

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON ADOPTING AMENDMENTS TO TITLE 18A OF THE LAKEWOOD MUNICIPAL CODE (LMC).

FINDINGS

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

WHEREAS, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

WHEREAS, it is appropriate for a local government to adopt needed amendments to its development regulations to ensure that the Comprehensive Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on August 21, 2023 under SEPA #202303985; and

WHEREAS, notice was provided to state agencies on August 21, 2023 per City of Lakewood--2023-S-6386--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, on September 20, 2023, acting as the City's designated planning agency, the Lakewood Planning Commission held a duly noticed public hearing on the proposed 2023 Annual Development Regulation Amendments to Lakewood Municipal Code Title 18A; and

WHEREAS, on October 4, 2023, the Lakewood Planning Commission adopted Resolution 2023-03 recommending approval of the 2023 Annual Development

Regulation Amendments to Lakewood Municipal Code Title 18A to provide needed revisions, clarifications and updates; and

WHEREAS, on November 6, 2023, the Lakewood City Council held a duly noticed public hearing on the proposed 2023 Annual Development Regulation amendments; and

WHEREAS, on November 20, 2023, the City Council completed review.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of City Council Findings.

The Findings of the City Council are adopted as part of this Ordinance.

Section 2. Adoption of Annual Development Regulation Amendments.

Amendments to the City's land use and development regulations are adopted as summarized below and included in full in Exhibit A, attached hereto:

Amendment 1. Permit standalone truck/trailer parking as a use type in the IBP, I1 and I2 spaces for general industrial and warehouses.

Amendment 2. Permit electric fencing in C1, C2, C3, and TOC zone classifications.

Amendment 3. Define "Unusual Use" and clarify that the Unusual Use Permit is for uses not similar to other uses or accessory uses within the municipal code.

Amendment 4. Correct inconsistencies between Title 17 and 18A and acknowledge binding site plan amendments, plat alterations, and short plat amendments in the list of permit types, review authorities, and timeframes.

Amendment 5. Colocate sign permit administration-related regulations with the other administration-related regulations in 18A and remove them from the sign regulations in 18A.100 to avoid code inconsistencies.

Amendment 6. Update appeal timeframes for SEPA and land use decisions for internal consistency and consistency with State laws.

Amendment 7. Clarify that uses with a flex space building must be permitted in the applicable zone classification.

Amendment 8. Remove redundancy in mobile / manufactured home land use table and update permitted locations to current zone classifications.

Amendment 9. Update MR2 lot size standards to clarify lot size and reorganize interior setbacks for readability.

Amendment 10. Update Air Installation Compatible Use Zone (AICUZ) section for consistency with adopted Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use designations and zone classifications.

Amendment 11. Expanding Land Use Zones Allowing Child Care Facilities.

Amendment 12. Updating Development Regulations related to Short Term Rentals.

Section 3. Remainder Unchanged. The rest and remainder of the Lakewood Comprehensive Plan, including the unaffected sections of the Future Land-Use Map and Zoning Map, and the unaffected sections of the Lakewood Municipal Code, shall be unchanged and shall remain in full force and effect.

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after final passage.

ADOPTED by the City Council of the City of Lakewood this 20th day of November, 2023.

CITY OF LAKEWOOD

Jason Whalen, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

EXHIBIT A

Amendment 1. Permit standalone truck / trailer parking as a use type in the IBP, I1, and I2 zone classifications as a conditional use and require truck / trailer parking spaces for general industrial and warehouses.

18A.10.180 Definitions.

* * *

“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.

* * *

[“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.](#)

* * *

18A.40.040 Commercial and industrial uses.

A. *Commercial and Industrial Land Use Table.* See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

* * *

	Zoning Classifications																						
Commercial and Industrial	R 1	R 2	R 3	R 4	M R1	M R 2	M F1	M F 2	M F 3	M F 3 (B)(1)	A R C	N C1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	
Truck / Trailer parking	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	C	C	C	=

* * *

Amendment 2. Permit electric fencing in C1, C2, C3, and TOC zone classifications 18A.60.090 General standards.

* * *

B. *Setbacks and Lot Lines.* Setbacks shall be measured from the property line of a lot to the wall line of a building or the exterior perimeter of a structure. A property line is a line of record bounding a lot that divides one (1) lot from another lot or from a public or private street right-of-way or any other private or public space.

* * *

12. *Fences Within the Required Setbacks or Located on the Property Line.*
Fences to enclose, screen, or separate areas may be erected within required yard setbacks; provided, that fences or other barriers:

* * *

e. *Electric Fences.* The construction and use of electric fences shall be allowed pursuant to a director's determination in the [C1, C2, C3, TOC,](#) IBP, I1, I2 and P/I zones, subject to the following standards:

Amendment 3. Define “Unusual Use” and clarify that the Unusual Use Permit is for uses not similar to other uses or accessory uses within the municipal code

18A.10.180 Definitions.

* * *

“Use, Unusual” means a use that is not identified and not similar to another use or accessory use identified in LMC Title 18A. Furthermore, a use that could not have been anticipated as a possible use to regulate at the time LMC Title 18A was written.

* * *

18A.30.900 Purpose.

Certain unusual uses which are not identified and not similar to another use or accessory use identified in LMC Title 18A may be allowed by the Hearing Examiner if such use will have no detrimental effect on other properties in the vicinity. In authorizing uses of this type, the Hearing Examiner shall impose limits and conditions necessary to safeguard the health, safety and general welfare of those persons that might be affected by the use.

Amendment 4. Correct inconsistencies between Title 17 and 18A and acknowledge binding site plan amendments, plat alterations, and short plat amendments in the list of permit types, review authorities, and timeframes.

18A.20.050 Complete permit applications, notice and time periods.

H. *Application Time Limits.*

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Accessory Building	Y	N	N	90
Accessory Dwelling Unit	Y	N	N	90
Administrative Nonconforming Determination	Y	N	N	90
Annexation	Y	N	N	180
Appeal to Hearing Examiner	Y	Y	Y	90
Binding Site Plan	Y	N	N	120
Binding Site Plan Amendment	Y	N	N	120
Business License	Y	N	N	120
Certificate of Occupancy	N	N	Y	60
Commercial Addition/Remodel	N	N	Y	120
Comprehensive Map amendment, Area Wide	Y	N	N	120
Comprehensive Map amendment, site specific	Y	N	N	120
Comprehensive text only amendment	Y	N	N	120
Conditional Use Permit	Y	N	N	120
Conditional Use Permit – Major Modification	Y	N	N	120
Conditional Use Permit – Minor Modification	Y	N	N	120
Cottage Housing Development	Y	N	N	120
Demolition Permit	N	N	Y	120
Design Review Permit	Y	N	N	90
Development Agreement	Y	N	N	120
Emergency Housing Permit*	N	N	Y	120
Emergency Shelter Permit*	N	N	Y	120

