

Ordinance No. 00264

[Council meeting minutes of 01/08/20](#)

ORDINANCE NO. 264

AN ORDINANCE of the City Council of the City of Lakewood, Washington Adopting a new zoning and land use code, codified as Title 18A of the Lakewood Municipal Code, including recodification of Ordinance Number 258, and adopting a new Section 1.44.040 of the Lakewood Municipal Code, amending Sections 1.36.010, 1.36.090, 1.36.110, 1.36.130, 1.36.140, 1.36.150, 1.36.160, 1.36.210, 1.36.230, 1.36.250, 1.36.260, 1.36.280, 1.36.290, 8.24.090, and 8.24.100 of the Lakewood Municipal Code, and repealing Title 18 of the Lakewood Municipal Code and repealing Sections 1.36.080, 1.36.100, 1.36.170, 1.36.180, 1.36.190, 1.36.200 and 1.36.220 of the Lakewood Municipal Code, dealing with definitions, enforcement and review, so as to provide consistency with the new provisions of Title 18A of the Lakewood Municipal Code

WHEREAS, since the incorporation of the City of Lakewood it utilized an interim zoning and land use code based to a large extent on Pierce county codes in effect prior to incorporation; and,

WHEREAS, in order to address the needs of the City and to comply with the planning requirements of the State's Growth Management Act, the City Council recently adopted its initial Comprehensive Plan; and,

WHEREAS, because the City has its own unique character it thus also has development, zoning and land use needs different than Pierce County; and,

WHEREAS, in order to assure consistency between the City's new Comprehensive Plan and its zoning and land use regulations, the Lakewood Planning Advisory Board has been studying ways to address development, zoning and land use needs, and has held public hearings and provided forums to receive public input for such development, zoning and land use regulations; and,

WHEREAS, the Planning Advisory Board has also made its recommendations to the City Council for zoning and land use regulations and associated code provisions; and,

WHEREAS, the city Council has also held a public hearing as provided further opportunities for public input on such development, zoning and land use regulations; and,

WHEREAS, having fully studied the issues, aspects and areas of concern regarding zoning and land use regulations in the City, the City Council is ready to adopt its full, non-interim zoning and land use regulations.

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

1. That a new Title 18A of the Lakewood Municipal Code is created and adopted to read and provide as set forth on the document attached hereto, marked as Exhibit "A" and incorporated herein by this reference, together with the official zoning maps referenced therein.

2. That a new Section 1.44.040 of the Lakewood Municipal Code is created to read as follows:

1.44.040 Public Nuisances.

A. Any condition which constitutes a public nuisance, as defined by the statutes of the State of Washington, or which has been declared a public nuisance or a health and/or safety hazard under any section of the LMC, may be abated by the City, as provided in RCW 7.48.

B. Any person who causes, maintains, or allows the continuation of any nuisance shall be deemed guilty of a misdemeanor, which shall be punishable as provided in RCW 9.66.

3. That Section 1.36.010 of the Lakewood Municipal Code is amended to read as follows:

1.36.010 Purpose.

The purpose of this Chapter is to establish a hearing examiner system under the provisions of Chapter 35A.63 RCW to hear and decide applications for amendments to land use regulations and other matters as specifically assigned by ordinance. (Ord. 13 Â§ 1, 1995.)

4. That Section 1.36.090 of the Lakewood Municipal Code is amended to read as follows:

01.36.090 - Decisions Appealable to the Council

For the following cases, the Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions, which shall be ~~given the effect of an administrative decision~~ appealable to the Council:

A. Business license decisions and appeals;

~~B. Appeals from permit denials or conditions imposed on environmental grounds pursuant to the State Environmental Policy Act;~~

C. Other applications or appeals which the Council may refer by ordinance, specifically declaring that the Hearing Examiner's decision shall be appealable to the Council;

~~D. Applications for planned development districts;~~

E. Applications for preliminary plats;

Applications for preliminary plats;

F. Public facilities permits;

GE. Shoreline development permits.

E. Shoreline development permits.

(Ord. 77 Â§ 1, (part) 1996; Ord. 13 Â§ 9, 1995.)

5. That Section 1.36.110 of the Lakewood Municipal Code is amended to read as follows:

1.36.110 Decisions of the Examiner which are Final.

For the following cases, the Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions, which shall be final and conclusive:

A. Applications for ~~conditional use~~ Process III permits, except as identified in LMC 18A.02.502 and LMC 1.36.090;

~~B. Applications for variances;~~

C. Appeals from Process I and II administrative decisions regarding boundary line adjustments except as identified in LMC 18A.02.502 and LMC 1.36.090;

Appeals from Process I and II administrative decisions regarding boundary line adjustments except as identified in LMC 18A.02.502 and LMC 1.36.090;

D. Appeals from the decisions of the City Manager, or designee, on applications for short subdivisions;

- E. Appeals from threshold determinations concerning applications not subject to Council action;
 - F. Appeals from notices and orders issued as code enforcement actions;
 - G. Appeals from decisions regarding the abatement of nonconforming uses;
 - H. Appeals from administrative decisions or determinations by City officials where the governing ordinance provides for an appeal to the Examiner;
 - I. Appeals from administrative decisions regarding binding site plan applications;
 - J. Appeals from administrative decisions regarding residential condominium binding site plan applications;
 - K. Appeals from administrative decisions regarding home occupations;
 - LD. Other applications or appeals which the Council may prescribe by ordinance.
 - D. Other applications or appeals which the Council may prescribe by ordinance.
- (Ord. 77 Â§ 1, (part) 1996; Ord. 13 Â§ 10, 1995.)

6. That Section 1.36.130 of the Lakewood Municipal Code is amended to read as follows:

1.36.130 Public Hearing.

- A. Before rendering a decision on any application or appeal, the Examiner shall hold at least one public hearing thereon. ~~For applications subject to Council action, the public hearing by the Examiner shall constitute a hearing by the Council.~~
- B. Whenever a project requires more than one permit or approval, the Examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Examiner to order and conduct consolidated hearings shall be final in all cases.

(Ord. 13 Â§ 13, 1995.)

7. That Section 1.36.140 of the Lakewood Municipal Code is amended to read as follows:

01.36.140 Procedural Notice Requirements.

Unless otherwise provided by ordinance, the City Manager, or designee shall cause notice of the time and place of the public hearing to be mailed to all persons of record at least fourteen (14) calendar days prior to the scheduled hearing. Additional notice shall be given as provided in the ordinance governing the particular type of application or appeal. Public hearings may be continued or reopened by the Examiner with written notice to all persons of record at least fourteen (14) calendar days prior to the rescheduled hearing. Public hearings may be continued by the Examiner without additional written notice provided the continuance is made during open session to a specific date, time, and location. (Ord. 13 Â§ 14, 1995.)

Public hearings may be continued or reopened by the Examiner with written notice to all persons of record at least fourteen (14) calendar days prior to the rescheduled hearing. Public hearings may be continued by the Examiner without additional written notice provided the continuance is made during open session to a specific date, time, and location. (Ord. 13 Â§ 14, 1995.)

8. That Section 1.36.150 of the Lakewood Municipal Code is amended to read as follows:

1.36.150 - Community Development Department Report

When an application or appeal has been set for public hearing, the Community Development Department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the subject application or appeal and shall prepare a report summarizing the factors involved and the department findings and recommendation or decision. At least five (5) working days prior to the date of the scheduled hearing, the report, and in the case of appeals any written appeal arguments submitted to the City, shall be filed with the Examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials. (Ord. 77 Â§ 1, (part) 1996; Ord. 13 Â§ 15, 1995.)

9. That Section 1.36.160 of the Lakewood Municipal Code is amended to read as follows:

1.36.160 General Criteria for Examiner Decisions.

A Each decision of the Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.

B. The Examiner's findings and conclusions shall set forth and demonstrate the manner in which the decision is consistent with, carries out and helps implement applicable state laws and the regulations, policies, objectives and goals of the comprehensive plan, the approval criteria, developmental standards and regulations of the land use and development zoning code and the subdivision code and other official laws, policies and objectives of the City, ~~and that the decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.~~

C. The Examiner shall accord substantial weight to the recommendation of the Community Development Department. (Ord. 13 Â§ 16, 1995.)

10. That Section 1.36.210 of the Lakewood Municipal Code is amended to read as follows:

1.36.210 Examiner Actions.

Within ten (10) days of the conclusion of a hearing or rehearing, the Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the City of Lakewood and to all persons of record.

A. The Examiner's decision may be to grant or deny the application or appeal, or the Examiner may grant the application or appeal with such conditions, modifications and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the approved criteria, development standard and regulations of the land use and development zoning code and, the subdivision code, and other ordinances, policies and objectives of the City.

B. The conditions, modifications and restrictions that the Examiner may impose include additional setbacks, screenings in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-way. Performance bonds A cash guarantee, letter of credit or an equivalent measure approved by the City may be required to insure compliance with the conditions, modifications and restrictions.

A cash guarantee, letter of credit or an equivalent measure approved by the City may be required to insure compliance with the conditions, modifications and restrictions.

(Ord. 77 Â§ 1, (part) 1996; Ord. 13 Â§ 21, 1995.)

11. That Section 1.36.230 of the Lakewood Municipal Code is amended to read as follows:

1.36.230 Appeal to Council - Notice.

Decisions by the Examiner on cases subject to Council action may be appealed to the Council by an aggrieved party by filing a notice of appeal with the City Clerk within fourteen (14) calendar days of the date the Examiner's written decision is mailed,

together with a filing fee in the amount of fifty dollars (\$50.00) or in such amount as may be specified by resolution of the City Council. If no appeal is filed within fourteen calendar days, the Examiner's decision shall be considered as final and conclusive. (Ord. 13 Â§ 23, 1995.)

12. That Section 1.36.250 of the Lakewood Municipal Code is amended to read as follows:

1.36.250 Appeal to Council - Consideration.

Consideration by the Council of the appeal shall be based upon the record of the Examiner's public hearing and upon written appeal statements based upon the record; provided the Council may allow parties a period of time for oral argument based on the record. ~~The Examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve certain issues on appeal, provided such conference shall be informal and shall not be part of the public record.~~ If, after consideration of the record, written appeal statements and any oral argument the Council may:

A. Affirm the decision of the Examiner; or

B. Determine that an error in fact or procedure may exist or additional information or clarification is desired, the Council shall remand the matter to the Examiner; or

C. Determine that the recommendation of the Examiner is based on an error in judgment of conclusion, the Council may modify or reverse the decision of the Examiner.

(Ord. 13 Â§ 25, 1995.)

13. That Section 1.36.260 of the Lakewood Municipal Code is amended to read as follows:

1.36.260 Appeal to Council - Council Action.

The Council shall take final action by ~~ordinance or resolution on an Examiner's recommendation on area zoning~~ on any appeal of an Examiner's decision and when doing, the Council shall make and enter findings of fact and conclusions from the record which support its action. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement objectives and goals of the comprehensive plan, the approval criteria, development standards and regulations of the land use and development zoning code and, the subdivision code and other official laws, policies and objectives of the City. The Council may adopt as its own all or portions of the Examiner's findings and conclusions. (Ord. 13 Â§ 26, 1995.)

14. That Section 1.36.280 of the Lakewood Municipal Code is amended to read as follows:

1.36.280 Review of Final Decisions.

A. Decisions of the Council shall be final and conclusive unless appealed pursuant to LMC 18A.02.755 ~~within twenty (20) calendar days, or within thirty calendar (30) days for decisions approving or denying plats, from the date of the Council's action, an aggrieved person applies for a writ of certiorari from the Superior Court in and for the County of Pierce, State of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during said twenty-day, or thirty-day for plat approvals, appeal period.~~

B. Decisions of the Examiner in cases identified in Section 1.36.110 of this Chapter shall be final and conclusive, unless appealed pursuant to LMC 18A.02.755, ~~within ten (10) days from the effective date of the action, the original applicant or an adverse party makes application to the Superior Court in and for the County of Pierce, State of Washington, for a writ of certiorari, a writ of prohibition, or a writ of mandamus.~~

C. Notwithstanding the foregoing provisions of this section, final decisions of the Council relating to matters governed by the

State Shorelines Management Act ~~shall~~ may be appealed to the State Shorelines Hearing Board as specified in the said Act. (Ord. 13 Â§ 28, 1995.)

15. That Section 1.36.290 of the Lakewood Municipal Code is amended to read as follows:

1.36.290 Precedence Over Conflicting Provisions.

A. If the provisions of this Chapter are in conflict with the provisions of Title 18A of the Lakewood Municipal Code, the provisions of Title 18A shall control.

B. If the provisions of this Chapter are in conflict with the provisions of any ~~other~~ sections of the Lakewood Municipal Code, other than Title 18A, regarding decisions of the Hearing Examiner or review or appeals therefrom, the provisions of this Chapter shall control. (Ord. 77 Â§ 1, (part) 1996.)

If the provisions of this Chapter are in conflict with the provisions of any ~~other~~ sections of the Lakewood Municipal Code, other than Title 18A, regarding decisions of the Hearing Examiner or review or appeals therefrom, the provisions of this Chapter shall control. (Ord. 77 Â§ 1, (part) 1996.)

16. That Section 8.24.090 of the Lakewood Municipal Code is amended to read as follows:

8.24.090 Definitions - II. Vehicle Storage.

The definitions set forth herein and in other Ordinances of the City, as presently existing or as may be hereafter developed or subsequently amended, shall apply to this Chapter and, in addition, the following definitions shall apply:

A. "Apparently Inoperable" means a vehicle that meets the following criteria:

"Apparently Inoperable" means a vehicle that meets the following criteria:

(1) the vehicle is covered or partially covered by moss, leaves, needles or other vegetation, or has grass or other vegetation growing up around the vehicle, or other circumstances exist, so as to support a reasonable belief that the vehicle has not been moved for thirty (30) days or more; or,

(2) the vehicle has any visibly damaged, missing or broken major components, such as, but not limited to, any of the following: windows, windshields, headlights, taillights, mirrors, body panels, hoods, doors, bumpers, trunk lids, driver's seats, steering wheels, grill covers, radiators, or any major mechanical or electrical equipment.

B. "Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

"Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

C. "Property" means land and any buildings or structures located thereon.

"Property" means land and any buildings or structures located thereon.

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

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

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

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

(Ord. 161 Â§ 1, 1998; Ord. 39 Â§ 1 (part), 1996.)

17. That Section 8.24.100 of the Lakewood Municipal Code is amended to read as follows:

8.24.100 Storage of Certain Vehicles and Components Prohibited.

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall retain or store, except as may be permitted by any other City ordinance, any of the following:

A. One or more wrecked, dismantled or partially dismantled or apparently inoperative and unlicensed (vehicle licensing plates and current tabs) vehicles;

B. Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;

C. Any recreational vehicle, ~~sporting vehicle or utility vehicle boat or trailer~~ within the ~~required front yard~~, or ~~within the required five-foot side yard setbacks~~, unless parked and stored within the driveway or on a parking pad;

D. Any pickup truck ~~campers or canopies (not mounted on a pickup truck)~~, unless safely located within the driveway or on a parking pad in the front or side yard, but ~~not within the required side yard setback~~.

(Ord. 161 Â§ 2, 1998; Ord. 39 Â§ 1 (part), 1996.)

18. That Title 18 of the Lakewood Municipal Code and Sections 1.36.080, 1.36.100, 1.36.170, 1.36.180, 1.36.190, 1.36.200 and 1.36.220 of the Lakewood Municipal Code are hereby repealed.

19. That if any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

20. That this Ordinance shall be in full force and effect on September 1, 2001, and at least five (5) days after publication of the Ordinance Summary, as required by law.

ADOPTED by the City Council this 20th day of August, 2001.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

(NOTE: EXHIBIT "A" CAN BE FOUND UNDER THE CODIFIED VERSION TITLE 18A LAND USE AND DEVELOPMENT CODE.)

.....

Cityolt. "1

400Lake Oct

**CITY OF LAKE WOOD
LAND USE AND DEVELOPMENT CODE**

As amended and adopted by the Lakewood City Council on August 20, 2001,
this document constitutes a pre-codification copy
for purposes of official record and for use in codification.

Effective Date: September 1, 2001

TITLE 18A. LAND USE AND DEVELOPMENT CODE
TABLE OF CONTENTS

		Page
CHAPTER 18A.01	INTRODUCTION	3
CHAPTER 18A.02	ADMINISTRATION	4
CHAPTER 18A.10	DISCRETIONARY PERMITS	51
CHAPTER 18A.20	USE TYPES AND LEVELS	69
CHAPTER 18A.30	ZONING DISTRICTS	
SECTION 18A.30.100	SINGLE FAMILY RESIDENTIAL (R1, R2, R3, R4)	95
SECTION 18A.30.200	MIXED RESIDENTIAL (MR1, MR2)	99
SECTION 18A.30.300	MULTIFAMILY (MF1, MF2, MF3)	103
SECTION 18A.30.400	NEIGHBORHOOD BUSINESS (ARC, Nd, NC2)	107
SECTION 18A.30.500	COMMERCIAL (TOC, CBD, CI, C2)	114
SECTION 18A.30.600	INDUSTRIAL (IBP, Ii, I2)	123
SECTION 18A.30.700	MILITARY-RELATED (ML, CZ, AC1, AC2)	129
SECTION 18A.30.800	PUBLIC/INSTITUTIONAL (PI)	137
SECTION 18A.30.900	OPEN SPACE & RECREATION (OSR1, OSR2)	138
CHAPTER 18A.40	OVERLAY DISTRICTS	
SECTION 18A.40.100	FLOOD HAZARD OVERLAY (FHO)	141
SECTION 18A.40.200	RIPARIAN OVERLAY (RO)	150
SECTION 18A.40.300	SENIOR HOUSING OVERLAY (SHO)	153
CHAPTER 18A.50	DEVELOPMENT STANDARDS	
SECTION 18A.50.100	GENERAL STANDARDS	154
SECTION 18A.50.200	COMMUNITY DESIGN	171
SECTION 18A.50.300	TREE PRESERVATION	192
SECTION 18A.50.400	LANDSCAPING	197
SECTION 18A.50.500	PARKING	210
SECTION 18A.50.600	SIGNS	222
SECTION 18A.50.700	HOUSING INCENTIVES PROGRAM	245
SECTION 18A.50.800	PERFORMANCE STANDARDS	248
CHAPTER 18A.70	USE-SPECIFIC STANDARDS	
SECTION 18A.70.100	DAYCARE FACILITIES	252
SECTION 18A.70.200	HOME OCCUPATIONS	254
SECTION 18A.70.300	ACCESSORY LIVING QUARTERS	259
SECTION 18A.70.400	MANUFACTURED HOME PARKS	261
SECTION 18A.70.500	CAMPING AND RECREATIONAL VEHICLE PARKS	266
SECTION 18A.70.600	WIRELESS TELECOMMUNICATIONS FACILITIES	269
SECTION 18A.70.700	SEXUALLY ORIENTED BUSINESSES	286
SECTION 18A.70.800	ZERO LOT LINE RESIDENTIAL DEVELOPMENT	290
CHAPTER 18A.90	DEFINITIONS AND ABBREVIATIONS	293

18A.01.100 Title.

This title shall be shall be known and may be cited as the "Lakewood Land Use and Development Code," hereinafter referred to as "this title" or "this code."

18A.01.150 Intent and Purpose.

The broad intent of the Lakewood Land Use and Development Code is to implement the City of Lakewood Comprehensive Plan, as now adopted and as may be subsequently amended, hereinafter referred to as the "comprehensive plan," in order to protect and promote the health, safety, and general welfare of Lakewood's citizens through regulation of the city's physical development. The regulations included herein work toward overall public goals of providing for orderly development; lessening street congestion; promoting fire safety and public order; and ensuring the adequacy of public infrastructure such as transportation, water, sewer, schools, parks, and storm drainage.

The City strives to honor fundamental property rights and interests of private citizens while serving the overall good of the community as a whole. By their nature, land-use regulations call upon government to balance the community's interests with those of individual property owners. This may result in regulations for the community good that serve to limit the use of property and prevent maximum financial profit for individuals. In allowing reasonable use of property, this effect is not confiscatory and is a proper exercise of the police power afforded to government.

Specifically, this code is intended to:

- A. Foster improved relationships and harmony among land uses in order to overcome past, haphazard development patterns.
- B. Preserve the qualities of those residential neighborhoods that offer desirable living environments, while encouraging improvement to others whose character undermines good-quality living conditions.
- C. Diminish the reliance of current development patterns on automobile use and, over time, integrate multi-modal transportation opportunities into new development and redevelopment to support pedestrians, bicycles, and transit as well as cars.
- D. Provide for adequate public facilities and services to support land development.
- E. Promote social and economic well-being through integration of aesthetic, environmental, and economic values.
- F. Encourage protection of environmentally critical or historically significant resources.

- G. Ensure provision of adequate space for housing, commercial/industrial endeavors, and other activities necessary for public welfare.
- H. Provide for effective and equitable administration and enforcement of the regulations contained herein.

18A.01.200 Brief User's Guide.

- A. Organization. This title is laid out as shown below:

LMC Title and Name	Chapter of Title	Section of Chapter	Subsections
18A, Land Use and Development Code	18A.05	18A.05.010	A.1.a.(1)(a)

- B. Format. Each chapter begins with a listing of the sections and a statement of that chapter's purpose and applicability. General definitions and abbreviations are contained in LMC 18A.90, Definitions and Abbreviations. In some instances, specialized definitions may be found within the chapter where those definitions are used. Cross-references to other chapters and sections of this title and to other titles within the Lakewood Municipal Code can be found throughout this title.

18A.02 ADMINISTRATION

18A.02.100 General Provisions.

18A.02.102 Authority.

This title is adopted on August 20, 2001, by City of Lakewood Ordinance No. 264 pursuant to Chapter 36.70 et. Seq., the Planning Enabling Act, of the Revised Code of Washington (RCW), and which shall become effective as of September 1, 2001.

18A.02.105 Recodification.

Chapter 18A.12 of the Lakewood Municipal Code (LMC), as set forth in Ordinance 258 dated February 5, 2001 is hereby recodified in its entirety within this title.

18A.02.110 Severability and Validity.

The sections, paragraphs, sentences, clauses, and phrases of this title are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this title, which shall continue in full force and effect. Further, if any section,

paragraph, sentence, clause, or phrase of this title is adjudged invalid or unconstitutional as applied to a particular property, use, building, or other structure, the application of said portion of this title to other property, uses, buildings, or structures shall not be affected.

18A.02.115 Scope and Compliance.

The provisions of this title shall apply to all incorporated areas of the City of Lakewood, Washington. A parcel of land or water area may be used, developed by land division or otherwise, and a structure shall be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as this title permits and each development shall comply with the applicable standards set forth in this title. The requirements of this title apply to the person undertaking a development and/or the user of a development and to those persons' successors in interest.

18A.02.120 Consistency with Comprehensive Plan.

This title is intended to implement the adopted planning goals and policies of the City of Lakewood represented in its comprehensive plan and other planning documents. Actions initiated under this title shall be consistent with the comprehensive plan as adopted or hereafter amended. Where a provision of this code is found to be in conflict with the comprehensive plan, the comprehensive plan shall apply. A provision of this title that is in addition to another requirement of this title is not in conflict, but shall be considered to be supplementary to one another.

18A.02.125 Definitions.

The definitions contained in this title are generally those listed in Chapter LMC 18A.90, Definitions and Abbreviations, except for those definitions specified in LMC 18A.50.600, Signs; LMC 18A.50.700, Housing Incentives Program; and LMC 18A.70.700, Sexually Oriented Businesses, which are specific to those respective sections.

18A.02.130 Rules of Construction.

For purposes of this title, certain terms or words used in this title shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. Words used in the present tense includes the future tense, and a singular number includes the plural, and a plural number includes the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory and is not discretionary; the words "should" and "may" are permissive.

- D. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" and "parcel."
- F. The word "building" and "structure" refers to all other structures or parts thereof.
- G. Words importing the masculine gender shall also include the feminine and neuter.
- H. When any provision of this title refers to or cites a section of federal law, the Revised Code of Washington (RCW), Washington Administrative Code (WAC), or Lakewood Municipal Code (LMC), and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.
- I. When any provision of this title refers to or cites a section heading within this title, that reference or cite refers to all applicable subsections of the entire section text under that heading.
- J. Where the responsibility or authority is indicated in this title to lie with the Community Development Director, City Engineer, Building Official or other authorized agent of the City, responsibility or authority shall lie equally with that individual's duly authorized designee.
- K. The phrase "residential zones" shall refer to the R1, R2, R3, R4, MR4 MR2, MF1, MF2, and MF3 zoning districts. The phrase "single family residential zones" shall refer to the R1, R2, R3, R4, MR1, and MR2 zoning districts. The phrase "multi- family residential zones" shall refer to the MF1, MF2, and MF3 zoning districts. The phrase "commercial zones" shall refer to the NC1, NC2, ARC, CBD, TOC, C1 and C2 zoning districts. The phrase "industrial zones" shall refer to the IBP, Ii and 12 zoning districts.
- L. When any provision of this title refers to "the City", the phrase refers to the government entity of the City of Lakewood. When any provision of this title refers to "the city", the phrase refers to the city of Lakewood as a location or place.

18A.02.135 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged, intended and which is legally permitted or is legally nonconforming.

18A.02.140 Permit Required.

No structure, portion of a structure, or sign shall be hereafter constructed, erected, enlarged, moved, or altered until a zoning certification and a business license, if required, have been issued by the City. The Building Official shall not issue a building permit for the construction, reconstruction or alteration of a sign, structure or a part of a structure for which said zoning

certification and business license have not been issued. The Community Development Director shall not issue a business license, project permit or discretionary decision for which a zoning certification has not been issued. A zoning certification shall only be issued by the Community Development Director in accordance with the provisions of this title for all development activities and uses located within the city, except as excluded by LMC 18A.02.145, Exclusions from Permit Requirement. The Community Development Director shall not issue a zoning certification, business license, project permit or discretionary decision for the improvement or use of land that has been previously divided or otherwise developed in violation of this title, regardless of whether the permit applicant created the violation, unless the violation has been corrected or can be rectified as part of the development.

18A.02.145 Exclusions from Permit Requirement.

Except as indicated otherwise, an activity, development or use listed below is excluded from the requirement for a zoning certification, project permit or discretionary approval. Exclusion from a permit does not exempt the development or its use from applicable requirements of this title or other applicable federal, state and local regulations.

- A. Landscaping of a single family dwelling that does not involve the placement of a structure, grading, fill, excavation or otherwise require a permit.
- B. Fences less than or equal to six (6) feet in height and not obstructing the clear line of vision of vehicular traffic approaching the location from any street or driveway. Fences greater than six (6) feet in height must meet applicable setback standards and require a building permit and a zoning certification.
- C. A change internal to a building or other structure that does not substantially affect the use of the structure and that does not otherwise require a building permit.
- D. Non-vehicular storage structures less than one hundred twenty (120) square feet and less than ten (10) feet in height, when placed on property where the owner resides. No structures may be placed on a lot within the required setbacks or so as to obstruct the clear line of vision of vehicular traffic approaching on any street or from a driveway.
- E. An emergency measure necessary for the safety of the public or protection of property.
- F. The establishment, construction, maintenance, or termination of a public or private utility facility that directly serves development authorized for an area, including such facilities as a private or public street, sewer, on-site or community septic system, water line, electrical power or gas distribution line, or telephone or television cable system, that do not otherwise require a City permit, license or approval.
- G. Installation or construction of an residential accessory structure that does not require a building permit or a permit under the Uniform Fire Code.

- H. Excavation or filling of land of less than fifty (50) cubic yards. Excavation or filling of land within or near sensitive areas shall require a development permit and shall meet applicable standards.
- I. Clearing of land area less than twenty thousand (20,000) square feet in size, except that clearing of land shall not be exempt if the land is located in or within two hundred (200) feet of a sensitive area. A tree retention plan shall be required if trees will be removed in conjunction with the clearing of land, pursuant to Section 18A.50.300, Tree Preservation.

18A.02.148 Liability.

The provisions of this title shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting any structure or owning any property for personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workers, in the construction, maintenance, repair or removal of any structure erected in accordance with a permit issued under the provisions of this title or without a permit, if exempted by this title; nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any structure, action, materials or devices under the provisions of this title.

18A.02.150 Burden and Nature of Proof.

Except for legislative decisions, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal on the area, the greater is the burden upon the proponent. The proposal shall not be approved unless the applicant has provided evidence demonstrating that the proposal conforms to the applicable elements of the comprehensive plan and to applicable provisions of this title, especially the specific criteria set forth for the particular type of decision under construction.

18A.02.152 Complete Application.

For the purposes of this title, a full and complete application is one that contains all of the information and materials, supporting documentation, and signatures, in the format specified, as required by the most current version of the permit application form approved by the Community Development Director; and which is accompanied by payment of any and all fees as required by the City. A valid application is one that seeks authorization for a use or development that is consistent with the provisions of the Lakewood Municipal Code, whether the use is principally permitted or reviewed under discretionary permit processes, and is submitted to the City within any applicable time requirements.

18A.02.155 Director Responsibility and Authority.

- A. The Community Development Director is charged with the responsibility of carrying out the provisions of this title.

- B. The Community Development Director is authorized and empowered to make administrative decisions and determinations with respect to the provisions of this title, pursuant to LMC 18A.02.200.
- C. The Community Development Director is authorized and empowered to enforce or revoke any permit issued by the Community Development Department pursuant to LMC 18A.02.460 through 475.
- D. The Community Development Director is authorized and empowered to create and develop all permit application forms incorporating the standards provided in this title and may, from time to time, modify and amend those forms, as appropriate, to reflect current development standards.
- E. The Community Development Director shall be responsible for the coordination of the permit application and decision-making procedures and shall only issue a permit or grant an approval to an applicant whose application and proposed development is in compliance with the full provisions of this title. Before issuing any permits or approvals, the Community Development Director shall be provided with sufficient detail to establish that an application is in full compliance with the requirements of this title.
- F. The Community Development Director is charged with the responsibility of compiling and maintaining an official file on each application or petition submitted under this title.

18A.02.160 Certificate of Occupancy.

- A. No structure or portion of a structure hereafter constructed, erected, enlarged, moved, or altered shall be occupied, used or changed in use until a certificate of occupancy or its equivalent has been issued by the City. Such certificate shall be applied for prior to final inspection of the building. No sign, site or portion of a site hereafter constructed, erected, enlarged, moved, or altered shall be used, changed in use, or occupied until a final site inspection approval or its equivalent has been issued by the City. The final site inspection shall be applied for prior to use of the final inspection of the building. A certificate of occupancy or final site inspection approval shall be issued only after such building or site construction, enlargement, or alteration has been completed in conformity with the applicable provisions of this title, with the approved site plan and all required conditions.
- B. Any use legally occupying an existing building on the effective date of this title may be continued but shall not be changed unless a certificate of occupancy for a new use has been issued by the City, after finding that such change in use conforms to the provisions of this title and required conditions.
- C. A final site certification shall be issued before any vacant land is hereafter used or before an existing use of land is changed; provided that such use is in conformance with the provisions of this title and required conditions.

18A.02.165 Official Records.

- A. An official file on each application or petition submitted under this title shall be compiled and shall consist of the following:
 - 1. The application or petition materials submitted by the applicant or appellant.
 - 2. Any staff reports prepared.
 - 3. All written testimony received on the matter.
 - 4. The written record of any public hearing held on the matter.
 - 5. The written decision of the granting authority on the matter.
 - 6. Any other information relevant to the matter, as judged by the staff member assigned to the project.

- B. The official file is a public record, which shall be maintained and made available for public inspection consistent with the City's retention schedule and laws governing public disclosure. Availability may be temporarily disrupted prior to or during public hearings while staff is preparing for the hearing.

18A.02.170 Forms and Supportive Documentation.

The Community Development Department shall create and utilize administrative guidelines, applications, maps, charts, reference materials, forms, brochures, handouts and other tools to aid the public, applicants, staff, and decision-makers in interpreting and administering this title.

18A.02.175 Fees.

- A. Responsibility. The Community Development Department shall collect the appropriate fees charged to applicants for any permits or discretionary approval processes provided for in this title. The amount of the fees charged shall be as established by resolution or ordinance of the City Council filed in the office of the City Clerk and may be changed without amendment to this title.

- B. Payment. Fees established in accordance with this title shall be paid upon submission of a signed application or petition for appeal, or as otherwise provided by any fee ordinance or resolution adopted by the City Council. A department of the City of Lakewood shall not be required to pay application fees when applying for a permit regulated under this title. Where such an application will require substantial review time or expenditures, the City Manager may, at his sole discretion, direct that the department initiating the permit request reimbursement from the Community Development Department for some or all of costs expended for the permit review.

- C. Waivers and Reductions. In certain instances, it may be desirable to reduce or waive fees, or a portion of the fees for development projects regulated by this title. The type, amount and applicability of fees waivers shall be as established by resolution or ordinance of the City Council and filed in the office of the City Clerk as part of the adopted fee schedule or as an amendment to this title.

- D. Refunds. The Community Development Director may authorize a full or partial refund when an application is withdrawn, based on the estimated expenditure of staff time and resources at the time of withdrawal.

18A.02.180 Security Mechanisms.

18A.02.185 Purpose.

The purpose of this section is to provide the City with financial mechanisms to ensure that conditions, requirements and all applicable provisions of this title associated with an permit approval are met in the manner intended by the City.

18A.02.190 Guarantee.

- A. The City, in its sole discretion, may require a cash guarantee, or an irrevocable letter of credit with the City to ensure the subsequent completion and continued maintenance of all conditions to which such permit is subject. The guarantee or its equivalent shall be in a form acceptable to the City and shall represent a percentage of the estimated cost of design, materials, and labor related to the project in question, based on the estimated costs on the last day covered by the device, of installing, replacing, or repairing, as appropriate, the improvements covered by the security, as agreed to by the Community Development Director and City Engineer. The cost estimate shall be reviewed and approved by the City Engineer prior to acceptance by the City of the guarantee or its equivalent.
 - 1 Completion: One hundred fifty (150) percent of the costs specified above, for the duration specified by the City, or until all improvements are installed and accepted by the City, whichever is less.
 - 2. Maintenance: Twenty (20) percent of the costs specified above, for the duration specified by the City, or until the City is satisfied that maintenance shall continue, whichever is less. However, the guarantee or equivalent shall be extendible by the City if repairs are made at the end of the guarantee period which, in the opinion of the Community Development Director or City Engineer, require additional guarantee of workmanship
- B. The cash guarantee or equivalent may be presented to the City after preliminary approval of a project, but in all circumstances shall be presented prior to any site work, including clearing, grading, or construction. The conditions of performance to which such guarantee is subject shall be listed on the permit attached thereto. No certificate of occupancy, or other permit for which a guarantee is required, shall be issued until all such conditions, except landscaping are satisfied. A separate guarantee may be established for landscaping, if deemed necessary by the Community Development Director or City Engineer. All securities shall be held until released by the Community Development Director or City Engineer.
- C. In each case where a security is posted, the applicant and the City Engineer shall sign a notarized security agreement, approved in form by the City Attorney. The agreement shall provide the following information:
 - 1. A description of the work or improvements covered by the security.

2. Either the period of time covered by the maintenance security or the date after which the City will use the proceeds of the performance security to complete the required work or improvements.
 3. The amount and nature of the security and the amount of any cash deposit.
 4. The rights and duties of the City and applicant.
 5. An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to enter the subject property for the purpose of inspecting and, if necessary, performing the work or making the improvements covered by the security.
 6. The mechanism by and circumstances under which the security shall be released. At a minimum, after the work or improvements covered by a performance security have been completed, or at the end of the time covered by a maintenance security, the applicant may request that the City release the security. If the applicant has complied with the security agreement and any applicable permit conditions, the City Engineer shall release the remaining security. If the work has not been completed or repairs not made, then the City shall not release the security until such work is completed. Partial release of the security may be allowed provided that the developer provides a new security equal to one hundred fifty (150) percent of the cost of the remaining work.
- D. If, during the period of time covered by a maintenance security, or after the date by which the required work or improvements are to be completed under a performance security, the City Engineer determines that the security agreement has not been complied with, the City Engineer shall so notify the applicant. The notice must state:
1. The work that must be done or the improvements that must be made to comply with the security agreement; and
 2. The amount of time that the applicant has to commence and complete the required work or improvements; and
 3. That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the security to have the required work or improvements completed.
- E. If the work or improvements covered by the security are not completed within the time specified in the notice, the City shall obtain the proceeds of the security and shall cause such work to be completed. Applicant shall be responsible for all costs incurred by the City in administering, maintaining, or making the improvements covered by the security. The City shall release or refund any proceeds of a performance or maintenance security remaining after subtracting all costs for doing the work or making the improvements covered by the security. The applicant shall reimburse the City for any amount expended by the City that exceeds the proceeds of the security. The City may file a lien against the subject property for the amount of any excess. In each case where the City uses any of the funds of a security, it shall give the applicant an itemized statement of all funds used.

18A.02.200 Interpretations.

18A.02.205 Administrative Interpretations, General.

All interpretations of this title shall be made by the Community Development Director. Official interpretations shall be written and maintained in an orderly, retrievable record. **Such** administrative interpretations shall include determinations of uses permitted in the various districts, and approval or disapproval of development plans and zoning certifications. Other interpretations may be made as specific circumstances arise which require such interpretations. The purpose of such administrative interpretations is to provide a degree of flexibility in the administration of this title while following the intent of the City Council. Administrative interpretations are subject to the appeal procedure and requirements pursuant to LMC 18A.02 .540 .D .

18A.02.210 Interpretations of Text.

- A. Where the conditions imposed by one provision of this title are less restrictive than comparable conditions imposed by any other provision of this title, the more restrictive provision shall govern. A provision of this title that is in addition to another requirement of this title is not in conflict, but shall be considered to be supplementary to one another.
- B. When the provisions of this title impose greater restrictions than are imposed by other applicable City, County, regional, state and/or federal regulations, the provisions of this title shall govern.
- C. Where the conditions imposed by one provision of this title are less restrictive than comparable conditions imposed by or are in conflict with any provision of any other title of the Lakewood Municipal Code, the provision, that in the determination of the Community Development Director and the City Attorney, is most compatible with and more closely parallels the intent and purpose of the comprehensive plan, shall govern. A provision of this title that is in addition to another requirement of a title of the Lakewood Municipal Code is not in conflict, but shall be considered to be supplementary to one another.
- D. This title is not intended to override any easement, covenant, or any other private agreement; provided, that where the provisions of this title are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreements, the requirements of this title shall govern.
- E. Except where specifically noted, examples of uses listed in this title are intended to typify but not be an inclusive list or limit allowable uses and shall be used to identify appropriate zones and regulatory levels for a given use based on substantial similarity, in terms of activities, intensity, size, and performance, to a listed use.
- F. In any case of any ambiguity, inconsistency or difference of meaning or implication between the text of any provision and any illustration or other graphics, the text of this title shall control.

18A.02.215 Interpretation of Uses.

