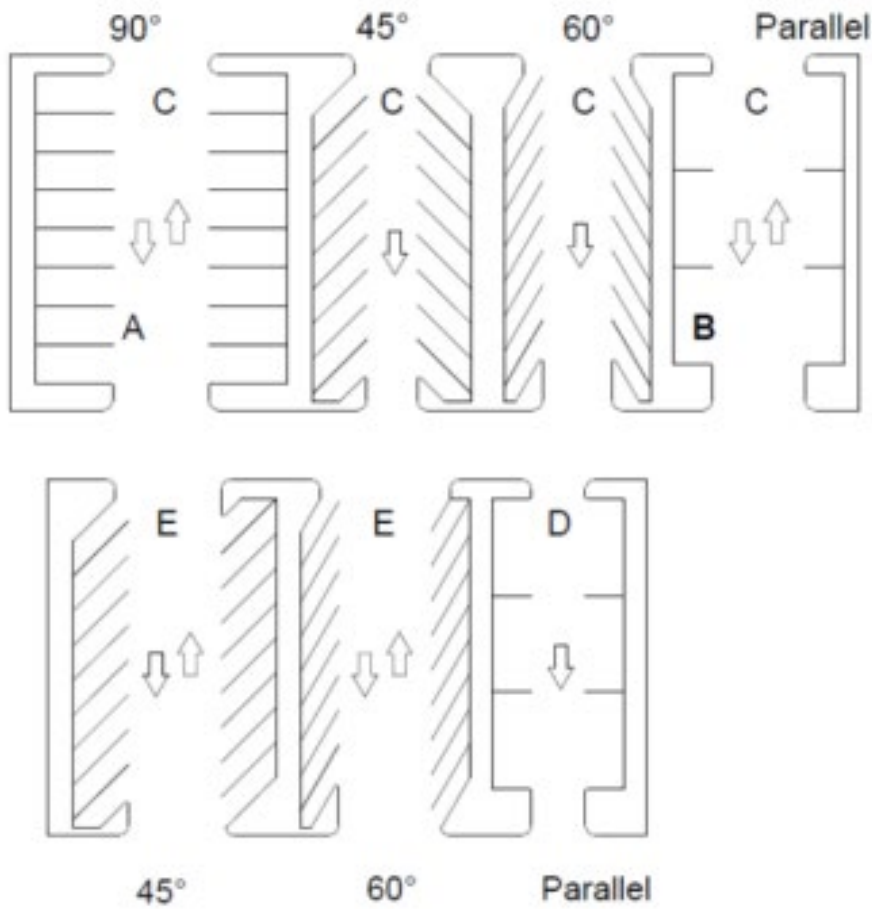
Use	Unit measure	Optional Minimum (TDM program only; see 18A.80.060(H)).	Maximum	Required bicycle parking spaces
<b>General business park</b>	Per 1,000 square feet	2	4	See offices
<b>COMMERCIAL</b>				
<b>Banks</b>	Per 1,000 gross square feet	2	3	See offices
<b>Billiard halls</b>	Per table	1	2	1 per 20 auto stalls. Minimum of 4
<b>Bowling alleys</b>	Per alley	3	5	1 per 20 auto stalls. Minimum of 4
<b>Commercial recreation</b>	Per 1,000 square feet	3	5	1 per 20 auto stalls. Minimum of 4
<b>Day care, preschools, nursery schools (1)</b>	Per staff member plus one drop-off loading area per 7 students	0.5	1	1 per 25 auto stalls. Minimum of 1
<b>Hotels, motels (2)</b>	Per room or suite. Hotel/motel banquet and meeting rooms shall provide 6 spaces for each 1,000 square feet of seating area. Restaurants are figured separately.	1	2	See retail
	Per 1,000 square feet of seating area of banquet and meeting rooms	6	N/A	See places of assembly without fixed seats
<b>Medical and dental clinic and offices</b>	Per 1,000 square feet of GFA	2	4	See offices
<b>Mini storage</b>	Per 100 units or a minimum of 3 spaces plus 2 for permanent on-site managers	1; or a minimum of 3 spaces plus 2 for permanent on-site managers	N/A	None
<b>Mortuaries, funeral homes</b>	Per 4 seats	1	2	None
<b>Neighborhood commercial shopping area</b>	Per 1,000 square feet	1	2	See retail
<b>Office building</b>	<b>Per 1,000 square feet of GFA</b>			
	· With on-site customer service	2	4	1 per 15 auto stalls. Minimum of 2
	· Without on-site customer service	1.5	3	
<b>Regional shopping centers, food and drug stores</b>	Per 1,000 square feet of GFA	3	6	See retail
<b>Restaurants</b>	Per 100 square feet of dining area	1	4	See retail
<b>Retail</b>	Per 1,000 gross square feet	3	6	1 per 20 auto stalls. Minimum of 2
<b>Retail in mixed-use development</b>	Per 1,000 gross square feet	2	4	See retail