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Environmental Review (SEPA Checklist and Threshold Determination)	Y	N	N	120
Environmental Impact Statement (Draft)	Y	N	N	365
Final Subdivision Plat (10 or more lots)	Y	N	N	120
Foster Care Facility Permit	N	N	Y	60
Home Occupation Permit	Y	N	N	90
Housing Incentives Permit	Y	N	N	90
Landscape Plan Review	Y	N	N	90
Land Use Approval	Y	N	N	120
Lot Line Adjustment	Y	N	N	90
Major Modification to a Type III Permit	Y	N	N	120
Manufactured/Mobile Home Setup Permit	N	N	Y	90
New Commercial Permit	N	N	Y	120
New Single-Family Permit	N	N	Y	60
New Multifamily Permit	N	N	Y	120
Permanent Supportive Housing Permit*	N	N	Y	120
Pre-Application	Y	Y	Y	60
Preliminary and Final Short Plats (creating 2 – 9 lots)	Y	Y	N	120
Preliminary Plat (10 or more lots)	Y	Y	N	120
Planned Development District	Y	N	N	120
Rapid Rehousing Permit*	N	N	Y	120
Reasonable Accommodation Request	Y	N	N	90
Residential Addition/Remodel	N	N	Y	60
Scrivener Corrections to Comprehensive Plan Map, and/or Comprehensive Plan text, Zoning Map, and/or Zoning Development Regulations	Y	N	N	N/A
Senior Housing Overlay Permit	Y	N	N	90
Shoreline Conditional Use Permit	Y	N	N	120
Shoreline Conditional Use Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Exemption Permit	Y	N	N	120

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Shoreline Master Program amendment	Y	N	N	120
Shoreline Substantial Development Permit	Y	N	N	120
Shoreline Substantial Development Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Variance Permit	Y	N	N	120
Shoreline Variance Permit when Referred by the Shoreline Administrator	Y	N	N	120
Short Plat Amendment	Y	Y	N	120
Sign Permit	Y	N	N	60
Site Development Permit	N	Y	N	90
Small Cell Wireless Permit	Y	N	N	See Chapter 18A.95 LMC
Subdivision Plat Alteration	Y	Y	N	120
Temporary Use Permit	Y	N	N	90
Transfer of Development Rights	Y	N	N	120
Transitional Housing Permit*	N	N	Y	120
Transitory Accommodation Permit	Y	N	N	120
Tree Removal Permit	Y	N	N	90
Tree Retention Plan	Y	N	N	90
Time Extension or Minor Modification to a Type I Permit	Y	N	N	120
Time Extension or Minor Modification to a Type II Permit	Y	N	N	120
Time Extension or Minor Modification to a Type III Permit	Y	N	N	120
Variance	Y	N	N	120
Unusual Use(s) Permit	Y	N	N	120
Zoning Certification	Y	N	N	60
Zoning Interpretations (map and/or text)	Y	N	N	90
Zoning Map amendment, Area Wide	Y	N	N	120
Zoning Map, site specific	Y	N	N	120
Zoning amendment text only	N	N	N	120

* * *

18A.20.070 Approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. *Department Staff.* Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:

1. Accessory building;
2. Accessory dwelling unit;
3. Administrative nonconforming determination;
4. Appeal to Hearing Examiner;
5. Binding site plan;
6. [Binding site plan amendment](#);
67. Business license;
78. Certificate of occupancy;
89. Commercial addition/remodel;
910. Conditional use permit;
1011. Conditional use permit – minor modification;
1112. Cottage housing development;
1213. Demolition permit;
1314. Design review permit;
1415. Emergency Housing permit;
1516. Emergency Shelter permit;
1617. Environmental review (SEPA checklist and threshold determination);
1718. Final subdivision plat (10 or more lots);
1819. Foster Care Facility permit;
1920. Home occupation permit;
2021. Housing incentives permit;
2122. Landscape plan review;
2223. Land use approval;
243. Lot line adjustment;
2425. Manufactured/mobile home setup permit;
2526. New commercial permit;
2627. New multifamily permit;
2728. New single-family permit;
2829. Permanent Supportive Housing permit;
2930. Pre-application;
3031. Preliminary and final short plats (creating 2 to 9 lots);
3132. Rapid Rehousing Permit;
3233. Reasonable accommodation request;
3334. Residential addition/remodel;
3435. Senior housing overlay permit;
3536. Shoreline conditional use permit;
3637. Shoreline substantial development permit;

- [3738.](#) Shoreline exemption;
- [3839.](#) Shoreline variance permit;
- [40.Short plat amendment;](#)
- [3941.](#) Sign permit;
- [4042.](#) Site development permit;
- [4143.](#) Senior housing permit;
- [4244.](#) Small cell wireless permit;
- [45.Subdivision plat alteration;](#)
- [4346.](#) Temporary use permit;
- [4447.](#) Transfer of development rights;
- [4548.](#) Transitional Housing permit;
- [4649.](#) Transitory accommodation permit;
- [4750.](#) Tree retention plan;
- [4851.](#) Time extension or minor modification to a Type I permit;
- [4952.](#) Time extension or minor modification to a Type II permit;
- [5053.](#) Transitory accommodation permit;
- [547.](#) Tree removal permit;
- [5255.](#) Unusual use(s) permit;
- [5356.](#) Zoning certification;
- [5457.](#) Zoning interpretations (map and/or text).

* * *

18A.20.080 Review authorities.

The following table describes development permits, the public notice requirements, and the final decision and appeal authorities. See LMC 18A.20.400 et seq. for appeals. When separate applications are consolidated at the applicant’s request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

KEY:		
Appeal	=	Body to whom appeal may be filed
Director	=	Community and Economic Development Director
PC	=	Planning Commission
HE	=	Hearing Examiner
CC	=	City Council
R	=	Recommendation to Higher Review Authority
D	=	Decision
O	=	Appeal Hearing (Open Record)
C	=	Appeal Hearing (Closed Record)
N	=	No
Y	=	Yes