- A. Land uses that are listed as primary uses in each zoning district shall be permitted subject to the review processes, standards, and regulations specified in Title 18A. If a described use is not listed as a use in a particular zoning district, it shall be considered to be a prohibited use within that district. However, it is inevitable that certain valid, justifiable uses of land will be missing from the listings of uses permitted in various zoning districts, therefore the Community Development Director is authorized to make an administrative interpretation in accordance with the procedures of this section.
- B. If a proposed use is not specifically listed, an applicant may request an interpretation from the Community Development Director as to whether or not such use is a permitted use. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Community Development Director shall examine the characteristics of the development and use and shall make a determination as to what zone(s) the development and use may be allowed as a primary permitted use or permitted with an administrative use permit or with a conditional use permit based on the following criteria:
1. The use is compatible with the applicable goals and policies of the comprehensive plan.
 2. The use is consistent with the stated purpose of the applicable district or districts.
 3. The requested use is most substantially similar to the listed uses permitted in the district in which the request is being sought, as opposed to its similarity to the listed uses permitted in other districts based on the following criteria:
 - a. The activities involved in or equipment or materials employed in the use;
 - b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, impacts on public services and facilities, and aesthetic appearance.
 - c. The use has a high degree of potential to be consistent, compatible, and homogenous with listed uses.
 - d. The size of the facility.
- C. Unlisted developments and uses for which the Community Development Director has made an administrative interpretation as to appropriate zone and type similarity shall be considered to constitute an official interpretation and shall subsequently be applied and used for future administration in reviewing like proposals. The Community Development Director shall report such decisions to the Planning Advisory Board when it appears desirable and necessary to amend this code.
- D. The Community Development Director's determination shall be processed and subject to the applicable requirements of LMC 18A.02.540 and may be appealed as provided in LMC 18A.02.740.

18A.02.220 Interpretation of Map Boundaries.

Where uncertainty exists as to any of the zone boundaries as shown on the zoning map, the following rules shall apply:

- A. A boundary shown on the zoning map as approximately following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed

at the time the zoning boundary was established. If, subsequent to the establishment of the zoning boundary, a lot line should be moved as a result of a legally performed boundary line adjustment, the zoning boundary shall be construed as moving with the lot line only if the lot line is moved no more than ten (10) feet and remains generally parallel to the original line.

- B. A boundary shown on the zoning map as approximately following a creek, lake, or other water course shall be construed as following the actual centerline of the water course. If, subsequent to establishment of the boundary, the centerline of the water course should move as a result of natural processes, the boundary shall be construed as moving with the centerline of the water course, as determined by the ordinary high water line.
- C. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line shall be construed as following the actual ridge or contour line. If, subsequent to the establishment of the boundary, the ridge or contour line should move as a result of natural processes, the boundary shall be construed as moving with the ridge or contour line.
- D. A boundary shown on the zoning map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or minor realignment, such as at an intersection, the boundary shall be construed as moving with the centerline only if the centerline is moved no more than twenty (20) feet.
- E. Whenever any street or other public right-of-way is vacated in the manner prescribed by law, the zoning district adjoining each side of said street or other public right-of-way shall be automatically extended to the centerline of the former street or other public right-of-way, and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- F. Whenever a single lot is located within two (2) or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located; except, lands which fall partially into and partially out of the McChord Air Corridors, as designated in the comprehensive plan, shall be exempt from this interpretation.
- G. An Open Space and Recreation (OSR) zoning district boundary shown on the zoning map as approximately following a wetland boundary line shall be construed as following the actual edge of the wetland. If, subsequent to the establishment of the zoning district boundary, a wetland delineation report is conducted by a qualified wetland biologist and said report is reviewed and accepted by the City, the boundary shall be construed as following the delineated wetland line. The appropriate wetland buffer shall not be included within the OSR zone boundary, rather the buffer area shall be included in adjacent upland zoning district, pursuant to LMC 18A.50.125, Density Standards.
- H. If the specific location of a zoning boundary line cannot be determined from application of the above rules to the zoning map, it shall be determined by the use of the scale designated on the zoning map.

- I. Where questions still arise concerning the exact location of a district boundary, the Community Development Director shall interpret the zone boundaries.

18A.02.225 Interpretation of Unlisted Words and Phrases.

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

- A. City of Lakewood Land Use and Development Code.
- B. City of Lakewood Comprehensive Plan.
- C. Any other portion of the Lakewood Municipal Code or other City resolution, ordinance, or regulations.
- D. Any statute or regulation of the State of Washington, beginning with the most applicable first.
- E. Legal determinations and definitions from applicable case law.
- F. Legal definitions from the most recent edition of Black's Law Dictionary.
- G. Definitions from Webster's Dictionary or other common dictionary.

18A.02.230 Computation of Time.

For the purposes of this title, periods of time shall be computed as follows:

- A. Day means calendar day and business day shall mean Monday through Friday unless it is an official City holiday or a holiday on which the United States Postal Service does not deliver mail.
- B. The day that a notice is issued shall not be included in any applicable comment period.
- C. The last day of the comment period shall be included unless it is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail, then it also is excluded and the comment must be submitted by the next business day.
- D. The day that a decision is issued shall not be included in the appeal period.
- E. The last day of the appeal period shall be included unless it is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail, then it also is excluded and the filing must be completed on the next business day, pursuant to RCW 35A.28.070.

F. The day an application is received is not included in the twenty-eight (28) day completeness review period. The twenty-eighth (28th) day is included in the twenty-eight (28) day completeness review period, unless that day is a Saturday, Sunday, an official City holiday or a holiday on which the United States Postal Service does not deliver mail.

18A.02.235 Measurements.

- A. Distances. Distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel, buffer or wetland delineation line, ordinary high water line or the zoning district boundary line from which the proposed use is to be separated,
- B. Fractions. When any measurement technique for determining the number of items required or allowed results in fractional figures, any fraction less than one-half (1/2) of the applicable unit of measurement shall be disregarded, and fractions of one-half (1/2) or larger shall require the next higher unit of measurement.
- C. Value. All improvements to a building or a lot are cumulative. Where more than one (1) improvement has occurred or is proposed, whether said improvements occurred previously, simultaneously, or separately, the cumulative value of all improvements made shall be the measurement used for the value of improvements.

18A.02.300 Establishment of Zones.

The classification system used in the comprehensive plan was established and mapped as a management tool to implement the policies and intent of the comprehensive plan. Land use designations were established which are appropriate to carry out the intent and purpose of the comprehensive plan and are defined in the comprehensive plan's land-use element. The zoning district classifications established to implement each of the comprehensive plan land-use designations for the City are shown in Table 1 below. The zone boundaries are as shown on the City's official zoning map, as established under LMC 18A.02.320. Where the abbreviated designation is used in this title, it has the same meaning as the entire classification title.

TABLE 1: COMPREHENSIVE PLAN/ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District Classification
Residential Estate	Residential 1 (R1); Residential 2 (R2)
Single Family	Residential 3 (R3); Residential 4 (R4)
Mixed Residential	Mixed Residential 1 (MR1) Mixed Residential 2 (MR2)
Multi Family	Multi Family 1 (MF1)
High-Density Multi Family	Multi Family 2 (MF2) Multi Family 3 (MF3)
Corridor Commercial	Commercial 1 (C1); Commercial 2 (C2)
Central Business District	Central Business District (CBD)
Arterial Corridor	Arterial Residential Commercial (ARC)
Neighborhood Business District	Neighborhood Commercial 1 (NC1); Neighborhood Commercial 2 (NC2); Multi Family 2 (MF2); Multi Family 3 (MF3);
Industrial	Industrial Business Park (IBP) Industrial 1 (I1); Industrial 2 (U.)
Air Corridor 1	Clear Zone (CZ); Air Corridor 1 (AC1)
Air Corridor 2	Air Corridor 2 (AC2)
Public & Semi-Public Institutional	Public Institutional (PI)
Military Lands	Military Lands (ML)
Open Space & Recreation	Open Space Recreation 1 (OSR1) Open Space Recreation 2 (OSR2)
Lakewood Station District	Transit-Oriented Commercial (TOC); Public Institutional (PI); Commercial 1 (C1); Neighborhood Commercial 2 (NC2); Multi Family 2 (MF2); Multi Family 3 (MF3); Open Space Recreation 2 (OSR2)

18A.02.310 Overlay Districts.

A. An overlay district is a district that may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district consist of additional sections of this title and additional standards. Some of these regulations are supplementary so that both the regulations of the special purpose district and the zone apply and in other cases, the special purpose district regulations preempt and override the regulations of the underlying zone. Where these regulations conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts are shown on the City's official overlay districts map, which is hereby adopted by reference as part of this title, and are further described as follows:

1. The boundaries of the Flood Hazard Overlay (FHO) district shall be the areas of flood hazards identified by the Federal Insurance Administration in a report entitled: "The Flood Insurance Study for the Unincorporated Areas of Pierce County, WA, Vols. 1 and 2", dated August 19, 1987, as amended, with accompanying Flood Insurance Rate Maps

(FIRM) and Flood Boundary Maps dated effective August 19, 1987, and any revisions thereto are hereby adopted by reference and declared to be a part of this section.

2. The boundaries of the Riparian Overlay (RO) district shall be the areas of those parcels which abut or are adjacent to Chambers Creek, Clover Creek, Flett Creek, Leach Creek, and Ponce de Leon Creek as further described in LMC 18A.40.200.
3. The boundaries of the Senior Housing Overlay (SHO) district shall be the area shown in Figure 3.1, Senior Housing Overlay in the City of Lakewood Comprehensive Plan.

B. Each special purpose district and the abbreviated designation suffix are listed in Table 2 below.

TABLE 2. SPECIAL PURPOSE OVERLAY DISTRICTS

<u>Special Purpose District</u>	<u>Abbreviated Designation</u>
Flood Hazard Overlay	(zoning district)/FHO
Riparian Overlay	(zoning district)/RO
Senior Housing Overlay	(zoning district)/SHO

18A.02.320 Zoning Map.

The location and boundaries of all zones or districts designated in this title are hereby established as shown on the maps entitled, "City of Lakewood Zoning Map," and "City of Lakewood Overlay Districts Map" as adopted herewith and as may be amended from time to time, and hereafter referred to as "zoning map." The zoning map shall be as shown on a geographic coverage layer(s) attributed to zoning that is maintained as a part of the City's geographic information system (GIS) at the direction of the Community Development Director. No unauthorized person may alter or modify the zoning GIS layer. This geographic coverage layer, as amended from time to time, shall constitute the official zoning map for the City's zoning jurisdiction and shall be incorporated into this title by reference as if fully set forth herein. An original, signed paper copy of the zoning GIS layer containing the zoning districts designated at the time of adoption of this title shall be retained in the office of the City Clerk pursuant to RCW 35.63.100, and duplicates shall be filed in the Community Development Department for reference and public distribution. All amendments hereafter made to the zoning map by ordinance shall be reflected on such map, and it shall be the responsibility of the Community Development Department to ensure that an up-to-date map is maintained at all times.

18A.02.325 Establishment of Lines.

Notwithstanding any provisions in this title to the contrary, the City shall have no duty to establish lot lines or setback lines at a development. The location of lot lines or setback lines at a development and construction related thereto shall be the responsibility of the applicant and owner.

18A.02.330 Use Categories, Types, and Levels.

LMC 18A.20 groups uses into major categories: Residential, Civic, Utilities, Commercial, Industrial, Agricultural, and Accessory. Each use category includes a number of use types. Each use type may contain one (1) or more levels based on the intensity or characteristics of the use. The description of the use types and levels may contain examples of usual and customary uses. The use examples are intended to be typical and are not intended to represent all possible uses that are substantially similar in nature and intensity to the listed uses and which, as such, may be allowed and regulated equally.

18A.02.340 Establishing Use.

The use of a property is defined by the activity for which it or structures occupying it is or are intended, designed, arranged, occupied, or maintained. A property may contain uses that fall into one or more categories or use type. When more than one use category or use type level applies to one property, each use shall be classified and may be regulated separately. There shall be no limit as to the number of uses combined on a single property, provided that each use is permitted in the zoning district and each use meets all pertinent development standards and regulatory requirements, except that no more than one (1) dwelling unit, excluding ADUs, shall be permitted on a lot in a single family residential zoning district.

18A.02.350 Vested Rights.

For the purposes of administration under this title, an applicant's rights become vested in accordance with the following standards:

- A. A permit application shall vest under the code requirements and processes in effect at the time that a valid and fully complete permit application is submitted to the City.
- B. The determination of whether a permit application is valid and fully complete, and the date on which it is submitted shall be determined by the Community Development Director.

18A.02.355 Termination of Vested Rights.

Rights vested for a permit application shall terminate upon expiration of the permit application. For any permit applications without a specific expiration period, the expiration period shall be six (6) months.

18A.02.400 Amendments.

18A.02.405 Purpose.

This title may be amended by the City Council by changing the boundaries of zoning districts that modify the official zoning map or by changing any other provisions thereof which add, delete or otherwise modify the text of this title, whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

18A.02.410 Initiation.

An amendment may be initiated as follows:

- A. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the City Council. Amendments shall be heard by the Planning Advisory Board and City Council.
- B. Amendments to the text of this title may be initiated by resolution of intention by the Planning Advisory Board, Community Development Director and by application of private citizens.
- C. Official zoning map amendments may be initiated by application of one (1) or more owners, or their agents, of the property affected by the proposed amendment, or by the Planning Advisory Board or Community Development Director.
- D. The Community Development Director may, in his sole discretion, accept a citizen request or suggestion for an proposed amendment as City-initiated, and without fee to the citizen, only if it is demonstrated that the proposed amendment has significant merit and would benefit the general public, and not principally benefit only a limited number of property owners.

18A.02.415 Public Hearing.

At the conclusion of one (1) or more public hearings on a proposed amendment, the Planning Advisory Board shall make a recommendation with respect to the proposed amendment and shall forward such to the City Council, which shall have the final authority to act on the amendment. The following standards and criteria shall be used by the Planning Advisory Board and City Council to evaluate a request for an amendment. Such an amendment shall only be granted if the City Council determines that the request is consistent with these standards and criteria.

- A. The proposed amendment is consistent with the comprehensive plan.
- B. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity.
- C. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
- D. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated.
- E. The proposed amendment will not adversely affect the public health, safety and general welfare of the citizens of the city.
- F. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of subject property.

- G. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment.
- H. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.

18A.02.420 City Council Action/Appeal.

The City Council shall, at a regular public meeting, consider the recommendation and issue a decision. The City Council may choose, at its sole discretion, to hold a public hearing on proposed amendments or other legislative decisions, prior to issuing a decision. The decision of the City Council is appealable to the Pierce County Superior Court within twenty-one (21) calendar days from the issuance of a notice of decision and in accordance with the requirements of LMC 18A.02.755 and Chapter 36.70(C) RCW.

- A. If the City Council approves the proposed change, the Community Development Director shall ensure that map changes are incorporated into the GIS zoning layer, and the City Clerk shall ensure the text changes are incorporated into the Lakewood Municipal Code.
- B. If the application for an amendment is denied by the City Council, the application shall not be eligible for resubmittal for one (1) year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if circumstances affecting the application have changed substantially.

18A.02.425 Zoning of Annexed Lands.

18A.02.430 Purpose.

It is the purpose of this section to provide a procedure to ensure that the initial zoning of annexed territories is in conformance with City goals, policies and plans.

18A.02.435 Determination of Community Development Director.

Whenever the City Council shall determine that the best interest and general welfare of the city would be served by annexing territory, the Community Development Director will cause an examination to be made of the comprehensive plan of the city. If the comprehensive plan is not current for the area of the proposed annexation, the Community Development Director will initiate an application for an update of the comprehensive plan and an application for an initial zoning recommendation.

18A.02.440 Recommendation of the Planning Advisory Board.

- A. **Comprehensive Plan.** Upon application, the Planning Advisory Board shall hold at least one (1) open record public hearing to consider the comprehensive plan for the area of the

proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing. Upon completion of the hearing, the Planning Advisory Board shall transmit a copy of its recommendations for the comprehensive plan to the City Council for its consideration.

- B. **Initial Zoning.** In addition, the Planning Advisory Board shall hold at least one (1) open record public hearing to consider the initial zoning for the area of the proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing.

18A.02.445 City Council Action.

- A. **Comprehensive Plan.** Within sixty (60) calendar days of the receipt of the recommendation from the Planning Advisory Board for the comprehensive plan land-use designation for the area of the proposed annexation, the City Council shall consider the comprehensive plan at a public meeting. The City Council may approve or disapprove the designation as submitted, modify and approve as modified, or refer the matter back to the Planning Advisory Board for further proceedings. An affirmative vote of not less than a majority of the total members of the City Council shall be required for approval. If the matter is referred back to the Planning Advisory Board, the City Council shall specify the time within which the Planning Advisory Board shall report back to the City Council with findings and recommendations on the matters referred to it.
- B. **Initial Zoning.** Upon receipt of the recommendations of the Planning Advisory Board for the initial zoning of the area of the proposed annexation, the City Council shall hold at least one (1) public hearing. Notice of the time and place and purpose of such hearing shall be given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing. The ordinance adopting the initial zoning may provide that it will become effective upon the annexation of the area into the city. If annexation occurs prior to adoption of the comprehensive plan update and initial zoning designation, those areas designated and zoned under the authority and land-use provisions of Pierce County shall, upon annexation, be assigned an interim zoning designation of R3 for period of no longer than nine (9) months or until new zoning is adopted in conformance with the comprehensive plan, whichever occurs first.

18A.02.450 Moratoria.

Nothing in this title shall prevent the City Council from establishing development moratoria or other interim land-use regulations upon a finding by the City Council that, due to unforeseen circumstances or other emergency, such a moratorium or temporary regulation is necessary in order to protect the purpose and effectiveness of the City's comprehensive plan and regulations pending completion of the procedures necessary to adopt permanent land-use controls. Any such moratorium or interim land-use regulation shall be effective only for a period of a time necessary

to complete adoption of the permanent land-use control, which time shall be specified by the City Council in the ordinance adopting the moratorium or other temporary regulation. No moratorium or temporary regulation shall remain in effect for a period longer than forty-five (45) days unless the City Council conducts a public hearing and, after hearing public testimony concerning the duration of the moratorium, finds that continuation of the moratorium in excess of forty-five (45) days is necessary and warranted under the circumstances, in which case the City Council may specify that the moratorium shall continue for a period of not in excess of one hundred eighty (180) days, including the initial forty-five (45) day period. Upon a subsequent finding that an extension beyond one hundred eighty (180) days is required, the City Council may extend the moratorium for one (1) additional period not to exceed ninety (90) days.

18A.02.460 Enforcement.

18A.02.465 Revocation of Permits.

- A. The Community Development Director is authorized and empowered to revoke any permit issued by the Community Development Department issued in error or based on false or misleading information or upon failure of the permit holder thereof to comply with any provision or condition of this title.
- B. Any conditions or requirements placed upon a project permit by the Community Development Director or decision-making body as a result of the provisions of this title shall be strictly followed. In the event that the permit holder, or his assignee, fails to comply with any such conditions the project permit may be revoked or modified as set forth below or under the provisions of the Uniform Building Code.
- C. If, after an investigation, the Community Development Director determines that one (1) or more conditions of a permit are not being met, notice shall be mailed to the permit holder or agent by regular mail advising him of the deficiency and requiring that the deficiency be remedied within ten (10) days from the date the notice is mailed or such longer period as the Community Development Director may deem appropriate.
- D. If the permit holder or agent fails to remedy the deficiency within this time period set, the Community Development Director shall mail notice to the permit holder or agent advising the intent to revoke the development permit. Such notice shall state that to avoid such action the permittee must request, in writing, a hearing before the Hearing Examiner and then appear and show cause why the permit should not be revoked. Such a hearing request must be filed within ten (10) days of the date of the notice of intent to revoke. The Hearing Examiner may uphold the permit should it be determined that all conditions have been met or no longer need to be met; may modify or add conditions to the permit; or may revoke the permit. If the permittee fails to file a timely request for hearing, then the Community Development Director shall send him a notice advising him the project permit has been revoked and that any further action thereon would be in violation of City of Lakewood Land Use and Development Code.
- E. The provisions of this section shall apply to all project permits issued prior to the date of adoption of this code, as well as all project permits issued thereafter.

18A.02.470 Violations.

It shall be a violation of this title for any person to:

- A. Use, construct, locate or demolish any structure, land, sign or property within the city without first obtaining the permits or authorizations required for the use by this title.
- B. Use, construct, locate or demolish any structure, land, sign or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.
- C. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, LMC 14.02, Environmental Rules and Procedures, or other City ordinances.
- D. Misrepresent any material fact in any application, plans or other information submitted to obtain any land-use authorization.
- E. Fail to comply with the requirements of this title.

18A.02.475 Enforcement Measures.

The City Manager is authorized and empowered to ensure compliance with and enforce the provisions of this title to the fullest extent of the law. Except as specified elsewhere, violation of any provision of this title, including failure to comply with any lawful order issued under the authority of this title, constitutes a Class 2 civil infraction, as defined in LMC 1.48. Any violation of this title which is deemed to be a public nuisance or a danger to the public health and/or safety shall be addressed as specified in LMC 1.44.

18A.02.500 Permit Processes.

18A.02.502 Process Types.

Permit Process Types. Permit applications for review pursuant to this section shall be classified as a Process I, Process II, Process III, or Process IV action. Process V actions are legislative in nature. Permit applications and decisions are categorized by process type as set forth in Table 3. The differences between the processes are generally associated with the different nature of the decisions and the decision-making body as described below.

TABLE 3: APPLICATION PROCESSING PROCEDURES

	Process I Administrative Action	Process II Administrative Action	Process III Hearing Action	Process IV Hearing Action	Process V Legislative Action
Permits	Zoning certification; Building permit; Design Review; Sign permit; Temporary Sign permit; Accessory Living Quarters; Limited Home Occupation; Temporary Use; Manufactured or Mobile Home permit; Boundary Line Adjustments; Minor modification of Process II and III permits; Final Site Certification; Certificate of Occupancy; ***Sexually Oriented Business extensions	Administrative Uses; Short Plat; SEPA; Home Occupation; Administrative Variance; Binding Site Plans, Minor Plat Amendment, Major modification of Process II permits:	Conditional Use; Major Variance; *Preliminary Plat*; Major Plat Amendment; Major modification of Process III permits: *Shoreline Conditional Use*; *Shoreline Variance*; *Shoreline Substantial Development Permit* *SEPA Appeals*	Zoning Map Amendments; Site-specific Comprehensive Plan map amendments; Specific Comprehensive Plan text amendments; Shoreline Redesignation, **Final Plat**; **Development Agreement** **NO hearing required or recommendation made by Planning Advisory Board**	Generalized or comprehensive ordinance text amendments; Area-wide map amendments; Annexation; of new planning-related ordinances;
Impacts	Minimal or no effect on others, so issuance of permit is not dependent on others	Application of the standards may require some knowledge of impacts and effect upon others	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons
Notice & Comment	Participation of applicant only	Nearby property owners invited to comment on an application	In addition to applicant, others affected invited to present initial information	In addition to applicant, others affected invited to present initial information	Anyone invited to present information
Recommendation	NA	NA	Community Development Department Staff	Planning Advisory Board, except for Final Plat and Development Agreement as noted ** above	Planning Advisory Board
Decision Making Body	Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal	Hearing Examiner Community Development Director's decision on permits noted *** above is appealable to Superior Court.	Hearing Examiner	Superior Court Hearing Examiner's decision on permits noted * above is appealable to the City Council in accordance with LMC 01.36.	Superior Court	Superior Court

18A.02.530 Permit Procedures

A. The Community Development Director shall determine the proper procedure for all applications. If there is a question as to the appropriate process, the Community Development Director shall resolve it in favor of the higher process number procedure. Process I is the lowest number procedure and Process V is the highest.

- B. An application that involves two (2) or more procedures may be processed, at the City's sole discretion, collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the chapter. If the application is processed under the individual procedure option, the highest numbered process procedure must be processed prior to the subsequent lower numbered procedure. Joint public hearings with other agencies shall be held in accordance with LMC 18A.02.725.
- C. Abbreviated findings shall be restricted to Process I and II, where less discretion is required to make a decision, and may serve as a permit if requirements are met.
- D. Except for Process IV and V, City actions on project permits should be completed within one hundred twenty (120) days of determination of a complete application, unless the City makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types. This one hundred twenty (120) day period may also be extended for a reasonable period of time at the request of the applicant pursuant to LMC 18A.02.735, Time Limitations.

18A.02.540 Process I.

- A. Process I procedures are used to process zoning certifications, building and manufactured home permits, sign permits, temporary signs and temporary use permits, design review and other permits and uses as indicated in Table 3. Under Process I, an application shall be processed without a need for a public hearing or notification of other property owners.
- B. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Community Development Director may obtain technical assistance from a review committee or local or state agencies. The Community Development Director shall approve, deny, modify and/or condition the application, based on the evidence and comments received from referral agencies and the public.
- C. The Community Development Director shall issue a permit if he finds that all applicable approvals or licenses by other agencies have been granted and the proposed development conforms or can be conditioned or modified to conform to all of the applicable requirements of this title and other city ordinances and regulations, including but not limited to the following:
 - 1. The proposed use is allowed and the proposed development and use is in compliance with the regulations of this title and:
 - a. Meets lot development standards.
 - b. Meets community design, parking, landscaping, signage and other general development standards.
 - c. Meets any specific design standards for the specific use.
 - d. An approved access is available.
 - e. Water and sewage disposal is available.
 - 2. The proposed development and use is in compliance with all other applicable City ordinances and regulations.

3. No other agencies need to be notified of the development prior to the City issuing a permit.
- C. The Community Development Director shall deny the permit if required approvals are not obtained or the application otherwise fails to comply with the requirements of this title. The notice shall describe the reason for denial.
 - D. A decision of the Community Development Director under Process I may be appealed to the Hearing Examiner by an affected party in accordance with LMC 18A.02.740. In the event of an appeal, the Community Development Director may expand upon the abbreviated findings used when making the original determination.

18A.02.545 Process II.

- A. Process II procedures are used to process administrative use permits, home occupations, administrative variances, and other permits and uses as indicated in Table 3. Under Process II, an application for a permit shall be processed without a need for public hearing, but provides for public notice to and comment by neighboring property owners.
- B. The following public notice is required for a Process II permit:
 1. Notice posted on the subject property.
 2. Notice mailed to all property owners within 100 feet of the subject property and to all affected agencies.
 3. Courtesy notices may also be mailed to parties with a known interest in the application or which may be specifically affected by a proposed project, as determined by the Community Development Director.
 4. The public notice shall, at a minimum, provide:
 - a. A description of the proposed project action;
 - b. Address and description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location;
 - c. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
 - d. A statement of the limits of the public comment period, which shall be not less than ten (10) days following the date of notice, and a statements of the right of any person to comment on the application, request a copy of the decision once made, and any appeal rights.
 5. Other actions taken in conjunction with a Process II permit, such as SEPA or other activities, may require additional public notice for the Process II permit, pursuant to LMC 18A.02.600.
- C. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Community Development Director may obtain technical assistance from a review committee or local or state agencies.
- D. The Community Development Director shall approve, deny, modify and/or condition the application, based on the evidence and comments received from referral agencies and the

public. The Community Development Director shall issue a permit if he finds that the proposed development conforms or can be conditioned or modified to conform to all of the applicable requirements of this title and other City ordinances and regulations.

- E. A decision by the Community Development Director under Process II may be appealed to the Hearing Examiner by an affected party in accordance with LMC 18A.02.740. In the event of an appeal, the Community Development Director may expand upon the abbreviated findings used when making the original determination.

18A.02.550 Process III.

- A. Process III procedures are used to process Conditional Uses; Variances, and other permits and uses as indicated in Table 3. Under Process III, an application is scheduled for a public hearing before the Hearing Examiner.
- B. Notice of application shall be provided to the public, pursuant to LMC 18A.02.670-675.
- C. Notice of public hearing shall be provided to the public, pursuant to LMC 18A.02.700.
- D. A staff report shall be provided to the public, pursuant to LMC 18A.02.710.
- E. The public hearing shall be conducted, pursuant to LMC 18A.02.720.
- F. At the public hearing, City staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval.
- G. The Hearing Examiner may attach certain development or use conditions beyond those warranted for compliance with the Land Use and Development Code standards for the permit type in granting an approval if the Hearing Examiner determines the conditions are necessary to avoid imposing burdensome public service obligations on the City to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City and to otherwise fulfill the criteria for approval.
- H. A decision of the Hearing Examiner may be appealed to the City Council in accordance with LMC 18A.02.740.

18A.02.560 Process IV.

- A. Process IV procedures are used to process site specific map revisions of the Comprehensive Plan Future Land Use Map and/or Land Use and Development Code Zoning Map; citizen-initiated and other specific text amendments to the comprehensive plan, land use and development code, or other ordinances, and other project or non-project actions as indicated in Table 3. Under Process IV, the Community Development Director shall schedule a public hearing before the Planning Advisory Board.

- B. Notice of application shall be provided to the public, pursuant to LMC 18A.02.670-675.
- C. Notice of public hearing shall be provided to the public, pursuant to LMC 18A.02.700.
- D. A staff report shall be provided to the public, pursuant to LMC 18A.02.710.
- E. The public hearing shall be conducted, pursuant to LMC 18A.02.720.
- F. At the public hearing, City staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval.
- G. If criteria are involved, the Planning Advisory Board shall make a finding for each of the applicable criteria, including whether the proposal conforms to goals and policies found in the comprehensive plan. A written staff report and the Planning Advisory Board recommendation shall be submitted to the City Council.
- H. The City Council may conduct a public meeting or a public hearing on the proposal, at its discretion, pursuant to LMC 18A.02.420.
- I. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the Planning Advisory Board. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.
- J. The City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance

18A.02.565 Process V.

- A. Process V procedures are used to process extensive text or area-wide map revisions of the Comprehensive plan, the Land Use and Development Code; zoning of annexed land and adoption of new planning-related ordinances, as indicated in Table 3. Under Process V, the Community Development Director shall schedule a public hearing before the Planning Advisory Board.
- B. Notice of public hearing shall be published pursuant to LMC 18A.02.700.
- C. A staff report shall be provided to the public, pursuant to LMC 18A.02.710.
- D. At least one (1) public hearing shall be conducted.
- E. At the public hearing, City staff, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should

or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval.

- F. If criteria are involved, the Planning Advisory Board shall made a finding for each of the applicable criteria, including whether the proposal conforms to goals and policies found in the comprehensive plan. A written staff report and the Planning Advisory Board recommendation shall be submitted to the City Council.
- G. The City Council may conduct a public meeting or a public hearing on the proposal, at its discretion, pursuant to LMC 18A.02.420.
- H. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the Planning Advisory Board. The City Council may delete, add or modify any of the provisions pertaining to the proposal.
- I. The City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

18A.02.570 Legislative Enactments Not Restricted.

Nothing in this section or in this title shall limit the authority of the City Council to make changes in district or zone designations or requirements as part of some more extensive revision of the comprehensive plan or the City of Lakewood Land Use and Development Code. Nothing in this chapter shall relieve a use or development from compliance with other applicable laws.

18A.02.575 Resubmission of Denied Application.

After thirty (30) days from the date of final determination denying a Process I, II, or III or a final plat application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of all applicable permit fees. If a previously denied application is resubmitted within one (1) year, new land use approvals associated with the application need not be obtained unless the Community Development Director finds that changed conditions or changes in the proposal warrant such review. Resubmission of Process IV and V applications are subject to the requirements of LMC 18A.02.420.B.

18A.02.600 Public Notice and Permit Decision Procedures.

18A.02.605 Purpose.

This section is intended to provide procedures for the processing of project permits pursuant to the requirements of Chapter 36.70B RCW, including, but not limited to, preapplication conferences, SEPA consistency, determination of completeness, notice of application, public notice, public hearing and appeal processes for review of project permits.

18A.02.610 Applicability.

All Process III, and IV permits and any Process I and II that are subject to environmental review under the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) are subject to the provisions of LMC 18A.02.600 and 700. An environmental checklist shall be submitted in conjunction with the submittal of a project permit application subject to LMC 18A.02.630. One environmental threshold determination shall be made for all related project permit applications. The City shall not issue a threshold determination, other than a Determination of Significance (DS), prior to the submittal of a complete project permit application and the expiration of the public comment period in the notice of application pursuant to LMC 18A.02.670, but may utilize the public notice procedures as outlined in LMC 18A.02.688 to consolidate public notice.

18A.02.615 Exemptions.

The following permits or approvals are specifically excluded from the procedures set forth in LMC 18A.02.620-700:

- A. Landmark designations.
- B. Street or other right-of-way vacations.
- C. Street use permits.
- D. Building permits which are categorically exempt from environmental review under SEPA or that do not require street improvements, boundary line adjustments, or other construction permits, pursuant to RCW 36.70B.140(6).
- E. Administrative approvals which are categorically exempt from environmental review under SEPA, pursuant to Chapter 43.21C RCW and LMC 14.02, Environmental Rules and Procedures, or for which environmental review has been completed in connection with other project permits.
- F. Process V Legislative actions. The following Process V actions are legislative, and are not subject to the provisions of LMC 18A.02.620-700, unless otherwise specified:
 - 1. Zoning newly annexed lands.
 - 2. Area-wide rezones and zoning map amendments to implement city policies.
 - 3. Comprehensive plan amendments.
 - 4. Development regulations and zoning text amendments.
 - 5. Other similar actions that are non-project related.

18A.02.620 Preapplication Conference.

18A.02.621 Purpose

The purpose of the preapplication conference is to acquaint the applicant with the substantive and procedural requirements of the Lakewood Municipal Code in relation to the proposed

project and the applicable elements of the comprehensive plan, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations associated with the proposed development.

18A.02.622 Applicability.

- A. A preapplication conference shall be required for all Process III and IV permits and for all Process I and II permits that require environmental review. A preapplication conference may also be required for any project subject to the requirements of LMC 18A.50.200, Community Design, at the discretion of the Community Development Director. A preapplication conference may also be initiated by an applicant for a project where technical review is desired. Only one preapplication conference shall be required for all project permit applications related to the same project, however, an applicant may request multiple preapplication conferences in relationship to a given project. A preapplication conference shall precede the submittal of any project permit application, including an environmental checklist. The Community Development Director may waive, in writing, the requirement for a preapplication conference for proposals that are determined not to be of a size and complexity to require the detailed analysis of a preapplication conference, or as otherwise determined not appropriate for such review.
- B. Submission of Application. To initiate a preapplication conference, an applicant shall submit a completed form provided by the City and all information pertaining to the proposal as prescribed by administrative procedures of the Community Development Department. Failure to provide all pertinent information may prevent the city from identifying all applicable issues or providing the most effective preapplication conference.
- C. Limitations. It is impossible for the conference to be an exhaustive review of all potential issues. The discussion at the conference or the information form given to the applicant shall not bind or prohibit the City's future application or enforcement of the applicable law, rather, is intended to offer the applicant guidance in preparing a development proposal for submittal.

18A.02.630 Project Permit Applications.

- A. Applications for all project permits shall be submitted upon forms provided by the City and shall, at a minimum, consist of the materials specified in this section, plus any other materials required on the application form or by this title.
 - 1. A completed development permit application form.
 - 2. An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required on the application form, technical reports, studies and data required to address conditions on the site or criteria of the permit or approval requested, and other information that may have a bearing in determining the action to be taken.
 - 3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

4. Legal description of the property affected by the application.
5. Additional information required by other sections of this title because of the type of development proposal or the area involved.
6. The fee established for such application by the City Council.

B. Application materials shall be submitted to the Community Development Director who shall have the date of submission indicated on each copy of the materials submitted.

18A.02.635 Determination of completeness

- A.** Within twenty-eight (28) calendar days after receiving a project permit application for review for completeness, the City shall mail or personally provide a written determination of completeness to the applicant which to the extent known by the City identifies other agencies with jurisdiction over the project permit application and states either that the application is complete; or that the application is incomplete and what is necessary to make the application complete. If the City does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete. The time period guidelines for review of project permit applications begin following the determination of a complete application. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if there are substantial changes in the proposal or new information is received through the application review process.
- B. Incomplete Applications.** Prior to a determination of a complete application, if the applicant receives a written determination from the City that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the City. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the City shall make the determination as described in LMC 18A.02.635.A above and notify the applicant in the same manner. If the applicant either refuses, in writing, to submit additional information, or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review.

18A.02.640 Date of Acceptance.

When the project permit application is determined to be complete, the Community Development Director shall accept it and note the date of acceptance.

18A.02.645 Project Review.

Following a determination that an application is complete, the City shall begin project review.

18A.02.650 Incorrect Applications.

Following a determination of a complete application and the commencement of project review, the City may make a determination in writing that some information is incorrect and require that

corrected information be submitted. The applicant shall have up to ninety (90) calendar days to submit corrected information. The City shall have fourteen (14) calendar days to review the submittal of corrected information. If the corrected information is still not found to be sufficient, the City shall notify the applicant in writing that the submitted information is incorrect, and the time period set forth in subsection (A) shall be repeated. This process may continue until complete or corrected information is obtained. If the requested corrected information is sufficient, the City shall continue with project review, in accordance with the time calculations exclusions set forth in LMC 18A.02.735, Time Limitations. If the applicant either refuses in writing to submit corrected information or does not submit the corrected information within the ninety (90) calendar day period, the application shall lapse.

18A.02.650 Appeal.

Appeal of an administrative determination of an incomplete or incorrect application shall be made pursuant to LMC 18A.02.740.

18A.02.655 Referral of Applications.

Within ten (10) calendar days of determining a complete application, the Community Development Director shall transmit a copy of the application, or appropriate parts of the application, to each appropriate agency and City department for review and comment, including those responsible for determining compliance with state, federal and county requirements. The affected agencies and City departments shall have fifteen (15) calendar days to comment. The referral agency or City department is presumed to have no comments if comments are not received within the specified time period. The Community Development Director may grant an extension of time if the application involves unusual circumstances.

18A.02.665 Public Notice.

The available records of the Pierce County Assessor's Office shall be used for determining the property taxpayer of record. Addresses for mailed notice shall be obtained from the County's real property tax records. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first. Failure to provide public notice as described in this chapter or irregularity in said notice shall not be grounds for invalidation of any permit decision. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director shall provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

18A.02.670 Notice of Application.

A. A notice of application shall be issued within fourteen (14) calendar days after the City has made a determination of completeness pursuant to LMC 18A.02.635 for all Process I and II permits that require SEPA review; all short plats and shoreline substantial development permits; and all Process **III** and IV applications; provided, that the notice of application shall be provided at least fifteen (15) calendar days prior to any required open record hearing. One

(1) notice of application shall be completed for all permit applications related to the same project at the time of the earliest complete permit application.

B. SEPA exempt projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record hearing is required prior to the decision on the project.

C. Contents. The notice of application shall include:

1. The case file number(s), the date of application, the date of the determination of completeness for the application and the date of the notice of application.
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the review authority pursuant to RCW 36.70B.070.
3. The identification of other required permits which are not included in the application, to the extent known by the City.
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.
5. A statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
6. The tentative date, time, place and type of hearing. The tentative hearing date is to be set at the time of the date of notice of the application.
7. A statement of those development regulations that will be used for project mitigation and of consistency as provided in LMC 18A.02.680, Consistency with Development Regulations and SEPA.
8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any.
9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location.
10. Any other information determined appropriate by the City, such as a Determination of Significance, if complete at the time of issuance of the notice of application or the City's statement of intent to issue a Determination of Non-Significance (DNS) pursuant to the optional Determination of Non-Significance (DNS) process set forth in WAC 197-11-355 .