**PARKING STANDARDS TABLE**

Use	Unit measure	Optional Minimum (TDM program only; see 18A.80.060(H)).	Maximum	Required bicycle parking spaces
<b>Service stations (mini marts are retail uses)</b>	Per employee plus per service bay	0.5	1	None
<b>INDUSTRIAL</b>				
<b>General industrial</b>	Greatest number of employees on a single shift plus one space for each vehicle owned, leased or operated by the company	0.5	1	See offices
<b>Warehouse</b>	<u>Per 2,000 square feet of GFA plus per 400 square feet of GFA used for office or display area</u>	1	N/A	None
<b>INSTITUTIONAL</b>				
<b>Convalescent facilities, nursing homes</b>	Per 2 patient beds	1	3	See offices
<b>Hospital</b>	Per bed	0.5	1	See offices
<b>Libraries</b>	Per 200 square feet of GFA	0.5	1	1 per 20 auto stalls. Minimum of 2
<b>Schools, elementary and junior high</b>	Per classroom and office	1	1.5	1 per classroom
<b>Schools, senior high</b>	Per classroom and office plus per each 5 students of designated capacity	1	2	1 per 5 auto stalls. Minimum of 2
<b>PLACES OF ASSEMBLY</b>				
<b>Places of assembly without fixed seats</b>	Per 1,000 square feet of GFA	10	11	1 per 25 auto stalls. Minimum of 2
<b>Places of assembly with fixed seats</b>	Per 4 seats	1	2	1 per 40 auto stalls. Minimum of 4
<b>Stadiums, auditoriums, gymnasiums, theaters</b>	Per 4 seats of the permitted assembly occupants.	1	1.5	1 per 25 auto stalls. Minimum of 4
<b>RESIDENTIAL</b>				
<b>Accessory dwelling unit (3)</b>	Per dwelling unit	1	N/A	None
	<u>Per dwelling unit within 1/2 mile of a major transit stop (3)</u>	<u>0/1</u>	<u>N/A</u>	<u>None</u>
<b>Affordable housing units within 1/4 mile of transit (any type) (4)</b>	<u>Per dwelling unit within 1/4 mile of frequent transit service (4)</u>	<u>Studio – 0.75</u> <u>1 bedroom – 1</u> <u>2+ bedroom – 1.5</u>	<u>N/A</u>	<u>1 per 7.5 auto stalls. 3 minimum per building</u>
<b>Single-family</b>	Per dwelling unit	2	N/A	None
	Per dwelling unit	2	N/A	None
<b>Duplexes (5)</b>	<u>Per dwelling unit within 1/2 mile of frequent transit service (5)</u>	<u>0</u>	<u>N/A</u>	<u>0.5 per unit</u>
<b>Multifamily structures with four to six units (5)</b>	<u>Per dwelling unit</u>	<u>Studio – 1</u> <u>1 bedroom – 1.25</u>	<u>N/A</u>	<u>2</u>