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE I ADMINISTRATIVE					
Accessory building	N	D	O/Appeal	N	N
Accessory dwelling unit	N	D	O/Appeal	N	N
Administrative nonconforming determination	N	D	O/Appeal	N	N
Boundary line adjustment	N	D	O/Appeal	N	N
Business license	N	D	O/Appeal	N	N
Certificate of occupancy	N	D	O/Appeal	N	N
Commercial addition/remodel	N	D	O/Appeal	N	N
Demolition permit	N	D	O/Appeal	N	N
Design review	N	D	O/Appeal	N	N
Emergency Housing Permit	N	D	O/Appeal	N	N
Emergency Shelter Permit	N	D	O/Appeal	N	N
Final subdivision plat (10 or more lots)	Y	D	O/Appeal	N	N
Form-based code review and decision	N	D	O/Appeal	N	N
Foster Care Facility Permit	N	D	O/Appeal	N	N
Home occupation permit			O/Appeal		
Hosting the homeless by religious organizations	See RCW 35A.21.360	D	O/Appeal	N	N
Land use permit – minor modification	N	D	O/Appeal	N	N
Manufactured/mobile home permit	N	D	O/Appeal	N	N
New commercial building permit	N	D	O/Appeal	N	N
New single-family building permit	N	D	O/Appeal	N	N
Permanent Supportive Housing Permit	N	D	O/Appeal	N	N
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2–9 lots)	N	D	O/Appeal	N	N
Reasonable accommodation request	N	D	O/Appeal	N	N
Residential addition/remodel	N	D	O/Appeal	N	N
Shoreline exemption	N	D	O/Appeal	N	N
Sign permit	N	D	O/Appeal	N	N

Applications	Public Notice of Application	Director	HE	PC	CC
Site development permit	N	D	O/Appeal	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/Appeal	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/Appeal	N	N
Transitional Housing Permit	N	D	O/Appeal	N	N
Tree removal permit	N	D	O/Appeal	N	N
Zoning certification	N	D	O/Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/Appeal	N	N
Binding site plan amendment	Y	D	O/Appeal	N	N
Cottage housing	Y	D	O/Appeal	N	N
Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/Appeal	N	N
Shoreline conditional use permit	Y	D	O/Appeal	N	N
Shoreline substantial development permit	Y	D	O/Appeal	N	N
Shoreline variance permit	Y	D	O/Appeal	N	N
Short plat amendment	Y	D	O/Appeal	N	N
Time extension or minor modification to a Type II permit	Y	D	O/Appeal	N	N
TYPE III DISCRETIONARY					
Conditional use permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N

Applications	Public Notice of Application	Director	HE	PC	CC
Public facilities master plan	Y	R	D	N	N
Shoreline conditional use permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline variance when referred by the Shoreline Administrator	Y	R	D	N	N
Subdivision plat alteration	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual use(s) permit	Y	R	D	N	N
Variance	Y	R	D	N	N
Zoning Map amendment, site specific	Y	R	D	N	CC/ Appeal
TYPE IV OTHER					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
TYPE V LEGISLATIVE					
Annexation	Y	R	N	R	D
Comprehensive Plan Map only amendment, Area Wide	Y	R	N	R	D
Comprehensive Plan Map only amendment, site specific	Y	R	N	R	D
Comprehensive Plan text only amendment	Y	R	N	R	D
Development agreement	Y	R	N	R	D
Shoreline Master Program amendment	Y	R	N	R	D
Zoning amendment – Text only	Y	R	N	R	D

Amendment 5. Move sign permit administration-related regulations with the other administration-related regulations in 18A.20 and remove from the sign regulations in 18A.100 to avoid code inconsistencies.

18A.20.090 Expiration of approvals.

The City shall provide expiration dates in notifications of permit approvals. Knowledge of the expiration date of any approval is the responsibility of the applicant. The City shall not be held accountable for notification of pending expirations.

* * *

E. *Sign Permit.* If a sign is not installed and a use permit issued within six (6) months following the issuance of a sign permit (or within thirty (30) days for temporary signs), the permit shall be void. The City of Lakewood may revoke a sign permit under any of the following circumstances:

1. The City of Lakewood determines that information in the application was materially false;
2. The sign as installed does not conform to the sign permit application;
3. The sign violates this code, building code, or other applicable law, regulations or ordinance; or
4. The Community and Economic Development Department Director determines that the sign is not being properly maintained.

* * *

Chapter 18A.100 Signs

* * *

18A.100.030 Administration – Sign regulations.

D. *Application for a Permit.*

1. An application for a sign permit must be filed with the Community and Economic Development Department on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and all other applicable laws, including the International Building Code, regulations and ordinances.
 2. Review and Time Limits. The Community Development Director shall promptly review the application upon the receipt of a completed permit application and payment of the permit fee by the applicant. The Community Development Director shall grant or deny the permit application within twenty (20) days from the date the completed application and permit fee is filed with the Community and Economic Development Department.
 3. If the application is rejected, the Community and Economic Development Department must provide a list of the reasons for the rejection in writing. An application may only be rejected for noncompliance with the terms of this code, the building code, or other applicable law, regulation or ordinance.
- E. *Permit Fee.* A nonrefundable fee as set forth in the fee schedule adopted by the City of Lakewood City Council must accompany all sign permit applications.

~~F. *Duration and Revocation of Permit.* If a sign is not installed and a use permit issued within six (6) months following the issuance of a sign permit (or within thirty (30) days for temporary signs), the permit shall be void. The City of Lakewood may revoke a sign permit under any of the following circumstances:~~

- ~~1. The City of Lakewood determines that information in the application was materially false;~~
- ~~2. The sign as installed does not conform to the sign permit application;~~
- ~~3. The sign violates this code, building code, or other applicable law, regulations or ordinance; or~~
- ~~4. The Community and Economic Development Department Director determines that the sign is not being properly maintained.~~

~~G. *Appeal of Sign Permit Determinations.* Final decisions regarding issuance of a sign permit application may be appealed to the City's Hearing Examiner pursuant to LMC 18A.02.740. An appeal hearing regarding the issuance of a sign permit shall be conducted within thirty (30) days of the receipt of the appeal petition and appeal fee.~~

~~H. *Enforcement.* This section shall be enforced pursuant to the procedures established in LMC 18A.20.105.~~

~~I. *Signs Placed in Roundabouts.* A right-of-way permit shall be required for any sign located in a roundabout.~~

Amendment 6. Update appeal timeframes for SEPA and land use decisions for internal consistency and consistency with State laws

14.02.210 Time limitation on appeals.

A written notice of appeal identifying the grounds for appeal must be filed with the City Clerk within ~~10-14~~ days of the date of issuance of the final threshold determination of significance, final determination of nonsignificance, or final EIS.

* * *

18A.20.400 Specific appeal procedures.

* * *

C. SEPA.

* * *

2. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to Chapter 197-11 WAC. All such appeals shall be made to the Hearing Examiner and must be filed within ~~fourteen seven~~(~~7~~14) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
 - b. The following threshold decisions or actions are subject to timely appeal:
 - i. *Determination of Significance.* Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that ~~fourteen ten~~(~~10~~14) day period immediately following issuance of such initial determination.
 - ii. *Determination of Nonsignificance or Mitigated Determination of Nonsignificance.* Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within ~~fourteen seven~~(~~7~~14) calendar days after the SEPA comment period expires.
 - iii. *Environmental Impact Statement (EIS) Adequacy.* A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.
 - iv. *Denial of a Proposed Action.* Any denial of a project or nonproject action using SEPA policies and rules may be appealed to the Hearing Examiner within ~~fourteen seven~~(~~7~~14) days following the final administrative decision.