D. Mailing of Notice. The City shall mail a copy of the notice of application to the following:

1. The applicant.
2. Agencies with jurisdiction.
3. Any person who requests such notice in writing.

E. Public Comment on the Notice. All public comments on the notice of application must be received by the Community Development Department or postmarked by 5 p.m. on the last

day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

F. Posted Notice. In addition to the mailed notice of application, the City will provide notice of application at Lakewood City Hall, in the register for public review at the Community Development Department office and posted on the subject property. The applicant shall be responsible for posting a notice board on the property on which City notices can be placed. Public notice shall be accomplished through the use of City poster boards mounted on a four (4) foot by four (4) foot plywood face generic notice board to be supplied by the applicant, to the specifications of the Community Development Department as follows:

1. Posting. Posting of the property for site-specific proposals shall consist of one (1) or more notice boards as follows:
 - a. A single notice board shall be placed by the applicant in a conspicuous location on a street frontage bordering the subject property.
 - b. Each notice board shall be visible and accessible for inspection by members of the public.
 - c. Additional notice boards may be required when:
 - 1) The site does not abut a public road; or
 - 2) Additional public notice boards are required under other provisions of the Lakewood Municipal Code; or
 - 3) The Community Development Director determines that additional notice boards are necessary to provide adequate public notice.
 - d. Notice boards should be:
 - 1) Constructed and installed in accordance with specifications determined by the Community Development Department, including mounted and bolted onto at least two four (4) inch by four (4) inch wood posts, and placed securely in the ground;
 - 2) Maintained in good condition by the applicant during the notice period;
 - 3) In place at least fifteen (15) calendar days prior to the end of any required comment period; and
 - 4) Removed by the applicant within ten (10) calendar days after the end of the notice period or final hearing date.
 - e. Notice boards that are removed, stolen, or destroyed prior to the end of the notice period may be cause for discontinuance of the departmental review until the notice board is replaced and remains in place for the specified time period. The City shall notify the applicant when it comes to the City's attention that notice boards have been removed prematurely, stolen, or destroyed.
 - f. An affidavit of posting shall be submitted by the Community Development Director at least seven (7) calendar days prior to the hearing. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application may be postponed in order to allow compliance with this notice requirement.
 - g. SEPA information shall be added by the City to the posted sign within applicable deadlines. An affidavit of posting shall be submitted by the Community Development Director.

18A.02.675 Published Notice.

Published notice of application in an official newspaper of general circulation in the area where the proposal is located is required for Process I and II permits that require SEPA review; all short plats and shoreline substantial development permits; and all Process III and IV applications, except subdivision final plats and appeals. Published notice shall include at least the following information:

- A. Project location.
- B. Project description.
- C. Type of permit(s) required.
- D. Comment period dates.
- E. The location where the complete application may be reviewed.

18A.02.680 Consistency with Development Regulations and SEPA.

When the City receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this title and LMC 14.02. During project permit application review, the City shall determine whether the items listed in this section are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the City shall determine whether the items listed in this section are defined in the City's adopted comprehensive plan. This determination of consistency shall include the following:

- A. The type of land uses permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied.
- B. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density.
- C. Availability and adequacy of infrastructure, including public facilities and services identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW.
- D. Characteristics of the development, such as development standards.
- E. In deciding whether a project is consistent, the determinations made pursuant to this section shall be controlling. Nothing in this section limits the City from asking more specific or related questions.

18A.02.685 Initial SEPA Analysis.

- A. The City shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and LMC 14.02. This SEPA analysis shall:
1. Determine whether the applicable federal, state and local regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts.
 2. Determine if the applicable regulations require measures that adequately address such environmental impacts.
 3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures.
 4. Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.
- B. In its review of a project permit application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.
- C. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when the impacts have been avoided or otherwise mitigated; or the City has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.
1. The City's determination of consistency with the items identified in LMC 18A.02.685.A. above, shall not prohibit the City from denying, conditioning, or mitigating impacts due to other aspects of the project.
 2. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.
 3. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.
 4. The City shall also review the application under LMC 14.02, Environmental Rules and Procedures.

18A.02.690 Categorically Exempt Actions.

Actions categorically exempt under RCW43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA.

18A.02.695 Planned Actions.

A planned action pursuant to LMC 18A.10.700 does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA. During project review, the City shall not reexamine alternatives or hear appeals on the items identified in LMC 18A.02.685.B., except for issues of code interpretation, the process for which is outlined in LMC 18A.02.200.

18A.02.700 Notice of Public Hearing.

- A. Notice of public hearing is required for all types of applications for which a public hearing is held. Notice of public hearing shall be reasonable calculated to give actual notice and, other than for a legislative action under LMC 18A.02.500, Decision Making Processes, shall contain the following information:
1. The name of the applicant or the applicant's representative.
 2. Description of the affected property, which may be in the form of either a vicinity location sketch or written description, other than a legal description.
 3. The date, time, and place of the hearing.
 4. The nature of the proposed use or development.
 5. A statement that all interested persons may appear and provide testimony.
 6. When and where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted.
 7. The name of a City representative to contact and the telephone number where additional information may be obtained.
 8. That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the cost of reproduction.
 9. That a copy of the staff report will be available for inspection at no cost at least five (5) calendar days prior to the hearing and copies will be provided at the cost of reproduction.
- B. Mailed notice of public hearing. Mailed notice of the public hearing shall be provided by the City as follows:
1. All owners of real property as shown by the records of the County Assessor's Office within three hundred (300) feet of the subject property.
 2. Any person who submits written comments on an application.
 3. Shoreline permit notices shall be in accordance with the requirements of WAC 173-27-110.

4. Process V actions. For Process V legislative actions, the City shall publish notice as described in LMC 18A.02.700.C., Procedure for published notice of public hearing, and use all other methods of notice as required by RCW 35A.12.160.

C. Procedure for posted and/or published notice of public hearing.

1. Posted notice of the public hearing is required for all Process III and IV permit actions. The posted notice of hearing shall be added to the sign already posted on the property pursuant to LMC 18A.02.670.F, Posted Notice.
2. Published notice of the public hearing is required for all Process III and IV procedures. The published notice shall be published at least once in a newspaper of general circulation within the City and contain the following information:
 - a. Project location.
 - b. Project description and nature of issues to be discussed at the hearing;
 - c. Type of permit(s) required.
 - d. Comment period dates and how written comments addressing findings required for a decision by the hearing body may be submitted.
 - e. The location where the complete application may be reviewed.

D. Time of notice of public hearing.

1. Notice shall be mailed, posted and first published not less than fifteen (20) nor more than thirty (30) days prior to the hearing requiring the notice. Any posted notice shall be removed by the applicant within ten (10) calendar days following the conclusion of public hearing(s).

18A.02.710 Hearing Staff Report.

When an application or appeal has been set for public hearing, the Community Development Department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the subject application or appeal and shall prepare a report summarizing the issues and factors involved, the decision criteria and the department's findings and recommendation or decision. At least five (5) working days prior to the date of the scheduled hearing, the staff report and any written arguments or correspondence submitted to the City, shall be filed with the decision-making body and copies thereof shall be mailed to all persons of record.

18A.02.720 Open Record Public Hearings.

- A. Open record hearings shall be conducted in accordance with this section. The Community Development Director shall be responsible for the hearing and shall:
1. Schedule an application for review and public hearing.
 2. Give notice; however, applicant is responsible for some of the notice requirements.
 3. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record pre-decision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold

determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination. In the case of a Process I or II project permit application, this report may be the permit.

4. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.
- B. Conflict of interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.
- C. Ex parte communications.
1. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:
 - a. The hearing body may receive advise from legal counsel.
 - b. The hearing body may communicate with staff members, except where the proceeding relates to a code enforcement investigation or prosecution.
 2. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in LMC 18A.02.720.C.3, below.
 3. If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
 - a. All written communications received.
 - b. All written responses to the communications.
 - c. The substance of all oral communications received and all responses made; and
 - d. The identity of each person from whom the hearing body received any ex parte communication.
 4. The hearing body shall advise all parties that these matters have been placed on the record.
 5. Upon request made within ten (10) calendar days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.
- D. Disqualification.
1. A member of the hearing body who is disqualified may be counted for purposes of forming a quorum. Any member who is disqualified may be counted only by making full disclosure to the audience, abstaining from voting on the disqualification, vacating the seat on the hearing body and physically leaving the hearing.
 2. If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be re-qualified and shall proceed to resolve the issues.
 3. Except for Process VI actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

- E. Burden and nature of proof. The burden of proof is on the proponent, pursuant to LMC 18A.02.150, Burden and Nature of Proof. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.
- F. Order of proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.
1. Before receiving information on the issue, the following shall be determined:
 - a. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate.
 - b. Any abstentions or disqualifications shall be determined.
 2. The presiding officer may take official notice of known information related to the issue, such as:
 - a. A provision of any ordinance, resolution, rule, officially adopted development standard or state law.
 - b. Other public records and facts judicially noticeable by law.
 3. Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting notice shall do so on the record; however, the hearing body may take notice of matters listed in this section if stated for the record. Any matter given official notice may be rebutted.
 4. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.
 5. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
 6. When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- G. Recommendation/decision. The hearing body shall issue a recommendation or decision, as applicable, within fourteen (14) calendar days of the record being closed.
- H. Reconsideration. A party of record may ask for a reconsideration of a decision by the hearing examiner for a Process III action or a recommendation by the Planning Advisory Board for a Process IV action. Reconsideration is not authorized for Process I and Process II applications. A reconsideration may be requested if either:
1. A specific error of fact or law can be identified.
 2. New evidence is available which was not available at the time of the hearing.
- I. A request for reconsideration shall be filed by a party of record within five (5) working days of the date of the initial decision/recommendation. Any reconsideration request shall cite specific references to the findings and/or criteria contained in the ordinances governing the

type of application being reviewed. A request for reconsideration temporarily suspends the appeal deadline. The Hearing Examiner shall promptly review the reconsideration request and within five (5) working days issue a written response, either approving or denying the request. If the reconsideration is denied, the appeal deadline of the Hearing Examiner's decision shall recommence for the remaining number of days. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

18A.02.725 Joint Public Hearings.

- A. The Community Development Director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
 - 1. The other agency consents to the joint hearing;
 - 2. The other agency is not expressly prohibited by statute from doing so;
 - 3. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
 - 4. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
 - 5. The hearing is held within the Lakewood city limits
- B. An applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in LMC 18A.02.530.D and 18A.02.730.B.. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

18A.02.730 Notice of Decision.

- A. Following a decision of a project permit by the applicable decision-making body, the City shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for appeal.
- B. The notice of decision should be issued within one hundred twenty (120) calendar days after the City notifies the applicant that the application is complete, unless the City makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types. The time frames set forth in this section shall apply to project permit applications filed on or after the effective date of this title.
- C. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.
- D. Notice of the decision shall be provided to the public as set forth in LMC18A.02.700, Notice of Public Hearing. The City shall provide notice of the decision to the County Assessor's Office if affected property owners request a change in valuation for property tax purposes.

- E. If the City is unable to issue its final decision within the time limits provided in this chapter, it shall make written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types and shall provide written notice to the parties of record. The written findings and notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

18A.02.735 Time Limitations.

- A. Calculation of time periods for issuance of notice of final decision. In determining the number of calendar days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of decision, the following periods shall be excluded:
1. Any period during which the applicant has been requested by the City to correct plans, perform required studies, provide additional required information, or otherwise requires the applicant to act. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information has been provided to the City.
 2. If the City determines that the information submitted by the applicant under LMC 18A.02.635, Determination of Completeness, is insufficient or incorrect.
 3. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if the City by ordinance has established time periods for completion of environmental impact statements, or if the City and the applicant in writing agree to a time period for completion of an environmental impact statement.
 4. Any period for administrative appeals of project permit applications, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:
 - a. Ninety (90) calendar days for an open record appeal hearing.
 - b. Sixty (60) calendar days for a closed record appeal; unless the parties agree to extend these time periods.
 5. Any reasonable extension of time mutually agreed upon by the applicant and the local government.
- B. Time limit exceptions. The time limits established in this section do not apply if a project permit application:
1. Requires an amendment to the comprehensive plan or a development regulation.
 2. Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200.
 3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete pursuant to LMC 18A.02.635-640, Determination of Completeness.

- C. Failure to meet time limit. If the City is unable to issue its final decision within the time limits provided in this chapter, it shall make written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types and shall provide written notice to the parties of record. The written findings and notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision. The City is not liable for damages due to its failure to make a final decision within the time limits established in this chapter.

18A.02.740 Closed Record Hearings and Administrative Appeals.

- A. Appeals of decisions. This section allows for administrative appeals as provided in the framework in LMC 18A.02.500, Decision Making Processes. Administrative appeals are heard by the Hearing Examiner or City Council, as applicable.
- B. Consolidated appeals.
1. All appeals of project permit application decisions, other than an appeal of a Determination of Significance (DS), shall be considered together in a consolidated appeal.
 2. Appeals of environmental determinations under LMC 14.02. Environmental Rules and Procedures, including administrative appeals of a threshold determination shall proceed as provided in that chapter.
- C. Administrative appeals. Only parties of record may initiate an administrative appeal on a project permit application.
- D. Time to file. An appeal must be filed within fourteen (14) calendar days following issuance of the notice of decision. Appeals must be delivered to the Community Development Department by mail, personal delivery or by fax before 5 p.m. on the last business day of the appeal period and shall be accompanied by the appeal fee. An administrative appeal of both a project decision and of any environmental determination issued at the same time as the project decision may be appealed if an applicant files the appeal within twenty-one (21) calendar days after the notice of decision has been issued.
- E. Content of appeal. Appeals shall be in writing, be accompanied by an appeal fee as set by the City Council, and contain the following information:
1. Appellant's name, address and phone number.
 2. Appellant's statement describing his or her standing to appeal.
 3. Identify, with specificity, the decision, or portion of the decision, of the application being appealed.
 4. Appellant's statement of grounds for appeal, the facts upon which the appeal is based, and the reasons why the appealed decision should be reversed or modified.
 5. The relief sought, including the specific nature, extent and manner of any modification being sought.
 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

- F. Effect. The timely filing of an appeal shall stay the effective date of the decision until such time as the appeal is adjudicated by the hearing examiner or City Council, as applicable, or is withdrawn.
- G. Notice of administrative appeal. Public notice of the appeal shall be given as provided in LMC 18A.02.700, Notice of Public Hearing.
- H. Procedure for closed record decision/appeal. The closed record decision/appeal hearing shall be on the record before the hearing body, and no new evidence may be presented. The following subsections of this title shall apply to a closed record decision/appeal hearing:
 - 1. LMC 18A.02.720.B, Conflict of Interest.
 - 2. LMC 18A.02.720.C, Ex Parte Communications.
 - 3. LMC 18A.02.720.D, Disqualification.
 - 4. LMC 18A.02.720.E, Burden and Nature of Proof.
 - 5. LMC 18A.02.720.F, Order of Proceedings.
 - 6. LMC 18A.02.730, Notice of Decision.

18A.02.755 Judicial Appeals.

- A. Appeal. The City's final decision or appeal decision on a Process I, II, III, IV, or V application may be appealed by a party of record with standing to file a land use petition in Pierce County Superior Court.
- B. Petition period. A land use petition must be filed within twenty-one (21) calendar days of issuance of the notice of decision or appeal decision.
- C. Filing and content of a land use petition. A land use petition shall be filed according to the procedural standards outlined in Chapter 36.70C RCW, Judicial Review of Land Use Decisions, also known as the "Land Use Petition Act."

18A.02.800 Nonconformities.

18A.02.805 Purpose.

Within the zoning districts established by this title, or as amended, there may exist lots, uses, and structures that were lawfully established but which no longer conform to the provisions and standards of the zoning district in which they are located. Nonconformities may adversely affect the development and redevelopment of the City consistent with the provisions of the comprehensive plan. This section provides for the regulation of these legally existing nonconformities and attempts to balance the rights of property owners to continue the use of their properties and the perpetuation of uses envisioned under the City's comprehensive plan and this title. These standards specify the circumstances, conditions, and procedures under which such nonconformities are permitted to endure.

18A.02.810 Applicability.

- A. This section shall apply to legally existing nonconformities, except the following:
1. Nonconforming sexually oriented businesses as defined in LMC 18A.70.700, Sexually Oriented Business, which shall instead be governed by standards set forth in that section.
 2. Nonconforming signs as defined in LMC 18A.50.600, Signs, which shall instead be governed by standards set forth in that section.
 3. Nonconforming wireless telecommunications facilities as defined in LMC 18A.70.600, Wireless Telecommunications Facilities, which shall instead be governed by standards set forth in that section.
 4. Nonconforming mobile home parks as defined in LMC 18A.70.400, Manufactured Home Parks, which shall instead be governed by standards set forth in that section.
 5. Permit applications at the time of this title's passage that constitute vested development as defined in LMC 18A.02.350, Vested Rights, which shall instead be governed by standards set forth in that section. Future plans to further develop property shall not constitute a basis for nonconformity status, whether or not documented in public record, except when they constitute a vesting. Nothing in this section shall be construed to require a change in plans, construction, or intended use related to vested development, though it may thereafter be regulated as a nonconformity.
- B. The provisions of this section apply only to nonconformities that were lawful, either by right or by discretionary permit, when initially established and these provisions may not be used as an alternative to removal or cessation of activities, structures, and uses which were illegal at the time of their establishment.

18A.02.815 Nonconforming Lots of Record.

18A.02.820 Variances Allowable.

The entire contiguous ownership of land shall be considered as a single parcel of land for determination of non-conformance as a consideration of development. A record of separate lot or parcel boundaries shall be disregarded. It is recognized that the dimensions of some nonconforming lots of record are so constrained that meeting some development regulations such as setbacks would render such lots essentially unbuildable. The City will consider unusual hardships in reviewing applications for such development. Variances may be granted in such instances based on individual circumstances and may be conditioned to mitigate any negative effect on the surrounding area.

18A.02.825 Alteration.

Nonconforming lots may not be altered in any way that would increase the degree of nonconformity; provided, this does not preclude acquisition or dedication of additional public right of way when deemed necessary by the City Engineer.

18A.02.830 Nonconforming Uses.

18A.02.835 Maintenance, Alteration and Expansion.

Nonconforming uses and the structures they occupy may continue to be operated and occupied except as provided below. Routine maintenance and repairs may be performed on land or structures containing a nonconforming use. A nonconforming use shall not be changed to another nonconforming use. Nonconforming uses outside of a structure which occupy only a portion of a lot may not be expanded to any other portion of the property not previously regularly and actually occupied for such use. Nonconforming uses may not be expanded unless such expansion is required by law or a public agency in order to comply with public health, safety or welfare regulations. All applicable construction permits must first be obtained for any such work. Other than regulations relating to public health, safety, and welfare, nonconforming uses, either inside or outside of a structure, may be altered or moved only if the proposed development and its use will be more compatible with the surrounding area than the current development and use considering the following:

- A. The character and history of the use and of development in the surrounding area.
- B. The comparable degree of noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
- C. The comparative amount and nature of outside storage, loading and parking.
- D. The comparative visual appearance.
- E. The comparative hours of operation.
- F. The comparative numbers and kinds of vehicular trips to the site.
- G. The comparative effect on existing vegetation.
- H. The comparative effect on water drainage.
- I. The degree of service or other benefit to the area.
- J. Other factors which tend to reduce conflicts or increase compatibility with the character or needs of the area.

18A02.840 Nonconforming Structures.

Maintenance, Improvements and Alterations. Minor improvements and alterations to nonconforming structures are allowed to prevent them from becoming blighted and having detrimental impacts on the surrounding neighborhood. Nothing in this section shall be construed to prevent the strengthening or restoring to a safe condition any nonconforming structure or part thereof declared to be unsafe by the Building Official or other proper authority. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as

to permit the enlargement of the space occupied by the nonconforming use. Alterations or expansions of nonconforming structures which are required by law or a public agency in order to comply with public health, safety or welfare regulations are allowable, even if in conflict with other provisions of this title. All applicable construction permits must first be obtained for any such work. Other than regulations relating to public health, safety, and welfare, nonconforming structures may only be altered in a manner that increases the degree of nonconformity if the proposed alteration to the structure will be more compatible with the surrounding area than the current development and use considering the following:

- A. The character and history of the structure and of development in the surrounding area.
- B. The comparable degree of noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
- C. The comparative amount and nature of outside storage, loading and parking.
- D. The comparative visual appearance.
- E. The comparative effect on existing vegetation.
- F. The comparative effect on water drainage.
- G. The degree of benefit to the surrounding area.
- H. Other factors which tend to reduce conflicts or increase compatibility with the character or needs of the area.

18A.02.845 Proof of Nonconformity.

The burden of demonstrating that nonconformity is lawful under this title rests with the property or business owner. Some examples of evidence that may indicate legal nonconforming status include: tax assessment records, construction or other permit records, personal or business income tax records, business license records, dated past advertising, dated business receipts to customers, dated rent receipts, affidavits from neighbors or tenants, testamentary documents, photographs whose date may be clearly ascertained, and other such information which is competent and factual. The City may, at its discretion, request such records from a property or business owner as a basis for determining whether nonconformity was legally established and preexisting.

18A.02.850 Termination of Nonconforming Status.

- A. A nonconforming development or use shall terminate under the following conditions:
 - 1. When the use has been discontinued for a period of six (6) or more months.
 - 2. When a nonconforming structure has been damaged or destroyed to an extent exceeding fifty (50) percent or more of its fair market value as indicated by the records of the Pierce County Assessor.

- B. Provided; that damaged uses that are allowed to reestablish, as provided in LMC 18A.02.855, Damage or Destruction, shall not be considered to be terminated. Once terminated, the use shall not be reestablished, and any subsequent use must comply with the regulations of the zoning district in which it is located.

18A.02.855 Damage or Destruction.

- A. If a nonconforming use or structure is damaged or destroyed by any means to the extent of fifty (50) percent or more of fair market value, it may not be reestablished except in compliance with the regulations of the zoning district in which it is located. This provision shall not apply to dwelling units located in residential districts or in established mobile home parks, which may be reconstructed or replaced with no substantial change in floor area or other nonconforming feature.
- B. If a nonconforming use or structure is damaged due to an involuntary event of fire, natural disaster or other casualty, to the extent of less than fifty (50) percent of fair market value, it may be restored to substantially the same extent of nonconformance as preexisted the damage, provided that all applicable construction permits are obtained prior to commencement of demolition and reconstruction. This provision shall not be construed as reducing any requirements of construction standards in effect for rebuilt structures. Restoration or replacement shall commence within one (1) year from the date of damage or the use shall be terminated pursuant to LMC 18A.02.850, Termination of Nonconforming Status.

18A.02.860 Transfer of Ownership.

The transfer of ownership of a nonconforming lot, use, or structure will not alter its legal nonconforming status.

18A.02.865 Administrative Determinations.

By their nature, nonconformities can be unique and difficult to identify and equitably regulate. If issues of interpretation arise regarding the nonconforming status or replacement when abandonment, damage, or destruction has occurred, the Community Development Director shall issue an administrative determination as set forth in LMC 18A.02.155 and 200.

18A.10 DISCRETIONARY PERMITS

18A.10.050 Purpose.

The purpose of this section is to establish the procedures and decision criteria for a variety of permits that involve discretion or require a subjective recommendation or decision made by the Community Development Director, Hearing Examiner, or other hearing body as appropriate.

18A.10.100 Conditional Use Permit.

18A.10.110 Purpose.

The purpose of this section is to establish procedures and decision criteria for uses that possess unique characteristics and are of such a nature that they may not be appropriate for every location within a given zoning district. Conditional uses are those uses deemed unique due to factors such as size, technological processes, equipment, the associated impacts of the use, or the location with respect to surroundings, streets, existing improvements, or demands upon public facilities. Such uses require a special degree of review and control to assure compatibility with the comprehensive plan and adjacent uses.

18A.10.120 Existing Uses.

- A. Any use existing at the time of adoption of this title which is within the scope of uses requiring a conditional use permit (CUP) in the zoning district in which the property is situated shall be deemed a conforming use without necessity of obtaining a CUP.
- B. Any expansion of an existing conditional use shall be required to apply for a new CUP if the Community Development Director finds that there is a change in the nature of the use or a significant change in the intensity of the use created by such an expansion.
- C. Any use operating under the provisions of an existing conditional use permit at the time of adoption of this title which is within the scope of uses requiring a CUP in the zoning district in which the property is situated shall be deemed a conforming use without necessity of a new CUP, unless a proposed expansion would result in a change in the nature of the use or a significant change in the intensity of the use created by such an expansion.
- D. Any use operating under the provisions of an existing CUP at the time of adoption of this title which is within the scope of primary permitted uses within the applicable zoning district shall be deemed a conforming use, provided that all conditions of approval and development standards are being met.

18A.10.130 Application for a Conditional Use Permit.

- A. A CUP is a Process III application type and subject to all the procedural requirements applicable to this application type.
- B. Conditional use permit applications shall be on the form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the hearing examiner to make a decision. The established fee shall be submitted at time of application.
- C. Applications for a CUP shall be filed with the Community Development Department. The CUP application shall be reviewed and circulated for comment by City staff

D. Notice of application shall be provided pursuant to LMC 18A.02.670.

18A.10.140 Public Hearing.

A. The Hearing Examiner shall hold an open record public hearing on any proposed conditional use and shall give notice thereof in accordance with the procedures established pursuant to LMC 18A.02.700.

B. The hearing shall be conducted in accordance to the requirements of LMC 18A.02.720.

18A.10.150 Required Findings.

A CUP shall only be granted after the Hearing Examiner has reviewed the proposed use and has made written findings that all of the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. The size of the site is adequate for the proposed use including all facilities and amenities that are required by this title or desired by the applicant.
- B. The proposed use will not be detrimental to the public health, safety, and general welfare of the community and will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties and the vicinity.
- C. The topography, soils, and other physical characteristics of the site are appropriate for the use and potential problems due to weak foundation soils can be eliminated or reduced to the extent necessary for avoiding hazardous situations.
- D. The proposed use will not be injurious to, or adversely affect the uses, property, or improvements adjacent to, or in the vicinity of, the site upon which the proposed use is to be located.
- E. The proposed use will be compatible with adjacent land uses and consistent with the character of the surrounding area.
- F. The proposed use will be supported by adequate water, sewer, storm drainage, schools, electrical, police, and fire protection facilities and services. The use will not overburden or adversely affect said public facilities and services.
- G. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
- H. An adequate site layout is proposed for on-site circulation and transportation activities, considering the potential impacts of the proposed use on traffic flow and control, emergency vehicle movements and safety associated with the suitability of access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities required by this title or desired by the applicant.

- I. The proposed use will cause no unreasonably adverse effects to wetlands, shorelands, wildlife habitat, and other sensitive areas.
- J. The public interest will suffer no substantial detrimental effect.
- K. Buffering devices such as fencing, landscaping or topographic characteristics adequately protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
- L. That the granting of the proposed conditional use is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan. For essential public facilities, the Hearing Examiner shall balance the goals and policies of the comprehensive plan, the intent of this code, and the public need for the proposed facility.
- M. The proposed use complies with the appropriate development and performance standards and all other applicable provisions of the City of Lakewood Land Use and Development Code.
- N. All conditions necessary to lessen any impacts of the proposed use have been included in the project design or will be required as conditions of approval pursuant to LMC 18A.10.160, Action of Hearing Examiner.

18A.10.160 Action of Hearing Examiner.

- A. In addition to demonstrating compliance with the criteria as determined by the Hearing Examiner, the applicant shall accept those conditions that the Hearing Examiner finds are appropriate to obtain compliance with the criteria.
- B. In permitting a conditional use, the Hearing Examiner may impose any or all of the following conditions:
 1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 2. Establish a special yard or other open space or lot area or dimension.
 3. Limit the height, size or location of a building or other structure.
 4. Designate the size, number, location or nature of vehicle access points.
 5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
 6. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
 7. Limit or otherwise designate the number, size, location, and height of lighting of signs.
 8. Limit the location and intensity of outdoor lighting or require its shielding.
 9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
 10. Design the size, height, location or materials for a fence.
 11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.
13. Require provisions for stormwater drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities
14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.
15. Require such financial guarantees and evidence that any applied conditions will be complied with.

18A.10.170 Appeals.

The decision of the Hearing Examiner shall be final, unless an appeal is made to the City Council within fourteen (14) calendar days pursuant to LMC 18A.02.740.

18A.10.180 Period of Validity.

Authorization of a conditional use shall be void after a period of one (1) year unless the use is begun within that time or substantial construction or action pursuant thereto has taken place. However, the City may, at the discretion of the Community Development Director, extend authorization for one (1) additional year upon request, provided such request is submitted in writing at least thirty (30) days and not more than sixty (60) days prior to expiration of the permit.

18A.10.200 Administrative Use Permit.

18A.10.210 Purpose.

The purpose of this section is to establish an administrative review process and decision criteria to evaluate proposed land uses that, due to unique qualities or circumstances, may require some additional regulation or control. The administrative use permit (AUP) process is intended to ensure that the proposed activity, if established, will be in full compliance with applicable regulations, that the unique qualities of the use are addressed and mitigated, and that such use is compatible with the comprehensive plan and adjacent uses.

18A.10.215 Existing Uses.

- A. Any use existing at the time of adoption of this title which is within the scope of uses requiring an administrative use permit in the zoning district in which the property is situated shall be deemed a conforming use without necessity of obtaining an AUP.
- B. Any expansion of an existing administrative use shall be required to apply for a new AUP if the Community Development Director finds that there is a change in the nature of the use or a significant change in the intensity of the use created by such an expansion.

- C. Any use operating under the provisions of an existing AUP at the time of adoption of this title which is within the scope of uses requiring an AUP in the zoning district in which the property is situated shall be deemed conforming use without necessity of a new AUP, unless a proposed expansion would result in a change in the nature of the use or a significant change in the intensity of the use created by such an expansion.
- D. Any use operating under the provisions of an existing AUP at the time of adoption of this title which is within the scope of primary permitted uses in the applicable zoning district shall be deemed a conforming use, provided that all conditions of approval and development standards are being met.

18A.10.220 Application for an Administrative Use Permit.

- A. An AUP is a Process II application type and subject to all the procedural requirements applicable to this application type.
- B. An applicant proposing to develop an administrative use shall provide sufficient facts and evidence to enable the Community Development Director to make a determination. The application shall be on the form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. The established fee shall be submitted at time of application.
- C. Administrative use permit applications shall be filed with the Community Development Department. The AUP application shall be reviewed and circulated for comment by City staff.

18A.10.225 Public Notice.

- A. Public notice is required for an AUP pursuant to LMC 18A.02.545.
- B. Other actions taken in conjunction with the permit, such as SEPA or other activities, may require additional public notice for the AUP, pursuant to LMC 18A.02.600.

18A.10.230 Required Findings.

The Community Development Director shall approve an AUP only if he has reviewed the proposed use and has made written findings that all of the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. That the approval of the proposed AUP will not be detrimental to the public health, safety, and general welfare; nor will it be injurious to, or adversely affect, the uses, property, or improvements adjacent to and in the vicinity of the site upon which the proposed use is proposed to be located.
- B. That the approval of the proposed AUP is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan and any other City ordinances.

- C. The proposed use and the project design comply with the zoning district and all applicable development regulations.
- D. That all conditions necessary to mitigate the impacts of the proposed use have been included in the project design or will be required as conditions of approval, and are capable of being monitored and enforced.
- E. That all requirements for a specific use have been addressed by the applicant.

18A.10.240 Decision.

- A. When granting an administrative use permit, the Community Development Director may attach specific conditions to the permit that will serve to accomplish the standards, and/or meet the criteria, and policies established in the comprehensive plan and this title. The Community Development Director may deny an application for an AUP if the establishment of the use would be incompatible with the surrounding area or incapable of complying with specific standards set forth in this code, or if any of the above required findings are not supported by evidence in the record as determined by the Community Development Director.
- B. In addition to demonstrating compliance with the criteria as determined by the Community Development Director, the applicant shall accept those conditions that the Community Development Director finds are appropriate to obtain compliance with the criteria.
- C. In permitting an administrative use, the Community Development Director may impose any or all of the following conditions:
 1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 2. Establish a special yard or other open space or lot area or dimension.
 3. Limit the height, size or location of a building or other structure.
 4. Designate the size, number, location or nature of vehicle access points.
 5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
 6. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
 7. Limit or otherwise designate the number, size, location, and height of lighting of signs.
 8. Limit the location and intensity of outdoor lighting or require its shielding.
 9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
 10. Design the size, height, location or materials for a fence.
 11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
 12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.
 13. Require provisions for stormwater drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities

14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.
15. Require such financial guarantees and evidence that any applied conditions will be complied with.

18A.10.250 Appeal.

The Community Development Director's decision regarding an AUP application may be appealed to the Hearing Examiner, in accordance with LMC 18A.02.740.

18A.10.260 Period of Validity.

Authorization of an AUP shall be void after a period of one (1) year unless the use is begun within that time or substantial construction or action pursuant thereto has taken place. However, the City may, at the discretion of the Community Development Director, extend authorization for six (6) additional months upon request, provided such request is submitted in writing at least thirty (30) days and not more than sixty (60) days, prior to expiration of the permit.

18A.10.300 Variances.

18A.10.305 Purpose.

The intent of this section is to provide an avenue of relief where, by reason of exceptional configuration, or by reason of other unique and extraordinary situations or conditions existing on a piece of property, the strict application of development regulations enacted under this title would result in peculiar, exceptional and undue hardship upon the owner of such property, which was not the result of actions of the applicant, property owner or a previous property owner or agent.

18A.10.310 Limitations.

A variance shall not relieve an applicant from any of the procedural provisions of this title, conditions of approval established during prior permit review, any of the provisions of the critical areas code, except for the required buffer widths. The variance process shall not allow the establishment of a use that is not otherwise permitted in the zoning district in which the proposal is located or allow development that would result in an increase in density or a reduction in the minimum lot size.

18A.10.315 Administrative Variances.

18.A.10.320 Scope.

The Community Development Director shall have the authority to grant an administrative variance for up to twenty (20) percent of the numerical standard for building setbacks from lot lines, lot coverage, impervious surface coverage and ten (10) percent of the numerical standard for building height as provided in this title.

18A.10.325 Application for an Administrative Variance.

- A. An administrative variance is a Process II application type and subject to all the procedural requirements applicable to this application type.
- B. Applications for administrative variances shall be on the form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the Community Development Director to make a decision.
- C. Applications for administrative variances shall be filed with the Community Development Department.

18A.10.330 Public Notice.

- A. Public notice is required for an administrative variance pursuant to LMC 18A.02.545.
- B. Other actions taken in conjunction with the permit, such as SEPA or other activities, may require additional public notice for the administrative variance, pursuant to LMC 18A.02.600.

18A.10.335 Decision.

The Community Development Director shall approve, approve with conditions, or deny the application in accordance with the criteria set forth in LMC **18A.10.340**, Criteria for Granting an Administrative Variance.

18A.10.340 Required Findings.

The Community Development Director shall approve an Administrative Variance only if he has reviewed the proposed use and has made written findings that all of the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. That the administrative variance does not detract from the desired character and nature of the vicinity in which it is proposed.

- B. That the administrative variance enhances or protects the character of the neighborhood and/or the vicinity by protecting natural features, historic sites, open space, or other resources.
- C. That the administrative variance does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies.
- D. That the granting the administrative variance does not constitute a threat to the public health, safety and general welfare within the city.
- E. That the administrative variance granted is the minimum adjustment necessary for the reasonable use of the land.

18A.10.345 Appeals.

The Community Development Director's decision on an administrative variance application may be appealed to the Hearing Examiner, pursuant to LMC 18A.02.740.

18A.10.350 Period of Validity.

Authorization of an administrative variance shall be void after a period of one (1) year unless the use is begun within that time or substantial construction or action pursuant thereto has taken place. However, the City may, at the discretion of the Community Development Director, extend authorization for six (6) additional months upon request, provided such request is submitted in writing at least thirty (30) days and not more than sixty (60) days prior to expiration of the permit.

18A.10.360 Major Variances.

18A.10.365 Scope.

The Hearing Examiner shall have the authority to grant a major variance where some exceptional physical condition related to a parcel of land results in unnecessary hardship from the strict application of certain development provisions and preventing the owner from using the property as intended by this title. Any major variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

18A.10.370 Application for a Major Variance.

- A. A major variance is a Process III application type and subject to all the procedural requirements applicable to this application type.
- B. Applications for major variances shall be on the form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the

hearing examiner to make a decision. The established fee shall be submitted at time of application.

- C. Major variance applications shall be filed with the Community Development Department. The major variance application shall be reviewed and circulated for comment by City staff.

18A.10.375 Public Notice.

Notice of application shall be provided pursuant to LMC 18A.02.670.

18A.10.380 Public Hearing.

- A. The Hearing Examiner shall hold an open record public hearing on any proposed major variance, and shall give notice thereof in accordance with the procedures established pursuant to LMC 18A.02.700.
- B. The hearing shall be conducted in accordance to the requirements of LMC 18A.02.720.

18A.10.385 Required Findings.

A variance shall only be granted after the Hearing Examiner has reviewed the proposed use and has made written findings that the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. That unique circumstances or conditions exist that are applicable to the land or buildings for which a variance is sought. Said circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the area. The Hearing Examiner may consider legal, nonconforming aspects of existing structures for the purpose of this finding.
- B. That proof exists of undue hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted; nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created, nor can it be created by actions of a property owner or a previous property owner who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this title; and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
- C. That the granting of the variance is necessary for the development of a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonable capable of development and use under the provisions of this title and the variance granted is the minimum variance that will accomplish this purpose.
- D. That the granting of the variance shall be consistent with the comprehensive plan and in agreement with the general purpose and intent of the regulations imposed by this title.

- E. That the granting of the variance shall neither be injurious to the neighborhood or community, nor otherwise detrimental to the public welfare.
- F. That the granting of the variance will not confer upon the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the area.
- G. That the granting of the variance will not permit the establishment of any development or use which is not permitted by the title.

18A.10.390 Hearing Examiner Action.

The decision of the Hearing Examiner shall be final unless appealed pursuant to LMC 18A.02.740.

18A10.395 Period of Validity.

Authorization of a major variance shall be void after a period of one (1) year unless substantial construction or action pursuant thereto has taken place. However, the City may, at the discretion of the Community Development Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least thirty (30) days and not more than sixty (60) days prior to expiration of the permit.

18A.10.400 Design Review.

18A.10.410 Purpose.

Design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture and exterior structure design. It is the intent of the City that this process will serve to aid applicants in understanding the principal expectations of the City concerning design, and to encourage a diversity of imaginative solutions to development through the review and application of the design standards.

18A.10.420 Authority.

The adoption of the design guidelines is an element of the City's regulation of land use, which is statutorily authorized. The design review process adopted herein is established as a Process I administrative function delegated to the Community Development Director pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the Community Development Director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. In the administration of this process, the Community Development Director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the design standards established, as well as provide a detailed explanation of the design review process.

