

Ordinance No. 00134

[\(Council Minutes 97/07/21\)](#)

ORDINANCE NO. 134

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating and establishing a new Chapter 18.30 of the Lakewood Municipal Code providing for temporary residential density overlay zones

WHEREAS, in connection with the residential zones currently existing within the City of Lakewood, those zones were patterned after the previously existing regulations enacted by Pierce County prior to the incorporation of the City of Lakewood; and,

WHEREAS, since the incorporation of the City of Lakewood, there have been a number of individuals who have expressed concern regarding the impacts of those Pierce County regulations and the changes that they made from the long standing established patterns of neighborhood development in the Lakewood community; and,

WHEREAS, as a result of the numerous concerns expressed by citizens and residents of the community, the Planning Advisory Board and Planning staff developed draft proposals for larger residential estate overlay zones as a method of returning certain impacted neighborhoods to the previously existing historical development patterns; and,

WHEREAS, the Planning Advisory Board of the City of Lakewood held a public hearing on the proposal for such residential overlay zones on July 9, 1997, and after having heard and considered the testimony and statements of all persons wishing to speak to the proposal, voted to approve and forward to the City Council the proposal for the establishment of temporary residential density overlay zones consistent with the provisions set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Chapter 18.30 of the Lakewood Municipal Code providing for temporary residential density overlay zones (TR-30, TR-20 and TR-15) be, and the same hereby is, adopted to read as follows:

Chapter 18.30

TEMPORARY RESIDENTIAL DENSITY OVERLAY ZONES

(TR-30, TR-20, and TR-15)

Sections:

18.30.010 Establishment of Temporary Residential Density Overlay Zones.

18.30.020 Description and Purpose.

18.30.030 Permitted Uses.

18.30.040 Development Standards.

18.30.050 Exception.

18.30.010 Establishment of Temporary Residential Density Overlay Zones.

A. The Temporary Residential Density Overlay Zones: TR-30, TR-20, and TR-15 are hereby established. These overlay zones are temporary and shall be automatically rescinded three (3) years after the date of adoption or upon adoption of a new comprehensive plan and development regulations by the City, whichever comes first. If the new comprehensive plan and development regulations are not completed within three (3) years, these overlay zones may be extended by the City Council. The State Environmental Policy Act (SEPA) determination for adoption of these Temporary Residential Density Overlay Zones is not inclusive of any potential extension of the stated effective period.

B. Upon adoption of the Temporary Residential Density Overlay Zones, no modification or alteration of the original districts identified on the official zoning map shall be approved prior to the adoption of a new comprehensive plan and development regulations.

18.30.020 Description and Purpose.

The Temporary Residential Density Overlay Zones: TR-30, TR-20, and TR-15 are temporary measures to control residential density within specific areas of the City pending completion of a new comprehensive plan and development regulations. In no manner shall application or non-application of these Temporary Residential Density Overlay Zones be used to prejudice discussion or public comment regarding residential use in the City during the comprehensive planning process. Final dispensation of the affected areas identified in these overlay zones, and all other residential areas within the City, shall be determined upon adoption of the new comprehensive plan and development regulations.

18.30.030 Permitted Uses.

A. Uses within the Temporary Residential Density Overlay Zones shall be consistent with those of the underlying Moderate Density Single-Family (MSF) zone.

B. No lot shall be occupied by more than one dwelling unit in any of the Temporary Residential Density Overlay Zones.

18.30.040 Development Standards.

A. The Density and Dimension Table below lists specific development requirements for each of the Temporary Residential Density Zone districts. The development requirements are in addition to all other applicable residential development standards within this code. If a conflict arises in the interpretation of these overlay zones and the development standards in the code, the regulations specific to the Temporary Residential Density Zones shall take precedence.