Amendment 7. Clarify that uses within a flex space building must be permitted in the applicable zone classification.

18A.10.180 Definitions.

* * *

“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.](#)

* * *

18A.40.040 Commercial and industrial uses.

* * *

B. Operating and Development Conditions.

* * *

7. *Flex Space Industrial.* 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.](#)

Amendment 8. Remove redundancy in mobile / manufactured home land use table and update permitted locations to current zone classifications.

18A.40.110 Residential uses.

A. *Residential Land Use Table.* 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
Mobile home parks (B)(8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/manufactured home parks (B)(8)	-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-

B. *Operating and Development Conditions.*

- 8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with subsection (C) of this section.

C. *Manufactured/Mobile Home Parks.*

- 2. *Permitted Locations.* Mobile and manufactured homes are permitted as follows:
 - a. As a primary use in a mobile or manufactured home subdivision of not less than five (5) nor more than forty (40) acres in all residential districts.
 - b. As a primary use in a mobile or manufactured home park of not less than three (3) acres nor more than twenty (20) acres. Mobile or manufactured home parks may be permitted in all residential districts after receiving a conditional use permit.
 - c. As a primary use in existing non-conforming mobile or manufactured home parks.
 - d. As an accessory use for security or maintenance personnel in the following districts all zone classifications, subject to site plan review:
 - i. General commercial district;
 - ii. Light industrial/commercial district;
 - iii. Industrial district;
 - iv. Mineral extraction district;
 - v. Open space/institutional district.

- de. As temporary or emergency use in:
 - i. Any district as part of a construction project for office use of construction personnel or temporary living quarters for security personnel for a period extending not more than ninety (90) days beyond completion of construction. A thirty (30) day extension may be granted by the City Manager upon written request of the developer and upon the Manager's finding that such request for extension is reasonable and in the public interest;
 - ii. Any district as an emergency facility when operated by or for a public agency;
 - iii. In the ~~open space~~Public/Institutional ~~Institutional zone classification district~~ where a community need is demonstrated by a public agency such as temporary classrooms or for security personnel on school grounds.

Amendment 9. Update Mixed Residential 2 (MR2) lot size standards to clarify lot size and reorganize interior setbacks for readability.

18A.60.030 Residential area and dimensions.

A. Development Standards Table.

	Zoning Classifications								
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3
Density	1.45 DUA	2.2 DUA	4.8 DUA	6.4 DUA	8.7 DUA	14.6 DUA	22 DUA	35 DUA	54 DUA
Lot size	25,000 GSF	17,000 GSF	7,500 GSF	5,700 GSF	5,000 GSF /unit	3,000 GSF /unit for 2 <u>or more units</u>	No minimum lot size	No minimum lot size	No minimum lot size
Building coverage	35%	35%	45%	50%	55%	60%	60%	60%	60%
Impervious surface	45%	45%	60%	70%	70%	75%	70%	70%	70%
Front yard/ street setback	25 feet	25 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Garage/ carport setback	30 feet	30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Principal arterial and state highway setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Rear yard setback	20 feet	20 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Interior setback	8 feet	8 feet	5 feet	5 feet	<u>Attached units: 0 feet;</u> <u>Detached units: 5 feet</u>	<u>Attached units: 0 feet;</u> <u>Detached units: 5 feet</u>	8 feet	8 feet	8 feet
<u>Interior setback for attached units</u>					<u>0 feet</u>	<u>0 feet</u>			
<u>Interior setback for detached units</u>					<u>5 feet</u>	<u>5 feet</u>			

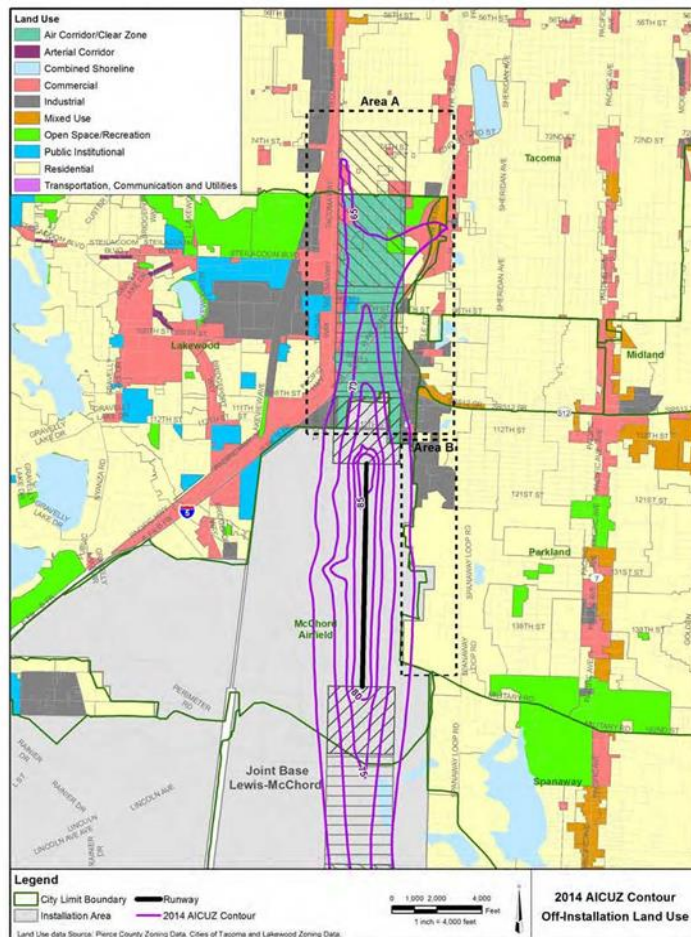
	Zoning Classifications								
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3
Building height	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	45 feet	65 feet	80 feet
Design	Design features shall be required as set forth in Chapter 18A.70, Article I.								
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70, Article II.								
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.70.300 through 18A.70.330.								
Parking	Parking shall conform to the requirements of Chapter 18A.80.								
Signs	Signage shall conform to the requirements of Chapter 18A.100.								

Amendment 10. Update Air Installation Compatible Use Zone (AICUZ) section for consistency with adopted Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use designations and zone classifications.

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 (CZ) and 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 \(CZ\), Air Corridor 1 \(AC1\), and Air Corridor 2 \(AC2\) zone classifications under the Air Corridor 1 and Air Corridor 2 land use designations as described in 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. 758 § 2 (Exh. A), 2021.]

18A.40.130 Air ~~installation compatible use zones (AICUZ) and uses~~ Corridor and Clear Zone.

