

Ordinance No. 00198

[\(Council Minutes 99/03/15\)](#)

ORDINANCE NO. 198

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Section 18.35.020 of the Lakewood Municipal Code relating to density and dimensions in the zoning code

WHEREAS, since the time the City of Lakewood adopted its interim zoning code and density and dimension regulations, it has tried to respond to and adjust its code requirements to meet the needs of the City; and,

WHEREAS, its ability to respond appropriately was hampered by the limitations of language borrowed by the City in implementation of its interim zoning code; and,

WHEREAS, in order to facilitate more effective administration of the zoning code, it would be appropriate to clarify some of the language that currently exists in the city code with respect to methods through which maximum density may be achieved and to eliminate residential density incentives in the MUD and HRD zoning districts, and,

WHEREAS, this matter has been presented to the Planning Advisory Board for consideration, and following a public hearing at which members of the public wishing to speak to the proposal were allowed to do so, the Planning Advisory Board recommended changes to the zoning code and to the language of Section 18.35.020 of the Lakewood Municipal Code, set forth below.

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

Section 1. That Section 18.35.020 of the Lakewood Municipal Code be, and

the same hereby is, amended to read as follows:

18.35.020 Density and Dimension.

A. Purpose. The purpose of this section is to establish density and dimensional standards for development. These standards are established to provide flexibility in project design and promote high density development in urban areas when utilizing incentives.

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1. Interpretation of Tables. The density and dimension tables are arranged in a matrix format. Development standards are listed down the left side of both tables and the zones are listed across the top. The matrix cells contain the minimum dimensional requirements of the zone. The footnotes in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that the cell is not applicable.

2. 2. Density and Dimension Tables.

Zone Classifications (18.35.020.B.2.)

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Employment

CentersUrban Centers

	Urban Districts	Urban Residential	Recreation
	EC		
	Employment		
	CenterMUC Major Urban Center		
	CC Community Center		
Density	NC Neighborhood Center	OLB-1 Office and Limited Business - Level 1	
And	OLB-2 Office and Limited Business - Level 2		
Dimension	MUD Mixed Use District		
	HRD High Density Residential District		
	MSF Moderate Density Single-Family Unit	OSR	
	Open		
	Space/		
	Recreation		
	ECMUCCCN	COLB-1	OLB-2MUDHRDMSFOSR
Base Density (du/ac)(a)	N/A121212N/AN/A12124(a)	N/A	
Maximum Density (du/ac)	N/A25(b)25(b)25(b)N/AN/A25(b)25(b)6(b)N/A		
Minimum Lot Size	9,000 sq.ft. (g)		
Maximum Lot Coverage	35%(h)		
Maximum Impervious Lot Coverage	50%(h)		
Minimum Lot Width	50 feet(h)		
Lot Width to Length Ratio	1 to 2.5(h)		
Setback, State Highways and Principal Arterials	35'35'(f) 35'(f)25'25'25'25'25'25'50'		
Setback, Other Roads	25'25'(f)25'(f)25'25'25'25'25'25'30'		
Setback, Rear	0'(d)0'(d)0'(d)0'(d)20'20'0'(d)20'(d)20'20'		
Setback, Interior	0'(d)0'(d)0'(d)0'(d)0'0'0'(d)8'(d)8'20'		
Height	60'60'40'25'35'40'40'35'40'		

Refer to Tables 1, 2, & 3, in Section 18.35.030 for landscaping and buffering requirements.

3. Footnotes. This subsection pertains to the parenthetical numbers in the preceding table, Section 18.25.020.(B).2.

(a) Base Density. These densities may be achieved outright by following the development standards of Chapter 18.35, Development Standards.

(b) Maximum Density. These densities shall only be achieved through ~~one of the following methods: the application of~~

~~residential density incentives; transfer of development rights; and planned development districts, and/or planned unit developments.~~

(c) Minimum Density. If a lot is greater than 300 feet from a sewer hook up and is unable to meet the minimum density requirement due to on-site sewage disposal standards, the minimum density requirement shall not apply.

(d) Urban Centers and Districts, Setbacks. The minimum setback for any new multifamily or commercial building abutting a MSF classification shall be 30 feet. The minimum setback for an industrial building or use abutting a MSF or HRD classification shall be 100 feet.

(e) Principal and All Other Roads. These setbacks are minimum requirements abutting the specific right-of-way classification except that when abutting right-of-ways that have been identified for improvement in the City road plan, or most current version thereof, the minimum setback shall be 25 feet.

(f) Community and Major Urban Centers. To meet the intent of providing a pedestrian friendly environment, sidewalks and landscaping shall be provided in lieu of the front yard setback requirement on arterial roads.

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

(h) Setback or Lot Coverage Variances. Variances for relief from dimensional or lot coverage maximums can be considered for both Minor and Major Variances from the standard.

C. Density Standards. All density provisions shall be calculated in dwelling units per acre (du/ac). The calculation shall be based upon the net acreage, subtracting out land that, by city, state or federal regulation, is unbuildable. This would include any areas such, but not limited to, wetlands, floodways and steep slopes. Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage.