B. The Table Notes identify specific requirements for each Temporary Residential Density Zone district.

DENSITY AND DIMENSIONS TABLE

Temporary Residential Density Overlay Zone Districts

Density and Dimensions TR-30 TR-20 TR-15

Base Density (du/ac) a 1.452.182.90

1.452.182.90

Maximum Density (du/ac) b 1.452.182.90

1.452.182.90

Minimum Lot Size

(square feet) c, d, e 30,000 20,000 15,000

30,000 20,000 15,000

Maximum Lot Coverage f 25% 25% 35%

25% 25% 35%

Maximum Impervious Lot Coverage g 35% 35% 50%

35% 35% 50%

Minimum Lot Width 50 feet 50 feet 50 feet

50 feet 50 feet 50 feet

Setback, State Highways and Principal Arterials 25 feet 25 feet 25 feet

25 feet 25 feet 25 feet

Setback,

Other Roads 25 feet 25 feet 25 feet

25 feet 25 feet 25 feet

Setback, Rear 20 feet 20 feet 20 feet

20 feet 20 feet 20 feet

Setback, Interior 8 feet 8 feet 8 feet

8 feet 8 feet 8 feet

Maximum Height 35 feet 35 feet 35 feet

35 feet 35 feet 35 feet

Table Notes:

a. Base Density. These densities may be achieved outright by following the development standards of the section and Chapter 18.35 of this Code.

b. Maximum Density. These densities shall be the maximum allowable density within each Temporary Residential Density Zone district regardless of the type of development, including Planned Development Districts (PDD).

c. No Minimum Lot Size Variances. Variances from the minimum lot size requirements, including administrative variances, shall not be allowed.

d. A PDD may have lots which are seventy-five (75) percent the size of the minimum lot size required in the district provided:

1. The average of all lots within the PDD is equal to, or greater than, the minimum lot size for the overlay zone district, and

2. No lot within the PDD is larger than one-hundred and seventy-five (175) percent the size of the smallest lot.

e. In a PDD, where environmental constraints are present and recognized by the City, a PDD may have lots which are sixty (60) percent of the minimum lot size required in the district, provided that the PDD includes a designated open space area, and the designated open space area is:

1. Protected in perpetuity with deed restrictions that are, on their face, enforceable by the City and/or by other property owners in the PDD;

2. A contiguous single parcel which protects or preserves the area affected by the environmental constraints, provided that multiple designated open space parcels within the PDD may be permitted by the Hearing Examiner only if based on extraordinary physical or environmental circumstances that exist in the PDD; and

3. Constitutes a minimum of twenty-five (25) percent of the PDD area.

f. Lot Coverage and Impervious Surface Variances. Variances from the maximum lot coverage and impervious surfaces requirements, including administrative variances, shall not be allowed.

18.30.050 Exception.

Lots legally established prior to adoption of these overlay zone districts, which do not meet the minimum lot size requirements of the district, and which are buildable within the standards of the MSF zone, may be developed in accordance with the MSF zone. Division of said lots is not permissible.

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2. No lot within the PDD is larger than one-hundred and seventy-five (175) percent the size of the smallest lot.

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1. Protected in perpetuity with deed restrictions that are, on their face, enforceable by the City and/or by other property owners in the PDD;

2. A contiguous single parcel which protects or preserves the area affected by the environmental constraints, provided that multiple designated open space parcels within the PDD may be permitted by the Hearing Examiner only if based on extraordinary physical or environmental circumstances that exist in the PDD; and

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18.30.050 Exception.

Lots legally established prior to adoption of these overlay zone districts, which do not meet the minimum lot size requirements of the district, and which are buildable within the standards of the MSF zone, may be developed in accordance with the MSF zone. Division of said lots is not permissible.

Section 2. 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 3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and one day after this Ordinance becomes effective, the Moratorium adopted through Resolution 1997-20, on June 16, 1997, restricting the development of short plats, long plats/subdivisions and planned development districts in certain areas of the City shall be no longer in effect.

ADOPTED by the City Council this 21st day of July, 1997.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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