A. *Title*. This section ~~shall be known as the Air Installations Compatible Use Zones (AICUZ) of the City of Lakewood~~ applies to the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zone classifications.

D. ~~AICUZ~~ Air Corridor and Clear Zone Land Use Table. See LMC 18A.40.130(E) for Development and Operating Conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Land Use Categories	APZ-AC1	APZ-AC2	CZ	Density
Existing Uses				
Continuation of conforming uses and structures already legally existing within the zone at the time of adoption of this chapter. Maintenance, repair, and alteration/addition of existing conforming structures shall be permitted.	P	P	-	N/A
Alteration or modification of nonconforming existing uses and structures. (Subject to LMC 18A.40.130(E)(4) and Chapter 18A.20 LMC, Article II, Nonconforming Uses and Structures.)	Director/HE	Director/HE	-	N/A
Adult family home: Alteration or modification of existing residential structure for use as an adult family home. Not subject to intensity of use criteria, LMC 18A.40.130(E)(1); and subject to the Washington State Building Codes, as amended.	P	P	-	N/A
Agriculture and Natural Resources				
Agriculture	-	-	-	N/A
Agriculture, clear zone	-	-	P	N/A
Agriculture, home	P	P	-	N/A
Natural resource extraction/recovery	C	C	-	Maximum FAR of 0.28 in APZ-AC1 , no activity which produces smoke, glare, or involves explosives.

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Research, scientific (small scale)	C	P	-	Office use only. Maximum FAR of 0.22 in APZ-IAC1 and APZ-IIAC2 .
Undeveloped land	P	P	P	N/A
Residential Uses				
Accessory caretaker's unit	-	-	-	N/A
Accessory dwelling unit	-	-	-	N/A
Cottage housing	-	-	-	N/A
Cohousing (dormitories, fraternities and sororities)	-	-	-	N/A
Detached single-family structure(s) on lot less than 20,000 square feet	-	-	-	N/A
Detached single-family structure(s) on lot greater than 20,000 square feet	-	P	-	N/A
Foster care facilities	-	-	-	N/A
Two-family residential structure(s), attached or detached dwelling units	-	-	-	N/A
Three-family residential structure(s), attached or detached dwelling units	-	-	-	N/A
Multifamily structure(s), 4 or more residential units	-	-	-	N/A
Mixed use	-	-	-	N/A
Home occupation	P	P	-	N/A
Mobile home parks	-	-	-	N/A
Mobile and/or manufactured homes, in mobile/manufactured home parks	-	-	-	N/A
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	-	P	-	N/A
Child care facility	-	-	-	N/A
Child day care center	-	-	-	N/A
Family day care provider	-	-	-	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Special Needs Housing (Essential Public Facilities)				
Type 1 group home	-	-	-	N/A
Type 2 group home	-	-	-	N/A
Type 3 group home	-	-	-	N/A
Type 4 group home	-	-	-	N/A
Type 5 group home	-	-	-	N/A
Assisted living facilities	-	-	-	N/A
Emergency Housing	-	-	-	N/A
Emergency Shelter	-	-	-	N/A
Permanent Supportive Housing	-	-	-	N/A
Transitional Housing	-	-	-	N/A
Continuing care retirement community	-	-	-	N/A
Hospice care center	-	-	-	N/A
Enhanced services facility	-	-	-	N/A
Nursing home	-	-	-	N/A
Commercial and Industrial Uses				
Building and landscape materials sales	P	P	-	Maximum FAR of 0.28 in APZ-IAC1 and 0.56 in APZ-IIAC2 .
Building contractor, light	P	P	-	Maximum FAR of 0.28 in APZ-IAC1 and 0.56 in APZ-IIAC2 .
Building contractor, heavy	C	-	-	Maximum FAR of 0.11 in APZ-IAC1 and 0.22 in APZ-IIAC2 .
Business support service	P	-	-	Maximum FAR of 0.22 in APZ-IAC1 .
Catering service	P	P	-	Maximum FAR of 0.22 in APZ-IIAC2 .
Construction/heavy equipment sales and rental	C	C	-	Maximum FAR of 0.11 in APZ-IAC1 ; and 0.22 in APZ-IIAC2 .
Equipment rental	P	P	-	Maximum FAR of 0.11 in APZ-IAC1 ; and 0.22 in APZ-IIAC2 .
Furniture, furnishings, appliance/equipment store	-	C	-	Maximum FAR of 0.28 in APZ-IIAC1 .

Land Use Categories	APZ- <u>AC1</u>	APZ- <u>AC2</u>	CZ	Density
Handcraft industries, small-scale manufacturing	P	P	-	Maximum FAR of 0.28 <u>APZ-AC1</u> ; Maximum FAR of 0.56 in <u>APZ-AC2</u> .
Kennel, animal boarding	P	P	-	Maximum FAR of 0.11 <u>APZ-AC1</u> ; Maximum FAR of 0.22 in <u>APZ-AC2</u> .
Laundry, dry cleaning plant	P	-	-	Maximum FAR of 0.22 in <u>APZ-AC2</u> .
Live/work and work/live units	<u>-P</u>	<u>-P</u>	-	N/A
Maintenance service, client site services	P	P	-	Maximum FAR of 0.22 in <u>APZ-AC2</u> .
<u>Manufacturing, assembling and packaging, light</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Maximum FAR of 0.28 in AC1 and 0.56 in AC2.</u>
Military installations	P	P	P	N/A
Mobile home, RV, and boat sales	C	C	-	Maximum FAR of 0.14 in <u>APZ-AC1</u> and 0.28 in <u>APZ-AC2</u> .
Office, business services	P	P	-	Maximum FAR of 0.22 in <u>APZ-AC2</u> .
Office, professional	P	-	-	Maximum FAR of 0.22 in <u>APZ-AC2</u> .
Places of assembly	-	-	-	N/A
Personal services	P	-	-	Office uses only. Maximum FAR of 0.11 in <u>APZ-AC2</u> .
Small craft distillery	-	P	-	Maximum FAR 0.56 in <u>APZ-AC2</u> .
Storage, personal storage facility	P	P	-	Maximum FAR of 1.0 in <u>APZ-AC1</u> ; 2.0 in <u>APZ-AC2</u> .
Vehicle services, minor maintenance/repair	P	P	-	Maximum FAR of 0.11 <u>APZ-AC1</u> ; 0.22 in <u>APZ-AC2</u> .
Vehicle storage	C	C	-	Maximum FAR of 0.28 in <u>APZ-AC1</u> and 0.56 in <u>APZ-AC2</u> .
Warehouse retail	P	-	-	Maximum FAR of 0.16 in APZ II.

