

# Ordinance No. 00159

[\(Council Minutes 98/03/16\)](#)

ORDINANCE NO. 159

AN ORDINANCE of the City Council of the City of Lakewood, Washington creating a new Chapter 18.38 of the Lakewood Municipal Code relating to a Temporary Residential-Urban Overlay Zone and a new Chapter 18.39 of the Lakewood Municipal Code relating to a Temporary Residential-Urban/Commercial Overlay Zone and repealing the moratorium implemented by Resolution No. 1997-37

AN ORDINANCE of the City Council of the City of Lakewood, Washington creating a new Chapter 18.38 of the Lakewood Municipal Code relating to a Temporary Residential-Urban Overlay Zone and a new Chapter 18.39 of the Lakewood Municipal Code relating to a Temporary Residential-Urban/Commercial Overlay Zone and repealing the moratorium implemented by Resolution No. 1997-37

WHEREAS, in an attempt to address zoning and land use regulations in the City, the City Council adopted interim zoning and land development regulations patterned after those of Pierce County to operate until the City developed and adopted its permanent zoning regulations; and,

WHEREAS, in reviewing and applying these interim zoning and land development regulations, the City noted some inconsistencies in the current uses and potential uses as compared to the character of existing neighborhoods; and,

WHEREAS, conflicts have arisen in the use of such properties between residential use and commercial and industrial development; and,

WHEREAS, to address these conflicts, a temporary residential-urban/commercial overlay zone proposal has been developed and reviewed by the City of Lakewood Community Development Department, and by the City of Lakewood Planning Advisory Board which held a public hearing to receive comments from persons interested in the subject; and,

WHEREAS, following review and public hearing, the Planning Advisory Board recommended the adoption of an Ordinance providing for a temporary residential-urban overlay zone and a temporary residential-urban/commercial overlay zone along the lines of the provisions set forth below.

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

SECTION ONE That a new Chapter 18.38 of the Lakewood Municipal Code relating to a Temporary Residential-Urban Overlay Zone is created to read as follows:

## Chapter 18.38

### Temporary Residential-Urban Overlay Zone (TR-U)

Sections:

18.38.010 Establishment.

18.38.020 Description and Purpose.

18.38.030 Permitted Uses.

18.38.040 Development Standards.

18.38.010 Establishment.

A. The Temporary Residential-Urban Overlay Zone (TR-U) is hereby established. This overlay zone is 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, the overlay zone may be extended by the City Council. The State Environmental Policy Act (SEPA) determination for adoption of this Temporary Residential-Urban Overlay Zone is not inclusive of any potential extension of the stated effective period.

B. Modification of the Boundaries of the Overlay Zone - Removal of Parcels. Once established, the Overlay Zone may be modified to remove one or more parcel(s) from the boundaries of the Overlay Zone under the following conditions:

1. A proposal for removal of a parcel or parcels from the Overlay Zone shall be processed as a change in Zoning in accordance with Section 18.85.040.
2. The proposal shall be reviewed as a change from residential to commercial use.
3. The intent of the Overlay zone to preserve residential neighborhoods shall be the primary consideration in the approval or denial of the proposal.
4. The proposal must be project specific and the project must be a condition for approval of the proposal.
5. The subject parcel(s) shall not be completely surrounded by parcels within the Overlay Zone or adjacent to a residential zone.

18.38.020 Description and Purpose.

The Temporary Residential-Urban Overlay Zone (TR-U) is a temporary measure to control commercial and industrial development within specific, established residential areas which are designated Major Urban Center (MUC) or Mixed Use District (MUD), pending completion of a new comprehensive plan and development regulations. In no manner shall application or non-application of this Temporary Residential-Urban Overlay Zone (TR-U) be used to prejudice discussion or public comment regarding commercial, industrial, or residential uses in the City during the comprehensive planning process. Final dispensation of the affected areas identified in this overlay zone, and all other commercial, industrial, and residential areas within the City, shall be determined upon adoption of the new comprehensive plan and development regulations.

18.38.030 Permitted Uses.

A. Use Types allowed in the Temporary Residential-Urban Overlay Zone (TR-U) shall consist of the Use Types listed in Table A of this Section based on the underlying zone and as modified by Paragraph B, below.

B. The continuation of a Use Type, not allowed in said Table A, but which is permitted in the underlying Major Urban Center (MUC) or Mixed Use District (MUD) Zone and which was an active, licensed establishment at the time of adoption of this Chapter, is permitted. Modification or increased intensity of the Use Type is subject to this Chapter.

TABLE A

USE TYPE	MUC1	MUD1
Fraternity or Sorority House	--2	P3
Group Home	C4	C
Mobile/Manufactured Home Park	--	P
Multi-Unit Housing	P	P
Nursing Homes	P	P
Senior Homes	P	P
Single-Unit Detached and Two-Unit Housing	A5	A
Day Care Centers	P	P
Religious Assembly	A	A
Electrical Facilities	P	P
Sewage Collection Facilities	P	P
Pipelines	P	P
Stormwater Facilities	P	P
Water Supply Facilities	P	P

Table Notes:

1. Major Urban Center (MUC) and Mixed Use District (MUD) Zones.
2. Use not permitted.
3. Permitted Use.
4. Conditional Use.
5. Administrative Use.