**PARKING STANDARDS TABLE**

Use	Unit measure	Optional Minimum (TDM program only; see 18A.80.060(H)).	Maximum	Required bicycle parking spaces
		2+ bedroom – 1.5		
	<u>Per dwelling unit within 1/2 mile of a major transit stop</u>	<u>0</u>	<u>N/A</u>	<u>0.5 per unit</u>
		Studio – 1 1 bedroom – 1.25 2+ bedroom – 1.5		
<b>Multifamily structures with seven or more units (6)</b>	Per dwelling unit	(At least 10% of the total parking spaces must be set aside for unreserved guest parking)	N/A	1 per 10 auto stalls. 2 minimum per building
	<u>Per dwelling unit within 1/2 mile of a major transit stop</u>	<u>Studio – 0.75</u> <u>1 bedroom – 1</u> <u>2+ bedroom – 1.5</u>	<u>N/A</u>	<u>1 per 7.5 auto stalls. 3 minimum per building</u>
<b>Mobile home subdivision</b>	Per dwelling unit	2	N/A	None
<b>Mobile home parks (7)</b>	Per dwelling unit. (In mobile home parks, the parking spaces in excess of 1 per mobile home may be grouped in shared parking areas.)	1.5	N/A	None
	Per occupant	1	3	<u>See multifamily</u>
<b>Rooming houses, lodging houses, bachelor or efficiency units (6)</b>	<u>Per room within 1/2 mile of a major transit stop</u>	<u>0.75</u>	<u>3</u>	<u>See multifamily</u>
<b>Senior citizen apartments and housing for people with disabilities</b>	Per 3 dwelling units	1	2	See multifamily
	<u>Per dwelling unit within ¼ mile of frequent transit service (8)</u>	<u>0</u>	<u>N/A</u>	<u>0.25 per unit</u>



**Off-Street Parking Dimension Table**

	45-Degree	60-Degree	90-Degree	Parallel
<b>Parking Stall Width (A)</b>	9'	9'	9'	9'
	(Compact 8')	(Compact 8')	(Compact 8')	(Compact 8')
<b>Parking Stall Depth (B)</b>	18'	18'	18'	18'
	(Compact 16')	(Compact 16')	(Compact 16')	(Compact 16')
<b>Width of Driveway Aisle (C)</b>	13'	18'	24'	12'
<b>Width of One-Way Access Driveway (D)</b>	14'	14'	14'	14'
<b>Width of Parking Lot Access Driveway (E)</b>	24'	24'	24'	24'

G. Additional Provisions.

1. For day care, preschools, and nursery schools, one drop-off loading area must be provided per seven (7) students.
2. Restaurants in hotels and motels are managed as a separate use under parking requirements.
3. Accessory dwelling units within one-half (1/2) mile of a major transit stop, defined as a stop for commuter rail, bus rapid transit, or actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on

weekdays, are not required to provide on-site parking spaces if adequate provision of on-street parking facilities is available as determined by the Director.

4. The requirements for reduced parking for affordable housing include the following:

a. Housing units must be affordable at fifty (50) percent of area median income or lower.

b. The housing unit is located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day.

c. A covenant must be registered on title consistent with the requirements in Chapter 18A.90 LMC that will maintain units as affordable for a minimum of fifty (50) years.

5. For middle housing types, housing units that are within one-half (1/2) mile of a major transit stop, defined as a stop for commuter rail or bus rapid transit, are not required to provide on-site parking if adequate provision of on-street parking facilities is available as determined by the Director.

6. For multifamily housing types:

a. Housing units within one-half (1/2) mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day are required to provide 0.75 parking spaces per unit or one (1) space per bedroom, to a maximum of two (2) spaces per unit.

b. At least 10% of the total parking spaces must be set aside for unreserved guest parking.

7. In mobile home parks, parking spaces in excess of one (1) per mobile home may be grouped in shared parking areas.

8. For housing units that are specifically for seniors or people with disabilities and are within one-half (1/2) mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, no on-site parking is required.

[Ord. 772 § 2 (Exh. A), 2022; Ord. 726 § 2 (Exh. B), 2019.]