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Warehouse	P	P	-	Maximum FAR of 1.0 in APZ-IAC1 ; 2.0 in APZ-IIAC2 .
Wholesaling and distribution	P	P	-	Maximum FAR Of 0.28 in APZ-IAC1 and 0.56 in APZ-IIAC2 .
Wildlife preserve or sanctuary	P	P	-	N/A
Eating and Drinking Establishments				
Bar/tavern	-	-	-	N/A
Brewery, brew pub	-	-	-	N/A
Mobile food vending facility	P	P	-	N/A
Night club	-	-	-	N/A
Restaurant, café, coffee shop, counter ordering	-	-	-	N/A
Restaurant, café, coffee shop, drive-through services	-	-	-	N/A
Restaurant, café, coffee shop, table service	-	-	-	N/A
Restaurant, café, coffee shop, outdoor dining	-	-	-	N/A
Restaurant, café, coffee shop, serving alcohol	-	-	-	N/A
Tasting room	-	-	-	N/A
Lodging				
Bed and breakfast guest houses	-	-	-	N/A
Hostels	-	-	-	N/A
Hotels and motels	-	-	-	N/A
Recreational vehicle parks	-	-	-	N/A
Transportation				
Parking facilities (surface)	P	P	-	N/A
Parking facilities (structured)	-	-	-	N/A
Streets with pedestrian and bicycle facilities	P	P	-	N/A
Transit park and ride lots	P	P	-	N/A
Transit shelter	P	P	-	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Utilities				
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	–	N/A
Underground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	P	N/A
Electrical distribution substations	P	P	–	N/A
Electrical transmission lines of 115 kV or less and support poles	P	P	–	N/A
Electric vehicle battery charging stations	P	P	–	N/A
Above-ground natural gas conveyance facilities	–	–	–	N/A
Underground natural gas conveyance facilities	P	P	P	N/A
Potable water conveyance facilities	P	P	–	N/A
Potable water storage facilities	C	P	–	N/A
Storm water collection and conveyance facilities	P	P	P	N/A
Storm water detention/retention facilities	P	P	C	N/A
Telecommunications earth receiving stations (satellite dishes)	P	P	–	N/A
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/receiving/relay facilities, or switching facilities	P	P	–	N/A
Telecommunications switching facilities	P	P	–	N/A
Telecommunications transmission/receiving/relay facilities		P	–	N/A
Waste water conveyance facilities	P	P	P	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Wireless communication facilities (WCFs)	P	P	-	N/A
Essential Public Facilities				
Airport (American Lake Seaplane Base)	-	-	-	N/A
Community and technical colleges, colleges and universities	-	-	-	N/A
Correctional facilities	-	-	-	N/A
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	-	C	-	N/A
Electrical transmission lines of higher voltage than 115 kV, in new corridors	-	-	-	N/A
Group home	-	-	-	N/A
In-patient facility including but not limited to substance abuse facility	-	C	-	N/A
Intercity high-speed ground transportation	-	-	-	N/A
Intercity passenger rail service	-	-	-	N/A
Interstate Highway 5 (I-5)	P	-	-	N/A
Mental health facility	-	-	-	N/A
Military installation	P	P	P	N/A
Minimum security institution	-	-	-	N/A
Secure community transition facility (SCTFs)	-	-	-	N/A
Solid waste transfer station	-	-	-	N/A
Sound Transit facility	-	-	-	N/A
Sound Transit railroad right-of-way	-	-	-	N/A
Transit bus, train, or other high capacity vehicle bases	-	-	-	N/A
Washington State Highway 512	P	-	-	N/A
Work/training release facility	-	-	-	N/A

Director: Community and Economic Development Director

HE: Hearing Examiner

P: Permitted Use C: Conditional Use "-": Not Allowed N/A: Not Applicable

E. Operating and Development Conditions.

1. In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, ~~APZ-AC1~~, and ~~APZ-HAC2~~ zoning districts and shall be used to determine compatibility of proposed uses with aircraft operations hazards. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following intensities of uses:
 - a. Within the CZ zoning district, the total number of people on a site at any time shall not exceed one (1) person per four thousand three hundred fifty-six (4,356) square feet of gross site area, or ten (10) persons per acre.
 - b. Within the ~~APZ-AC1~~ zoning district, the total number of people on a site at any time shall not exceed one (1) person per one thousand seven hundred forty-two (1,742) square feet of gross site area, or twenty-five (25) persons per acre.
 - c. Within the ~~APZ-HAC2~~ zoning district, the total number of people on a site at any time shall not exceed one (1) person per eight hundred seventy-one (871) square feet of gross site area, or fifty (50) persons per acre.
2. In addition to other requirements of the code, the following performance criteria shall be used to determine the compatibility of a use, project design, mitigation measures and/or any other requirements of the code with respect to aircraft operation hazards in the CZ, ~~APZ-AC1~~, and ~~APZ-HAC2~~ zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

* * *

3. *Noise Attenuation.* Provisions for noise mitigation shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within the Clear Zone (CZ), ~~Accident Potential Zone Air Corridor One (APZ-AC1)~~, and ~~Accident Potential Zone Air Corridor Two (APZ-HAC2)~~ zoning districts, which are located within the sixty-five (65) Ldn Noise Contour or higher, as shown in the Final Air Installation Compatible Use Zone (AICUZ) Study Update, Joint Base Lewis-McChord, May 2015, and on file with the Community and Economic Development Department.

Military-Related Land Use Categories	A P Z -I	A P Z - II	C Z
Residential Uses			
Child care facility	-	-	-
Child day care center	-	-	-
Family day care provider	-	-	-

Amendment 12. Updating Development Regulations related to Short Term Rentals.

18A.10.180 Definitions.

* * *

"Permanent residential occupancy" means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

* * *

"Short-term rental" or "short term vacation rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty (30) consecutive nights. Short-term rental does not include any of the following:

(i) A dwelling unit that is occupied by the owner for at least six (6) months during the calendar year and in which fewer than three (3) rooms are rented at any time;

(ii) A dwelling unit, or portion thereof, that is used by the same person for thirty (30) or more consecutive nights; or

(iii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease, or their family members.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit established under this title, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offers or provides a short-term rental as set forth in LMC 18A.40.090.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

* * *

18A.70.070 Approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. *Department Staff.* Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:

1. [Accessory building](#);
2. [Accessory dwelling unit](#);
3. Administrative nonconforming determination;
4. [Appeal](#) to [Hearing Examiner](#);
5. [Binding site plan](#);
6. [Business](#) license;
7. [Certificate of occupancy](#);
8. Commercial addition/remodel;
9. [Conditional use](#) permit;
10. [Conditional use](#) permit – minor modification;
11. Cottage housing development;
12. Demolition permit;
13. Design review permit;
14. [Emergency housing](#) permit;
15. [Emergency shelter](#) permit;
16. Environmental review ([SEPA](#) checklist and threshold determination);
17. Final subdivision plat (10 or more [lots](#));
18. [Foster care facility](#) permit;
19. [Home occupation](#) permit;
20. Housing incentives permit;
21. Landscape plan review;
22. [Land use approval](#);
23. [Lot line](#) adjustment;
24. Manufactured/[mobile home](#) setup permit;
25. New commercial permit;
26. New [multifamily](#) permit;
27. New single-[family](#) permit;
28. [Permanent supportive housing](#) permit;
29. Pre-application;
30. Preliminary and final short plats (creating 2 to 9 [lots](#));
31. Rapid rehousing permit;
32. [Reasonable accommodation](#) request;
33. Residential addition/remodel;
34. Senior housing overlay permit;
35. Shoreline [conditional use](#) permit;
36. Shoreline substantial development permit;
37. Shoreline exemption;

- 38. Shoreline [variance](#) permit;
- 39. [Short term rental permit](#);
- 3940. [Sign](#) permit;
- 410. Site development permit;
- 421. Senior housing permit;
- 432. Small cell wireless permit;
- 443. Temporary [use](#) permit;
- 454. Transfer of development rights;
- 465. [Transitional housing](#) permit;
- 476. [Transitory accommodation](#) permit;
- 487. Tree retention plan;
- 498. Time extension or minor modification to a Type I permit;
- 5049. Time extension or minor modification to a Type II permit;
- 510. [Transitory accommodation](#) permit;
- 521. Tree removal permit;
- 532. Unusual [use](#)(s) permit;
- 543. [Zoning certification](#);
- 554. [Zoning](#) interpretations (map and/or text).

18A.20.080 Review Authorities

The following table describes development permits, the public notice requirements, and the final decision and [appeal](#) authorities. See [LMC 18A.20.400](#) et seq. for [appeals](#). When separate applications are consolidated at the [applicant](#)'s request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

KEY:	
Appeal	= Body to whom appeal may be filed
Director	= Community and Economic Development Director
PC	= Planning Commission
HE	= Hearing Examiner
CC	= City Council
R	= Recommendation to Higher Review Authority
D	= Decision
O	= Appeal Hearing (Open Record)
C	= Appeal Hearing (Closed Record)
N	= No
Y	= Yes

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE I ADMINISTRATIVE					
Accessory building	N	D	O/ Appeal	N	N

Accessory dwelling unit	N	D	O/ Appeal	N	N
Administrative nonconforming determination	N	D	O/ Appeal	N	N
Boundary line adjustment	N	D	O/ Appeal	N	N
Business license	N	D	O/ Appeal	N	N
Certificate of occupancy	N	D	O/ Appeal	N	N
Commercial addition/remodel	N	D	O/ Appeal	N	N
Demolition permit	N	D	O/ Appeal	N	N
Design review	N	D	O/ Appeal	N	N
Emergency housing permit	N	D	O/ Appeal	N	N
Emergency shelter permit	N	D	O/ Appeal	N	N
Final subdivision plat (10 or more lots)	Y	D	O/ Appeal	N	N
Form-based code review and decision	N	D	O/ Appeal	N	N
Foster care facility permit	N	D	O/ Appeal	N	N
Home occupation permit			O/ Appeal		
Hosting the homeless by religious organizations	See RCW 35A.21.360	D	O/ Appeal	N	N
Land use permit – minor modification	N	D	O/ Appeal	N	N
Manufactured/ mobile home permit	N	D	O/ Appeal	N	N
New commercial building permit	N	D	O/ Appeal	N	N
New single-family building permit	N	D	O/ Appeal	N	N
Permanent supportive housing permit	N	D	O/ Appeal	N	N
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/ Appeal	N	N
Reasonable accommodation request	N	D	O/ Appeal	N	N
Residential addition/remodel	N	D	O/ Appeal	N	N
Shoreline exemption	N	D	O/ Appeal	N	N
Short Term Rental	N	D	O	N	N
Sign permit	N	D	O/ Appeal	N	N
Site development permit	N	D	O/ Appeal	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/ Appeal	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/ Appeal	N	N
Transitional housing permit	N	D	O/ Appeal	N	N
Tree removal permit	N	D	O/ Appeal	N	N
Zoning certification	N	D	O/ Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/ Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/ Appeal	N	N

Cottage housing	Y	D	O/ Appeal	N	N
Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/ Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/ Appeal	N	N
Shoreline conditional use permit	Y	D	O/ Appeal	N	N
Shoreline substantial development permit	Y	D	O/ Appeal	N	N
Shoreline variance permit	Y	D	O/ Appeal	N	N
Time extension or minor modification to a Type II permit	Y	D	O/ Appeal	N	N
TYPE III DISCRETIONARY					
Conditional use permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N
Public facilities master plan	Y	R	D	N	N
Shoreline conditional use permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline variance when referred by the Shoreline Administrator	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual use (s) permit	Y	R	D	N	N
Variance	Y	R	D	N	N
Zoning Map amendment , site specific	Y	R	D	N	CC/ Appeal
TYPE IV OTHER					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
TYPE V LEGISLATIVE					
Annexation	Y	R	N	R	D
Comprehensive Plan Map only amendment , Area Wide	Y	R	N	R	D
Comprehensive Plan Map only amendment , site specific	Y	R	N	R	D
Comprehensive Plan text only amendment	Y	R	N	R	D
Development agreement	Y	R	N	R	D
Shoreline Master Program amendment	Y	R	N	R	D
Zoning amendment – Text only	Y	R	N	R	D

18A.20.310 Public notice framework.

To inform the public of proposed project actions, the Department and applicants shall provide notice as identified in the table below. A vicinity map and basic site plan shall be included with any mailed notices. If a project is SEPA-exempt and no public hearing is required, notice of application as required by RCW [36.70B.110](#) will be limited to the type of notice described below.