18.38.040 Development Standards.

The development requirements within the Temporary Residential-Urban Overlay Zone (TR-U) shall be consistent with those of the underlying Major Urban Center (MUC) Zone, Mixed Use District (MUD) Zone, or applicable Overlay Zone.

SECTION TWO That the official zoning maps of the City of Lakewood are amended as reflected by the maps attached hereto, marked as Exhibits "A," "B," "C," "D," "E," "F," "G" and "H" and incorporated herein by this reference, and said maps are adopted as a part of the official zoning maps of the City of Lakewood.

SECTION THREE That a new Chapter 18.39 of the Lakewood Municipal Code relating to a Temporary Residential-Urban/Commercial Overlay Zone is created to read as follows:

## Chapter 18.39

### Temporary Residential-Urban/Commercial Overlay Zone (Tr-Uc)

#### Sections:

18.39.010 Establishment.

18.39.020 Description and Purpose.

18.39.030 Permitted Uses.

18.39.040 Development Standards.

18.39.010 Establishment.

A. The Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) is hereby established. This overlay zone is 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, the overlay zone may be extended by the City Council. The State Environmental Policy Act (SEPA) determination for adoption of this Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) is not inclusive of any potential extension of the stated effective period.

B. Upon adoption of the Temporary Residential-Urban/Commercial Overlay Zone (TR-UC), 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.

18.39.020 Description and Purpose.

The Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) is a temporary measure to control commercial and industrial development within specific, established residential areas which are designated Major Urban Center (MUC) or Mixed Use District (MUD), pending completion of a new comprehensive plan and development regulations. In no manner shall application or non-application of this Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) be used to prejudice discussion or public comment regarding commercial, industrial, or residential uses in the City during the comprehensive planning process. Final dispensation of the affected areas identified in this overlay zone, and all other commercial, industrial, and residential areas within the City, shall be determined upon adoption of the new comprehensive plan and development regulations.

18.39.030 Permitted Uses.

A. Use Types allowed in the Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) shall consist of the Use Types listed in Table A in this section based on the underlying zone and as modified by Subsections B and C below.

B. The continuation of a Use Type, not allowed in Table A in this section, but which is permitted in the underlying Major Urban Center (MUC) or Mixed Use District (MUD) Zone and which was an active, licensed establishment at the time of adoption of this Chapter, is permitted. Modification or increased intensity of the Use Type is subject to this Chapter.

C. Use Types listed in Table B in this section are allowed as indicated in the table on parcels which qualify for consideration under Subsection B above.

TABLE A

USE TYPE	MUC1	MUD1
Fraternity or Sorority House	--2	P3
Group Home	C4	C
Mobile/Manufactured Home Park	--	P
Multi-Unit Housing	P	P
Nursing Homes	P	P
Senior Homes	P	P
Single-Unit Detached and Two-Unit Housing	A5	A
Day Care Centers	P	P
Religious Assembly	A	A
Electrical Facilities	P	P
Sewage Collection Facilities	P	P
Pipelines	P	P
Stormwater Facilities	P	P
Water Supply Facilities	P	P

TABLE B

USE TYPE	MUC1	MUD1
Community and Cultural Services	A	A
Administrative and Professional Offices	A16, C2	A1
Educational Services	A	A
Business Services	A	A
Personal Services	A1, C2	A1, C2
Pet Sales and Services	A1	A1

Table Notes:

1. Major Urban Center (MUC) and Mixed Use District (MUD) Zones.
2. Use not permitted.
3. Permitted Use.

- 4. Conditional Use.
- 5. Administrative Use.
- 6. Indicated level of Use Type.

18.39.040 Development Standards.

The development requirements within the Temporary Residential-Urban/Commercial Overlay Zone (TR-UC) shall be consistent with those of the underlying Major Urban Center (MUC) Zone, Mixed Use District (MUD) Zone , or applicable Overlay Zone.

SECTION FOUR That the official zoning maps of the City of Lakewood are amended as reflected by the maps attached hereto, marked as Exhibits "I" and "J" and incorporated herein by this reference, and said maps are adopted as a part of the official zoning maps of the City of Lakewood.

SECTION FIVE That upon the effective date of this Ordinance, the moratorium imposed by Resolution No. 1997-37 shall be canceled.

SECTION SIX That if any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION SEVEN That this Ordinance shall be in full force in effect five (5) days after publication of the Ordinance Summary, as provided by law.

ADOPTED by the City Council this 16th day of March, 1998.

CITY OF LAKEWOOD

---

Attest: Bill Harrison, Mayor

---

Alice M. Bush, CMC, City Clerk

Approved as to Form:

---

Daniel B. Heid, City Attorney

.....