18A.10.430 Application and Review Process.

- A. Design review is a Process I application type and subject to all the procedural requirements applicable to this application type.
- B. Design review applications shall be on a form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the Community Development Director to make a decision. The established fee shall be submitted at time of application.
- C. Applications for design review shall be filed with the Community Development Department.
- D. The Community Development Director shall provide the applicant with a written decision either approving, denying or approving the application with modifications and/or conditions of approval.

18A.10.440 Appeals.

The decision of the Community Development Director under the administrative design review process is final unless an appeal is made in accordance with the requirements of LMC 18A.02.740.

18A.10.500 Temporary Use Permits.

18A.10.510 Purpose.

The provisions of this section are designed to provide standards and criteria for temporary relief to situations resulting from strict application of this title. Provisions authorizing temporary uses are intended to permit occasional temporary uses, activities and structures when consistent with the purpose of this title and when compatible with the general vicinity and adjacent uses.

18A.10.520 Permitted Uses.

The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the Community Development Director:

- A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- B. Contractor's office, storage yard and equipment parking and servicing on or adjacent to the site of an active construction project.
- C. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.

- D. Indoor or outdoor art and craft shows and exhibits.
- E. Christmas tree sales lots, fireworks and flower stands limited to location on non-residential lots in commercial or industrial zoning districts.
- F. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.
- G. Indoor or outdoor special sales, including swap meets, flea markets, parking lot and sidewalk sales, warehouse sales or similar activities, limited to locations on non-residential lots in commercial or industrial districts, and when operated not more than ten (10) days in the same month, unless otherwise permitted by the City.
- H. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the intended use is permitted.
- I. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, permitted in commercial or industrial zoning districts only.
- J. Neighborhood or community garage or rummage sales, block parties, parades or holiday celebrations, and other similar neighborhood or community activities, when operated not more than three (3) days in the same week or more than twice in the same calendar year.
- K. The Community Development Director may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of this section.

18A.10.530 Application and Authorization.

- A. A temporary use permit is a Process I application type and subject to all the procedural requirements applicable to this application type.
- B. Temporary use applications shall be on a form prescribed by the Community Development Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and evidence to enable the Community Development Director to make a decision. The established fee shall be submitted at time of application.
- C. Applications for temporary use permits shall be filed with the Community Development Department. Application shall be made at least fifteen (15) days prior to the requested date for commencement of the temporary use.
- D. A temporary use authorized pursuant to this section shall be subject to all of the applicable standards of LMC 18A.10.540, Standards for Temporary Use, and shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

18A.10.540 Standards for Temporary Use.

- A. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
- B. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty (20) percent of the spaces required for the permanent use.
- C. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of LMC 18A.50.500, Parking, but must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.
- D. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the City Council.
- E. No temporary use shall occupy a site or operate within the city for more than ninety (90) days within any calendar year, except as follows:
 - 1. When authorized by the Community Development Director, a temporary use may operate an additional ninety (90) days if it is found that such an extension will be consistent with the requirements of LMC 18A.10.510, Purpose, LMC 18A.10.520, Permitted Uses, and LMC 18A.10.540, Standards for Temporary Use.
 - 2. A temporary use may given an additional extension if unique circumstances exist that necessitate a longer use such as construction office or security housing for an active construction site and such an extension will be consistent with the requirements of LMC 18A.10.510, Purpose, LMC 18A.10.520, Permitted Uses, and LMC 18A.10.540, Standards for Temporary Use, or can be consistent, subject to conditions of approval.
- F. All signs shall comply with the requirements of LMC 18A.50.600, Signs, except as otherwise specified in this section.
- G. All temporary uses shall obtain all required City permits, licenses or other approvals, prior to occupancy of the site.
- H. The Community Development Director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, setbacks, special yards, and spaces; control of points of vehicular ingress and egress, temporary arrangements for parking, loading and traffic circulation, requirements for screening or enclosure, site maintenance during use, and guarantees for site restoration and cleanup following temporary use.

18A.10.550 Criteria for Granting Approval.

A temporary use permit shall only be granted when the Community Development Director, after consultation and coordination with all other applicable City departments and other agencies, has determined that:

- A. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
- B. The temporary use will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- C. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.
- D. The temporary use will comply with the requirements of the zone within which it is proposed.
- E. The temporary use shall comply with all applicable standards of the Pierce County Health Department.
- F. In applying temporary use criteria and determination of appropriate conditions, consideration shall be given, but not limited to:
 - 1. The harmony and scale, bulk, coverage, and density.
 - 2. The availability of public facilities and utilities.
 - 3. The harmful effect, if any, upon a desirable neighborhood character.
 - 4. The generation of traffic and the capacity of surrounding streets and roads.
 - 5. The creation of noise, vibration, odors, or other similar nuisances. and
 - 6. Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.

18A.10.555 Decision.

The Community Development Director shall provide the applicant with a written decision, either approving, denying or approving the application with modifications and/or conditions of approval, within fifteen (15) days after the date of submission of a complete application.

18A.10.560 Appeals.

The decision of the Community Development Director is final unless an appeal is made in accordance with the requirements of LMC 18A.02.740.

18A.10.600 Development Agreement.

18A.10.610 Purpose.

A development agreement is a project-specific process and agreement that is intended to provide the developer and the City the opportunity to achieve an enhanced urban design of a development which could be not be achieved through the strict application of the development standards of the zoning district. The process is intended for larger, complex, and/or multi-phased projects. The development agreement is a voluntary, negotiated, project-specific agreement with final approval by the City Council as authorized by RCW 36.70B.170 through 210. The development agreement process allows the City and a person having ownership or control of real property within the city to enter into an agreement for the development of the property and sets forth specific development standards and other provisions that shall apply to, govern, and vest the development, use, environmental and other impact mitigation for the development for the duration specified in the agreement. Development agreements shall vest solely the project, standards, mitigation measures, and procedures set forth in the agreement and shall be subject to modifications in, or the adoption of, other development standards that are not inconsistent with those set forth in the agreement. The City reserves the power to unilaterally amend a development agreement to any extent required by a serious threat to public health and safety. This section is administrated in accordance with RCW 36.70B.170 through 210.

18A.10.620 Applicability.

A development agreement may permit the modification of dimensional and quantitative development standards to enhance the design of a development while fulfilling the intent of the development regulations of the zoning district. The City may, at its discretion, address the developments standards identified in RCW 36.70B or as identified by the City which are not expressly prohibited in this code. The scope of the development agreement may include, but is not limited to:

- A. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspections fees, or dedications.
- B. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW.
- C. Design standards such as maximum heights, setbacks, lot size, drainage and water quality requirements, landscaping, and other development features.
- D. Affordable housing.
- E. Parks and open space requirements.
- F. Phasing.

- G. Review procedures and standards for implementing decisions.
- H. A build-out phasing or vesting period for applicable standards.
- I. Any other appropriate development requirements or procedures.

18A.10.630 Approval.

The City may only approve a development agreement by ordinance or resolution after a public hearing. The City Council may conduct the hearing or delegate this responsibility to the Hearing Examiner if a development agreement is combined with other land-use actions and permits for specific projects.

18A.10.700 Planned Action.

18A.10.710 Purpose and Scope.

A planned action means one (1) or more types of project action that are designated planned actions by an ordinance or resolution adopted by the City and have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with either a comprehensive plan or sub-area plan adopted under Chapter 36.70A RCW or a fully contained community, a master planned resort, a master planned development or a phased project; which are not essential public facilities, as defined in RCW 36.70A.200; and are:

- A. Subsequent or implementing projects for the plans, projects or proposals.
- B. Located within an urban growth area, as defined in RCW 36.70A.030.
- C. Consistent with the City's comprehensive plan adopted under Chapter 36.70A RCW.

18A.10.720 Applicability.

The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the city and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

18A.10.730 Project Review.

Project review of a planned action shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, building plans, pedestrian and vehicular access and circulation, stormwater drainage plans, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

18A.20

USE TYPES AND LEVELS

18A.20.100 Purpose.

This chapter lists and describes various types of land uses that are regulated within this title in order to ensure orderly, uniform, and fair regulation that results in not only the appropriate siting of land uses, but also the appropriate physical relationship between different land uses, which may not always be complementary to one another, as zoning is applied.

18A.20.150 Applicability.

Each land use within Lakewood shall be characterized according to the descriptors listed herein which form the use categories, types, and levels listed herein. The use of a property is defined by the activity for which it or structures occupying it is or are intended, designed, arranged, occupied, or maintained. For the purpose of reasonable and appropriate regulation, uses which are not listed shall be evaluated for substantial similarity to the listed use categories, types, and levels, pursuant to LMC 18A.02.210.D and 18A.02.215.

18A.20.200 Organization.

Uses listed herein are grouped into the following major categories: Residential, Civic, Utilities, Commercial, Industrial, Agricultural, and Accessory. Each use category includes a number of use types which, in turn, may contain one or more levels that are organized from the least to most intensive, in terms of size and/or potential impact on surrounding land uses.

Example:

Category:	Commercial Use
Use Type:	Lodging
Level:	2

18A.20.300 Residential Use Category.

The Residential use category includes permanent living accommodations for individuals or families of varying economic means, including those having special needs. The Residential use category has been separated into the following types based upon distinguishing features such as the type of structure; number, age and special needs of individuals who reside in the structure; and any applicable state and/or local licensing requirements.

A. **Single-Family Detached Dwelling.** A residential dwelling unit that is not attached to another residential dwelling unit by any means and provides living accommodations for a single individual or family. Dwelling units shall be separately located, with a maximum of one (1) dwelling unit per individual lot.

Level 1: Conventionally built or modular homes permanently constructed on-site to meet applicable uniform codes, or existing structures that are relocated to a given site in

compliance with applicable uniform codes, and placed on a permanent foundation.

Level 2: Manufactured homes, subject to the provisions of LMC 18A.50.180, Manufactured Homes on Individual Lots.

Level 3: Manufactured home parks, subject to the provisions of LMC 18A.70.400, Manufactured Home Parks.

- B. **Single-Family Attached Dwelling.** A single-family residential structure that is structurally attached to another single-family residential structure and provides living accommodations for an individual or family. Attached dwelling units may be separate structures located on individual lots or on a commonly owned parcel. Modular construction may be utilized.

Level 1: Duplexes.

Level 2: Townhouses and rowhouses.

- C. **Multifamily Dwelling.** Multiple residential units within a single residential structure, or multiple residential structures, which provide separate living accommodations for multiple individuals or families. Multifamily dwelling units are typically under common ownership and management but may be separately owned condominium units on a commonly owned parcel or cooperatively owned. Modular construction may be utilized.

Level 1: Three (3) or more multiple, horizontally and/or vertically attached dwelling units, excluding townhouses and rowhouses.

Level 2: Multiple, horizontally and/or vertically attached dwelling units combined vertically with and above an allowed commercial use. Commercial uses shall comprise a minimum of fifty (50) percent of the square footage of the ground floor and shall align with the building's street frontage.

- D. **Co-Housing.** A variety of housing options in which a community facility is included for the purpose of such things as communal meals, laundry, recreation or socialization, day care, and/or other functions supportive of voluntary communal living by an organized group. Examples include fraternity/sorority houses; intentional communities; and religious orders, whether or not in conjunction with a Religious Assembly use type.
- E. **Type 1 Group Home.** Publicly or privately operated living accommodations for related or unrelated individuals having handicaps, subject to compliance with all applicable federal, state, and/or local licensing requirements. For the purposes hereof, "handicap" shall mean a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; however, the term does not include current, illegal use of or an addiction to a controlled substance.
- F. **Type 2 Group Home.** Publicly or privately operated living accommodations for related or unrelated individuals such as group homes for children, group homes providing an alternate residential setting for families in crisis, and other groups not listed within Type 1, 3 or 4

Group Home Residential use types; all subject to compliance with all applicable federal, state, and/or local licensing requirements.

Level 1: A group home with a maximum of seven (7) residents, plus resident staff.

Level 2: A group home with a maximum of ten (10) residents, plus resident staff

Level 3: A group home with more than ten (10) residents, plus resident staff

- G. Type 3 Group Home. Publicly or privately operated living accommodations for juveniles under the jurisdiction of the criminal justice system, including state-licensed group care homes or halfway houses for juveniles which provide residence in lieu of incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated work release and pre-release programs; provided, that the Community Development Director, in his sole discretion, may classify a group home proposing to serve juveniles convicted of the offenses listed under the Type 4 Group Home Residential use type as a Type 4 Group Home for the purposes of regulation, and any such home shall be sited in accordance with Type 4 Group Home regulations. All are subject to compliance with all applicable federal, state, and/or local licensing requirements.

Level 1: A group home with a maximum of eight (8) residents, plus resident staff.

Level 2: A group home with a maximum of twelve (12) residents, plus resident staff

Level 3: A group home with more than twelve (12) residents, plus resident staff

- H. Type 4 Group Home. Publicly or privately operated living accommodations for adults under the jurisdiction of the criminal justice system or other state agency who have entered a pre- or post-charging diversion program, have been involuntarily committed or are participants in some other form of involuntary residential placement, or have been selected to participate in state-operated work/training release or other similar programs as provided in Chapters 137-56 and -57 WAC. Such groups also involve individuals who have been convicted of a violent crime against a person or a crime against property with a sexual motivation and charged or convicted as a sexual or assaultive violent predator. All are subject to compliance with all applicable federal, state, and/or local licensing requirements.

- I. Assisted Living Facilities. A multifamily dwelling facility where at least one individual is at least age fifty-five (55) or has special needs, which provides its residents with round-the-clock living assistance services that may include complete daily meals, personal care, custodial services, supervision of self-administered medication, recreational activities, security, and transportation assistance, subject to compliance with all applicable federal, state, and/or local licensing requirements. The dwelling units may be private or semi-private and may be fully self-contained. This use type does not include hospitals, nursing homes, medical clinics or offices, medical treatment, or multifamily dwellings which do not provide assistance with activities of daily life.

- J. Nursing Home. Multi-unit or multi-bed facilities that are licensed or approved to provide living accommodations and round-the-clock health care and medical supervision and which are regulated under Chapter 18.51 RCW, subject to compliance with all appropriate federal, state, and/or local licensing requirements.

K. Hospice Care Center. A homelike, noninstitutional facility where services such as symptom and pain management are provided to terminally ill individuals and emotional, spiritual, and bereavement support is offered for the individual and family, and which are regulated under Chapter 70.127 RCW, subject to compliance with all appropriate federal, state, and/or local licensing requirements.

18A.20.400 Civic Use Category.

The Civic use category includes facilities or services that serve a demonstrated public function and are generally considered to be of community importance, such as educational, cultural, medical, protective, and governmental facilities and uses.

A. Community and Cultural Services. Establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Examples include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, and community clubs and organizations.

Level 1: Establishments which serve primarily the immediate neighborhood in which they are located and do not exceed five thousand (5,000) gross square feet.

Level 2: Establishments of between five thousand (5,000) and twenty thousand (20,000) gross square feet which generally serve more than one (1) neighborhood.

Level 3: Establishments which serve a city-wide or regional area and/or are larger than twenty thousand (20,000) gross square feet.

B. Daycare Facilities. The use of a building, or any portion thereof, for the regular care of individuals needing supervision and care on a less-than-around-the-clock basis. The term shall also include facilities commonly known as day care facilities, day care centers, and preschools, but not pet day cares, which shall instead be treated as a Pet Sales and Services Commercial use type. All are subject to compliance with all appropriate federal, state, and/or local licensing requirements and the specific standards set forth in LMC 18A.70.100, Daycare Facilities.

Level 1: Home-based day care for six (6) or fewer children or adults.

Level 2: Home-based day care for up to twelve (12) children or adults.

Level 3: Daycare centers for more than twelve (12) children or adults.

C. Education. Educational services provided by public, private, or parochial institutions. Examples include grade schools, community colleges, public and private colleges or universities.

Level 1: Primary and secondary educational facilities such as kindergarten, elementary, middle schools, junior high schools, and high schools.

Level 2: Higher educational facilities such as community colleges, colleges or universities.

D. Essential Public Facilities. Under the state Growth Management Act, essential public facilities include those facilities that are typically difficult to site such as airports, state

education facilities and state or regional transportation facilities as defined in RCW 47.06.140; state and local correctional facilities; solid waste handling facilities; and in-patient facilities including substance abuse facilities, mental health facilities, and group homes. For the purposes of and within this title, essential public facilities are treated as listed or substantially similar to listed use types, thereby affirming their siting in appropriate areas; except as applied to public lands, where they are liberally construed to include a broad array of public services. Essential public facilities do not include wireless telecommunications facilities.

- E. Government Administration Facilities. The executive, legislative, judicial, administrative and regulatory activities of local, state, federal, and international governments or special districts that may perform public services and work directly with citizens. Examples include courthouses, armories, human and social service offices, health offices, and government offices.

Level 1: Uses that serve primarily the immediate neighborhood in which they are located and do not exceed 5,000 gross square feet.

Level 2: Uses of between five thousand (5,000) and twenty thousand (20,000) gross square feet which generally serve more than one (1) neighborhood.

Level 3. Uses that serve primarily a city-wide or regional area and/or exceed twenty thousand (20,000) gross square feet.

- F. Health Services. Any health-related facilities and services that are not listed elsewhere such as hospitals, day surgery facilities, medical facilities providing round-the-clock walk-in services, and blood banks.

- G. Military Installations. A governmentally owned or controlled property and facilities which support a range of uses to facilitate military operations in a "compound" setting, as distinguished from stand-alone facilities such as recruiting stations. The autonomy associated with governmental ownership or control of the property, in combination with the unique character of the military operations and support structures, are not typical of civilian uses.

Level 1: State installation owned or controlled by the Washington State Military Department.

Level 2: Federal installation owned or controlled by the U.S. Department of Defense.

- H. Outdoor Recreation. Recreational areas and recreation facilities which primarily are owned or operated by public or non-profit entities for the use and enjoyment of the general public. Examples include neighborhood parks, community parks, regional parks, waterfront parks, open space, arboretums, small or special landscaped areas, community and "pea patch" gardens, fairgrounds, zoos, and swimming pools. In some cases, such areas and facilities may be incidental to private development, such as open space set-asides necessary for environmental mitigation and children's play areas ("tot lots") within a subdivision; are intended to be principally used by a finite group; and may constitute private property.

- Level 1: Natural open space and passive recreation. Protected open space areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.
- Level 2: Neighborhood-scale active recreation and limited accessory structures. Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size; open sports fields two (2) acres or less in size, with no spectator seating; improved trail systems; paved multi-use areas and bridle trails within defined park areas; ranger stations; public restrooms; playground equipment; sports equipment, including swimming pools, for neighborhood use; and picnic tables and shelters.
- Level 3: Parks and playgrounds from two (2) to twenty (20) acres in size; multi-use linear trails; open sports fields with unenclosed seating for up to four hundred (400) spectators; swimming pools for community or regional use; public and private outdoor recreational facilities such as golf courses and associated driving ranges, equestrian clubs, and marinas; and arboretums and community gardens more than two (2) acres in size.
- Level 4: Parks and playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities.

I. **Postal Services.** Mailing services provided by the United States Postal Service or contractors, including branch post offices, contract stations, terminals, and distribution centers.

- Level 1: Postal facilities serving neighborhoods, such as contract stations or branch offices.
- Level 2: Central or main postal facilities which process mail and provide full customer services.
- Level 3: Terminal postal processing facilities which provide no or limited customer services.

J. **Public Maintenance Facilities.** Facilities for storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity. May include usable and/or scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

- Level 1: Indoor maintenance and storage facility not exceeding three thousand (3,000) gross square feet. Outdoor storage of equipment, materials, or vehicles and vehicle maintenance is prohibited.
- Level 2: Indoor maintenance and storage facility not exceeding five thousand (5,000) gross square feet with outdoor storage not exceeding two thousand (2,000) gross square feet.
- Level 3: City-wide or regional maintenance and storage facility exceeding five thousand (5,000) gross square feet and/or exceeding two thousand (2,000) gross square feet of outdoor storage.

K. **Public Safety Services.** Public safety and emergency services such as police and fire stations; animal control facilities, such as an animal shelter or Humane Society facilities; and correctional facilities. This use type may include accessory dispatch facilities but does not

include stand-alone dispatch facilities ("corn centers") that, by their nature, provide service to multiple jurisdictions or entire regions, which shall instead be treated as a Level 3 Communication Facilities Utilities use type.

Level 1: Police and fire/emergency medical aid stations, including private ambulance services.

Level 2: Animal control services.

Level 3: City correctional facilities.

Level 4: County, state, federal, or private correctional facilities.

- L. **Religious Assembly.** Religious services involving public assembly such as those that customarily occur in synagogues, temples, and churches. For the purpose of compliance with the federal Religious Land Use and Institutionalized Persons Act of 2000, except where lands are restricted to public facilities, Religious Assembly use types shall be treated equally with Community and Cultural Services Civic use types. These use types do not include homeless shelters, food banks, or other social services, which shall instead be treated as a Social Services Civic use type; daycares or preschools, which shall instead be treated as a Daycare Facilities Civic use type; schools, which shall instead be treated as an Education Civic use type; or facilities for residence of religious orders, which shall instead be treated as a Co-Housing Residential use type.

Level 1: Establishments which serve primarily the immediate neighborhood in which they are located and do not exceed five thousand (5,000) gross square feet.

Level 2: Establishments of between five thousand (5,000) and twenty thousand (20,000) gross square feet which generally serve more than one (1) neighborhood.

Level 3: Establishments which serve a city-wide or regional area and/or have more than twenty thousand (20,000) gross square feet.

- M. **Social Services.** Establishments primarily engaged in the provision of services that are strongly associated with meeting basic needs. Examples include clothing banks, food banks, temporary shelters, and counseling services.

Level 1: Establishments which are accessory to a primary Community and Cultural Services, Religious Assembly, or Education Civic use type where the use serves primarily the immediate neighborhood in which it is located and does not exceed one thousand (1,000) gross square feet or twenty (20) percent of the structure, whichever is less, and do not contain more than five (5) beds or serve more than fifteen (15) people per day or meal.

Level 2: Establishments which are accessory to a primary Community and Cultural Services, Religious Assembly, or Education Civic use type where the use serves primarily the immediate neighborhood in which it is located and does not exceed one thousand, five hundred (1,500) gross square feet or twenty (20) percent of the structures, whichever is less, and does not contain more than ten (10) beds or serve more than twenty-five (25) people per day or meal.

Level 3: Establishments which are a primary or accessory use and serve a city-wide or regional area with an intensity greater than Level 2.

N. Transportation. The provision of public or semi-public transportation services. Examples include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry docks, and other types of public and quasi-public transportation facilities.

Level 1: Transportation uses serving neighborhoods, such as bus shelters.

Level 2: Transportation uses serving communities and regions, such as passenger rail and bus stations; parking facilities, including park-and-rides; and weigh stations.

Level 3: Commercial parking lots, structures, and satellite lots providing short-term parking for operational vehicles.

Level 4: Taxi, shuttle, and bus "barns" and yards, and motor pool facilities. May include usable and/or scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

Level 5: Airports, heliports, landing fields or waterways, and ferry docks.

18A.20.500 Utilities Use Category.

The Utilities use category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of water, natural gas, electricity, telecommunication services, for the collection of stormwater, and for the collection and disposal of sewage and refuse.

A. Communication Facilities. Facilities used in the transmission of information by wire, radio, optical cable, electromagnetic or other similar means. Examples include central office switching units, remote switching units, telecommunications radio relay stations and cellular communication facility support structures.

Level 1: Local cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae, wireless telecommunications facilities, structures, or private antenna and satellite dishes.

Level 2: Regional cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae or wireless telecommunications facilities.

Level 3: Stand-alone emergency services dispatch facilities ("com centers") that provide service to multiple jurisdictions or entire regions.

Level 4: Commercial or non-profit radio and/or television broadcasting stations.

Level 5: Wireless telecommunications facilities, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600.

B. Electrical Facilities.

Level 1: Above ground and below ground electrical distribution lines, poles, and associated facilities and appurtenances with voltages of 55,000 volts and under.

Level 2: Above ground electrical transmission facilities of an operating voltage greater than 55,000 volts, with associated facilities and appurtenances, including substations.

- C. Electrical Generation Facilities. Facilities that generate or cogenerate electric energy by, or as a resource for, utilities engaged in the transmission and distribution of electricity to the public. Examples include hydropower facilities, thermal generation facilities such as cogeneration and combustion turbines, and other facilities employed to generate electric energy by or as a resource for utilities.
- D. Natural Gas Facilities. Facilities engaged in the distribution and storage of natural gas. Examples include natural gas gate stations, natural gas storage facilities and interim propane storage systems.

Level 1: Local distribution lines.

Level 2: Natural and other compressed gas storage tanks for transportation.

- E. Organic Waste Processing Facilities. Any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under RCW 70.95.

Level 1: Soil treatment facilities. Solid waste facilities which utilize bioremediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vector waste for reuse or final disposal.

Level 2: Composting facility designed to handle more than forty (40) cubic yards. Solid waste facilities specializing in the composting of one (1) or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.

Level 3: Municipal solid waste composting facility. Solid waste facilities specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

- F. Pipelines. Facilities engaged in the transmission of water, petroleum, oil, natural gas, or other substance, where lines do not serve as local distribution lines but may serve as a single regional facility.
- G. Sewage Collection Facilities. Facilities used to collect sewage, such as wastewater transfer facilities, odor control structures, pump stations and lift stations.
- H. Sewage Treatment Facilities. Facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, such as administrative offices, storage, laboratories,

public walkways, recreational and educational uses, and parking lots. Sewage treatment facilities do not include any facility used exclusively by an individual residence, septic tanks with subsoil absorption, industrial pretreatment facilities, privately owned treatment plants for industrial wastewater, or wastewater collection systems.

- I. Stormwater Facilities. A conveyance, system of conveyances, or stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters); ditches; man-made channels; storm drains; retention/detention facilities; and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater.

Level 1: Stormwater collection and local conveyance systems.

Level 2: Regional detention/retention ponds and facilities, and constructed wetlands.

Level 3: Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities, known as stormwater multiple use facilities.

- J. Waste Disposal Facilities. Permanent disposal sites for solid waste. Examples include wood waste, inert/demolition, municipal solid waste, special waste and biosolids landfills, and waste-to-energy facilities. Excludes tire piles.

Level 1: Inert landfill.

Level 2: Inert landfills as accessory uses to mineral extraction sites.

Level 3: Wood waste, demolition, and special waste landfills.

Level 4: Municipal solid waste landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and biosolids landfills), and waste-to-energy facilities.

- K. Waste Transfer Facilities. Solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Examples include recycling collection sites, drop-box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, moderate-risk waste facilities, and scrap tire piles which are not otherwise listed as accessory to numerous specific use types.

Level 1: Recycling collection sites serving a single neighborhood or limited area, not requiring a state solid waste permit.

Level 2: Drop-box transfer stations.

Level 3: Scrap tire piles not exceeding a total of eight hundred (800) tires, with no pile larger than forty (40) horizontal feet or more than ten (10) feet in height, and each pile having a thirty (30) foot fire lane on all sides, subject to Fire Marshal approval.

Level 4: Transfer stations; waste separation recovery facilities; moderate-risk waste facilities; and scrap tire piles between a total of eight hundred (800) and four thousand, five hundred (4,500) tires, with no pile larger than forty (40) horizontal feet or more than ten (10) feet in height, and each pile having a thirty (30) foot fire lane on all sides, subject to Fire Marshal approval.

L. Water Supply Facilities. Water purification facilities, water storage facilities, wellheads and pump stations.

Level 1: Local distribution systems, wellheads, pump stations, water purification facilities not exceeding two thousand (2,000) square feet of building area. Water storage facilities.

Level 2: Water purification facilities exceeding two thousand (2,000) square feet of building area.

Level 3: Chemical storage, handling, and usage in a water supply facility.

18A.20.600 Commercial Use Category.

The Commercial use category includes establishments, facilities, and individuals providing services and the sale, distribution or rental of goods that benefit the daily needs of the general public, which are not otherwise classified in another use category.

A. Amusement and Recreation. Establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members, which may or may not include Eating and Drinking Establishment Commercial use types in conjunction, but where eating and drinking is clearly secondary to a primary Amusement and Recreation Commercial use type, and which do not otherwise constitute Sexually Oriented Business Commercial use types. Examples include video arcades; teen clubs; dance halls; athletic clubs; indoor swimming pools; billiard parlors; bowling alleys; ice or roller skating rinks; indoor and drive-in movie theaters; outdoor recreational equipment rental, including marine-related; mini-golf and indoor or outdoor driving ranges that are not located in conjunction with a golf course; enclosed sports arenas or stadiums; amusement parks; and gambling establishments or activities such as cardrooms, enhanced cardrooms ("mini-casinos"), bingo parlors, off-track betting, or similar gambling activities, subject to appropriate state licensure; specifically excluding Lottery and pull tabs. Such uses may include facilities or activities clearly incidental and secondary to the primary use which provide functions typical of a "pro shop" in conjunction with the primary use.

Level 1: Indoor facilities not exceeding five thousand (5,000) gross square feet and/or outdoor facilities of less than thirty-five thousand (35,000) square feet, without alcohol sales.

Level 2: Indoor facilities of between five thousand (5,000) and thirty thousand (30,000) gross square feet and/or outdoor facilities of between thirty-five thousand (35,000) and eighty-seven thousand, one hundred twenty (87,120) gross square feet (two acres), without alcohol sales.

Level 3: Indoor facilities of up to thirty thousand (30,000) gross square feet with up to five thousand (5,000) gross square feet of enclosed outdoor facilities, with or without alcohol sales.

Level 4: Indoor facilities exceeding thirty thousand (30,000) gross square feet and/or outdoor facilities exceeding five thousand (5,000) gross square feet, with or without alcohol sales.

- B. Building/Garden Supply and Nurseries. Establishments primarily engaged in wholesale and retail selling of lumber, building materials, paint, glass, wallpaper, hardware, nursery stock, lawn and garden, plumbing, and electrical supplies.

- Level 1: Establishments primarily engaged in retail sales. Utilization of outdoor areas for retail display and storage may occur as an accessory use. The combination of total floor area and outdoor storage and display area is less than ten thousand (10,000) gross square feet.

- Level 2: Establishments primarily engaged in retail sales. Utilization of outdoor areas for retail display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area ranges between ten thousand (10,000) and eighty thousand (80,000) gross square feet.

- Level 3: Establishments primarily engaged in retail sales where the combination of total floor area and outdoor storage and display area exceeds eighty thousand (80,000) square feet.

- Level 4: Establishments primarily engaged in wholesale activities, except for and as distinguished from Level 2 Agriculture uses.

- C. Bulk Fuel Dealers. Establishments that sell fuels which, by their nature, are flammable, explosive, or toxic, to businesses and households for transportation, heating, and business purposes. Examples include propane gas sales, heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

- D. Business Services. Businesses primarily engaged in providing services to other businesses on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

- E. Buy-Back Recycling Center. Any small-scale business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading or packaging recyclables for subsequent shipment and marketing, as distinguished from Recycling Processor Industrial use types. May include scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

- F. Convenience Commercial. Stores which may be either primarily engaged in serving the auto-driving public or, at lesser levels, principally oriented to neighborhood pedestrian traffic, which may include any combination of gasoline sales, uses typical of Food Stores as listed herein, and same-structure collocation of limited prepared food and drink sales such as fast food or espresso; as distinguished from Food Stores Commercial use type, which does not allow gasoline sales.

- Level 1: Structure of up to ten thousand (10,000) gross square feet, without a drive-up window or gas sales.

- Level 2: Structure of up to thirty thousand (30,000) gross square feet, with or without a drive-up window, with up to two (2) gas islands.

Level 3: Structure of up to thirty thousand (30,000) gross square feet, with or without a drive-up window, with up to four (4) gas islands.

Level 4: Structure of up to thirty thousand (30,000) gross square feet, with or without a drive-up window, with up to eight (8) gas islands.

G. Eating and Drinking Establishment. Establishments that sell prepared food and/or beverages, including liquor, subject to appropriate state and local licensure, including health permits. Such uses may or may not include Amusement and Recreation Commercial use types in conjunction but shall be considered to constitute Eating and Drinking Establishments for the purpose of zoning only where amusement and recreation is clearly secondary to a primary Eating and Drinking Establishment Commercial use type. Does not include sexually oriented businesses serving food and/or beverages, which are instead treated as Sexually Oriented Business Commercial use types.

Level 1: Motorized or non-motorized, mobile outdoor carts and vehicles which go from place to place selling pre-prepared food and/or beverages, or food and/or beverages made to order, with no seating, subject to specific standards. Examples include lunch wagons, espresso carts, hot dog carts, popcorn vendors, and ice cream trucks.

Level 2: Carts or vehicles which were, at one time, mobile but have been converted to permanent structures by virtue of placement on a foundation and/or removal of wheels, and stand-alone, drive-up, conventionally built structures selling pre-prepared food and/or beverages or food and/or beverages made to order; which may have limited indoor or outdoor seating. Examples include double-decker bus or utility trailer conversions, "Fotomat" conversions, and espresso drive-ups located on pads in parking fields of broader groupings of commercial uses or on individual small lots.

Level 3: Establishments selling food and/or beverages made to order which is intended to be consumed on the premises or which may, at the customer's option, be taken away, with no drive-up option. Examples include coffee shops such as Starbucks, franchise sandwich shops such as Subway and Blimpie, and comparable independent operations.

Level 4: Establishments selling food and/or beverages made to order which is intended to be consumed on the premises or which may, at the customer's option, be taken away, which include a drive-up option. Examples include fast food chains such as McDonald's and Burger King, and comparable independent operations.

Level 5: Establishments selling food and/or beverages made to order which is intended to be consumed solely on the premises, which may, from time to time, feature entertainment such as video sports events, comedy shows, or dancing to recorded or live music. Example include family style chain restaurants such as Denny's and Shari's, comparable independent operations, sports bars, and fine dining establishments.

Level 6: Establishments primarily involved in alcohol sales, where pre-prepared or made-to-order food may also be available, which offer low-intensity entertainment such as video games, pool tables, darts, television, and/or jukebox music. Examples include taverns and brewpubs. Distinguished from establishments primarily

involved in alcohol sales, where pre-prepared or made-to-order food may also be available, which routinely offer entertainment such as dancing to live or recorded music, which shall instead be treated as Amusement and Recreation Commercial use types. Examples include dance or karaoke bars and "nightclubs."

- H. Food Stores. Stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, which may include a variety of non-food products as well. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, grocery stores, and specialty food and beverage stores; provided, that neither gasoline sales nor drive-through facilities are located on the same lot and as distinguished from Convenience Commercial use types.

Level 1: Floor area up to thirty thousand (30,000) gross square feet.

Level 2: Floor area between thirty thousand (30,000) and eighty thousand (80,000) gross square feet.

Level 3: Floor area over eighty thousand (80,000) gross square feet.

- I. Funeral Services. Funeral facilities such as preparation and display facilities, funeral chapels, crematories, and affiliated offices.

Level 1: Mortuaries, including affiliated funeral chapels and offices.

Level 2: Crematories, subject to state air quality standards.

Level 3: Cemeteries, including affiliated mausoleums, funeral chapels, and offices.

- J. Lodging. Establishments that provide transitory lodging services, subject to appropriate state and local licensure.

Level 1: Bed and breakfast.

Level 2: Camping and recreational vehicle parks where a tract of land under single ownership or unified control is developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent camping for vacation or other similar short stay purposes, subject to design standards set forth in LMC 18A.70.500. This use does not include the rental of recreational vehicles or manufactured home parks.

Level 3: Hotels and motels containing a single building or a group of detached or semi-detached buildings containing guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers.

- K. Manufactured and Modular Homes Sales. Establishments that provide for the marketing, sale, and distribution of new manufactured and modular homes.

- L. Motor Vehicle Sales and Rental. Establishments or places of business engaged in the sales or leasing of motor vehicles, utility trailers, recreational and/or sporting vehicles, commercial vehicles, construction equipment, and heavy equipment. Service of vehicles may be permitted as an incidental, and clearly secondary, accessory use.

- Level 1: New and used motor, recreational, and sporting vehicle sales and rental of up to two (2) acres in size.
- Level 2: New and used motor, recreational, and sporting vehicle sales and rental of more than two (2) and up to five (5) acres in size.
- Level 3: New and used motor, recreational, and sporting vehicle sales and rental of larger than five (5) acres.
- Level 4: Commercial truck-trailer and heavy equipment sales and rental.

M. Motor Vehicle Service and Repair. Facilities or places where the repair and service of motor vehicles, recreational vehicles, sporting vehicles, commercial vehicles, and construction equipment occurs. Includes the sale of or refilling of personal or recreational propane tanks. Where outdoor storage is allowed, may include usable and/or scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

Level 1: Minor service and repair of motor vehicles, including glass repair and replacement, truck bedliners, installation of vehicle accessories, lube/oil, tires, mufflers, brakes, and carpet/upholstery and other related services, conducted entirely within a completely enclosed building of less than two thousand (2,000) gross square feet which utilizes no outdoor storage. Specifically excludes transmission and engine rebuild shops, vehicle painting, body work or the installation and/or testing of audio or alarm systems; but may include short-term parking of customer vehicles while awaiting service.

Level 2: Car wash, subject to water recapture and treatment, and/or motor vehicle detailing services. May include short-term parking of customer vehicles while awaiting service.

Level 3: Minor service and repair of motor vehicles with up to two thousand (2,000) gross square feet of outdoor storage of vehicles under repair.

Level 4: Major service and repair of motor vehicles including transmission and engine rebuild shops; towing services; vehicle customization and fabrication; motor vehicle rebuilds; motor vehicle and vehicle trailer manufacturing/assembly; installation and/or testing of audio or alarm systems; body work and vehicle painting, subject to state air quality standards, including outdoor storage of vehicle body parts and vehicles under repair; and minor service and repair uses with more than two thousand (2,000) gross square feet of outdoor storage.

Level 5: Commercial vehicle fueling and/or service stations, such as truck stops, with or without convenience shopping; wash and repair services for commercial vehicles, their trailers, and recreational vehicles; and construction and heavy equipment service, **repair and body work.**

N. Personal Services. Businesses primarily engaged in providing services to meet individuals' periodic personal needs. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, beauty shops, barber shops, clothing alterations, tanning salons which do not otherwise constitute Sexually Oriented Business Commercial use types, travel agencies, payday loan establishments, photographic studios, carpet and upholstery cleaners, and personal improvement services.

Level 1: Establishments of up to two thousand, five hundred (2,500) gross square feet which do not involve outdoor storage of vehicles.

Level 2: Establishments exceeding two thousand, five hundred (2,500) gross square feet or which involve outdoor storage of vehicles.

- O. Pet Sales and Services. Businesses primarily engaged in retail sales and services associated with small animals and household pets. Examples include pet stores, pet grooming shops, pet day cares, and veterinary hospitals for small animals and pets.

Level 1: Completely indoor retail and service establishments, with or without accessory kennels, of less than two thousand, five hundred (2,500) gross square feet.