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### **18A.80.060 Parking incentives.**

A. When residential uses are combined with commercial uses in the same building, parking requirements may be reduced by twenty (20) percent, except when located within the CBD or TOC zoning districts for which parking requirements ~~are~~ may be reduced by thirty-five (35) percent.

- B. A structured parking space shall count as one and one-half (1.5) parking spaces towards the required number of parking spaces.
- C. When affordable housing is constructed pursuant to Chapter 18A.90 LMC, 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 (2) 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 versus nighttime, or weekday versus 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 and 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 ( $40 \times 5\% = 2$ ), 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, and should be evaluated accordingly. ~~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 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 (100) or more employees, a comprehensive TDM strategy ~~may be proposed to achieve a reduction in minimum parking listed in LMC 18A.80.030(F)~~ will be a requirement to meet parking needs.
- X. The reduction in parking permitted under TDM 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:

- a. Private vanpool operation;
- b. Transit/vanpool fare subsidy;
- c. Imposition of a charge for parking;
- d. Provision of subscription bus services;
- e. Flexible work hour schedule;

- f. Capital improvements for transit services;
  - g. Preferential parking for carpools/vanpools;
  - h. Participation in the ride-matching program;
  - i. Reduction of parking fees for carpools and vanpools;
  - j. Establishment of a transportation coordinator position to implement carpool, vanpool and transit programs;
  - k. Bicycle parking facilities including associated shower and changing facilities;
  - l. Compressed work week;
  - m. Telecommuting;
  - n. 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:
- a. Address each individual TDM strategy as part of the transportation impact analysis;
  - b. Provide the City with an estimate of peak hour employees as part of their development application and traffic impact analysis;
  - c. Provide estimated parking occupancy rates for the development as part of the transportation impact analysis showing average weekday use;
  - d. Demonstrate how TDM strategies will be used to minimize the need for parking.
- I. Credit for Tree Preservation. For every significant tree and/or heritage tree preserved within the property, the required number of parking spaces may be reduced by one-half (0.5) spaces, provided the total reduction does not exceed five (5) percent of the total required parking spaces, when combined with all parking incentive credits. [Ord. 775 § 1 (Exh. A), 2022; Ord. 726 § 2 (Exh. B), 2019.]

## 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.

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### 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 25% 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 of the certificate of occupancy or final building inspection.

- 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 section shall be proportionate to the size of the units contained in the entire project; e.g., if fifty (50) percent of the units in the project are one (1) bedroom units and fifty (50) percent are two (2) bedroom units, then the qualified units shall be divided equally between one (1) and two (2) 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. [Ord. 726 § 2 (Exh. B), 2019.]
- G. Exclusivity of Bonus. This incentive cannot be used in conjunction with other density bonuses defined in this section.

### **18A.90.XXX Density bonuses – religious organizations.**

- A. Calculation. In accordance with RCW 35A.63.300 and 36.70A.545, additional housing density is provided for property developed in partnership with religious organizations where all units are reserved for occupancy by qualifying households under subsection (B). The density bonus amounts to an increase of twenty-five (25) percent above the density of the underlying zoning district.
- B. Qualified Households. A household may qualify for housing units under this section if:
  - 1. For rental units, the household has an income of sixty (60) percent of area median income, adjusted for household size; or
  - 2. For ownership units, the household has an income of eighty (80) percent of area median income at the time of sale, adjusted for household size.
- C. Qualifying Projects. An affordable housing development is allowed to receive the bonus described in subsection (A) provided that:
  - 1. All housing units in the project are set aside for or occupied exclusively by qualified households as defined in subsection (B);
  - 2. The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at

least fifty (50) years from the date of the certificate of occupancy or final building inspection, even if the religious organization no longer owns the property; and

3. The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

D. Rehabilitated Property. The bonus may be applied to the rehabilitation of an existing property.

E. Resale of Owner-Occupied Units. Subsequent to the initial sale of a unit, a household purchasing a unit in a qualifying project must also be qualified under subsection (B).