KEY:		
NOA	=	Notice of Application
CED	=	Community and Economic Development Department
NOD	=	Notice of Decision
PO-300	=	Property owners within 300 feet of project site
PR	=	Parties of record on file
SEPA	=	State Environmental Policy Act
WAC	=	Washington Administrative Code

Process: Type I Administrative

Application Type	Notice Types	When	Who gets Notices
1. Accessory building;	NOD.	Within 90 calendar days after the City notifies the applicant that the application is complete.	1. Applicant; and 2. PR.
2. Accessory dwelling unit;			
3. Administrative nonconforming determination;			
4. Business license;			
5. Certificate of occupancy;			
6. Commercial addition/remodel;			
7. Conditional use permit – minor modification;			
8. Demolition permit;			
9. Design review;			
10. Final subdivision plat (10 or more lots);			
11. Home occupation permit;			
12. Hosting the homeless by religious organizations;	See RCW 35A.21.360	See RCW 35A.21.360	See RCW 35A.21.360
13. Housing incentives permit;	NOD.	Within 90 calendar days after the City	1. Applicant; and 2. PR.
14. Landscape plan approval;			

Application Type	Notice Types	When	Who gets Notices
15. Land use approval;		notifies the applicant that the application is complete.	
16. Lot line adjustment;			
17. Manufactured/mobile home permit;			
18. New commercial permit;			
19. New multifamily permit;			
20. New single-family permit;			
21. Pre-application permit;			
22. Preliminary and final short plats (creating 2 – 9 lots);			
23. Reasonable accommodation request;			
24. Residential addition/remodel;			
25. Senior housing overlay permit;			
26. Shoreline exemption;			
27. Short term rental;			
287. Sign permit;			
298. Site development permit;			
3029. Small cell wireless permit;			
310. Temporary use permit;			
327. Transfer of development rights;			
332. Tree retention plan;			
343. Time extension or minor modification to a Type I permit;			
354. Tree removal permit;			
365. Zoning certification;			
376. Zoning interpretations (map and/or text).			

18A.40.090 Lodging.

A. *Lodging Land Use Table.* See LMC [18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

Lodging	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P R 1	O S R 1	O S R 2
Bed and breakfast guest houses (B)(1)*	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hostels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	P	-	-	-	-	-	-
Short term vacation rentals (B)(2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-

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

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

B. *Development and Operating Conditions.*

1.

a. Bed and breakfast guest houses may be converted from existing residences or newly constructed residences, but shall not contain more than four (4) bedrooms for guests.

b. Parking for bed and breakfast guest houses shall be limited to that which can be accommodated in the guest house’s garage and driveway. No such garage or driveway shall be wider than that necessary to park three (3) vehicles abreast. No on-street parking shall be allowed.

c. The establishment shall be operated in such a manner as to give no outward appearance nor manifest any characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.

d. The owner shall operate the establishment and reside on the premises.

e. Meal service shall be limited to serving overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.

f. Signs for bed and breakfast uses in the R zones are limited to one (1) identification sign use, not exceeding four (4) square feet and not exceeding forty-two (42) inches in height.

2.

~~a. The property owner is required to obtain a City business license.~~

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

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

a. Applicability:

i. Short-term rentals are not permitted in any dwelling unit or building that has received approval under the city's multifamily tax exemption (MFTE) program. This standard does not apply after the exemption period has ended.

ii. Short-term rentals are not permitted in housing units subsidized through city programs.

iii. Short-term rentals do not include hotels or motels.

b. Number of Short-Term Rental Permits per Operator. It is the intent of these regulations to limit the ownership and operation of short-term rentals located in residential areas to no more than one (1) per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for short-term rental use to separate individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.

c. Number of Short-Term Rentals in Condominiums. No more than one (1) unit or 25 percent (%) of the total units, whichever is greater, in a condominium building may include a short-term rental.

d. Accessory dwelling units (ADUs) of any type shall not be used as short term vacation rentals.

e. Number of Guests. No more than two (2) guests, excluding children five (5) years old and under, per bedroom are permitted per guest stay.

f. Parking. At least one (1) off-street parking space must be provided for guests on site during guest stay. The Director may determine, through a simple parking analysis provided by the applicant, that on-street parking or nearby parking may be substituted for off-street parking.

g. Appearance and Behavior.

i. The short-term rental must be operated in a way that will prevent unreasonable disturbances to nearby residents.

ii. There must be no change in the outside appearance of the building or premises that indicates the site is hosting a commercial use, other than one flat, unlighted sign not exceeding two square feet in area and mounted flush against the building.

h. Notifications.

i. Good Neighbor Guidelines. "Good neighbor guidelines" that must be posted in the short-term rental unit, which includes at least the following:

A copy of the short-term rental permit;

Contact information for the operator or designated local contact person;

The location of the designated parking space(s), if required;

The location of fire extinguisher(s), fire exits and escape routes;

The location of trash, compost and recycling containers; and

Noise considerations and other rules of conduct.

ii. The city-issued short-term rental permit number must be clearly displayed on the platform(s) advertising or offering the short-term rental

i. Local Contact Person.

i. The name, address and telephone number(s) of a local contact person who is responsible for the short-term rental and lives within one (1) hour's drive of Lakewood must be submitted with the short-term rental application. This person can be the operator or a designee of the operator.

ii. Any changes to the name, address or telephone number(s) of the local contact person must be submitted to the planning and community development department within one month of the change(s).

iii. The local contact person shall be available 24 hours a day to ensure that the short-term rental is maintained and operated per the requirements of this section.

j. Events.

i.. Short-term rentals must not include weddings, banquets, parties, charitable fundraising, or other gatherings for direct or indirect compensation. The intent of short-term rentals is to provide transient accommodations and allow for limited accessory uses. These limited accessory uses must be consistent with typical residential uses that are allowed in a particular zone.

ii. Small, informal noncommercial gatherings of family and friends of short-term rental guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.

k. Food. If a short-term rental operator provides breakfast, light snacks, or both to guests, the facility and operator must meet applicable health and safety regulations including, but not limited to, regulations of the Tacoma-Pierce County Health Department and the Washington State Department of Health.

l. Safety. The City must verify, through a city inspection, that each dwelling unit to be rented to overnight guests meets the following requirements:

i. Each bedroom must comply with building code requirements for a sleeping room that were in place when the bedroom was legally established;

ii. Each bedroom must have a smoke alarm that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and

iii. Each bedroom must be located on the floor of a dwelling unit that is equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have fuel burning equipment or an attached garage, a carbon monoxide alarm is not required.

m. Age Requirement. The person booking the short-term rental shall be over the age of 25 years old.

n. Licenses and Taxes.

i. Short-term rental operators shall meet all local, state and federal requirements regarding licenses and taxes.

ii. Proof of a valid business license is required with the short-term rental permit application.

Residential Land Uses	Zoning Classifications																				
	R 1	R 2	R 3	R 4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C 1	C 2	C3	I B P	I 1	I 2	P I
Residential accessory building (B)(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small craft distillery (B)(6) , (B)(12)	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-
Specialized senior housing (B)(10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses (B)(11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-

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

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

B. Operating and Development Conditions.

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

a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing unit. ADUs shall not be included in the density calculations. A lot shall contain no more than one (1) ADU.

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, the Sound Transit Lakewood Station, or other major transit stop, and also zoned R1, R2, R3, R4, MR1, MR2, MF1, MF2, or TOC, off-street parking may not be required provided there is adequate street capacity, and there is curb, gutter, and sidewalk, constructed to City standards, adjoining the lot where an ADU is proposed. Parking may be required if the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons to support 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.

m. Accessory dwelling units (ADUs) of any type shall not be used as short term vacation rentals.