Level 2: Completely indoor retail and service establishments, with or without accessory kennels, exceeding two thousand, five hundred (2,500) gross square feet.

Level 3: Retail and service establishments with outdoor sales, kennels, and/or yard area.

Level 4: Commercial kennels and catteries, subject to LMC 5.52.

- P. Private Training School. Educational services provided for profit by private organizations or individuals with the primary purpose of preparing students for jobs in a trade or a profession. Examples include commercial/vocational schools, drivers' training, beauty and barber schools, business or computer training schools, and conservatories of art, music, or drama. Facilities larger than ten thousand (10,000) gross square feet shall be regulated as a Level 2 Education Civic use type.

Level 1: Establishments of up to five thousand (5,000) gross square feet and/or which utilize up to one thousand (1,000) square feet of outdoor area for instructional purposes or for parking of vehicles or storage of materials utilized in the instructional program.

Level 2: Establishments of between five thousand (5,000) and ten thousand (10,000) gross square feet and/or which utilize more than one thousand (1,000) square feet of outdoor area for instructional purposes or for parking of vehicles or storage of materials utilized in the instructional program.

- Q. Professional Offices. Offices, private firms, or organizations which provide professional or administrative services to individuals or businesses. Examples include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, administrative offices for non-profit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services.

Level 1: Office building of up to ten thousand (10,000) gross square feet.

Level 2: Office building of between ten thousand (10,000) and thirty thousand (30,000) gross square feet.

Level 3: Office building exceeding thirty thousand (30,000) gross square feet.

- R. Rental and Repair Services. Establishments primarily engaged in the provision of rental and repair services or closely related uses. Examples include home improvement, garden, and party equipment rental; upholstery shops; appliance repair shops; small engine and power tool rental and repair such as lawn mowers and chainsaws; vacuum cleaner repair; medical equipment rental and repair services; rental furnishings; and instrument repair services. Does not include vehicle repair or auto body, which are instead treated as Motor Vehicle Service and Repair Commercial use types.

Level 1: Rental and repair services not exceeding five thousand (5,000) gross square feet with no outdoor storage.

Level 2: Rental and repair services not exceeding five thousand (5,000) gross square feet with up to one thousand (1,000) gross square feet of outdoor storage/display of equipment.

Level 3: Rental and repair services exceeding five thousand (5,000) gross square feet of floor area with no outdoor storage/display of equipment.

Level 4: Rental and repair services exceeding five thousand (5,000) gross square feet with over one thousand (1,000) square feet of outdoor storage/display of equipment.

- S. Sales of General Merchandise. Establishments that sell new general merchandise including apparel and accessories; auto parts; bookstores which do not otherwise constitute Sexually Oriented Business Commercial use types; legal pharmaceuticals; optical goods; furniture and home furnishings; and computers and electronics. Does not include establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper, hardware, nursery stock, and lawn and garden supplies, which are instead treated as Building/Garden Supply and Nurseries Commercial use types. May include usable and/or scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

Level 1: Establishments of up to five thousand (5,000) gross square feet primarily engaged in retail sales activities.

Level 2: Establishments of between five thousand (5,000) and thirty thousand (30,000) gross square feet primarily engaged in retail sales activities.

Level 3: Establishments of up to thirty thousand (30,000) gross square feet primarily engaged in retail/wholesale sales activities.

Level 4: Establishments exceeding thirty thousand (30,000) gross square feet primarily engaged in retail/wholesale sales activities.

- T. Sales of Secondhand Property. Individuals or establishments that sell secondhand property. Examples include pawnbrokers; secondhand, antique, junk and/or salvage dealers; and transient traders in secondhand property, including garage sales and flea markets. This use type does not include used or pre-owned automobiles or other vehicles, which are instead treated as Motor Vehicle Sales and Rental Commercial use types, nor wrecking or parts yards, which are instead treated as Salvage/Wrecking Yards and Vehicle Storage Facilities Industrial use types.

Level 1: Antique stores; used bookstores which do not otherwise constitute Sexually Oriented Business Commercial use types; and used clothing, furniture and appliances, jewelry and valuable coins, and valuable collectibles sales.

Level 2: Surplus, military, and miscellaneous sales and flea markets. Flea markets include swap meets but does not include antique malls where stalls are leased, which are instead treated as a Level 1 use listed above. This use type does not include junk and/or salvage dealers, which are instead treated as Salvage/Wrecking Yards and Vehicle Storage Facilities Industrial use types.

Level 3: Pawnshops, subject to the provisions of LMC 5.12. Businesses which are engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property; or which publicly display, at or near their place of business, any sign or symbol generally used by pawnbrokers or indicating that the business loans money on personal property on deposit or pledge.

U. Sexually Oriented Business. A business that includes as a primary use any one or more of the following: an adult entertainment facility; adult-oriented merchandise; adult retail use; panoram; or similar facility, merchandise, or entertainment as defined in LMC 18A.70.700, subject to specific standards, including siting criteria, set forth therein.

V. Storage. Businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Does not include vehicle impound lots or wrecking yards, which are instead regulated as Salvage/Wrecking Yards and Vehicle Storage Facilities Industrial use types.

Level 1: Indoor mini-warehouse/storage facility.

Level 2: Indoor/outdoor mini-warehouse/storage facility, excluding the storage of motor, recreational, and sporting vehicles, which are instead regulated as a Level 2 Salvage/Vehicle Storage Facilities Industrial use type.

Level 3: Outdoor storage, including the storage of shipping containers, which is not accessory to a primary permitted use on the site, excluding the storage of motor, recreational, and sporting vehicles, which are instead regulated as a Level 2 Salvage/Vehicle Storage Facilities Industrial use type.

18A.20.700 Industrial Use Category.

The Industrial use category includes the on-site production, manufacturing, assembly, processing, storage, movement, servicing or repair of goods and materials. Industrial uses regulated under this category typically exhibit one (1) or more of the following characteristics: requires relatively large acreage, creates substantial odor or noise, creates heavy traffic passenger vehicle and/or truck volumes, employs relatively large numbers of people, and/or creates visual impacts incompatible with residential development.

A. Primary Manufacturing. Uses that involve the primary processing of a raw or initially-processed material into a product that requires additional processing, manufacturing, or assembly in order to become a consumer good. This use type does not include animal

rendering or rendering of animal products, nor manufacturing of illegal substances. Examples include:

- Production of basic chemicals.
- Manufacturing of castings and other basic metal products, including sheet metal, and the manufacture of nails, spikes, and insulated wire and cable.
- Tanning, curing, or storage of raw hides or skins.
- Manufacturing of cement, ready-mix concrete, cut stone, and crushed rock and other primary products from materials taken principally from the earth in the form of stone, clay and sand.
- Manufacturing of asphalt and asphalt reclamation processes.
- Soil remediation facilities.
- Saw, lathe, shingle, planing, plywood and veneer mills engaged in producing lumber and basic wood materials.
- Manufacturing of pulps from woods and other cellulose fibers and from rags.
- Petroleum and natural gas refining and processing.
- Smelting and refining of ferrous and non-ferrous metals from ore or scrap, rolling, drawing and alloying metals.
- Manufacturing of paving and roofing materials, compounding lubricating oils and greases, rubber reclaiming, manufacturing of synthetic rubber.

Level 1: Indoor manufacturing and assembly of up to thirty thousand (30,000) gross square feet.

Level 2: Indoor manufacturing and assembly exceeding thirty thousand (30,000) gross square feet and/or outdoor storage of materials.

B. Secondary Manufacturing and Major Assembly. Uses that involve the processing of previously prepared natural and/or synthetic materials. This use type does not include animal rendering or rendering of animal products, nor manufacturing of illegal substances. Examples include:

- Manufacturing of products by predominantly chemical processes and which are to be used for ultimate consumer or industrial consumption.
- Manufacturing of computer hardware components and related equipment, and other machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy.
- Manufacturing and assembly of industrial and commercial machinery and equipment.
- Manufacturing and assembly of paper and paperboard and its conversion into other paper-based products.
- Manufacturing and assembly of ferrous and non-ferrous metal products and a variety of metal and wire products manufacturing, including sheet metal.
- Manufacturing and assembly of woven and knit fabrics, and carpets and rugs from yarn.
- Manufacturing and assembly of equipment for transportation of people or cargo by land, air, rail or water.

Level 1: Indoor manufacturing and assembly of up to fifteen thousand (15,000) gross square feet.

Level 2: Indoor manufacturing and assembly exceeding fifteen thousand (15,000) gross square feet.

C. Limited Manufacturing/Assembly. Uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. Such uses also may involve intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples include:

- Manufacturing and assembly of clothing and fabricated products.
- Assembly of electronic computers, computer hardware components and related equipment, and other machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy.
- Assembly of industrial and commercial machinery and equipment.
- Assembly of finished products made entirely or mainly from wood for use in construction.
- Assembly of ferrous and non-ferrous metal products and a variety of metal and wire products.
- Manufacturing and assembly of products manufactured or assembled from plastic resins and from natural, synthetic or reclaimed rubber.
- Manufacturing and assembly of instruments for measuring, testing, analyzing and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products.
- Photographic processing labs.
- Manufacturing and assembly of glass and glass products, clay products, pottery, concrete and gypsum products, abrasive and asbestos products, and other secondary products from materials taken principally from the earth in the form of stone, clay and sand.
- Manufacturing and assembly of dyeing, finishing, coating, waterproofing and other treating of fiber, yarn and fabrics.
- Manufacturing and assembly of felt, lace goods, non-woven fabrics, and miscellaneous textiles.
- Other manufacturing and/or assembly processes in which processed or semi-processed materials are made or assembled into consumer products.

Level 1: Indoor manufacturing and assembly as an accessory use of up to one thousand (1,000) gross square feet.

Level 2: Indoor manufacturing and assembly of up to fifteen thousand (15,000) gross square feet.

Level 3: Indoor manufacturing and assembly exceeding fifteen thousand (15,000) gross square feet.

D. Contractor Yards. Construction or contracting business offices with area for associated interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

Level 1: Maintenance and storage facilities of up to five thousand (5,000) gross square feet and outdoor storage and yard area of up to twenty thousand (20,000) gross square feet, without storage and maintenance of heavy equipment.

Level 2: Maintenance and storage facilities exceeding five thousand (5,000) gross square feet and outdoor storage and yard area exceeding twenty thousand (20,000) gross square feet, or where storage and maintenance of heavy equipment occurs.

E. Flex Space. 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.

Level 1: Commercial office/warehouse/retail/residential uses combined within a single structure or structures, where residential is limited to live/work space and where a maximum of thirty-five (35) percent may be office use and a maximum of twenty-five (25) percent may be retail use.

Level 2: Commercial office/warehouse combined within a single structure or structures, where a maximum of thirty-five (35) percent may be office use.

Level 3: Commercial office/secondary manufacturing and major assembly and limited manufacturing/assembly at the level allowed in the zoning district, combined within a single structure or structures, where a maximum of twenty-five (25) percent may be office use and where a maximum of fifty (50) percent may be warehouse use.

F. Food and Related Products. Uses which involve the processing of non-animal food materials, raw milk, ice manufacturing, and other food products manufacturing, processing, storage and packaging. This use type does not include animal rendering or rendering of animal products. Examples include bakeries that distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants, breweries, and distilleries; feed, cereal, and flour mills; vegetable oil manufacturing, refining or storage; yeast, starch, glucose and dextrin manufacturing; pickles, sauerkraut, and vinegar manufacturing; and sugar refining, all subject to appropriate state and local licensure.

Level 1: Indoor production operations and associated warehousing of up to ten thousand (10,000) gross square feet.

Level 2: Indoor production operations and associated warehousing exceeding ten thousand (10,000) gross square feet.

G. Industrial Services. Uses providing large scale or bulk services to commercial and industrial businesses but not directly to the consumer. Examples include clothes cleaning plants, bulk laundries, diaper services, power laundries, linen supply, dry cleaning plants, industrial

launders, other laundry and garment services; and industrial services related strictly to industrial uses.

- H. Mineral Extraction. The extraction of any natural substance, other than water, from the ground.
- I. Motion Picture Production Studios. Warehouse-style facilities used in the production of motion pictures.
- J. Off-Site Hazardous Waste Treatment and Storage Facilities. Facilities that treat and store hazardous substances and waste, extremely hazardous waste, or dangerous waste generated off-site and are authorized pursuant to RCW 70.105, including hazardous substance processing or handling and moderate risk waste fixed facilities. All contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, or treating hazardous substances and waste, extremely hazardous waste, or dangerous waste are included.
- K. Outdoor Distribution and Freight Movement. Large-scale distribution of raw, manufactured, or processed products for one (1) or more businesses at a central, predominantly outside location. This use type does not include the distribution or movement of illegal substances. Examples include raw log storage and shipping container yards.
- L. Printing and Publishing. Uses engaged in printing by one (1) or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and platemaking; and publishing newspapers, books and periodicals.
 - Level 1: Printing/pressing operation of up to five thousand (5,000) gross square feet.
 - Level 2: Printing/pressing operation exceeding five thousand (5,000) gross square feet.
- M. Recycling Processor. Any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing, as distinguished from Buy-Back Recycling Center Commercial use types. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off-site, which is referred to as a "clean" materials resource recovery facility. May include scrap tire piles of up to a total of two hundred (200) tires as an accessory use.
- N. Research, Development, and Laboratories. Businesses primarily devoted to experimental research and development.
 - Level 1: Research, development, and laboratories with limited manufacturing/assembly at the level allowed in the zoning district.
 - Level 2: Research, development, and laboratories with secondary manufacturing and major assembly at the level allowed in the zoning district.
 - Level 3: Research, development, and laboratories and basic manufacturing.

- 0. Salvage/Wrecking Yards and Vehicle Storage Facilities. Uses that involve the dismantling and salvage of wrecked vehicles, vehicle parts, appliances, building materials, and other such items intended for reuse or resale, and the storage of vehicles, subject to LMC 5.28. May include usable and/or scrap tire piles of up to a total of five hundred (500) tires as an accessory use.

Level 1: Vehicle storage facilities dealing with the storage and/or impound of vehicles which are not accessory to repair, sale or other permitted vehicle uses on the same site and not associated with wrecking or salvage, including motor, commercial, sporting, and recreational vehicles; impound yards; vehicle transporters including hulk haulers, auto, boat, and commercial vehicle transporters; vehicle auctions including motor, recreational, sporting and commercial vehicles and heavy equipment.

Level 2: Salvage yards dealing with the dismantling and/or salvage of appliances, building materials, and other goods, other than vehicles and heavy equipment.

Level 3: Wrecking yards dealing with dismantling facilities for motor vehicles and salvage facilities for such items as wrecked motor vehicles and vehicle parts. Includes dismantling, wrecking, and salvage of motor, commercial, recreational, and sporting vehicles and heavy equipment.

- P. Warehousing, Distribution and Freight Movement. Warehousing and distribution of manufactured or processed products for one (1) or more businesses and the large scale distribution of raw, manufactured or processed products for one (1) or more businesses at a central location. This use type does not include warehousing, distribution, or movement of illegal substances. Examples include grocery chain distribution centers and parcel delivery distribution centers, storage of fabricated concrete blocks, finished lumber storage yards, new automobile storage areas.

Level 1: Indoor facilities of up to ten thousand (10,000) gross square feet.

Level 2: Indoor facilities of up to twenty thousand (20,000) gross square feet and/or outside storage of up to five thousand (5,000) gross square feet.

Level 3: Indoor facilities exceeding twenty thousand (20,000) gross square feet and/or outside storage exceeding five thousand (5,000) gross square feet.

18A.20.800 Agricultural Use Category.

The Agricultural use category includes uses which typically might be found and are generally restricted to rural environments, but which can pose viable, inobtrusive land uses in portions of the urban environment that, by their nature, otherwise possess limited development potential.

- A. Agriculture. The use of land for growing, producing, or harboring plants and animals.

Level 1: Crop and tree farms. Example include row crops, hay, alfalfa, orchards, Christmas trees, aquaculture, vineyards and wholesale nurseries without greenhouses.

Level 2: Wholesale nurseries with over seventy-five (75) percent of stock grown on-site, which may include associated greenhouses and other buildings.

Level 3: Raising or boarding of poultry or livestock, including fowl, swine, cattle, horses, sheep, goats, and exotic animals, but excluding domestic pets, which are otherwise regulated.

18A.20.900 Accessory Use Category.

The Accessory use category includes those uses which are customarily and routinely found in conjunction with, and which are clearly incidental and secondary to, other listed uses, except as may be specifically limited by use levels otherwise listed herein.

- A. Residential Accessory. Uses accessory to a primary permitted residential use or in conjunction with a residential use requiring a discretionary permit, subject to LMC 18A.50.140, Residential Accessory Buildings, and all applicable construction permits.
1. Accessory dwelling unit, subject to the provisions of LMC 18A.70.310.
 2. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
 3. Storage.
 - a. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
 - b. Detached carports or garages are allowed in conjunction with an approved access and driveway.
 - c. In addition to attached carports or garages, detached carports, garages, and other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed up to a combined maximum size of one thousand (1,000) gross square feet.
 4. Outdoor storage of two (2) recreational/sporting/utility vehicles, subject to LMC 18A.50.145, Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.
 5. Home occupations and limited home occupations, subject to the provisions of LMC 18A.70.200.
 6. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC 18A.50.155, Vehicle Service and Repair Accessory to Residential Uses.
 7. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis, as distinguished from Outdoor Recreation uses.
 8. Civic use types, limited to "pea patch" or community gardens, "tot lots," private parks and open space set-asides. May include private, on-site composting **facility with less than ten (10) cubic yards' capacity.**
 9. On-site underground fuel storage tanks to serve a residential use.

10. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600, Wireless Telecommunications Facilities.
 11. Decks and patios.
 12. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
 13. On-site soil reclamation in accordance with state regulations.
 14. Retaining walls, freestanding walls, and fences.
 15. Yard sales.
 16. Eating and Drinking Establishment Level 1, limited to ice cream trucks but excluding their storage.
 17. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.
- B. Civic Accessory. Uses accessory to a primary permitted civic use or in conjunction with a civic use requiring a discretionary permit, subject to all applicable construction permits.
1. Professional Offices Level 1
 2. Daycare Facilities Level 3
 3. Eating and Drinking Establishment Level 1/2
 4. Storage buildings and outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards, for maintenance equipment and goods utilized in the primary use.
 5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600, Wireless Telecommunications Facilities.
 6. Facilities used in on-site grounds maintenance.
 7. On-site soil reclamation treatment in accordance with state regulations.
 8. Retaining walls, freestanding walls, and fences.
 9. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.
 10. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
 11. Community and Cultural Services Level 1/2, in conjunction with an Outdoor Recreation use type.
 12. Amusement and Recreation Level 1, in conjunction with an Outdoor Recreation use type.
 13. Lodging Level 2, in conjunction with an Outdoor Recreation use type.
- C. Commercial Accessory. Uses accessory to a primary permitted commercial use or in conjunction with a commercial use requiring a discretionary permit, subject to all applicable construction permits.
1. Professional Offices Level 1
 2. Daycare Facilities Level 3
 3. Eating and Drinking Establishment Level 1/2
 4. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.

5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600, Wireless Telecommunications Facilities.
 6. Facilities used in on-site grounds maintenance.
 7. On-site soil reclamation treatment in accordance with state regulations.
 8. Retaining walls, freestanding walls, and fences.
 9. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.
- D. Industrial Accessory. Uses accessory to a primary permitted industrial use or in conjunction with an industrial use requiring a discretionary permit, subject to all applicable construction permits.
1. Professional Offices Level 1
 2. Daycare Facilities Level 3
 3. Eating and Drinking Establishment Level 1/2
 4. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
 5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600, Wireless Telecommunications Facilities.
 6. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.
 7. Facilities used in on-site grounds maintenance.
 8. On-site soil reclamation treatment in accordance with state regulations.
 9. Retaining walls, freestanding walls, and fences.
 10. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.
- E. Agricultural Accessory. Uses accessory to a primary permitted agricultural use or in conjunction with an agricultural use requiring a discretionary permit, subject to all applicable construction permits.
1. Retail sales of products grown on site.
 2. Wholesale nursery activities on the site.
 3. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
 4. Incidental hazardous materials storage or use, limited to agricultural chemicals, subject to applicable federal and state regulations.
 5. Retaining walls, freestanding walls, and fences.
 6. Barns and outbuildings, except in the CZ zoning district.

18A.30.100 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

18A.30.110 Purpose.

The Residential 1 (R1) and Residential 2 (R2) zoning districts provide for a continuation of large residential lots in specific areas where a pattern of large lots and extensive tree coverage exists. These zoning districts seek to preserve the identity of these residential areas, preserve significant tree stands and riparian environments along lake shores and within stream corridors, and reduce traffic volumes in the east-west arterial corridors.

The Residential 3 (R3) and Residential 4 (R4) zoning districts are the city's primary residential zones, which provide for single-family dwellings in established residential neighborhoods.

18A.30.120 Applicability.

The R1 and R2 zoning districts are applicable to lands designated Residential Estate in the comprehensive plan.

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

18A.30.130 Primary Permitted Uses.

The following uses are permitted within the Residential zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. R1, R2, R3, and R4 Zoning Districts

1. Single-Family Detached Dwelling (Level 1)
2. Type 1 Group Home
3. Type 2 Group Home (Level 1)
4. Daycare Facilities (Level 1)
5. Outdoor Recreation (Level 1/2)
6. Public Maintenance Facilities (Level 1)
7. Transportation Facilities (Level 1)

8. Communication Facilities (Level 1)
9. Electrical Facilities (Level 1)
10. Natural Gas Facilities (Level 1)
11. Sewage Collection Facilities
12. Stormwater Facilities (Level 1)
13. Water Supply Facilities (Level 1)

14. Residential Accessory Uses

15. Continuation of private and commercial equestrian facilities already legally existing

within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

B. R3 and R4 Zoning Districts

1. Single-Family Detached Dwelling (Level 2)

C. R4 Zoning District

1. Single-Family Attached Dwelling (Level 1)

18A.30.140 Administrative Uses.

The following uses are permitted within the Residential zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. R1, R2, R3, and R4 Zoning Districts

1. Type 2 Group Home (Level 2)
2. Community and Cultural Services (Level 1)
3. Daycare Facilities (Level 2)
4. Religious Assembly (Level 1)
5. Social Services (Level 1)
6. Communication Facilities (Level 2)
7. Lodging (Level 1)

B. R1 and R2 Zoning Districts

1. Expansion of private and commercial equestrian facilities already legally existing within the zone at the time of adoption of this title.

C. R4 Zoning District

1. Single-Family Attached Dwelling (Level 2)

18A.30.150 Conditional Uses.

The following uses are permitted within the Residential zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. R1, R2, R3, and R4 Zoning Districts

1. Community and Cultural Services (Level 2)
2. Daycare Facilities (Level 3)

3. Education (Level 1)
4. Outdoor Recreation (Level 3)
5. Public Maintenance Facilities (Level 2)
6. Public Safety Services (Level 1)
7. Religious Assembly (Level 2)

8. Electrical Facilities (Level 2)
9. Pipelines
10. Stormwater Facilities (Level 2/3)
11. Waste Transfer Facilities (Level 1)
12. Water Supply Facilities (Level 2/3)

B. R3 and R4 Zoning Districts

1. Single-Family Detached Dwelling (Level 3)
2. Type 3 Group Home (Level 1)
3. Hospice Care Center

4. Government Administration Facilities (Level 1)
5. Social Services (Level 2)

18A.30.160 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Residential zoning districts:

A. Density. The maximum density for the Residential zoning districts is the maximum number of dwelling units allowed per gross acre (dua) and shall be as follows:

1. R1 zoning district: 1.45 dua
2. R2 zoning district: 2.2 dua
3. R3 zoning district: 4.8 dua
4. R4 zoning district: 6.2 dua

B. Lot Size. The minimum lot sizes for the Residential zoning districts shall be as follows:

1. R1 zoning district: 25,000 gsf
2. R2 zoning district: 17,000 gsf
3. R3 zoning district: 7,500 gsf
4. R4 zoning district: 5,700 gsf

C. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Residential zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. For existing lots in the R1 and R2 zoning districts that are less than ten thousand (10,000) gsf in size, the maximum building coverage

and maximum impervious surface requirements of the R3 zoning district shall apply. The maximum lot coverage standards for the Residential zoning districts shall be as follows:

1. R1 and R2 zoning districts
 - a. Building coverage: 35%
 - b. Impervious surface: 45%
2. R3 zoning district
 - a. Building coverage: 45%
 - b. Impervious surface: 60%
3. R4 zoning district
 - a. Building coverage: 50%
 - b. Impervious surface: 70%

D. Setbacks. For existing lots in the R1 and R2 zoning districts that are less than ten thousand (10,000) gsf in size, the setback requirements of the R3 zoning district shall apply. The minimum setbacks for the Residential zoning districts shall be as follows, except where increased setbacks due to landscaping and building/fire code requirements apply:

1. R1 and R2 zoning districts
 - a. Front yard/street setback: 25 feet
 - b. Garage/carport setback: 30 feet
 - c. Principal arterial and state highway setback: 25 feet
 - d. Rear yard setback: 20 feet
 - e. Interior setback: 8 feet
2. R3 and R4 zoning districts
 - a. Front yard/street setback: 10 feet
 - b. Garage/carport setback: 20 feet
 - c. Principal arterial and state highway setback: 25 feet
 - d. Rear yard setback: 10 feet
 - e. Interior setback: 5 feet

E. Building Height. The maximum building height, not including any applicable height bonus, in the Residential zoning districts shall be thirty-five (35) feet.

F. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

G. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

- H. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.
- I. Parking Parking shall conform to the requirements of LMC 18A.50.500, Parking
- J. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.200 MIXED RESIDENTIAL ZONING DISTRICTS

18A.30.210 Purpose.

The purpose of the Mixed Residential 1 (MR1) and Mixed Residential 2 (MR2) zoning districts is to promote residential renewal to small-lot detached dwellings, duplexes, and townhouses. These districts provide for moderate residential density using a variety of urban housing types and designs. The mix of housing may take a variety of forms, either mixed within a single site or mixed within a general area, with varied dwelling types.

18A.30.220 Applicability.

The MR1 and MR2 zoning districts are applicable to land designated Mixed Residential in the comprehensive plan.

18A.30.230 Primary Permitted Uses.

The following uses are permitted within the Mixed Residential zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. MR1 Zoning District

1. Single-Family Detached Dwelling (Level 1/2)
2. Single-Family Attached Dwelling (Level 1/2)
3. Co-Housing
4. Type 1 Group Home
5. Type 2 Group Home (Level 1)

6. Community and Cultural Services (Level 1)
7. Daycare Facilities (Level 1)
8. Outdoor Recreation (Level 1/2)
9. Public Maintenance Facilities (Level 1)
10. Religious Assembly (Level 1)
11. Social Services (Level 1)
12. Transportation (Level 1)

13. Communication Facilities (Level 1)
14. Electrical Facilities (Level 1)
15. Natural Gas Facilities (Level 1)

- 16. Sewage Collection Facilities
- 17. Stormwater Facilities (Level 1)
- 18. Water Supply Facilities (Level 1)

19. Residential Accessory Uses

20. Continuation of private and commercial equestrian facilities already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

B. MR2 Zoning District

- 1. Single-Family Attached Housing (Level 2)
- 2. Co-Housing
- 3. Type 1 Group Home
- 4. Type 2 Group Home (Level 1)

- 5. Community and Cultural Services (Level 1)
- 6. Daycare Facilities (Level 1)
- 7. Outdoor Recreation (Level 1/2)
- 8. Public Maintenance Facilities (Level 1)
- 9. Religious Assembly (Level 1)
- 10. Social Services (Level 1)
- 11. Transportation (Level 1)

- 12. Communication Facilities (Level 1)
- 13. Electrical Facilities (Level 1)
- 14. Natural Gas Facilities (Level 1)
- 15. Sewage Collection Facilities
- 16. Stormwater Facilities (Level 1)
- 17. Water Supply Facilities (Level 1)

18. Residential Accessory Uses

19. Continuation of private and commercial equestrian facilities already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

18A.30.240 Administrative Uses.

The following uses are permitted within the Mixed Residential zoning districts, subject to approval of an administrative use permit and all applicable development permits:

MR1 and MR2 Zoning Districts

1. Type 2 Group Home (Level 2)
2. Hospice Care Center
3. Community and Cultural Services (Level 2)
4. Daycare Facilities (Level 2)
5. Government Administration Facilities (Level 1)
6. Religious Assembly (Level 2)
7. Social Services (Level 2)
8. Communication Facilities (Level 2)

18A.30.250 Conditional Uses.

The following uses are permitted within the Mixed Residential zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. MR1 and MR2 Zoning Districts

1. Type 2 Group Home (Level 3)
2. Type 3 Group Home (Level 1)
3. Daycare Facilities (Level 3)
4. Education (Level 1)
5. Outdoor Recreation (Level 3)
6. Public Maintenance Facilities (Level 2)
7. Public Safety Services (Level 1)
8. Electrical Facilities (Level 2)
9. Pipelines
10. Stormwater Facilities (Level 2/3)
11. Waste Transfer Facilities (Level 1)
12. Water Supply Facilities (Level 2/3)

B. MR1 Zoning District

1. Single-Family Detached Dwelling (Level 3)

C. MR2 Zoning District

1. Assisted Living Facilities
2. Nursing Home

18A.30.260 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Mixed Residential zoning districts:

A. Density. The maximum density for the Mixed Residential zoning districts is the maximum number of dwelling units allowed per gross acre (dua) and shall be as follows:

- 1. MR1 zoning district: 8.7 dua
- 2. MR2 zoning district: 14 dua

B. Lot size. The minimum lot size for the Mixed Residential zoning districts shall be five thousand (5,000) square feet, plus the following additional square footage for each additional dwelling unit over one (1) unit:

- 1. MR1 zoning district: 5,000 gsf
- 2. MR2 zoning district: 2,950 gsf

C. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Mixed Residential zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. For existing lots in the MR1 and MR2 zoning districts that are less than ten thousand (10,000) gsf in size, the maximum building coverage and impervious surface requirements of the R3 zoning district shall apply. The maximum lot coverage standards for the Mixed Residential zoning districts shall be as follows:

- 1. MR1 zoning district
 - a. Building coverage 55%
 - b. Impervious surface 70%
- 2. MR2 zoning district
 - a. Building coverage 60%
 - b. Impervious surface 75%

D. Setbacks. The required setbacks for the Mixed Residential zoning districts shall be as follows, except where increased setbacks due to landscaping and building/fire code requirements apply:

- 1. MR1 and MR2 zoning districts
 - a. Front yard/street setback: 5 feet
 - b. Garage/carport setback: 20 feet
 - c. Principal arterial and state highway setback: 25 feet
 - d. Rear yard setback: 5 feet

- e. Interior setback for attached units 0 feet
- f. Interior setback for detached units: 5 feet

E. Building Height. The maximum building height, not including any applicable height bonus, for the Mixed Residential zoning districts shall be as follows:

- 1. MR1 zoning district: 35 feet
- 2. MR2 zoning district: 50 feet

Provided, that when structured parking is provided for attached units, an additional height bonus of ten (10) feet shall apply.

F. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

G. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

H. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

I. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.

J. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.300 MULTIFAMILY ZONING DISTRICTS

18A.30.310 Purpose.

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

The Multifamily 2 (MF2) zoning district provides for high-density housing types and designs, especially of a multiple-story design, that combine urban design elements to enhance the living environment. Urban design elements stress pedestrian orientation and connections, security, transportation, and integration of housing.

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

18A.30.320 Applicability.

The MF1 zoning district is applicable to lands designated Multi-Family in the comprehensive plan.

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

18A.30.330 Primary Permitted Uses.

The following uses are permitted within the Multifamily zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. MF 1 Zoning District

1. Single-Family Attached Dwelling (Level 2)

B. MF1, MF2, and MF3 Zoning Districts

1. Multifamily Dwelling (Level 1)
2. Co-Housing
3. Type 1 Group Home
4. Type 2 Group Home (Level 1)
5. Assisted Living Facilities
6. Nursing Home
7. Hospice Care Center

8. Community and Cultural Services (Level 1)
9. Daycare Facilities (Level 1/2)
10. Government Administration Facilities (Level 1)
11. Outdoor Recreation (Level 1/2)
12. Public Maintenance Facilities (Level 1)
13. Religious Assembly (Level 1)
14. Social Services (Level 1)
15. Transportation (Level 1)

16. Communication Facilities (Level 1)
17. Electrical Facilities (Level 1)
18. Natural Gas Facilities (Level 1)
19. Sewage Collection Facilities
20. Stormwater Facilities (Level 1)
21. Water Supply Facilities (Level 1)

22. Residential Accessory Uses

23. Continuation of private and commercial equestrian facilities already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

18A.30.340 Administrative Uses.

The following uses are permitted within the Multifamily zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. MF1, MF2, and MF3 Zoning Districts

1. Type 2 Group Home (Level 3)
2. Community and Cultural Services (Level 2)
3. Daycare Facilities (Level 3)
4. Outdoor Recreation (Level 3)
5. Public Maintenance Facilities (Level 2)
6. Religious Assembly (Level 2)
7. Social Services (Level 2)

8. Communication Facilities (Level 2)
11. Stormwater Facilities (Level 2)
12. Waste Transfer Facilities (Level 1)

B. Solely within that portion of the MF3 zoning districts located within the Lakewood Station district as designated in the comprehensive plan, and solely in conjunction with Multifamily Dwelling Level 2 uses, the following uses shall be permitted subject to approval of an administrative use permit and all applicable development permits:

1. Building/Garden Supply and Nurseries (Level 1)
2. Convenience Commercial (Level 1)
3. Eating and Drinking Establishment (Level 3/6)
4. Personal Services (Level 1)
5. Professional Offices (Level 1)
6. Sales of General Merchandise (Level 1)
7. Sales of Secondhand Property (Level 1)

18A.30.350 Conditional Uses.

The following uses are permitted within the Multifamily zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. MF1, MF2, and MF3 Zoning Districts

1. Type 3 Group Home (Level 1/2/3)
2. Education (Level 1/2)
3. Public Safety Services (Level 1)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 3)
7. Water Supply Facilities (Level 2/3)

18A.30.360 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Multifamily zoning districts:

A. Density. The maximum density for the Multifamily zoning districts shall be as follows:

1. MF1 zoning district: 22 du/a
2. MF2 zoning district: 35 du/a
3. MF3 zoning district: 54 du/a

B. Lot Size. There is no minimum established lot size for the Multifamily zoning districts. Proposed uses and their associated densities within these zoning districts, and the applicable community design standards shall be used to establish the minimum lot size for a project.

C. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Multifamily zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. The maximum building coverage for the Multifamily zoning districts shall be sixty (60) percent. The maximum impervious surface coverage for the Multifamily zoning districts shall be seventy (70) percent.

D. Setbacks. The minimum yard setbacks for the Multifamily zoning districts shall be as follows, except where increased setbacks due to landscaping and building/fire code requirements apply:

1. MF1, MF2, and MF3 Zoning Districts

- a. Front yard/street setback: 15 feet
- b. Garage/carport setback: 20 feet
- c. Principal arterial and state highway setback: 25 feet
- d. Rear yard setback: 15 feet
- e. Interior setback: 8 feet

E. Building Height. The maximum building height, not including any applicable height bonus, for the Multifamily zoning districts shall be as follows:

1. MF1 zoning district: 45 feet
2. MF2 zoning district: 65 feet
3. MF3 zoning district: 80 feet

Provided, that when structured parking is utilized for attached units, an additional height bonus of ten (10) feet shall apply.

F. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

G. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

H. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

I. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking

J. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.400 NEIGHBORHOOD BUSINESS ZONING DISTRICTS

18A.30.410 Purpose.

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

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

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

18A.30.420 Applicability.

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

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

18A.30.430 Primary Permitted Uses.

The following uses are permitted within the Neighborhood Business zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. ARC Zoning District

1. Single Family Detached Dwelling (Level 1/2)
2. Single Family Attached Dwelling (Level 1/2)
3. Multifamily (Level 2)
4. Type 1 Group Home
5. Type 2 Group Home (Level 1/2)

6. Community and Cultural Services (Level 1)
7. Daycare Facilities (Level 1/2/3)
8. Outdoor Recreation (Level 1/2)
9. Public Maintenance Facilities (Level 1)
10. Religious Assembly (Level 1)
11. Social Services (Level 1)
12. Transportation (Level 1)

13. Communication Facilities (Level 1)
14. Electrical Facilities (Level 1)
15. Natural Gas Facilities (Level 1)
16. Sewage Collection Facilities
17. Stormwater Facilities (Level 1)
18. Water Supply Facilities (Level 1)

19. Business Services
20. Personal Services (Level 1)
21. Professional Offices (Level 1)
22. Rental/Repair Services (Level 1)
23. Sales of General Merchandise (Level 1)
24. Sales of Secondhand Property (Level 1)

25. Residential Accessory Uses
26. Civic Accessory Uses
27. Commercial Accessory Uses

B. NC1 Zoning District

1. Multifamily Dwelling (Level 2)
2. Co-Housing

3. Assisted Living Facilities
4. Nursing Home

5. Government Administration Facilities (Level 1)
6. Community and Cultural Services (Level 1/2)
7. Daycare Facilities (Level 1/2/3)
8. Outdoor Recreation (Level 1/2)
9. Postal Services (Level 1)
10. Public Maintenance Facilities (Level 1)
11. Religious Assembly (Level 1/2)
12. Social Services (Level 1/2)
13. Transportation (Level 1)

14. Communication Facilities (Level 1)
15. Electrical Facilities (Level 1)
16. Natural Gas Facilities (Level 1)
17. Sewage Collection Facilities
18. Stormwater Facilities (Level 1)
19. Waste Transfer Facilities (Level 1)
20. Water Supply Facilities (Level 1)

21. Amusement and Recreation (Level 1)
22. Building/Garden Supply and Nurseries (Level 1)
23. Business Services
24. Convenience Commercial (Level 1)
25. Eating and Drinking Establishment (Level 1/2)
26. Food Stores (Level 1)
27. Personal Services (Level 1/2)
28. Pet Sales and Services (Level 1)
29. Private Training School (Level 1)
30. Professional Offices (Level 1)
31. Rental and Repair Services (Level 1)
32. Sales of General Merchandise (Level 1)
33. Sales of Secondhand Property (Level 1)

34. Residential Accessory Uses
35. Civic Accessory Uses
36. Commercial Accessory Uses

C. NC2 Zoning District

1. Multifamily Dwelling (Level 2)
2. Assisted Living Facilities
3. Nursing Home

4. Government Administration Facilities (Level 1/2)

5. Community and Cultural Services (Level 1/2)
6. Daycare Facilities (Level 1/2/3)
7. Health Services
8. Outdoor Recreation (Level 1/2)
9. Postal Services (Level 1)
10. Public Maintenance Facilities (Level 1)
11. Religious Assembly (Level 1/2)
12. Social Services (Level 1/2)
13. Transportation (Level 1)

14. Communication Facilities (Level 1)
15. Electrical Facilities (Level 1)
16. Natural Gas Facilities (Level 1)
17. Sewage Collection Facilities
18. Stormwater Facilities (Level 1)
19. Waste Transfer Facilities (Level 1)
20. Water Supply Facilities (Level 1)

21. Amusement and Recreation (Level 1)
22. Building/Garden Supply and Nurseries (Level 1/2)
23. Business Services
24. Convenience Commercial (Level 1/2)
25. Eating and Drinking Establishment (Level 1/2)
26. Food Stores (Level 1)
27. Funeral Services (Level 1)
28. Personal Services (Level 1/2)
29. Pet Sales and Services (Level 1)
30. Private Training School (Level 1/2)
31. Professional Offices (Level 1/2)
32. Rental and Repair Services (Level 1)
33. Sales of General Merchandise (Level 1/2)
34. Sales of Secondhand Property (Level 1)

35. Limited Manufacturing/Assembly (Level 1)
36. Printing and Publishing (Level 1)

37. Residential Accessory Uses
38. Civic Accessory Uses
39. Commercial Accessory Uses

18A.30.440 Administrative Uses.