F. Covenant on Title. Prior to the final approval of any land use application for which the density bonus is being sought under this section, the owner of the affected parcels shall deliver to the City a duly executed covenant recorded on title in a form approved by the City Attorney stipulating the conditions provided under this section.

G. Exclusivity of Bonus. This incentive cannot be used in conjunction with other density bonuses defined in this section.

### **18A.90.XXX Density bonuses – residential districts.**

A. Calculation. In accordance with RCW 36.70A.635, additional housing density is provided for all lots in Residential (R) districts where units are reserved for occupancy by qualifying households under subsection (B). This density bonus is defined in LMC 18A.60.030(A).

B. Qualified Households. A household may qualify for housing units under this section if:

1. For rental units, the household has an income of sixty (60) percent of area median income, adjusted for household size; or

2. For ownership units, the household has an income of eighty (80) percent of area median income at the time of sale, adjusted for household size.

C. Qualifying Projects. An affordable housing development is allowed to receive the bonus described in subsection (A) provided that:

1. At least twenty-five (25) percent of housing units in the development are set aside for or occupied exclusively by qualified households as defined in subsection (B);

2. The qualified affordable housing units are part of a lease or other binding obligation that requires them to be used exclusively for affordable housing purposes for at least fifty (50) years from the date of the certificate of occupancy or final building inspection;

3. Qualified units have the same style and architectural character and utilize the same building materials as market-rate units;

4. The proportions of qualified units by size constructed under the provisions of this section shall be consistent with the proportion of units by size that are not qualified; and

5. The lot does not include a critical area or buffer as defined under Title 14 LMC.

D. Rounding. For the calculation of required units reserved for affordable units under subsection (C)(1), all fractions are rounded up.

E. Resale of Owner-Occupied Units. Subsequent to the initial sale of a unit, a household purchasing a unit in a qualifying project must also be qualified under subsection (B).

F. Covenant on Title. Prior to the final approval of any land use application for which the density bonus is being sought under this section, the owner of the affected parcels shall deliver to the City a duly executed covenant recorded on title in a form approved by the City Attorney stipulating the conditions provided under this section.

G. Exclusivity of Bonus. This incentive cannot be used in conjunction with other density bonuses defined in this section.

#### **18A.90.060 Development standard modifications.**

In order to accommodate bonus housing units or density awarded under this program chapter, 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 percentage 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. [Ord. 726 § 2 (Exh. B), 2019.]

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## **Chapter 18A.95      WIRELESS SERVICE FACILITIES**

Sections:

- 18A.95.005      Definitions.**
- Article I.      General**
  - 18A.95.010      Purpose.**
  - 18A.95.020      Applicability.**
  - 18A.95.040      General provisions.**
  - 18A.95.050      Controlling provisions.**
- Article II.      Macro Facilities**
  - 18A.95.060      Application requirements.**
  - 18A.95.070      Procedure for macro facilities permit.**
  - 18A.95.080      Review criteria for macro facilities.**
  - 18A.95.090      Priority of locations for macro facilities.**
  - 18A.95.100      General siting and design requirements for macro facilities.**
  - 18A.95.110      Structure-mounted macro facility siting and design requirements.**
  - 18A.95.120      Tower siting and design requirements.**
  - 18A.95.130      Collocation.**
- Article III.      Eligible Facility Requests**
  - 18A.95.140      Purpose.**
  - 18A.95.160      Application and review.**
- Article IV.      Small Wireless Facilities**
  - 18A.95.170      Application requirements.**
  - 18A.95.180      Review criteria.**
  - 18A.95.190      Permit requirements.**
  - 18A.95.200      Modifications.**
  - 18A.95.210      Consolidated permit.**
  - 18A.95.220      Design zones for small wireless facilities and deployments on pedestrian poles.**
  - 18A.95.230      Small wireless facility design requirements.**
  - 18A.95.250      Design requirements for new poles for small wireless facilities, deployments in design zones, and deployments on pedestrian poles.**

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## **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.**

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