~~1. Residential Density Incentives. In MUD and HRD, a density bonus of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every 5 percent of the total gross acreage of the project site designated as urban open space.~~

2. Transfer of Development Rights. If a site contains a regulated wetlands an/or buffer. a person may transfer residential density to another site located within CC or MUC. The transfer of development rights provisions of the Critical Lands regulation apply.

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32. Shoreline Density Exception. For the creation of new lots abutting a marine or lake shoreline as described in City's Shoreline Management Use Regulations, the maximum densities shall be as follows:

2. Shoreline Density Exception. For the creation of new lots abutting a marine or lake shoreline as described in City's Shoreline Management Use Regulations, the maximum densities shall be as follows:

a. The density requirements of the zone classification shall not apply to the first tier of lots abutting the shoreline, provided that all newly created lots maintain 75 feet of shoreline frontage and comply with the applicable densities in the City's Shoreline Management Use Regulations. The minimum lot size required for the creation of new lots abutting the shoreline shall be subject to the requirements of the Health Department.

b. For that portion of the original lot lying upland from the first tier of proposed lots abutting the shoreline, the density requirement shall be that of the applicable zone classification. The area of the first tier of newly created lots abutting the shoreline shall not be used when calculating the density in the upland portion of the lot.

D. Setback Standards.

1. Setback Measurement. A setback is measured from the edge of a street right-of-way, access easement or private road. Where there is no street right-of-way, access easement or private road, a setback is measured from the property line.

2. Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots must contain one rear yard setback except for through and pipestem lots. All other setbacks will be considered interior yard setbacks.

3. Corner Lots. If a lot abuts the intersection of 2 or more street rights-of-way, a front yard setback is required abutting each right-of-way.

4. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way.

5. Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been legally established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:

a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by 2.

b. In the case of a corner lot or when an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by 2.

6. Slopes. If the topography of a lot is such that the minimum front yard setback line is 8 feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least 5 feet back from the right-of-way.

7. Accessory Structures, Rear Yard Exception. Accessory structures including single story garden shed or greenhouse (or combination of both); children's play equipment; swimming pools; arbors; and gazebos may be placed in a rear yard, but shall not be closer than five (5) feet to a property line, and shall meet the requirements of Section 25.400.D. Garages or other accessory buildings may be placed within the rear yard, but must maintain a minimum five (5) foot setback from the rear property line, and be located at least five (5) feet from the primary structure.

8. Bus Shelters. Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height, provided all applicable site distance requirements are met.

9. Projection Exception.

a. Fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback, provided such projections are:

(1) Limited to 2 per required yard.

(2) Not wider than 10 feet.

(3) Not more than 2 feet into an interior or rear yard setback.

(4) Not more than 3 feet into a front yard setback.

b. Uncovered porches and decks which do not exceed 30 inches from finished lot grade may project into any setback, provided such projections do not extend more than 5 feet into a front yard setback, 3 feet into a side yard setback, and 15 feet into a rear yard setback.

c. Wheelchair ramps may project into any required setback.

10. Rear Yards, Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the "rear lot line" at the owners discretion. (see Figure 2)

E. Height Standards. (see Figure 3)

1. Measurement. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm. (see Figure 4)

2. Exceptions. Height standards shall not apply to the following:

a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures, provided the structure is setback from all property lines a distance equal to the height of the structure.

b. Rooftop mechanical equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone, provided all equipment is setback two (2) feet from the edge of the roof for every one foot in height above the height limit.

F. General Development Standards.

1. Existing Lot - Single Family Dwelling Permitted. In any zone that permits a single family dwelling unit, a single family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density

requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.

2. Combining Lots - Interior Yard Setback Exception. Where 2 or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.

3. Legally Created Lots - Development Permitted - Proof.

a. Development shall be permitted only on legally created lots.

b. To establish that a lot has been legally created, the applicant must provide one of the following:

(1) A copy of formal plat, short plat, or large lot subdivision approved by Pierce County or the City of Lakewood separately describing the lot.

(2) A copy of the boundary line adjustment or lot combination separately describing the lot.

(3) Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.

(4) A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.

4. Minimum Lot Dimension - Shape. Newly created lots shall conform to the requirements in the table set forth in Section 18.35.020.B.2, Density Dimension Tables.

5. Pipestem Lots. The owner of a pipestem lot may select setbacks of 15 feet from all property lines for both principal and accessory structures. Once setbacks have been established by the placement of structures on the lot, the established setbacks shall be maintained.

6. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within required setbacks as follows, provided that all applicable site distance requirements are met:

a. side and rear setbacks to a maximum height of 6 feet.

b. front yard setbacks to a maximum height of 4 feet.

c. except that on corner lots fences within the front yard setback may be a maximum height of six feet between the rear lot line and the rear of the structure, so that the rear yard may be enclosed with a maximum six foot high fence;

d. except that in required front yard setbacks for houses fronting on and facing an principal arterial street, the maximum height shall be six (6) feet.

7. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required setbacks to a maximum height of 6 feet, provided all applicable site distance requirements are met. (Ord. 128 Â§ 3, 1997; Ord. 114 Â§ 2 (part), 1997; Ord. 100 Alt. B Â§ 8,9,10,11, 1996; Ord. 59 Â§ 1 (part), 1996)

(Figures 1, 3 and 4 unchanged by this Ordinance and not shown herein.)

Section 2. 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 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this day of , 1999.

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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