The following uses are permitted within the Neighborhood Business zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. ARC Zoning District

1. Type 2 Group Home (Level 3)
2. Lodging (Level 3)
3. Limited Manufacturing/Assembly (Level 1)

B. NC 1 Zoning District

1. Type 2 Group Home (Level 3)
2. Public Maintenance Facilities (Level 2)
3. Professional Offices (Level 2)
4. Sales of General Merchandise (Level 2)
5. Printing and Publishing (Level 1)

C. NC2 Zoning District

1. Type 2 Group Home (Level 3)
2. Public Maintenance Facilities (Level 2)
3. Convenience Commercial (Level 3)
4. Eating and Drinking Establishment (Level 3)

18A.30.450 Conditional Uses.

The following uses are permitted within the Neighborhood Business zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. ARC Zoning District

1. Single-Family Detached Dwelling (Level 3)
2. Type 3 Group Home (Level 1/2)
3. Public Maintenance Facilities (Level 2)
4. Public Safety Services (Level 1)
5. Communication Facilities (Level 2)
6. Electrical Facilities (Level 2)
7. Pipelines
8. Stormwater Facilities (Level 2/3)
9. Water Supply Facilities (Level 2/3)

10. Printing and Publishing (Level 1)

B. NC1 Zoning District

1. Type 3 Group Home (Level 1/2)
2. Public Safety Services (Level 1)
3. Communication Facilities (Level 2)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 2/3)
7. Water Supply Facilities (Level 2/3)

8. Eating and Drinking Establishments (Level 3)

C. NC2 Zoning District

1. Type 3 Group Home (Level 1/2)
2. Public Safety Services (Level 1)
3. Communication Facilities (Level 2)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 2/3)
7. Water Supply Facilities (Level 2/3)

8. Food Stores (Level 2)
9. Motor Vehicles Sales and Rental (Level 1)
10. Motor Vehicles Service and Repair (Level 2)

18A.30.460 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Neighborhood Business zoning districts:

A. Density. The maximum density for the Neighborhood Business zoning districts is the maximum number of dwelling units allowed per gross acre (dua) and shall be as follows:

- | | |
|-------------------------|--------|
| 1. ARC zoning district: | 15 dua |
| 2. NC1 zoning district: | 22 dua |
| 3. NC2 zoning district: | 35 dua |

B. Lot Size. The minimum lot size for the ARC zoning district is five thousand (5,000) gross square feet (gsf), plus 2,750 gsf for each dwelling unit over one (1) unit, where applicable.

C. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Neighborhood Business zoning districts may be reduced at the time they are applied, because of stormwater requirements. The maximum lot coverage standards for the Neighborhood Business **zoning districts shall be as follows:**

ARC zoning district	
Building coverage:	50%
Impervious surface:	60%

NC1 zoning district	
Building coverage:	70%
Impervious surface:	80%

NC2 zoning district	
Building coverage:	80%
Impervious surface:	90%

D. Setbacks. The minimum yard setbacks for the Neighborhood Business zoning districts shall be as follows, except where increased setbacks due to landscaping and building/fire code requirements apply:

ARC zoning district	
Front yard/street setback:	0 feet
Garage/carport setback:	20 feet
Rear yard setback:	0 feet
Interior setback:	0 feet

NC1 and NC2 zoning districts	
Front yard/street setback:	0 feet
Garage/carport setback:	20 feet
Rear yard setback:	0 feet
Interior setback:	0 feet

E. Building Height. The maximum building height, not including any applicable height bonus, in the Neighborhood Business zoning districts shall be as follows:

ARC zoning district:	40 feet
NC1 zoning district:	50 feet
NC2 zoning district:	60 feet

F. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

- G. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.
- H. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.
- I. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.
- J. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.500 COMMERCIAL ZONING DISTRICTS

18A.30.510 Purpose.

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

The Central Business District (CBD) zoning district is the primary retail, office, social, urban residential, and government center of the city. The complementary and interactive mixture of uses and urban design provides for a regional intensity and viability with a local character. The regional focus and vitality of the district is evident in the urban density, intensity, and composition of the uses in the district. Local character is reflected in the district's design, people orientation, and connectivity between uses, structures, and public spaces, that foster a sense of community.

The Commercial 1 (C1) and Commercial 2 (C2) zoning districts promote employment, services, retail, and business uses serving and linking neighborhoods to Lakewood's major transportation networks. The geographic relationship of the corridors to major road networks and their limited integration with adjacent neighborhoods promote employment, services, retail, and business/light industrial uses linked to access the major transportation networks.

18A.30.520 Applicability.

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

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

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

18A.30.530 Primary Permitted Uses.

The following uses are permitted within the Commercial zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. TOC Zoning District

1. Multifamily Dwelling (Level 2)
2. Assisted Living Facilities
3. Nursing Home

4. Community and Cultural Services (Level 1/2/3)
5. Daycare Facilities (Level 1/2/3)
6. Health Services
7. Outdoor Recreation (Level 1/2)
8. Postal Services (Level 1/2)
9. Public Maintenance Facilities (Level 1/2)
10. Religious Assembly (Level 1/2/3)
11. Social Services (Level 1/2)
12. Transportation (Level 1/2/3)

13. Communication Facilities (Level 1/2)
14. Electrical Facilities (Level 1)
15. Natural Gas Facilities (Level 1)
16. Sewage Collection Facilities
17. Stormwater Facilities (Level 1)
18. Waste Transfer Facilities (Level 1)
19. Water Supply Facilities (Level 1/2)

20. Amusement and Recreation (Level 1/2/3/4)
21. Business Services
22. Convenience Commercial (Level 1)
23. Eating and Drinking Establishment (Level 1/2/3/5/6)
24. Food Stores (Level 1/2)
25. Lodging (Level 3)
26. Motor Vehicle Repair and Services (Level 1/2)
27. Personal Services (Level 1/2)
28. Professional Offices (Level 1/2/3)
29. Sales of General Merchandise (Level 1/2/3)

30. Civic Accessory Uses
31. Commercial Accessory Uses

B. CBD Zoning District

1. Multifamily Dwelling (Level 2)
2. Co-Housing
3. Assisted Living Facilities
4. Nursing Home

5. Community and Cultural Services (Level 1/2/3)
6. Daycare Facilities (Level 1/2/3)
7. Government Administration Facilities (Level 1/2/3)
8. Health Services
9. Outdoor Recreation (Level 1/2)
10. Postal Services (Level 1/2)
11. Public Maintenance Facilities (Level 1)
12. Religious Assembly (Level 1/2/3)
13. Social Services (Level 1/2)
14. Transportation (Level 1/2/3)

15. Communication Facilities (Level 1/2/3/4)
16. Electrical Facilities (Level 1)
17. Natural Gas Facilities (Level 1)
18. Sewage Collection Facilities
19. Stormwater Facilities (Level 1)
20. Waste Transfer Facilities (Level 1)
21. Water Supply Facilities (Level 1/2)

22. Amusement and Recreation (Level 1/2/3)
23. Building/Garden Supply and Nurseries (Level 1/2/3)
25. Business Services
26. Convenience Commercial (Level 1/2)
27. Eating and Drinking Establishment (Level 1/2/3/5/6)
28. Food Stores (Level 1/2)
29. Funeral Services (Level 1)
30. Lodging (Level 3)
31. Motor Vehicle Service and Repair (Level 1/2)
32. Personal Services (Level 1/2)
33. Pet Sales and Services (Level 1/2)
34. Private Training School (Level 1)
35. Professional Offices (Level 1/2/3)
36. Rental and Repair Services (Level 1/2/3)
37. Sales of General Merchandise (Level 1/2/3/4)
38. Sales of Secondhand Property (Level 1/2)

39. Limited Manufacturing/Assembly (Level 1)
40. Printing and Publishing (Level 1/2)

41. Civic Accessory Uses
42. Commercial Accessory Uses

C. CI Zoning District

1. Community and Cultural Services (Level 1/2/3)
2. Daycare Facilities (Level 3)
3. Government Administration Facilities (Level 1/2)
4. Health Services
5. Outdoor Recreation (Level 1/2)
6. Postal Services (Level 1)
7. Public Maintenance Facilities (Level 1/2)
8. Religious Assembly (Level 1/2/3)
9. Social Services (Level 1/2/3)
10. Transportation (Level 1/2)

11. Communication Facilities (Level 1/2/3/4)
12. Electrical Facilities (Level 1/2)
13. Natural Gas Facilities (Level 1)
14. Sewage Collection Facilities
15. Stormwater Facilities (Level 1)
16. Waste Transfer Facilities (Level 1)
17. Water Supply Facilities (Level 1/2)

18. Amusement and Recreation (Level 1/2/3/4)
19. Building/Garden Supply and Nurseries (Level 1/2/3)
20. Business Services
21. Convenience Commercial (Level 1/2/3)
22. Eating and Drinking Establishment (Level 1/2/3/4/5/6)
23. Food Stores (Level 1/2)
24. Funeral Services (Level 1)
25. Lodging (Level 3)
26. Manufactured and Modular Homes Sales
27. Motor Vehicle Service and Repair (Level 1/2/3)
28. Motor Vehicle Sales and Rental (Level 1)
29. Personal Services (Level 1/2)
30. Pet Sales and Services (Level 1/2)
31. Private Training School (Level 1/2)
32. Professional Offices (Level 1)
33. Rental and Repair Services (Level 1/2/3)
34. Sales of General Merchandise (Level 1/2)
35. Sales of Secondhand Property (Level 1/2/3)
36. Storage (Level 1)

37. Limited Manufacturing/Assembly (Level 1)
38. Contractor Yards (Level 1)

- 39. Flex Space (Level 1/2)
- 40. Motion Picture Production Studios
- 41. Printing and Publishing (Level 1/2)
- 42. Warehousing, Distribution and Freight Movement (Level 1/2)

- 43. Civic Accessory Uses
- 44. Commercial Accessory Uses
- 45. Industrial Accessory Uses

D. C2 Zoning District

- 1. Community and Cultural Services (Level 1/2/3)
- 2. Daycare Facilities (Level 3)
- 3. Government Administration Facilities (Level 1/2)
- 4. Health Services
- 5. Outdoor Recreation (Level 1/2)
- 6. Postal Services (Level 1/2)
- 7. Public Maintenance Facilities (Level 1/2)
- 8. Religious Assembly (Level 1/2/3)
- 9. Social Services (Level 1/2/3)
- 10. Transportation (Level 1/2)

- 11. Communication Facilities (Level 1/2/3/4)
- 12. Electrical Facilities (Level 1/2)
- 13. Natural Gas Facilities (Level 1)
- 14. Sewage Collection Facilities
- 15. Stormwater Facilities (Levels 1)
- 16. Waste Transfer Facilities (Level 1)
- 17. Water Supply Facilities (Level 1/2)

- 18. Amusement and Recreation (Level 1/2/3/4)
- 19. Building/Garden Supply and Nurseries (Level 1/2/3/4)
- 20. Business Services
- 21. Buy-Back Recycling Center
- 22. Convenience Commercial (Level 1/2/3)
- 23. Eating and Drinking Establishment (Level 1/2/3/4/5/6)
- 24. Food Stores (Level 1/2)
- 25. Funeral Services (Level 1)
- 26. Lodging (Level 3)
- 27. Manufactured and Modular Homes Sales
- 28. Motor Vehicle Sales and Rental (Level 1/2)
- 29. Motor Vehicle Service and Repair (Level 1/2/3/4/5)
- 30. Personal Services (Level 1/2)
- 31. Pet Sales and Services (Level 1/2)
- 32. Private Training School (Level 1)
- 33. Professional Offices (Level 1/2/3)

- 34. Rental and Repair Services (Level 1/2/3)
- 35. Sales of General Merchandise (Level 1/2/3/4)
- 36. Sales of Secondhand Property (Level 1/2/3)
- 37. Storage (Level 1/2)

- 38. Limited Manufacturing/Assembly (Level 1/2)
- 39. Contractor Yards (Level 1)
- 40. Flex Space (Level 1/2)
- 41. Motion Picture Production Studios
- 42. Printing and Publishing (Level 1/2)
- 43. Warehousing, Distribution and Freight Movement (Level 1/2)

- 44. Civic Accessory Uses
- 45. Commercial Accessory Uses
- 46. Industrial Accessory Uses

18A.30.540 Administrative Uses.

The following uses are permitted within the Commercial zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. TOC Zoning District

- 1. Type 2 Group Home (Level 3)

B. CBD Zoning District

- 1. Type 2 Group Home (Level 3)
- 2. Food Stores (Level 3)
- 3. Stormwater Facilities (Level 2/3)

C. CI Zoning District

- 1. Government Administration Facilities (Level 3)
- 2. Outdoor Recreation (Level 4)
- 3. Postal Services (Level 2)
- 4. Public Maintenance Facilities (Level 3)

- 5. Stormwater Facilities (Level 2/3)
- 6. Waste Transfer Facilities (Level 2)
- 7. Water Supply Facilities (Level 3)

- 8. Convenience Commercial (Level 4)
- 9. Lodging (Level 2)

10. Motor Vehicle Sales and Rental (Level 2)
11. Motor Vehicle Service and Repair (Level 4/5)
12. Pet Sales and Service (Level 3)
13. Professional Offices (Level 3)
14. Rental and Repair Services (Level 3/4)
15. Sales of General Merchandise (Level 3/4)

16. Research, Development, and Laboratories (Level 1)

D. C2 Zoning District

1. Government Administration Facilities (Level 3)
2. Public Maintenance Facilities (Level 3)
3. Outdoor Recreation (Level 4)

4. Stormwater Facilities (Level 2/3)
5. Waste Transfer Facilities (Level 2)
6. Water Supply Facilities (Level 3)

7. Convenience Commercial (Level 4)
8. Lodging (Level 2)
9. Motor Vehicle Sales and Rental (Level 3)
10. Pet Sales and Service (Level 3)
11. Rental and Repair Services (Level 4)

18A.30.550 Conditional Uses.

The following uses are permitted within the Commercial zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. TOC Zoning District

1. Type 3 Group Home (Level 1/2)

2. Education (Level 1/2)
3. Outdoor Recreation (Level 3)
4. Public Safety Services (Level 1)
5. Social Services (Level 3)
6. Transportation (Level 4)

7. Electrical Facilities (Level 2)
8. Pipelines
9. Stormwater Facilities (Level 2/3)
10. Water Supply Facilities (Level 2/3)

11. Flex Space (Level 1)
12. Research, Development, and Laboratories (Level 1)

B. CBD Zoning District

1. Type 3 Group Home (Level 1/2)
2. Education (Level 1/2)
3. Outdoor Recreation (Level 3)
4. Public Maintenance Facilities (Level 2)
5. Public Safety Services (Level 1/3)
6. Social Services (Level 3)
7. Transportation (Level 4)

8. Electrical Facilities (Level 2)
9. Pipelines
10. Water Supply Facilities (Level 3)
11. Amusement and Recreation (Level 4)
12. Building/Garden Supply and Nurseries (Level 4)
13. Eating and Drinking Establishment (Level 4)
14. Sales of Secondhand Property (Level 3)

15. Flex Space (Level 1)
16. Research, Development, and Laboratories (Level 1)

C. CI Zoning District

1. Type 4 Group Home
2. Public Safety Services (Level 1/2)
3. Transportation (Level 3)

4. Pipelines

5. Food Stores (Level 3)
6. Pet Sales and Service (Level 4)
7. Sexually Oriented Business
8. Storage (Level 2)

9. Contractor Yards (Level 2)
10. Warehousing, Distribution, and Freight Movement (Level 3)

D. C2 Zoning District

1. Type 4 Group Home
2. Public Safety Services (Level 1/2/3)
3. Transportation (Level 3/4)

4. Pipelines
5. Food Stores (Level 3)
6. Pet Sales and Service (Level 4)
7. Sexually Oriented Business
8. Contractor Yards (Level 2)
9. Industrial Services
10. Warehousing, Distribution and Freight Movement (Level 3)

18A.30.560 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Commercial zoning districts:

A. Density. The maximum residential density for the Commercial zoning districts is the maximum number of dwelling units allowed per gross acre (dua) and shall be as follows:

1. TOC/CBD zoning districts: 54 dua
2. C1/C2 zoning districts: 35 dua

B. Lot Size. There is no minimum established lot size for the Commercial zoning districts. Proposed uses and their associated densities within these zoning districts, and the applicable community design standards shall be used to establish the minimum lot size for a project.

C. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Commercial zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. The maximum building coverage and impervious surface for the Commercial zoning districts shall be as follows:

1. TOC/CBD/C1/C2 zoning districts:
 - Building coverage: 100%
 - Impervious surface: 100%

D. Setbacks. The minimum distance setbacks for the Commercial zoning districts shall be as follows, except where increased setbacks due to landscaping or building/fire code requirements apply:

1. Front yard/street setback: 0 feet
2. Garage/carport setback: 0 feet
3. Rear yard setback: 0 feet
4. Interior setback: 0 feet

E. Building Height. The maximum building height, not including any applicable height bonus, for the Commercial zoning districts shall be as follows:

- 1. TOC/CBD/C1/C2 zoning districts: 90 feet
- F. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.
- G. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.
- H Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.
- I. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.
- J. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.600 INDUSTRIAL ZONING DISTRICTS

18A.30.610 Purpose.

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

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

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

18A.30.620 Applicability.

The **IBP, I1,** and I2 zoning districts are applicable to lands designated Industrial in the comprehensive plan.

18A.30.630 Primary Permitted Uses.

The following uses are permitted within the Industrial zoning districts, subject to approval of a zoning certification and all applicable development permits:

- A. Industrial Business Park (**IBP**)
 - 1. Outdoor Recreation (Level 1/2)
 - 2. Postal Services (Level 1/3)

3. Public Maintenance Facilities (Level 1/2)
4. Transportation (Level 1/2/3)

5. Communication Facilities (Level 1/2/3/4)
6. Electrical Facilities (Level 1/2)
7. Natural Gas Facilities (Level 1)
8. Sewage Collection Facilities
9. Stormwater Facilities (Level 1/2)
10. Waste Transfer Facilities (Level 1)
11. Water Supply Facilities (Level 1/2/3)

12. Business Services
13. Convenience Commercial (Level 4)
14. Eating and Drinking Establishment (Level 1/2)
15. Motor Vehicle Sales and Rental (Level 2/3)
16. Motor Vehicle Service and Repair (Level 3)
17. Pet Sales and Services (Level 4)
18. Private Training School (Level 1/2)
19. Professional Offices (Level 1/2/3)
20. Rental and Repair Services (Level 1/2)
21. Sales of General Merchandise (Level 1), limited to that which is accessory and **related** to on-site manufacturing and production.

22. Secondary Manufacturing and Major Assembly (Level 1)
23. Limited Manufacturing/Assembly (Level 1/2/3)
24. Contractor Yards (Level 1)
25. Flex Space (Level 1/2/3)
26. Food and Related Products (Level 1)
27. Industrial Services
28. Motion Picture Production Studios
29. Printing and Publishing (Level 1/2)
30. Research, Development, and Laboratories (Level 1/2)
31. Warehousing, Distribution and Freight Movement (Level 1/2)

32. Commercial Accessory Uses
33. Industrial Accessory Uses

B. Industrial 1 (I1)

1. Outdoor Recreation (Level 1/2)
2. Postal Services (Level 3)
3. Public Maintenance Facilities (Level 1/2/3)
4. Public Safety Services (Level 1/2)
5. Transportation (Level 1)

6. Communication Facilities (Level 1/2/3)

7. Electrical Facilities (Level 1/2)
8. Natural Gas Facilities (Level 1/2)
9. Sewage Collection Facilities
10. Stormwater Facilities (Level 1/2)
11. Waste Transfer Facilities (Level 1/2/3)
12. Water Supply Facilities (Level 1/2/3)

13. Bulk Fuel Dealers
14. Buy-Back Recycling Center
15. Convenience Commercial (Level 4)
16. Eating and Drinking Establishment (Level 1/2)
17. Funeral Services (Level 2)
18. Manufactured and Modular Homes Sales
19. Motor Vehicle Sales and Rental (Level 4)
20. Motor Vehicle Service and Repair (Level 3/4/5)

21. Pet Sales and Services (Level 4)
22. Private Training School (Level 1/2)
23. Rental and Repair Services (Level 3/4)
24. Storage (Level 1/2/3)

25. Primary Manufacturing (Level 1)
26. Secondary Manufacturing and Major Assembly (Levels 1/2)
27. Limited Manufacturing/Assembly (Level 1/2/3)
28. Contractor Yards (Level 1/2)
29. Flex Space (Level 1/2/3)
30. Food and Related Products (Level 1/2)
31. Industrial Services
32. Motion Picture Production Studios
33. Outdoor Distribution and Freight Movement
34. Printing and Publishing (Level 1/2)
35. Research, Development, and Laboratories (Level 1/2)
36. Warehousing, Distribution and Freight Movement (Levels 1/2/3)

37. Commercial Accessory Uses
38. Industrial Accessory Uses

C. Industrial 2 (I2)

1. Outdoor Recreation (Level 1/2)
2. Postal Services (Level 3)
3. Public Maintenance Facilities (Level 1/2/3)
4. Public Safety Services (Level 1/2)
5. Transportation (Level 1)

6. Communication Facilities (Level 1/2/3)

7. Electrical Facilities (Level 1/2)
8. Natural Gas Facilities (Level 1/2)
9. Sewage Collection Facilities
10. Stormwater Facilities (Level 1/2)
11. Waste Transfer Facilities (Level 1/2/3)
12. Water Supply Facilities (Level 1/2/3)

13. Bulk Fuel Dealers
14. Buy-Back Recycling Center
15. Eating and Drinking Establishments (Level 1/2)
16. Funeral Services (Level 2)
17. Manufactured and Modular Homes Sales
18. Motor Vehicle Sales and Rental (Level 4)
19. Motor Vehicle Service and Repair (Level 3/4/5)
20. Private Training Schools (Level 1/2)
21. Rental and Repair Services (Level 3/4)
22. Storage (Level 2/3)

23. Primary Manufacturing (Level 1/2)
24. Secondary Manufacturing and Major Assembly (Levels 1/2)
25. Limited Manufacturing/Assembly (Level 1/2/3)
26. Contractor Yards (Level 1/2)
27. Flex Space (Level 2/3)
28. Food and Related Products (Level 1/2)
29. Industrial Services
30. Motion Picture Production Studios
31. Outdoor Distribution and Freight Movement
32. Printing and Publishing (Level 1/2)
- 31 Research, Development, and Laboratories (Level 1/2/3)
34. Warehousing, Distribution and Freight Movement (Levels 2/3)

35. Commercial Accessory Uses
36. Industrial Accessory Uses

18A.30.640 Administrative Uses.

The following uses are permitted within the Industrial zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. Industrial Business Park (IBP)

1. Pipelines

2. Bulk Fuel Dealers
3. Motor Vehicle Service and Repair (Level 4)
4. Pet Sales and Services (Level 3)

5. Secondary Manufacturing and Major Assembly (Level 2)
6. Research, Development, and Laboratories (Level 3)

B. Industrial 1 (I1)

1. Transportation (Level 2)
2. Pipelines
3. Building/Garden Supply and Nurseries (Level 4)
4. Pet Sales and Services (Level 3)
5. Primary Manufacturing (Level 2)
6. Research, Development, and Laboratories (Level 3)

C. Industrial 2 (I2)

1. Transportation (Level 2)
2. Pipelines

18A.30.650 Conditional Uses.

The following uses are permitted within the Industrial zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. Industrial Business Park (IBP)

1. Outdoor Recreation (Level 4)
2. Public Maintenance Facilities (Level 3)
3. Public Safety Services (Level 1)
4. Transportation (Level 4)
5. Electrical Generation Facilities
6. Sewage Treatment Facilities
7. Stormwater Facilities (Level 3)
8. Amusement and Recreation (Level 4)
9. Contractor Yards (Level 2)
10. Warehousing, Distribution, and Freight Movement (Level 3)

B. Industrial 1 (I1)

1. Outdoor Recreation (Level 4)
2. Public Safety Services (Level 3/4)
3. Transportation (Level 4)

4. Electrical Generation Facilities
5. Organic Waste Processing Facilities (Level 1/2/3)
6. Sewage Treatment Facilities
7. Stormwater Facilities (Level 3)
8. Waste Disposal Facilities (Level 1/2/3/4)
9. Waste Transfer Facilities (Level 4)

10. Amusement and Recreation (Level 4)
11. Sexually Oriented Business

12. Mineral Extraction
13. Recycling Processor
14. Salvage Yards/Vehicle Storage Facilities (Level 1/2)

C. Industrial 2 (I2)

1. Public Safety Services (Level 3/4)
2. Transportation (Level 4)

3. Electrical Generation Facilities
4. Organic Waste Processing Facilities (Level 1/2/3)
5. Sewage Treatment Facilities
6. Stormwater Facilities (Level 3)
7. Waste Disposal Facilities (Level 1/2/3/4)

8. Mineral Extraction
9. Off-Site Hazardous Waste Treatment and Storage Facilities (Level 1/2/3)
10. Recycling Processor

18A.30.660 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Industrial zoning districts:

A. Lot Size. The minimum lot size for the Industrial zoning districts shall be as follows:

IBP zoning district:	One (1) acre
11/12 zoning districts:	20,000 gross square feet (gsf)

B. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Industrial zoning districts may be reduced at the time they are applied to individual properties, because of stormwater requirements. The maximum building and impervious surface coverage and impervious surface for the Industrial zoning districts shall be one hundred (100) percent.

C. Setbacks. The minimum distance setbacks for the Industrial zoning districts shall be as follows, except where increased setbacks due to landscaping or building/fire code requirements apply:

1. Minimum front yard/street setback: 10 feet
2. Minimum rear yard setback: 0 feet
3. Minimum interior setback: 0 feet

D. Building Height. The maximum building height, not including any applicable height bonus, for the Industrial zoning districts shall be as follows:

1. IBP, Ii, and 12 zoning districts: 60 feet

E. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

F. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

G. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

H. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.

I. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.700 MILITARY-RELATED ZONING DISTRICTS

18A.30.710 Purpose.

The purpose of the Military Lands (ML) zoning district is to formally recognize the autonomy associated with federal and state ownership of the military installations adjacent to and within Lakewood and the unique character of their operations and support structures, which are not

typical of civilian land uses and require special consideration by the City as a host community for the installations.

The purpose of the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zoning districts is to promote land use and development that is compatible with the aircraft noise and accident potential associated with the proximity to McChord Air Force Base (AFB) aircraft flight operations. The potential risk to life and property from hazards associated with military aircraft operations necessitate control of the intensity, type, and design of land uses within the air corridor.

18A.30.720 Applicability.

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

The CZ, AC1, and AC2 zoning districts are applicable to lands located within the area designated as Air Corridor 1 and Air Corridor 2 in the comprehensive plan and within the area identified as the Clear Zone in the Air Installation Compatible Use Zone (AICUZ) study (March 1998). The AICUZ study is available for review at the Lakewood Community Development Department or through McChord AFB.

18A.30.730 Primary Permitted Uses.

The following uses are permitted within the Military-Related zoning districts, subject to approval of a zoning certification and all applicable development permits. Uses that are not listed within the Military-Related zoning districts or permitted as an accessory use are not permitted unless specifically provided for elsewhere in this code. Use types are defined in LMC 18A.20, Use Types and Levels.

The unique nature of these areas may invoke additional, specific standards. New uses within the CZ, AC1, and AC2 zoning districts shall be subject to intensity limitations in accordance with LMC 18A.30.770 and performance standards pursuant to LMC 18A.30.780, and structures in those zones shall be subject to noise attenuation requirements pursuant to LMC 18A.30.790. New public assembly uses are expressly prohibited in the CZ, AC1, and AC2 zoning districts.

A. ML Zoning District

1. Communication Facilities (Level 1)
2. Electrical Facilities (Level 1)
3. Natural Gas Facilities (Level 1)
4. Sewage Collection Facilities
5. Stormwater Facilities (Level 1)
6. Water Supply Facilities (Level 1)

7. Military Installations (Level 2)

B. CZ zoning District

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Primary permitted uses in the OSR1 and OSR2 zoning districts.
3. Communication Facilities (Level 1)
4. Electrical Facilities (Level 1)
5. Natural Gas Facilities (Level 1)
6. Sewage Collection Facilities
7. Stormwater Facilities (Level 1)
8. Water Supply Facilities (Level 1)
9. Agriculture (Level 1/2)

C. AC1 Zoning District

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Primary permitted uses in the 12 zoning district.
3. Primary permitted uses in the OSR1 and OSR2 zoning districts.
4. Communication Facilities (Level 1)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1)
9. Water Supply Facilities (Level 1)
10. Agriculture (Level 1/2/3)
11. Residential Accessory Uses, except accessory dwelling units.

D. AC2 Zoning District

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Primary permitted uses in the Ii zoning district.
3. Primary permitted uses in the OSR1 and OSR2 zoning districts.

4. Communication Facilities (Level 1)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1)
9. Water Supply Facilities (Level 1)

10. Motor Vehicle Sales and Rental (Level 1/2/3)

11. Agriculture (Level 1/2/3)

12. Residential Accessory Uses, except accessory dwelling units.

18A.30.740 Administrative Uses.

The following uses are permitted within the Military-Related zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. CZ, AC1, and AC2 Zoning Districts

1. Alteration or modification of non-conforming existing uses and structures.

18A.30.750 Conditional Uses.

The following uses are permitted within the Military-Related zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. ML Zoning District

1. Military Installations (Level 1)

B. CZ Zoning District

1. Agriculture (Level 3)
2. Any use involving more than incidental levels of hazardous materials or waste

C. AC1 and AC2 Zoning Districts

1. Any use involving more than incidental levels of hazardous materials or waste

18A.30.760 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Military-Related zoning districts:

- A. Federal military lands are exempt from local development standards.
- B. Development standards for the Military-Related zoning districts shall be determined jointly by the Community Development Director and City Engineer on a case-by-case basis considering the intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.
- C. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.
- D. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.
- E. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.
- F. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.
- G. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.770 Intensity Limits.

In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, Ad, and AC2 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 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 AC2 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.

18A.30.780 Performance Criteria.

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, AC1 and AC2 zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

- A. Any new use which involves release of airborne substances, such as steam, dust, and smoke that may interfere with aircraft operations is prohibited.
- B. Any new use which emits light or direct or indirect reflections that may interfere with a pilots vision is prohibited.
- C. Any new use that creates an undue hazard to the general health, safety and welfare of the community in the event of an aircraft accident in these zoning districts is prohibited.
- D. Facilities which emit electrical currents shall be installed in a manner that does not interfere with communication systems or navigational equipment.
- E. Any new use which attracts concentrations of birds or waterfowl, such as mixed solid waste landfill disposal facilities, waste transfer facilities, feeding stations, and the growth of certain vegetation, is prohibited.
- F. Structures are prohibited within one hundred (100) feet of the aircraft approach-departure or transitional surfaces.

18A.30.790 Noise Attenuation.

Provisions for noise mitigation applies to structures within the CZ, AC1 and AC2 zoning districts which are located within the 65 Ldn Noise Contour for McChord AFB as shown in the AICUZ study.

- A. Noise Insulation Required. Those portions of new structures where the public is received or offices are located must be constructed with sound insulation or other means to achieve a day/night interior noise level (LcIn) of no greater than forty-five (45) dB. A remodeling project where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building is also subject to these standards.
- B. Sound Isolation Construction. A building will generally be considered acceptable by the building official if it incorporates the applicable features described in UBC. Alternate materials and methods of construction may be permitted, if such alternates are demonstrated to the satisfaction of the Building Official to be equivalent to those described. Construction as outlined in this section satisfies the requirements of the UBC and for purposes of this ordinance is considered to meet the interior noise standard specified therein. Each item indicated in this section shall be identified on the project drawings that are submitted with the permit application.
 - 1. Noise level reduction-25 decibels. For a building located where a noise level reduction of twenty-five (25) decibels is required, the building shall be constructed with the following features:
 - a. If wood frame construction is used, all exterior stud walls shall have interior and exterior surfaces of an approved material at least as massive as one-half (1/2) inch

- gypsum wallboard, and the intervening space (studs) shall contain fibrous thermal insulation having a resistance of R-11 or greater.
- b. Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use.
 - c. Any air duct or connection out-of-doors must contain an interior sound absorbing lining acoustically equivalent at least to fiberglass duct liner one (1) inch thick and of a length greater than ten (10) feet and be provided with one (1) ninety (90) degree elbow.
 - d. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing baffle plate across the exterior termination that allows proper ventilation. The duct shall be provided with a ninety (90) --degree bend.
 - e. The ceiling below an attic space shall include gypsum board or plaster at least one-half (1/2) inch thick. Fibrous thermal insulation having a resistance of R-19 or greater shall be placed above the ceiling.
 - f. There shall be no direct openings, such as mail slots, from the interior to the exterior of the building. All chimneys shall be provided with well-fitted dampers.
 - g. All openable windows shall be sound rated assemblies having sound transmission class (STC) of at least twenty-six (26). Fixed windows shall be well-sealed and at least three-sixteenth (3/16) inch thick glass.
 - h. All entry doors shall be solid-core constructed, close fitting units with weather-stripping seals incorporated on all edges to eliminate gaps. Air gaps and rattling shall not be permitted.
 - i. Masonry walls, if used, shall be at least equivalent in weight to eight (8) inch, lightweight concrete blocks, at least one (1) surface of which is painted or plastered.
 - j. The roof deck shall weigh at least seven (7) pounds per square foot with roof sheathing containing a solid core at least one-half (1/2) inch thick.
 - k. Rooms, when in use, are expected to contain furniture or other materials that absorb sound equivalent to the absorption provided by wall-to-wall carpeting over a conventional pad.
2. Noise level reduction-30 decibels. For a building located where a noise level reduction of thirty (30) decibels is required, in addition to the requirements of Section 1 above, the building shall be constructed to incorporate the following features:
- a. Windows, fixed or openable, shall be sound-rated units with a STC of at least thirty-two (32) (double-glazed).
 - b. A ceiling or exhaust duct for the forced air ventilation system shall be provided with a bend in the duct such that there is no direct line of sight through the duct from outside to inside. The bend shall be lined with the equivalent of fiberglass duct liner one (1) inch thick.
 - c. The top floor-ceiling construction shall consist of plaster or gypsum board at least five-eighths (5/8) inch thick.
 - d. The floor of the lowest room or area shall be a concrete slab, or shall be sealed against exterior noise.
 - e. Masonry walls, if used, shall be at least equivalent in weight to eight (8) inch, lightweight concrete blocks. At least one (1) surface shall be painted, plastered or covered with gypsum board.

- f. The roof deck shall weigh at least twelve (12) pounds per square foot. Wood roof sheathing shall be continuous (plywood) and at least five-eighths (5/8) inch thick.
3. Noise level reduction-35 decibels. For a building located where a noise level reduction of thirty-five (35) decibels is required, in addition to the requirements of Sections 1 and 2 above, the building shall be constructed to incorporate the following features:
- a. The use of exposed wood beam ceilings is prohibited unless sound-isolating treatment is provided between the ceiling and roofline. The minimum treatment shall consist of rigid fiberglass board, nominally two (2) inches thick placed over the interior ceiling and under at least one-half (1/2) inch of plywood sheathing. The sheathing shall be nailed only to the beam or major frame members and not to the interior exposed ceiling at points between the beams.
 - b. For attic spaces ventilated to the outside, the attic floor shall be decked over with one-half (1/2) inch plywood or equivalent and all cracks caulked. R-11 insulation shall be placed between the floor joists.
 - c. Roof deck shall weigh at least twenty (20) pounds per square foot. Roof sheathing shall be continuous, weighing a total of at least four (4) pounds per square foot.
 - d. Wood exterior sheathing less than one-half (1/2) inch thick shall be used only over gypsum board of at least five-eighths (5/8) inch thick. Interior gypsum board walls shall consist of two (2) layers of one-half (1/2) inch board nailed directly to the studs.
 - e. Fixed or openable windows must be sound rated units with at least a sound transmission class (STC) of thirty-six (36).
- C. Acoustical Analysis and Design Report. The applicant may elect to have a qualified architect or engineer examine the noise levels and needed building sound isolation requirements for a specific site. The analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permit. The report shall show the topographical relationship of the aircraft noise sources and the building site, identification of noise sources and their characteristics, predicated noise spectra at the exterior of the proposed building structure, basis for the predication (measured or obtained from published data), and effectiveness of the proposed construction showing that the prescribed interior day-night sound level is met.
- D. Noise Disclosure Statement. Prior to the issuance of a building permit for new construction or remodeling where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building, the property owner shall sign a noise disclosure statement and record the statement with the title of the property. The noise disclosure statement acknowledges that the property is located within the sixty-five (65) Ldn contour, as indicated on Noise Contour Map for McChord AFB as shown in the AICUZ study, and that noise attenuation is required of any new construction or remodeled structure where it meets the threshold.

18A.30.810 Purpose.

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

18A.30.820 Applicability.

The PI zoning district is applicable to lands designated Public and Semi-Public Institutional in the comprehensive plan.

18A.30.830 Permitted Uses.

The following uses are permitted within the PI zoning district, subject to approval of a discretionary land-use permit and all applicable development permits. The unique nature of this zoning district and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or conditional use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.

A. PI Zoning District

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Any use that, in the opinion of the Community Development Director, constitutes an essential public facility as defined in LMC 18A.20.400.D, or public and semi-public facilities beyond those specifically identified in state law, including a broad variety of both listed and unlisted uses, which may be liberally interpreted to meet essential community needs. Examples may include, but are not limited to, schools, libraries, and hospitals, but specifically excluding Religious Assembly use types for which adequate provision is made in other zoning districts.

18A.30.840 Development Standards.

- A. Because of the nature of the typical uses characterizing this use type and the high need for flexibility in siting and operating public facilities, general development standards shall be determined jointly by the Community Development Director and City Engineer on a case-by-case basis considering the type and intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.

- B. Master-Planned Facilities. Where master plans are utilized, the master plan for each facility or coherent group of facilities shall specifically state the type and level of uses proposed therein.
- C. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.
- D. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.
- E. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.
- F. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.
- G. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.30.900 OPEN SPACE/RECREATION ZONING DISTRICTS

18A.30.910 Purpose.

The Open Space and Recreation 1 (OSR1) and Open Space and Recreation 2 (OSR2) zoning districts provide for open space and public or semi-public recreational activities throughout the city.

18A.30.920 Applicability.

The OSR1 and OSR2 zoning districts are applicable to lands designated Open Space and Recreation in the comprehensive plan.

Unless otherwise shown on the official zoning map, all open bodies of water, including, but not limited to, American Lake, Lake Steilacoom, Gravelly Lake, Lake Louise, Waughop Lake, Wards Lake, Seeley Lake, Boyles Lake, Carp Lake, Lost Lake, Mud Lake and Barlow Pond, shall be considered to be within the OSR1 zoning district.

In addition, the OSR1 and OSR2 zoning districts are considered compatible with and may be applied to areas within all other comprehensive plan land-use designations. The OSR1 zoning district may be applied to publicly or privately owned or controlled property used for natural open space and passive recreation. The OSR2 zoning district may be applied to privately and publicly owned active recreational uses and cemeteries.

18A.30.930 Primary Permitted Uses.

The following uses are permitted within the Open Space/Recreation zoning districts, subject to approval of a zoning certification and all applicable development permits:

A. OSR1 Zoning District

1. Outdoor Recreation —(Level 1/2)
2. Residential Accessory Uses
3. Civic Accessory Uses

B. OSR2 Zoning District

1. Community and Cultural Services (Level 1)
2. Outdoor Recreation (Level 1/2)
3. Public Maintenance Facilities (Level 1)
4. Transportation (Level 1)

5. Communication Facilities (Level 1)
6. Electrical Facilities (Level 1)
7. Stormwater Facilities (Level 1)

8. Residential Accessory Uses
9. Civic Accessory Uses

18A.30.940 Administrative Uses.

The following uses are permitted within the Open Space/Recreation zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. OSR1 Zoning District

- I. Public Maintenance Facilities (Level 1)
2. Transportation (Level 1)

3. Communication Facilities (Level 1)
4. Electrical Facilities (Level 1)
5. Natural Gas Facilities (Level 1)
6. Sewage Collection Facilities
7. Stormwater Facilities (Level 1/2)
8. Water Supply Facilities (Level 1)

B. OSR2 Zoning District

1. Community and Cultural Services (Level 1)
2. Outdoor Recreation (Level 3)
3. Public Maintenance Facilities (Level 2)
4. Transportation (Level 2)

5. Communication Facilities (Level 2)
6. Electrical Facilities (Level 2)

7. Natural Gas Facilities (Level 1)
8. Sewage Collection Facilities
9. Stormwater Facilities (Level 2)
10. Water Supply Facilities (Level 1)

18A.30.950 Conditional Uses.

The following uses are permitted within the Open Space/Recreation zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. OSR1 Zoning District

1. Outdoor Recreation (Level 3/4)
2. Transportation (Level 2)

3. Communication Facilities (Level 2)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 3)

B. OSR2 Zoning District

1. Community and Cultural Services (Level 2)
2. Outdoor Recreation (Level 4)

3. Pipelines
4. Stormwater Facilities (Level 3)

5. Amusement and Recreation (Level 2/3/4), limited to substantially outdoor facilities such as golf courses
6. Funeral Services (Level 3)
7. Lodging (Level 2)

18A.30.960 Development Standards.

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Open Space/Recreation zoning districts:

- A. Lot Coverage. All building coverage and impervious surface maximums stated herein for the Open Space/Recreation zoning districts may be reduced at the time they are applied, because of stormwater requirements. The maximum building and impervious surface coverage for the Open Space/Recreation zoning districts shall be as follows:

OSR1 and OSR2 Zoning Districts

- 1. Maximum building coverage: 20%
- 2. Maximum impervious surface coverage: 30%

B. Setbacks. The minimum distance setbacks for the Open Space/Recreation zoning districts shall be as follows, except where increased setbacks due to landscaping or building/fire code requirements apply:

OSR1 and OSR2 Zoning Districts

- 1. Front yard/street setback: 25 feet
- 2. Principal arterial and
- 3. state highway setback: 35 feet
- 4. Rear yard setback: 20 feet
- 5. Interior setback: 20 feet

C. Building Height. The maximum building height, not including any applicable height bonus, for the Open Space/Recreation zoning districts shall be forty (40) feet.

D. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

E. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

F. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

G. Parking Parking shall conform to the requirements of LMC 18A.50.500, Parking

H. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

18A.40.100 FLOOD HAZARD OVERLAY

18A.40.110 Purpose.

The Flood Hazard overlay (FHO) is intended to identify and recognize those areas of the city subject to the hazards of periodic flooding and to establish special standards and regulations to guide development and reduce personal injury, property damage and loss of life from flooding in those areas. This overlay shall apply to all areas of special flood hazards within the incorporated areas of the City of Lakewood as identified on Flood Insurance Rate Maps, Flood Boundary Maps, and Floodway Maps. In advancing these principles and the general purposes of the comprehensive plan, the specific objectives are to:

A. Promote the general health, welfare and safety of the city's residents.

- B. Prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
- C. Minimize the need for rescue and relief efforts associated with flooding.
- D. Help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities located in flood hazard areas.
- F. Ensure that potential home and business buyers are notified that property is in a flood area.
- G. Minimize expenditure of public money for costly flood relief and control projects.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

18A.40.120 Applicability.

- A. Establishment of Flood Zones. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific engineering report entitled "The Flood Insurance Study for the Unincorporated Areas of Pierce County, WA, Vols. 1 and 2," dated August 19, 1987, as amended with an accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary Maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study shall be kept on file by the City Engineer. The best available information for flood hazard area identification, as outlined in this section, shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized in administration of this section.
- B. Noncompliance. No structure or land shall hereafter be developed, converted, altered, constructed, or located without full compliance with the terms of this section and other applicable regulations. Violations of the provisions of this section are subject to the penalties identified in this title.
- C. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and other code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. Interpretation of FIRM Boundaries. The Community Development Director shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. In the interpretation and application of this section, all provisions shall be:
 1. Considered to constitute minimum requirements.
 2. Liberally construed in favor of the public trust.
 - 3 Deemed neither to limit nor repeal any other powers granted under state statutes. A party contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in this code.

E. Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Lakewood, or any officer or employee thereof, or FEMA for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

18A.40.130 Administration.

- A. Establishment of Building Permit and Land-Use Permit. A building permit and zoning certification shall be required in conformance with the provisions of this section for all structures including manufactured homes and all other development including fill and other activities. Application for a building, land-use, or grading permit shall be made to the City on forms prescribed by the City, which shall specifically include the following information:
1. Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.
 2. Elevation in relation to mean sea level to which any non-residential structure that has been floodproofed.
 3. Certification by a registered professional engineer or architect that any non-residential floodproofed structure meets the floodproofing criteria in LMC 18A.40.170.B.2, Provisions For Flood Hazard Reduction, Specific Standards.
 4. Description of the extent to which any water course will be altered or relocated as a result of proposed development.
- B. Administrative Officials. The Community Development Director, the City Engineer and the Building Official shall jointly administer and implement this section by granting or denying permit applications in accordance with its provisions.
- C. Duties and Responsibilities. The duties of the administrative officials shall include, but not be limited to the following:
1. Review all permit and land-use applications to determine that the requirements of this section have been satisfied.
 2. Review all applications to insure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 3. Review all applications in the area of special flood hazard to determine if the proposed development adversely affects the flood-carrying capacity of the area.
 4. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions herein are met.
- D. Use of Other Base Flood Data. When base flood elevation data has not been established, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A comply with LMC

18A.40.170.B.1, Residential Construction, LMC 18A.40.170.B.2, Non-Residential Construction, and LMC 18A.40.170.B.3, Manufactured Homes.

E. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided by FEMA or required by this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.
2. For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level); and
 - b. Maintain the flood-proofing certifications required in LMC 18A.40.170, Provisions For Flood Hazard Reduction.
3. Maintain for public inspection all records pertaining to the provisions of this section.

18A.40.140 Alteration of Watercourses.

- A. Notify adjacent jurisdictions and the state Department of Ecology or successor agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- B. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

18A.40.150 Interpretation of FIRM Boundaries.

- A. The City Engineer shall interpret the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions.
- B. Any person contesting a flood area boundary may appeal the interpretation as provided in this title.
- C. An appeal of the location of a flood area boundary shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:
 1. The danger that material may be swept onto other lands to the injury of others.
 2. The danger potential to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. The importance of the services provided by the proposed facility to the community.
 5. The necessity to the facility of a waterfront location, where applicable.
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan for that area.
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
- D. The City may attach such conditions to the granting of variances hereunder as deemed necessary to further the purposes of this section.
- E. The City shall maintain records of all appeal actions and report any variances to FEMA upon request.

18A.40.160 Variances.

- A. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 1. A showing of good and sufficient cause.
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice of the required lowest floor elevation stated in feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation.
- F. Variance Time Limit. Authorization of a variance shall be void after six (6) months unless the new construction, substantial improvement or approved activity has taken place. However, the Community Development Director may, at his discretion, extend authorization for one (1) additional six (6) month period upon request.

18A.40.170 Provisions for Flood Hazard Reduction.

- A. General Standards. In all areas of special flood hazards, the following standards shall apply for all new construction and substantial improvements:

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (1) Over-the-top ties provided at each end of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
 - (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
 - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (4) Additions to the manufactured home shall be similarly anchored.
 - c. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety (90) miles per hour or greater. Certification must be provided to the Building Official that this standard has been met.
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Use of Openings in Enclosures Below a Structure's Lowest Floor. All new construction and substantial improvements, which have fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in those areas. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5. Subdivision Proposals.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All public utilities and facilities serving subdivision proposals, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments that contain more than fifty (50) lots or five (5) acres, whichever is less.
 6. Review of Building Permits. Where elevation data is not available either through Flood Insurance Study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonable safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.
 7. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided, the following provisions apply:
1. Residential Construction. New construction and substantial improvement of any residential structure shall elevate the lowest floor, including basement, at least one (1) foot above the base flood elevation.
 2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either elevate the lowest floor, including basement, at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so that below one (1) foot above the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with the standards of this subsection. Such certification shall be provided to the City for review and approval.
 - d. Non-residential structures that are elevated and are not flood-proofed must meet the same standards for space below the lowest floor as described in this section.
 - e. Applicants flood-proofing non-residential buildings shall be advised that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g., a building flood-proofed to the base flood level will be rated as one (1) foot below).
 3. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones AI-A30, AH, and AE shall be elevated on a permanent foundation such that

the lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation.

- a. Manufactured homes shall be securely anchored to an adequately anchored foundation system so that:
 - (1) The lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- b. New manufactured home parks and subdivisions. The following provisions apply for expansions to existing manufactured home parks and subdivision or for existing manufactured home parks and subdivision where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision:
 - (1) Pads or lots are elevated on compacted fill to or above the base flood level (insurance can be waived).
 - (2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base level (insurance required).
 - (3) Adequate surface drainage and access for hauler are provided; and
 - (4) In the instance of elevation on piers or pilings where:
 - (a) lots are large enough to permit steps.
 - (b) pier and piling foundations are placed in stable soil no more than ten (10) feet apart.
 - (c) reinforcement is provided for piers and pilings more than six (6) feet above the ground level.

4. Accessory Structures and Uses.

- a. New construction and substantial improvement of residential accessory structures in special flood hazard areas are not subject to the requirements of this section, provided that:
 - (1) The floor area of all floors of the accessory structure totals one thousand (1,000) square feet or less.
 - (2) The accessory structure shall not be used for human habitation.
 - (3) The accessory structure shall be designed to have low flood damage potential.
 - (4) The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (5) The accessory structure shall be firmly anchored to prevent flotation that may result in damage to other structures.
 - (6) All service facilities, such as electrical and heating equipment associated with the accessory structure, shall be elevated or floodproofed.
- b. If it is determined that the accessory structure may cause significant flood risk, all requirements of this section shall be satisfied.

- c. When accessory structures built under the provisions of this section exceed a value greater than ten (10) percent of the value of the principal residential structure, substantial increases in insurance rates may result.
- 5. **Critical Facilities.** Construction of new critical facilities shall be, to the greatest extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the one hundred (100) year floodplain if no feasible alternative site is available. Critical facilities constructed within the one hundred (100) year floodplain shall have the lowest floor elevated three (3) feet or more above the level of the one hundred (100) year base flood elevation at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All access routes to critical facilities shall be elevated to at least one (1) foot above the base flood elevation, to the greatest extent possible.
- 6. **Floodways.** The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. The following provisions apply:
 - a. Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited, except for:
 - (1) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area.
 - (2) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the fair market value of the structure either before the repair, or reconstruction is started, or if the structure has been damaged, and is being restored, before the damage occurred.
 - (3) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.
 - (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (5) New construction or substantial improvements which has been certified by a registered professional engineer demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
 - b. All new construction and substantial improvements permitted pursuant to LMC 18A.40.170.B.6(a), Specific Standards, Floodways., shall comply with all applicable flood hazard reduction provisions of LMC 18A.40.170.B, Provisions For Flood Hazard Reduction, Specific Standards.
- 7. **Shallow Flooding Areas (AO Zones).** Shallow flooding areas appear on FIRM as AO zones with depth designations. The base flood depths in these zones range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In all areas of special flood hazards designated as areas of shallow flooding, the following provisions shall apply:
 - a. All new construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor, including the basement, elevated one (1) foot above the highest grade adjacent to the building site or above the depth number specified on the FIRM; at least two (2) feet if no depth number is specified.
 - b. All new construction and substantial improvements of non-residential structures shall:

- (1) Have the lowest floor, including basement, elevated one (1) foot above the highest adjacent grade of the building site or above the depth number specified on the FIRM, at least two (2) feet if no depth number is specified, or;
 - (2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
 - c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
8. Recreational Vehicle (RV) Parks.
- a. All new RV park proposals shall be consistent with the need to minimize flood damage.
 - b. All public utilities and facilities serving RV parks, such as sewer, electrical, and water systems, shall be located and constructed to minimize flood damage.
 - c. All RV park proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Base flood elevation data shall be provided for any RV park that is five (5) acres or greater in size.

18A.40.200 RIPARIAN OVERLAY

18A.40.210 Purpose.

The purpose of the Riparian overlay (RU) is to ensure the preservation of the functions of creeks and streams as recharge areas for groundwater, habitat for fish and other wildlife, and control of erosion, and that these issues are known to the property owner and addressed in the development review process.

18A.40.220 Applicability.

Regulated activities proposed along rivers and streams shall provide for habitat protection through the use of buffers. The RU is applicable to parcels adjacent to or within the designated buffer area for Chambers Creek, Clover Creek, Flett Creek, Leach Creek, and Ponce de Leon Creek.

18A.40.230 Development Standards.

Within the RU, the development standards shall be those of the underlying zoning district. For example, the R2 development standards are applied to property in the R2 zone that falls within the RU. In addition to zoning district standards, the following standards shall apply:

A. Habitat Protection for Rivers and Streams.

1. A buffer, consisting of undisturbed natural vegetation, shall be required along all applicable streams.
2. The buffer shall extend landward as measured horizontally from the ordinary high water mark of the water body and shall include that entire area between the ordinary high water mark and the top of stream bank. The top of the stream bank shall be that line along the highest elevations at the top of a slope above a channel or stream, where the slope changes to less than ten (10) percent.
3. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact that the proposed activities would have on the river or stream.
4. The buffer shall also include that area within the creek's or stream's:
 - a. One hundred (100) year flood zone.
 - b. Associated wetland boundaries and buffers.
 - c. Other related wildlife habitat areas of the creek or stream, not subject to the state Shoreline Management Act.

B. Critical Fishery Rivers and Streams.

Chambers Creek has been identified by the Puyallup Tribe as being critical to anadromous fish and therefore requiring a larger buffer protection. The buffer for this critical fishery stream is one hundred fifty (150) feet from the ordinary high water mark or the top of the streambank, whichever is greater.

C. Other Rivers and Streams Requiring Buffers.

For Clover Creek, Flett Creek, Leach Creek, and Ponce de Leon Creek the buffer width shall be thirty-five (35) feet from the ordinary high water mark or the top of the streambank, whichever is greater.

18A.40.240 Provisions for Buffers Where Required.

Where buffers are required, the following provisions shall apply:

- A. Building Setback and Construction near Buffer. A minimum setback of eight (8) feet from the buffer shall be required for construction of any impervious surface greater than one hundred twenty (120) square feet of base coverage. Clearing, grading, and filling within eight (8) feet of the buffer shall only be allowed when the applicant demonstrates to the City's satisfaction that vegetation within the buffer will not be damaged.
- B. Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.
- C. Fencing. Permanent, wildlife-passable fencing along the upland edge of the buffer shall be required for all new development and subdivisions within the RO.

- D. Enhancements to natural buffers consistent with the education program, such as revegetation or nest boxes, are allowed.
- E. Allowable Activities within Buffers. The following activities may only occur within the buffer after all applicable permits have been obtained from the Community Development Department:
1. Removal of diseased trees and trees that present a threat to properties pursuant to LMC 18A.50.300, Tree Preservation.
 2. Repair of existing fences.
 3. Construction, reconstruction, remodeling, or maintenance of docks and bulkheads as authorized and pursuant to the City's shoreline management regulations.
 4. Construction of a pervious path for purposes of providing private access to the shoreline.
 5. Trimming of vegetation for purposes of providing no more than one (1) view corridor of twenty (20) feet or less in width, provided that such corridor shall be limited to the removal of individual branches but shall not include topping or removal of trees, and further provided that the benefits of the buffer to fish and wildlife habitat are not reduced.
 6. Construction of public trails.
 7. Roadways, bridges, rights-of-way, and utility lines, together with associated maintenance, where no feasible alternative exists and where the development minimizes impacts of the stream and buffer area.

18A.40.250 Variances from Buffer Requirements.

Variance applications shall be considered according to the variance criteria and procedures in this title. The Hearing Examiner shall have the authority to grant a variance from the buffer width provisions of this section if additional written findings are made that the requested modification to the buffer width preserves, or would result in the planting of, adequate vegetation to:

1. Maintain proper water temperature.
2. Minimize sedimentation.
3. Provide sufficient food and cover for critical fish species.

18A.40.260 Additional Provisions.

- A. For any proposed development action in the RO, the Community Development Director shall ensure that the proposed development has been reviewed and, if necessary, modified or denied, in order to promote the preservation and enhancement of riparian, stream, and wildlife habitat areas.
- B. Development proposals for building and/or land-use permits in the RO are also subject to the applicable elements of LMC Chapter 14, Environmental Protection; SEPA; and/or site specific biological assessments which address erosion control, preservation of shoreline vegetation, clearing and grading restrictions, public access requirements, and other provisions.

18A.40.300 SENIOR HOUSING OVERLAY

18A.40.310 Purpose.

In order to provide opportunities for housing elders in areas of the city where the greatest level of services are available, the comprehensive plan creates an overlay area in which senior housing is to be focused. This section carries forward the comprehensive plan's intent in creating regulatory incentives for senior housing within the Senior Housing overlay (SHO).

18A.40.320 Applicability.

This section applies, at the developer's option, to land-use applications for senior housing within the SHO, except for the construction of a single-family dwelling on one (1) lot that can accommodate only one (1) dwelling based upon the density of the underlying zoning designation. This section shall not apply to congregate care and group living facilities.

18A.40.330 Provisions.

- A. All of the provisions and requirements of the City's housing incentives program set forth in LMC 18A.50.700, Housing Incentives Program, shall be equally applied to senior housing developed within the SHO.
- B. An additional fifteen (15) percent density bonus, over the maximum allowable additional density afforded by the Housing Incentives Program, shall be afforded in return for the provision of low-income or market-rate senior housing within the SHO, regardless of zoning district.

18A.40.340 Monitoring.

In conjunction with monitoring required for the housing incentives program, the Community Development Department shall maintain a list of all senior units created within the SHO using the additional incentives herein. In conjunction with evaluation of the housing incentives program required as part of comprehensive plan review and amendment processes, the level and type of senior housing production under these terms shall likewise be reviewed and evaluated.

18A.50.100 GENERAL STANDARDS

18A.50.105 Purpose.

This section, in conjunction with other chapters and sections of the Land Use and Development Code of the Lakewood Municipal Code (LMC), provide specific minimal development standards and the methodologies used in applying those development standards.

18A.50.110 Applicability.

These development standards are applicable to all land development and uses, including improvements, intensification, changes in use, project permits, and land use approvals and actions.

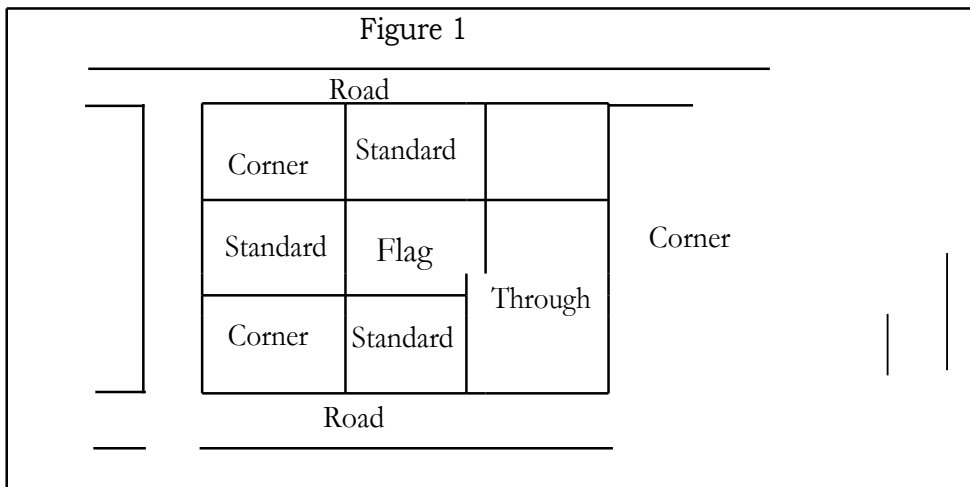
18A.50.115 General Standards.

A. Legally Created Lots.

1. Development shall be permitted only on a legally created lot.
2. To establish that a lot has been legally created, the applicant shall provide one (1) of the following:
 - a. A copy of a formal plat, short plat, or subdivision approved by Pierce County or the City of Lakewood separately describing the lot,
 - b. A copy of the boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot.
 - c. Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.
 - d. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.
3. Where two (2) or more lots are used as a building site, the lots shall be legally combined to form a single lot prior to issuance of a building permit. No building permit shall be issued where the subject building, associated accessory buildings, or required improvements, other than shared access or parking facilities, cross a property line.
4. The minimum width for all lots shall be fifty (50) feet.
5. The minimum street frontage for all lots shall be fifty (50) feet, except flag lots and irregular lots as specified elsewhere in this section.
6. There shall be a maximum length to width ratio of four (4) to one (1) for all new lots.
7. The shape of the new lot shall conform to the general lot shapes described in this section unless the City determines that a specific topographic feature makes a standardized lot

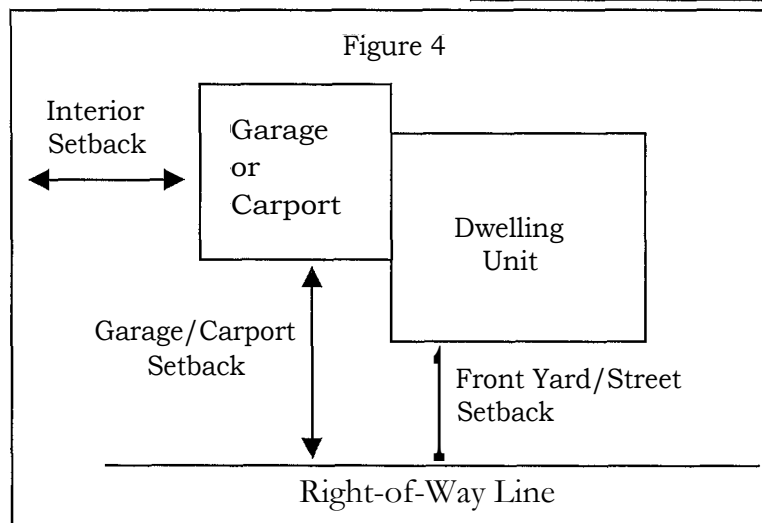
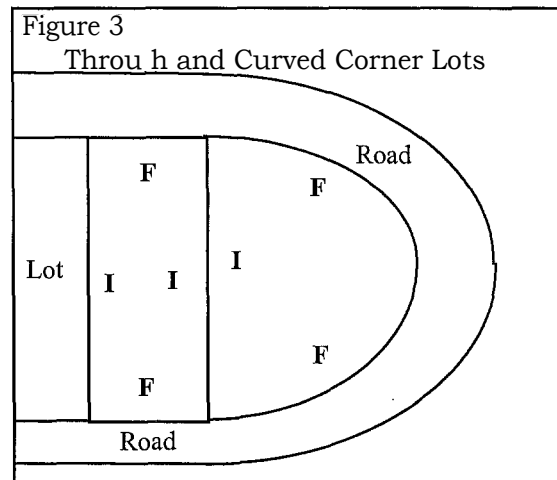
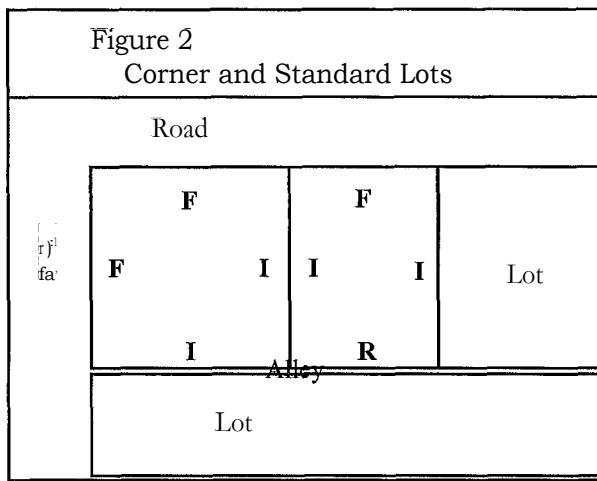
shape not feasible. In such cases, variations of general lot shapes shall be the minimum necessary to accommodate the topographic feature and shall not create extra long lots, lots with extended protections, excluding flag lots, or unusually lot shapes which make meeting development standards difficult. The presence of a topographic feature does not require the City to consider or approve variances to lot shape.

8. No land may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.
9. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) feet and nine (9) feet above the grade of the centerline of each intersecting street, and a line joining points along the street lines twenty (20) feet from the point of the intersection.



- 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.
 1. Front lot line shall be that portion of a lot line abutting a street right-of-way.
 2. Interior lot line shall be any lot line other than a front or rear lot line.
 3. Rear lot line shall be that lot line opposite and most distant from the front lot line, and which runs most parallel to the front lot line.
 4. Where the zoning district has a Garage/Carport setback requirement, that portion of the structure that acts as the vehicle entrance to the garage or carport portion of the structure, shall be setback from the property line as required by the zoning district to allow for vehicle parking and maneuvering.

5. All lots shall contain at least one (1) front yard setback, except flag lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots shall contain one (1) rear yard setback except for through and flag lots. All other setbacks will be considered interior yard setbacks.
6. Standard Lots. A standard lot is a lot that has only one (1) front lot line and one (1) rear lot line, and two (2) interior lot lines.
7. Corner Lots. If a lot abuts the intersection of two (2) or more street rights-of-way, a front yard setback is required abutting each right-of-way. This requirement is also applicable to a lot fronting a single right-of-way that simulates a corner lot. The minimum setbacks shall be the applicable front yard setback requirement on all sides with street frontage and the applicable interior setback on all remaining sides without street frontage.



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

9. Flag Lots. A flag lot shall have setbacks of a minimum of ten (10) feet from all property lines for both principal and accessory structures, except in R1 and R2 zoning districts where the minimum setbacks shall be fifteen (15) feet.
- a. Flag lots in residential zones (R1, R2, R3, R4, M R1, MR2, MF1, MF2, MF3) shall have a minimum frontage of fifteen (15) feet on a public road or street from which access is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of fifteen (15) feet in width.
 - b. Flag lots in non-residential zones (ARC, NC1, NC2, CI, C2, TOC, CBD, IBP, Ii, 12, Ad, AC2, OSR1, OSR2) shall have a minimum frontage of twenty-four (24) feet on a public road or street from which an accessway is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of twenty-four (24) feet in width.
10. Irregular Lots. Where the shape of a lot does not generally conform to the types of lots described above, the City shall make a determination on the location of front, rear, and interior lot line, applicable setbacks and the applicable development standards for the lot.
- a. In the case of triangular or otherwise irregularly shaped lots, a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered to the "rear lot line" at the City's discretion.
 - b. In the case of an interior or "landlocked" lot or other irregular lot that does not meet the minimum frontage required for access, the street frontage width standards shall be the same as those required for flag lots. Minimum setbacks shall be the setbacks of the zoning district in which the lot is located.
11. Projection Exception.
- a. Fireplace structures, cornices, eaves, canopies, sunshades, gutters, chimneys, sills, lintels, bay or garden windows, ornamental features or similar architectural elements may project into any setback, provided such projections are:
 - 1) Not wider than ten (10) feet for each wall projection.
 - 2) Not more than two (2) feet into an interior, front, or rear yard setback.
 - b. Porches, decks, and other structures which do not exceed thirty (30) inches height from the finished lot grade may project into any setback, provided such projections do not extend more than three (3) feet into a front, rear, or interior yard setback.
 - c. Steps may project into any setback, provided such projections do not extend more than three (3) feet into the setback.
 - d. A wheelchair ramp may project up to half of the distance into any required setback, provided that it does not obstruct the sight distance of a driveway or a street.
12. Fences Within the Required Setbacks. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:
- a. Do not obstruct the sight distance of a driveway, private street, or public street.
 - b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.
 - c. Do not exceed a maximum height of four (4) feet within the front yard;
 - 1) Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and

- 2) Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.
- d. Are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury, except as provided **for in LMC 18A.50.200, Community Design.**

13. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations which is used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required yard setbacks to a maximum height of four (4) feet on front property lines and eight (8) feet on side and rear property lines, provided all applicable site distance requirements and building permit requirements are met. If more than one retaining wall is used to terrace a slope, the minimum horizontal distance between the back edge of a lower wall and the front edge of a upper wall shall be two (2) feet.

C. Access Control.

1. Access control shall be applied, at the discretion of the City Engineer, to all street frontages to minimize traffic conflicts and where appropriate, to preserve on-street parking and promote non-motorized modes of transportation.
2. Areas for ingress and egress for automobiles shall be designed in such a manner that adequate visibility is ensured.
3. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing and required off-street parking.

D. Residential Uses

1. Adequate paved vehicular maneuvering area shall be provided in front of any residential garage or carport. The minimum depth of paving shall be twenty (20) feet from the front of the garage or carport and the minimum width shall be the total width of the garage or carport vehicular access opening(s).
2. A stormwater control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.
3. An erosion control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.
4. A geotechnical assessment shall be required for all residential development with a slope in excess of twenty (20) percent on any portion of the lot that will be developed.

E. Shoreline Uses.

1. For new developments and additions that are adjacent to a shoreline or a shoreline buffer, the following information shall be submitted as part of the project permit application:
 - a. A professional survey that contains and illustrates:
 - i. The lot boundaries.
 - ii. The ordinary high water mark.
 - iii. The applicable shoreline setbacks.
 - iv. The topographic lines at two (2) foot contours.
 - v. The location of building footprint.
 - vi. The elevation of all corners of the proposed structure.
 - vii. The location of any proposed docks/ramps and bulkheads.
 - viii. The location of all other existing and proposed structures on the site.
 - ix. The limits of proposed grading activity, soil disturbance and vegetation removal.
 - b. Sketch(es) showing proposed excavation, fill, and post-construction grade changes in relation to pre-construction grades.
 - c. An erosion control plan.
 - d. A stormwater control plan.
 - e. A tree survey for entire lot and the location of all existing vegetation within the applicable shoreline setback, including riparian buffers.
2. Erosion control measures shall be in place and inspected prior to any grading activity on the site.
3. The shoreline setback for buildings, retaining walls, rockeries, stairways, and all other structures, except bulkheads, docks, boat ramps, and other in-water uses permitted under the shoreline regulations, shall be a minimum of fifty (50) feet horizontal distance from the ordinary high water mark, and this distance shall not be averaged.
4. No vegetation removal, excavation, fill, or landscaping shall be undertaken within the shoreline setback without first obtaining the appropriate shoreline permit(s) or a shoreline exemption letter from the Community Development Department.

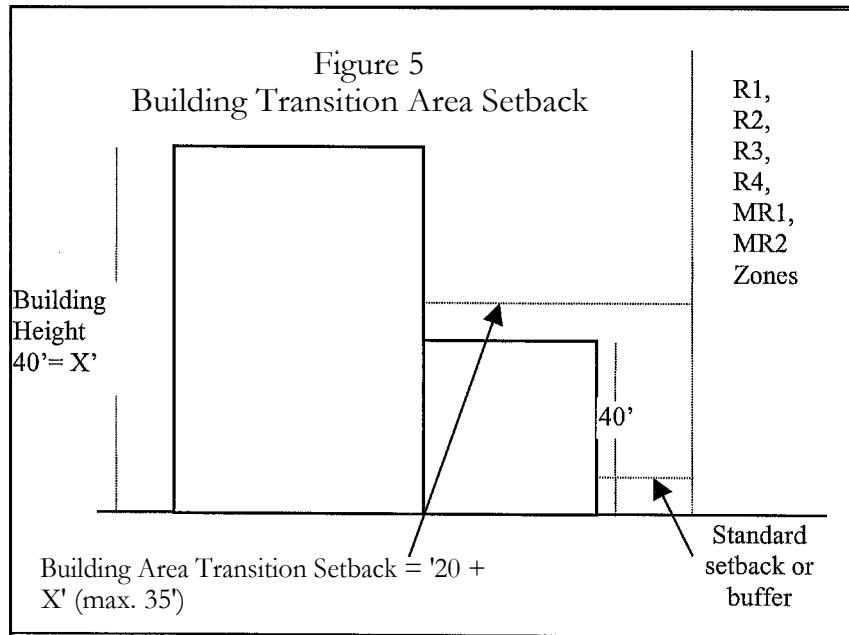
F. Prohibited Uses and Development.

1. No more than one (1) dwelling shall be permitted per lot in all single family residential zoning districts, except as provided in LMC 18A.70.300, Accessory Living Quarters.
2. Recreational and sporting vehicles shall not be used for dwelling purposes in any zoning district, and shall be subject to the requirements of LMC 18A.50.145, Outdoor Storage of Recreational and Sporting Vehicles.
3. Tents, yurts, railroad cars, shipping containers or other similar structures shall not be used for dwelling or storage purposes in any zoning district.

4. No motor vehicle, which is advertised for sale, shall be parked in any location for more than 24 hours in a manner intended to facilitate that sale, except on residential property where the registered owner resides, or in conjunction with a permitted Motor Vehicle Sales and Rental use type.
5. Outdoor commercial activities shall be prohibited except for those uses and activities that are allowed as a primary permitted use or by discretionary permit under this title.

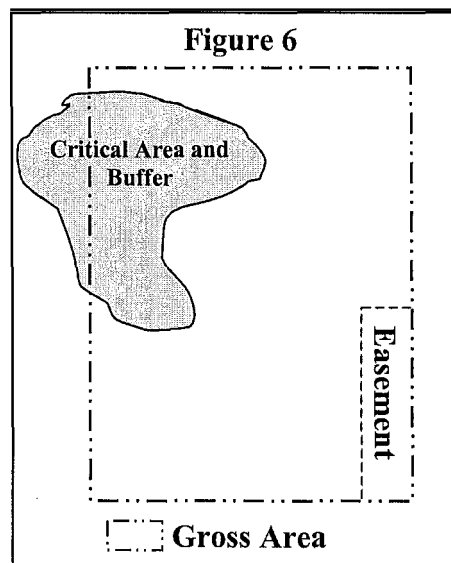
18A.50.120 Building Transition Area.

- A. The Building Transition Area limits the bulk of the multi-family dwelling and non-residential use type structures along property lines that abut the Residential (R1, R2, R3, R4) and Mixed Residential (MR1, MR2) zoning districts.
- B. Buildings, or portions of buildings, located within a building transition area shall not exceed forty (40) feet in height. Buildings, or portions of buildings, that exceed forty (40) feet in height shall be setback twenty (20) feet from any property line abutting a R1, R2, R3, R4 zoning district, plus an additional foot of setback for each additional foot of building height. The maximum set back under this provision is thirty-five (35) feet.



18A.50.125 Density Standards.

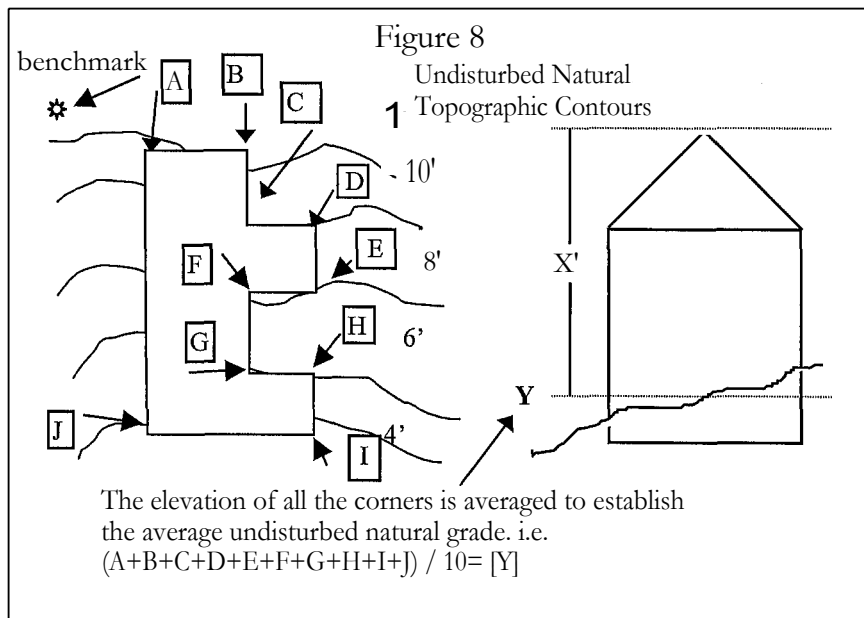
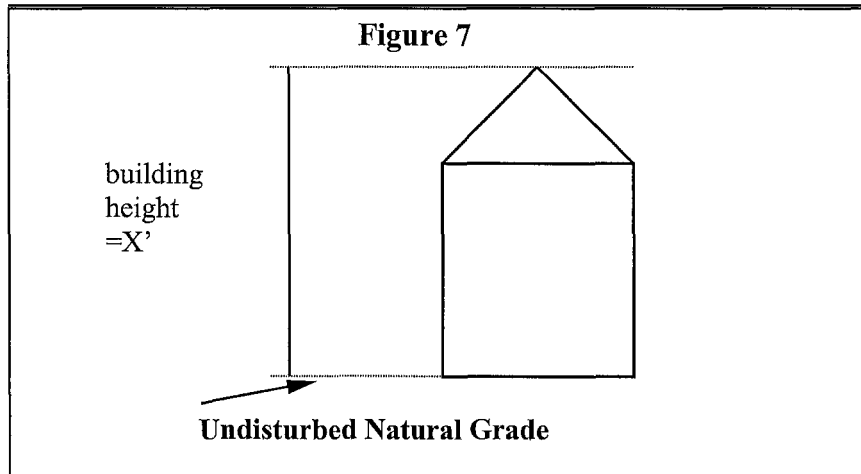
- A. The maximum density of each zoning district shall be the maximum number of dwelling units allowed per gross area of an acre, excluding accessory dwelling units. Maximum density shall be expressed as a ratio, i.e., three (3) dwelling units per acre. The minimum lot size shall not determine maximum density. Maximum density shall not be exceeded, except as allowed by the provisions of LMC 18A.02.235.B.
- B. Gross area is the total sum area of the lot, including easements, and wetlands, streams, shorelines, and other critical areas. The required critical area buffers and all legally recorded private access easements shall not be subtracted from the gross acre for the purpose of dwelling unit calculations. See Figure 6 below for reference.



18A.50.130 Height Standards.

- A. Height Measurement. The height of a structure is measured from the average elevation of the undisturbed natural topography or pre-existing grade on a site to the highest point of the structure (see Figure 7). The average elevation is determined by averaging the elevations of the undisturbed natural topography or the pre-existing grade at all corners or change in wall plane of the proposed structure (see Figure 8). An elevation benchmark shall be set on the lot, outside of the construction area, where it will remain undisturbed to allow verification of vertical elevation (See Figure 8).
- B. Exceptions, Height standards shall not apply to religious assembly spires, flagpoles, belfries, and domes; chimneys, household antennas, ventilation stacks, or similar appurtenances that are required to be placed above the roof level and not intended for human occupancy.

- C. Fence Heights. 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. Net fences, such as those used on golf courses and/or driving ranges shall not be higher than thirty-five (35) feet and shall meet the setbacks required for structures.
- D. Flag Poles. Flag poles shall not exceed the maximum height allowed by the zone in which it is located. All such poles shall be placed so as to neither obstruct nor obscure adjacent property owners' lines of vision.



18A.50.135 Streetscapes.

- A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of providing sidewalks and other means of non-motorized circulation, controlling vehicle access, protecting living areas from traffic, unhealthy conditions and incompatible uses, and to continue to remedy potential groundwater contamination.
- B. Sidewalks. Sidewalks shall be located along all arterial streets contiguous to the property line and shall serve to provide a pedestrian right-of-way and prevent interference or encroachment by fencing, walls, hedges, and other plantings and structures. Sidewalks of no less than five (5) feet in width shall be constructed with curb, gutter, and adjacent landscape strip, and shall meet the standards of LMC 12.02, Streets Sidewalks and Public Thoroughfares.
1. Sidewalks shall be constructed by the developer of any new industrial, commercial, and multifamily development, major tenant improvement, or residential subdivision.
 2. In all subdivisions, in addition to sidewalks along arterial streets, sidewalks shall be installed by the developer on all interior streets as follows:
 - a. For subdivisions with one to nine (1-9) dwelling units, sidewalks shall be required on one (1) side of the interior streets only.
 - b. For subdivisions of ten (10) or more dwelling units, sidewalks shall be required on both sides of the interior streets.
- C. Utilities. Utilities shall be placed underground wherever possible, as determined by the City Engineer.
- D. Sanitary Sewers. At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within three hundred (300) feet of the property at the property owner's expense.
1. If connecting to the existing sewer requires the property owner to obtain an easement across private property but the property owner is unable to do so and can provide evidence that a reasonable attempt to obtain such easement was made, and providing further that hookup to any existing and available sewer requires the property owner to extend a line greater than one thousand (1,000) feet, a waiver from this requirement can be granted. This waiver provision does not apply to new subdivisions of five (5) or more lots.
- E. Access. Multifamily, commercial and industrial development shall have access located on arterial streets or have access to arterial streets. All newly created residential lots shall access off internal plat roads, except as authorized by the City Engineer.
- F. Lighting. Street lighting shall be provided in conjunction with new industrial, commercial, and multifamily development, major tenant improvements, or subdivisions. Street lighting shall be provided along arterial streets in accordance with specification and standards approved by the City Engineer.

1. In commercial and industrial developments, including major tenant improvements, lighting and glare shall be shielded or directed away from residential uses. New multi-unit developments shall provide shielding or direct lighting and glare away from all other residential uses.
- G. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, utilities, and waste disposal shall be integrated into the design of the building(s) or development and screened from view.
- H. Streetscapes shall be improved for all new developments as specified in LMC 17.46 Site Development Regulations, LMC 18A.50.200 Community Design, LMC 18A.50.400 Landscaping, LMC 12.02, Streets Sidewalks and Public Thoroughfares, and LMC 18A.50.500 Parking.
- I. The City Engineer and the Community Development Director may modify streetscape improvements requirements for structure remodeling or tenant improvements in accordance with LMC 18A.50.400 Landscaping, LMC 18A.50.500 Parking, LMC 18A.50.200 Community Design, LMC 18A.10.400, Design Review, and the following:
1. The City Engineer and the Community Development Director may permit modification of streetscape improvements requirements and standards when development of the required improvement(s) is not, in the opinion of the City Engineer and the Community Development Director, practical due to physical limitations of the site which are no fault of the applicant.
 2. The City Engineer and the Community Development Director may permit modification of streetscape improvement standards where the required streetscape is not, in the opinion of the City Engineer and the Community Development Director, roughly proportionate to the impact, type, scale, and cost of the proposed development action.
 3. The streetscape design alternatives shall be documented as an administrative determination. Mailing of notice to adjacent property owners potentially affected by the development regulation modifications is required.

18A.50.140 Residential Accessory Buildings.

- A. The maximum combined square footage of the building(s) footprint(s) for all detached residential accessory buildings on a site shall be one thousand two hundred (1,200) square feet, excluding recreation buildings, clubhouses or community centers within a multifamily residential housing complex, and excluding accessory dwelling units.
- B. The maximum height for residential accessory buildings shall be twenty-four (24) feet.
- C. Detached residential accessory structures which are less than one hundred twenty (120) square feet in size and not higher than ten (10) feet, including garden sheds or greenhouses or combination of both; children's play equipment; arbors; and gazebos, when placed in a rear half of the lot shall have a minimum three (3) foot setback. Attached accessory structures shall meet the same setbacks as the main building.

D. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.

18A.50.145 Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.

The storage or parking of a recreational vehicle, utility vehicle or a sporting vehicle accessory to a residential use may be permitted subject to the following standards:

- A. Recreational, utility and sporting vehicles shall not be stored on a lot where no residential use exists.
- B. No more than two (2) recreational, utility and/or sporting vehicles as defined in LMC 18A.90.200, Definitions, or equipment shall be stored outside of an enclosed building or structure on any residential property. Multi-family residential complexes and zero lot line developments may allow the storage of additional recreational and sporting vehicles provided that the outdoor storage meets the requirements of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
- C. Recreational, utility and sporting vehicles and equipment placed for storage purposes on property upon which the owner resides, shall not be occupied for continuous periods, except for short-term, temporary purposes by a friend or relative for not more than twenty-one (21) days in any ninety (90) day period, whether it be in storage by the property owner or brought to said property by the friend or relative. No electrical hookup shall be permitted to a vehicle other than during the time period said vehicle(s) are occupied or for humidity control purposes.
- D. Recreational, utility and sporting vehicles shall be stored on a parking pad or in the driveway of the residence. No portion of the vehicle shall be stored within the public right-of-way, even if a portion of the driveway extends into the public right-of-way.
- E. The parking pad shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition.
- F. The parking pad shall be located at the side or front of the dwelling, whenever feasible.
- G. The parking pad shall be screened, to the maximum extent feasible, from the public street and neighboring properties by fencing and/or landscaping.

18A.50.150 Parking of Commercial Vehicles Accessory to Residential Uses

- A. No more than one (1) commercial vehicle of a type commonly referred to as a utility van, step van, box van, pickup, flatbed pickup, tow truck, utility vehicle, emergency vehicle, semi-truck cab, or other similar vehicle, may be parked on a residential lot or one (1) per

dwelling unit on a multi-family property, as an residential accessory use. if parked in accordance with the requirements of LMC 18A,50.500, Parking and the following standards:

1. The commercial vehicle shall be stored on a parking pad or in the driveway of the residence. No portion of the vehicle shall be parked within the public right-of-way, even if a portion of the driveway extends into the public right-of-way.
 2. The parking pad shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition.
 3. The parking pad shall be located at the front or side of the dwelling, whenever feasible.
- B. In residential zoning districts, the parking of buses, semi-truck trailer units attached to a semi-truck cab or detached, dump trucks, and other similar commercial vehicles or any commercial vehicles over ninety-six (96) inches in width or thirty (30) feet in length is prohibited as an accessory use.
- C. Commercial vehicles shall not be parked on, adjacent to, or abutting property zoned OSR1 or OSR2.

18A.50.155 Vehicle Service and Repair Accessory to Residential Uses.

The repair, service, restoration, modification, assembly, disassembly, construction, reconstruction, or other work on a motor vehicle, recreational vehicle or a sporting vehicle on any residential premises in any zone that allows residential uses shall be subject to the following standards:

- A. Work shall be limited to the non-commercial repair and maintenance of motor vehicles, recreational vehicles, sporting vehicles and vehicular equipment that is currently registered to a resident of the premises or a member of the residents' family, which shall be limited to parents, grandparents, spouse, or children related by blood, marriage or adoption.
- B. Such work is prohibited in multi-family residential complexes of three (3) or more dwelling units on a parcel, unless totally within an enclosed garage.
- C. Such work shall be conducted on no more than one (1) vehicle at any one time.
- D. Such work shall be conducted only between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.
- E. Assembly, disassembly or bodywork shall only be conducted within a fully enclosed garage or accessory building. Minor service and repair work may only be performed in a fully enclosed building, an open accessory structure, on a parking pad or in the driveway directly adjacent to the garage or carport. Such work shall not be performed in the public right-of-way nor shall vehicles be stored in the public right-of-way, even if a portion of the driveway extends into the public right-of-way. Nor shall any vehicle be stored in violation of LMC 8.24.100, Storage of Certain Vehicles and Components Prohibited,

- F. The parking pad shall be located at the side or front of the dwelling, whenever feasible and shall have an all-weather surface such as asphalt or concrete, paver stones, grasscrete or a minimum of three (3) inches gravel, which shall be maintained in such condition as to act as an impervious surface.
- G. Parts, equipment, debris, excess materials or other supplies needed for the repair of a vehicle on the premises shall be stored within a fully enclosed structure such as a garage or accessory building.
- H. The performance of such work shall not create a nuisance to the neighbors.
- I. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths or rags, and all other equipment or material used in the work, and the property shall be left in such a condition that no hazard to persons or property shall remain.
- J. Storage, containment, and disposal of all hazardous materials shall be in accordance with state and local regulations.
- K. Disposal of all waste products shall be in accordance with state and local regulations.
- L. Painting of vehicles is prohibited.

18A.50.160 Animals in Residential Districts.

- A. Peacocks, roosters, turkeys, ostriches, emus, other similar birds, wild, undomesticated or exotic mammals, and cows, sheep, llamas, goats, swine, and other livestock, but excluding horses, shall be prohibited in all zoning districts in the City except AC1 and AC2. Horses and equestrian facilities shall be permitted only as allowed by LMC 18A.30, Zoning Districts.
- B. Poultry, pigeons, ducks, and similar birds, and rabbits and similar mammals, except as prohibited in Subsection 18A.50.160.A. above, raised for domestic, noncommercial use shall be permitted as an accessory use to a dwelling unit on any lot, provided:
 - 1. A minimum setback of ten (10) feet from all property lines shall be required for all hutches and twenty (20) feet for all pens, coups, aviaries, similar enclosures, and free-range areas.
 - 2. No more than sixteen (16) poultry, birds or rabbits and similar mammals shall be permitted per acre.
 - 3. Aviaries or lofts shall provide a minimum of one (1) square foot for each pigeon or similar bird and shall not exceed one thousand (1000) square feet.

18A.50.165 Commercial Uses in the Multifamily 3 Zone within the Lakewood Station District.

- A. Requirements. Within that portion of the MF 3 zoning district located within the Lakewood Station District as designated in the comprehensive plan, and solely in conjunction with the Multifamily Dwelling, Level 2 use, the following standards shall be required:
1. The commercial use is only permitted on the ground floor of the development.
 2. A minimum ratio of four (4) square feet of multifamily use to one (1) square foot of commercial use.
 3. The commercial uses shall be of a type and level as specified in LMC 18A.30.340.B. Multifamily Zoning Districts.

18A.50.170 Outdoor Storage and Commercial Yard Surfacing Standards.

- A. Outdoor Storage Areas and Yards.
1. Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked or stored.
 2. No hazardous materials shall be stored or utilized in storage areas, except as permitted under the Uniform Fire Code and any conditions of site development required by the City.
 3. The storage area shall be screened and fenced pursuant to LMC 18A.50.400, Landscaping.
- B. Salvage Yards, Vehicle Storage Facilities, Vehicle Impound Yards, and Wrecking Yards shall be paved with asphalt or concrete, fenced and landscaped pursuant to LMC 18A.50.400, Landscaping,

18A.50.175 Group Homes Type 3 and Type 4 Placement Standards.

- A. Intent. It is the intent of this subsection is to outline general conditions with which Type 3 and Type 4 Group Homes, as defined in LMC 18A.90.200, Definitions, must comply when applying for a conditional use permit to locate in the city.
- B. Dispersion Requirements. A Type 3 and Type 4 Group Homes must locate a minimum of six hundred (600) feet from any other Type 3 or Type 4 Group Home.
- C. Separation Requirements. Type 3 and Type 4 Group Homes shall have a minimum of a one thousand (1,000) foot separation from sensitive land uses such as public or private schools, churches or other religious facilities or institutions, parks and playgrounds, daycare programs and other such uses that are deemed to be sensitive. In addition to the sensitive uses listed in this subsection, Type 4 Group Homes must be located at least one thousand (1,000) feet from all residential zones and uses.
- D. Registration and Licensing. Group homes shall obtain all licenses necessary for operation by state and federal agencies. Type 3 and Type 4 Group Homes shall also register with the City

by supplying information pertinent to the validity, update and renewal status of the home's state and federal license. Accuracy of all information contained in any state or federal license shall be verified to the extent possible by the City. Any applicant for a group home conditional use permit shall have the responsibility to ensure that information regarding any changes made to the license prior to its renewal is immediately provided to the City.

18A.50.180 Manufactured Homes on Individual Lots.

A manufactured home that is placed on an individual lot shall be considered a Single Family, Detached Dwelling, Level 2. Such manufactured home shall:

- A. Be placed on a permanent foundation and set up in accordance with building code requirements.
- B. Be oriented on the lot so that the longest facade is parallel or predominately parallel to the public or private street.
- C. Be comprised of at least two (2) fully enclosed parallel sections each not less than twelve (12) feet wide by thirty-six (36) feet long.
- D. Be originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than a 3:12 pitch.
- E. Have exterior siding similar in appearance to siding material commonly used on conventionally built housing.
- F. Include either an attached or detached carport or garage.
- G. Include a finished porch or deck for each entrance door.

18A.50.182 Amusement Establishment.

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets, together with the probable affect on traffic volumes of abutting and nearby streets.
- A. Adequacy of off-street parking.
- B. Adequacy of building and site design provisions to meet performance standards pursuant to LMC 18A.50.800, Performance Standards

18A.50.185 Concession/Vending Services in City Parks.

On all public parks and public park property within the corporate limits of the City, the operator of a food concession or vending service shall enter into an agreement for use of park property for concession/vending purposes, or shall submit to the City a copy of such a lease or other agreement executed by the owner of the property, if not owned by the City, for City approval. The agreement shall include standards pursuant to 18A.50.240.H.1-7, Community Design Guidelines.

18A.50.190 Standards for Uses and Accessory Uses Not Otherwise Listed.

For permitted accessory uses, principal uses, administrative uses, and conditional uses that are not specifically listed in this section, the following development standards shall apply:

- A. **Parking Requirements.** Parking requirements shall be provided in the manner set forth in LMC 18A.50.500, Parking.
- B. **Landscaping Requirements.** Landscaping requirements shall be provided for in LMC 18A.50.400, Landscaping.
- C. **Tree Preservation.** Significant tree identification, preservation, and replacement shall be provided for in LMC 18A.50.300, Tree Preservation.
- D. **Community Design.** Community design shall be provided in LMC 18A.50.200, Community Design Guidelines.
- E. **Signs.** Sign requirements shall be provided for in LMC 18A.50.600, Signs.
- F. **Stormwater Management.** Storm drainage control as provided in 17.46.100, Storm Drainage.
- G. **Streetscapes.** Streetscapes as required by LMC 18A.50.135, Streetscapes.
- H. For standards and requirements that are not identified within a specific zoning district or within this chapter, the Community Development Director may make a determination and/or adjustment of the development standards using the following criteria, in addition to the appropriate discretionary permit review approval criteria:
 - 1. **Consistency.** The development standards shall provide consistency with the intent, scale and character of the zoning district involved.
 - 2. **Impacts.** The determination and/or adjustment of the development standard(s) does not negatively impact:
 - a. The adjacent property owners.
 - b. The safety of the general public.
 - c. The visual character, scale and design compatibility of the surrounding area.
 - 3. The determination and/or adjustment of the development standard(s) shall be equal to, or superior in, fulfilling the intent and purpose of the original requirement.

18A.50.195 Concurrency.

- A. All new development and improvements, expansion, or intensification of an existing use shall be connected, at applicant expense, to a public primary infrastructure system to support the use.
- B. If primary infrastructure is not available to the site or the existing infrastructure does not contain sufficient capacity to support the proposed development, the City may not:
 - 1. Issue development permits which would allow for an increase in the amount of infrastructure demand generated from the site.
 - 2. Permit the division of the property that provides for increased potential for development or demand for infrastructure.
- C. Primary infrastructure includes, but is not limited to:
 - 1. Sanitary sewer.
 - 2. Water.
 - 3. Transportation and transit facilities.
 - 4. Stormwater.
 - 5. Electrical.
 - 6. Police, fire, and emergency medical.
- D. The use of septic systems shall be limited to system replacement or as otherwise permitted by the Pierce County Health Department and approved by the City Engineer.

18A.50.200 COMMUNITY DESIGN

18A.50.210 Purpose.

The purpose of this chapter is to establish design guidelines in order to enhance the general appearance of the city, escape the perpetuation of the existing pattern of suburban sprawl, maintain and protect property values in a community that is safe, attractive and prosperous, and create a pedestrian-friendly environment by improving and expanding pedestrian circulation, public open space, and pedestrian amenities in the city. This chapter is intended to provide clear objectives for those embarking on the planning and design of projects and encourage creativity in building and site design, by assuring quality development balanced with administrative flexibility to consider the individual merits of proposals.

18A.50.220 Applicability.

This chapter shall apply to all new development, except single-family dwellings, in any zoning district in the city. Additions and exterior remodels associated with existing buildings and site redevelopment projects are subject to those provisions of this chapter that are determined by the Community Development Director to be reasonably related and applicable to the development project. Exterior building remodels and additions shall be subject to building design standards.

Projects that modify parking and landscaping areas shall be subject to site design standards for pedestrian access, safety and landscaping standards. The Community Development Director may, at his sole discretion, determine which, if any, additional design standards apply to projects that modify an existing building or site. Proposals that will not modify a building exterior or the site, such as interior tenant improvements and interior remodels are exempt from the community design standards.

18A.50.230 General Standards for Site Planning and Building Design.

A. Site Design

1. Site Design Objectives.

- a. Natural amenities such as views, significant or unique trees, creeks, riparian corridors, and similar features unique to the site shall be preserved and incorporated into the design. Natural topography shall be emphasized, rather than obscured or eliminated. Buildings shall be designed to "step up" or "step down" hillsides to accommodate significant changes in elevation, unless this provision is precluded by other site elements such as stormwater design, optimal traffic circulation; or the proposed function or use of the site. Siting or massing of buildings shall preserve public viewpoints as designated by the comprehensive plan or other adopted plans or policies.
- b. Pedestrian-oriented spaces, amenities and corridors shall be incorporated in the overall site design.
- c. Pedestrian areas shall be easily accessible, clearly visible and located to take advantage of surrounding features such as building entrances, open spaces, significant landscaping, unique topography or architecture, and solar exposure.
- d. Project designers shall strive for overall design continuity by using similar elements throughout the project such as architectural style and features, materials, colors, and textures.

2. Pedestrian access and circulation. To improve the pedestrian environment with clearly visible, easy, safe routes to business entries, among businesses, and through parking lots to the public sidewalk and transit stops.

- a. Provide pedestrian-oriented open space at key locations. Plazas, public open spaces and entries should be located at street corners to optimize pedestrian access and use.
- b. All publicly owned buildings shall have a plaza, courtyard, garden or comparable pedestrian-oriented space. Buildings that are open to the public should also have a plaza, courtyard, garden or other similar pedestrian-oriented space. In locations where a front building facade is not directly adjacent to the sidewalk, or where the building forms a public area adjacent to the sidewalk, the space between the sidewalk and the building shall be developed as a garden, lawn, courtyard, landscaped area, and/or pedestrian-oriented space.
- c. Design criteria for public on-site open space. Open space developed under this section shall be designed and located so that it:
 - (1) Abuts a public right-of-way, or alternatively, is clearly visible and accessible from a public right-of-way.

- (2) The open space area required for publicly owned buildings shall be a minimum of five hundred (500) square feet or two (2) percent of the gross floor area of the building(s), whichever is greater. The open space area required for private new development and redevelopment with a gross floor area over fifty thousand (50,000) square feet, is a minimum of five hundred (500) square feet or one (1) percent of the gross floor area of the building(s), whichever is greater.
 - (3) Is bordered on at least one (1) side by, or is readily accessible from, a structure(s) with entries to retail or office uses; housing, civic/public uses, or another public open space.
 - (4) Is situated for maximum exposure to sunlight.
 - (5) Has covered areas and/or areas with shade.
 - (6) The primary area is at least twenty-five (25) feet in width.
 - (7) A minimum of fifteen (15) percent of the total area of the open space is landscaped.
 - (8) The open space shall not be used for parking or loading of commercial vehicles. Commercial vehicle loading areas abutting the open space shall be screened by a solid, site-obscuring wall.
- d. Buildings should generally be oriented to rights-of-way and entries have direct access to the public sidewalk. Primary entrances to buildings may be on the side of buildings but they shall be clearly visible or recognizable from the right-of-way and connected by a entry sidewalk that is easily accessible from the street, transit stops, parking facilities and pedestrian areas. The entry sidewalk shall be separate from vehicular traffic or raised above the pavement and shall be at least six (6) feet in width.
 - e. Features such as entries, lobbies and display windows should be oriented to the right-of-way; otherwise screening or art features such as artwork, murals, trellises, landscaping or combination thereof shall be incorporated into the street-oriented facade.
 - f. New buildings shall be set back sufficiently to provide a minimum of 6 feet of public sidewalk for walking and a minimum of three (3) feet for trees, planters, or other appropriate amenities.
 - g. Where a use fronts two (2) streets, access shall be provided from the street closest to the main entrance or, preferably, from both streets. All buildings shall have a paved pedestrian walkway at least six (6) feet wide from the street sidewalk to each street entry. The minimum walkway width may be four (4) feet wide for a portion of the length if the applicant presents a design that varies the width of the path to allow for pedestrian amenities in wider sections.
 - h. Provide pedestrian walkways connecting all business entries within a business complex or on the same development site. Pedestrian connections shall be provided between properties to establish pedestrian links to adjacent buildings, parking, pedestrian areas and public streets.
 - i. Multiple buildings on the same site should incorporate public spaces, formal or informal. The buildings should be integrated with site elements such as plazas, walkways and landscaping along pedestrian pathways, to provide clear view to destinations and to create a unified campus-like development.
 - j. Provide pedestrian walkways through parking lots. The pathway shall be at least 6

- feet wide and does not allow bumper overhang. In large parking lots, provide a pedestrian walkway at least every one hundred fifty (150) feet.
- k. Integrate all walkways with the landscape plan.
 - l. Pedestrian pathways and pedestrian areas shall be delineated by separate paved routes using a variation in paved texture and color, and crosswalk caution signs and protected from abutting vehicle circulation areas with landscaping or by being raised above the driving surface level. Approved methods of delineation include: stone, brick or granite pavers; exposed aggregate; or stamped and colored concrete. Paint striping on asphalt as a method of delineation is not encouraged.
 - m. Pedestrian corridors should be located so as to continue street alignments through large super blocks and to provide mid-block connectors in long blocks. In cases where a development site abuts or traverses such a pedestrian corridor, a pedestrian walkway shall be provided at that location.
 - n. A bicycle rack shall be provided at every public and employee entrance of all publicly-owned buildings and all commercial developments over three thousand (3,000) square feet of gross floor area.
 - o. If new "through streets" are required for development of properties of more than three (3) acres, the through street shall be developed with sidewalks and street trees.
3. Pedestrian safety. Limit the number of potential encounters between pedestrians and vehicles through site design by siting of structures, location of circulation elements, landscape design, and placement of signs.
 - a. Where pedestrian and motorist paths must cross at crosswalks and pedestrian walkways, provide adequate sight distance to ensure a clear view of pedestrians and vehicles.
 - b. Within parking lots, provide raised sidewalks, crosswalks, and pedestrian walkways where possible. Where not possible, provide at-grade walkways protected by curbs and/ or landscaped areas.
 - c. Pedestrian routes through parking lots shall be distinctively marked using vertical and/or horizontal design elements, such as special paving of brick, colored stamped concrete, cobblestone and/or raised sidewalks. Use on-site directional signs to clearly mark pedestrian and vehicular routes. Include pedestrian amenities such as benches, trash containers, and planters whenever possible.
 - d. Separate service vehicle access and loading zones from pedestrian areas where possible.
 4. Public Safety. Provide surveillance opportunities from buildings and public streets to promote personal safety discourage vandalism and contribute to property security.
 - a. Avoid site design features that create entrapment areas such as long enclosed corridors and opaque fences in locations with pedestrian activity. Provide more than one (1) pedestrian access route to the sidewalk from a parking lot or other enclosed area.

- b. Ensure that site and building designs provide lines of sight that allow building occupants and passersby to observe on-site activities. All buildings adjacent to the street should provide visual access from the street into activities within the building. Windows, balconies, and entries overlooking parking lots, pedestrian corridors and vehicular routes **will allow for informal surveillance.**
5. Lighting levels. Provide adequate lighting levels in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Provide a lighting plan with:
 - a. An overlapping pattern of light and lighting levels designed to allow pedestrians to identify a face fifteen (15) yards away, generally at least three (3) footcandles. Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.
 - b. Lighting standards along pedestrian pathways, in parking lots and in other pedestrian areas shall not exceed fifteen (15) feet in height and shall be spaced no greater distance than two (2) times the height of the lighting standards used. Lighting poles and standards in other areas may be up to twenty (20) feet in height, provided that all other lighting requirements are met.
 - c. Lighting at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.
 - d. Adequate lighting at all building entrances, exits and corridors between buildings, generally at least three (3) footcandles during active use, especially where doors are recessed. Appropriate lighting levels shall be provided in all loading, disposal, storage, and circulation areas.
 - e. Confine site lighting to the project site. Use shields or other methods to eliminate glare on adjacent properties or towards the sky.
 - f. Place light posts and standards so that they do not create hazards for pedestrians or vehicles.
 - g. Indicate specific lighting levels in each lighted area.
 - h. Light standards shall not reduce the amount of landscaping required for the project by the zoning code landscape standards.
6. Site Furnishings. Incorporate outdoor furniture, fixtures, and streetscape elements into the site design.
 - a. Lighting, free standing signs, trellises, arbors, raised planters, benches and other forms of seating, trash receptacles, bus stops, phone booths, fencing, or other outdoor furniture or streetscape fixtures shall be utilized in the site design to create and define public spaces.
 - b. Utilize high-quality, durable and easily maintained materials in site furnishings and features that discourage defacement. Furnishings that are easily removed or do not portray an image of care invite vandalism and misuse.
 - c. Use safety materials, such as non-slip walkway surfaces.
 - d. Locate site furnishings to maximize visual surveillance of the area by residents, pedestrians and passing vehicles to minimize covert activities in the space and lessen risks to public safety.

B. Building Design. The intent of this section is to encourage building design that is appropriate to the site, maintains a high level of interaction between pedestrians and the activities occurring inside the buildings at ground level and that becomes a positive element in the architectural character of the city.

1. Architectural Scale. Organize architectural elements into a unified whole that coordinates with local context and objectives. To encourage new development compatible with existing character of the city and achieve an architectural scale consistent with existing building scale, large buildings shall provide design elements to reduce the appearance of bulk.

a. New buildings three (3) or more stories in height or over five thousand (5,000) feet of gross floor area shall provide at least two (2) of the following features on those facades visible from public rights-of-way and pedestrian routes and entries:

- (1) Upper story setback. To reduce the perception of bulk, one (1) or more upper stories shall be set back from the ground floor at least ten (10) feet.
- (2) Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Buildings within four hundred (400) feet of a public right-of-way or park and/or visible from that right-of-way or park shall meet the following design standards:
 - (a) The maximum width, as measured horizontally along the building exterior, without building modulation shall be one hundred (100) feet.
 - (b) The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of twenty (20) feet.
 - (c) Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.
 - (d) Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.
 - (e) Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.
 - (f) Canopies or arcades may be used along a facade as modulation only if the facade is visible from a right-of-way and the length of the canopy or arcade is at least fifty (50) percent of the length of the facade on which it will be located.
- (3) Modulated roofline — Rooflines shall be modulated by one (1) or more of the following standards:
 - (a) Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - (b) Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than one hundred (100) feet in width.

- (c) For flat roofs or facades with a horizontal eave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds one hundred (100) feet, measured horizontally.
- (4) Building articulation with design elements such as the following, providing the interval does not exceed sixty (60) feet:
 - (a) Repeat distinctive window patterns at intervals equal to the articulation interval.
 - (b) Provide a porch, patio, deck, or covered entry for each interval.
 - (c) Provide a balcony or bay window for each interval.
 - (d) Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - (e) Change materials or colors with a change in building plane.
 - (f) Provide a lighting fixture, trellis, tree or other landscape feature within each interval.
 - (g) Clustering of smaller uses and activities around entrances on street-facing facades.
 - (h) Massing of substantial landscaping and/or pedestrian oriented open spaces along the building facade.
 - (i) A pedestrian pass-through that would access the rear of the lot through buildings over two hundred (200) feet in length.
 - (j) Other design methods proposed by the project applicant subject to approval by the City. The proposed methods must satisfy the intent of the design principles in this section.

C. Pedestrian Orientation. The intent of this section is to encourage buildings that are more appealing to users by relating building elements to human scale and pedestrian users.

1. Supermarkets and similar multi-department businesses that include bakeries, delis, flower shops, fruit and vegetable sections should locate these sections next to the sidewalk with display windows or doors to the sidewalk. Walk-up outdoor bakery, deli, and flower sales windows are encouraged as pedestrian amenities.
2. Design entrances on the same level as the sidewalk.
3. To create a commercial height and appearance, create a minimum floor-to-floor height of fourteen (14) to fifteen (15) feet for ground floor retail/office/service uses.
4. All new buildings and exterior remodels shall employ at least three (3) of the following elements or techniques to achieve human scale. If a proposed building is three (3) or more stories in height or more than one hundred (100) feet in length as measured along any visible facade facing a street, then the design shall use at least four of the listed elements.
 - a. Balconies or decks in upper stories; at least one (1) balcony or deck per upper floor on the facades facing streets. To qualify, balconies shall be at least 6 feet deep and ten (10) feet wide.
 - b. Bay windows that extend out from the building face.

- c. Individual windows, generally less than thirty-two (32) square feet per pane and separated from other windows by at least a (six) 6 inch molding.
- d. A gable or hipped roof, providing that the hipped or gable roof covers at least one half (1/2) of the building's footprint and has a slope greater or equal to three (3) feet vertical in twelve (12) feet horizontal.
- e. A porch or covered entry.
- f. Building elements that define a sheltering space such as a trellis, overhang, canopy, or other.
- g. Upper story setbacks, providing that one (1) or more of the upper stories is set back at least six (6) feet.
- h. Smaller symmetrical building elements near the entry or pedestrian oriented street fronts of large buildings.
- i. Other design methods proposed by the project applicant subject to approval by the City. The proposed methods must satisfy the intent of human scale and pedestrian orientation.

D. Building Design Details. Use of architectural details and high-quality materials upgrade the visual attractiveness of new development both close up and at a distance. A decorative element may be quite simple if it is suitably scaled and related to the building concept.

- 1. Design building forms on structures two (2) stories in height or greater shall incorporate a base, a middle, and a top. The base should contain the greatest amount of architectural detail, the middle should have relatively fewer details and forms, and the top should have a cornice or other distinctive form.
- 2. All new buildings shall include at least three (3) of the following elements on the facades that face a public street or park:
 - a. Articulated or decorated rooflines such as an ornamental molding, entablature, frieze, or other roofline device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, the band shall be at least eight (8) inches wide.
 - b. Decorative treatment of windows and doors such as a decorative molding, decorative glazing, door design, or framing details around all ground floor windows and doors.
 - c. Decorative railings, grillwork or landscape guards.
 - d. Landscape trellises.
 - e. Decorative light fixtures with a non-glare light source or a decorative shade or mounting.
 - f. Decorative building materials, including:
 - (1) Masonry, shingles, brick or stone.
 - (2) Decorative moldings, brackets, wave trim or lattice work.
 - (3) Ceramic tile, stone, glass block, or glass.
 - (4) Artwork, freestanding or attached to the building. Artwork may be in the form of a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, or freestanding sculpture. Materials and design features of fences and walls should reflect that of the primary building(s).

- g. Other materials with decorative or textural qualities and other artwork as approved by the City. Drawings and material samples shall accompany all proposals related to the above guidelines.

E. High-quality compatible building materials shall be used. The applicant may propose other materials with decorative or texture qualities compatible with the existing character of the district, subject to approval by the City. The following standards guide the use of building materials:

1. Use of metal siding, metal screening, plastic, plywood, sheet wood products or fiberglass to cover over existing facades is discouraged. Wood, metal or fiberglass shall not be used to cover over existing brick or cast stone masonry.
2. If metal siding is used as a siding material over more than twenty (20) percent of a building's facade, the metal siding shall have a horizontal pattern, such as lap siding, with a matte finish in a neutral or earth tone such as buff, gray, beige, tan, cream, white, or a muted color, and the building design shall include the following elements:
 - a. Visible window and door trim painted or finished in a complementary color.
 - b. Corner and edge trim that cover exposed edges of the metal panels.
 - c. Exception: If the City determines that specially treated metal siding is used as an accent material to achieve special architectural character, the City may approve metal siding as a material even though it does not meet the above specifications.
 - d. If concrete blocks, such as concrete masonry units or "cinder blocks", are used for walls, the block construction shall be architecturally treated in one or more of the following ways:
 - (1) Textured blocks with surfaces such as split face or grooved.
 - (2) Colored mortar and use of several colors of block.
 - (3) Other masonry types such as brick, glass block or tile in conjunction with concrete blocks.
3. The following materials are prohibited in locations visible from a public street or residential zone.
 - a. Mirrored, darkly tinted, or reflective glass on the ground floor.
 - b. Corrugated fiberglass or metal.
 - c. Chain-link fencing without a colored coating of plastic, vinyl or a decorative finish other than paint, except for a temporary purpose such as a construction site.

F. **Building Entries.** Enhance building entries by providing three or more of the following pedestrian amenities at the primary public entry of each building:

1. At least two hundred (200) square feet of landscaping at or near the entry.
2. Benches.
3. Special paving.
4. A decorative screen wall, trellis, canopy, porch or other building element and landscape.
5. Window displays that emphasize the entry and cover the majority of the front facade.
6. Building ornamentation such as mosaic tile, relief sculpture, ornamental wood or metal trim, etc.

7. Artwork.
8. Plants in containers.
9. Special pedestrian-scaled lighting that light pedestrian areas or surfaces and that are lower than fifteen (15) feet in height.
10. At least two hundred (200) square feet of pedestrian oriented space.
11. Pedestrian furniture such as seating, flowers in planters or a drinking fountain.
12. Substantial perimeter landscaping or lawn if configured in a "front yard" setting between the building front and the sidewalk.
13. Space for transit stops with shelter and seating, if approved by Pierce Transit.
14. Other amenities as approved by the City.

G. Pedestrian Weather Protection. Provide pedestrian weather protection on building entrances as follows:

1. At each building entry, provide weather protection in the form of an awning, canopy, marquee, building overhang or other feature that creates a covered pedestrian space of at least one hundred (100) square feet and extends at least eight (8) feet wider than the entrance doors of the building and at least four (4) feet from the building wall.
4. Canopies or awnings should not extend higher than fifteen (15) feet above ground level or lower than eight and one-half (8 1/2) feet at the lowest point. Vertical height of the overhead clearance for the bottom of an awning should not be more than ten (10) feet.
5. The material and configuration of the pedestrian covering shall be reviewed by the City. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric, plastic and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings shall conform to the City's sign regulations as set forth in LMC 18A.50.600.

H. Design Treatment of Blank Walls. Reduce the apparent size and visual impact of large plain walls through the use of various architectural and landscaping treatments.

1. All blank walls within fifty (50) feet of a street right-of-way, park, adjacent lot or which is visible from a residential use or zone shall be treated in at least two (2) of the following methods:
 - a. Install a vertical trellis in front of the wall with climbing vines or similar plant materials.
 - b. Provide a planting bed at least five (5) feet wide or raised planter at least two (2) feet high and three (3) feet wide in front of the wall. Landscape with plant materials that obscure or screen at least fifty (50) percent of the wall surface within three (3) years.
 - c. Provide artwork such as mosaic, mural, decorative masonry, metal patterns or grillwork, sculpture, relief or other art, on at least fifty (50) percent of the blank wall surface.
 - d. Showcase, display, recessed windows.
 - e. Architectural features such as setbacks, indentations, overhangs, projections, articulated cornices, bays, reveals, canopies, and awnings

- f. Material variations such as colors, brick or metal banding, or textural changes;
 - g. Landscaped public plaza(s) with space for vendor carts, concerts and other pedestrian activities.
 - h. Other methods subject to City approval of architectural plans and elevations of the proposed treatments.
- I. Exceptions to the Standards. The Community Development Director may permit a deviation from one (1) or more specific standards if it is determined that public benefit may be achieved by an alternative proposal. In addition, the Community Development Director may allow a development project to meet a lesser standard, if during redevelopment of an existing developed site, the Community Development Director, in consultation with the City Engineer, has determined that the specific standard(s) cannot be met due to the size or configuration of the parcel and makes findings that demonstrate that the public benefit associated with public safety and/or the community design standards that have been met by the project design exceeds the public benefit associated with those standards that will not be met by the proposed design. The alternative proposal shall be consistent with the purpose of this section, public safety practices and with the comprehensive plan goals and policies. The applicant must demonstrate that the proposed deviation will result in increased pedestrian activity and visual interest along the street.
- J. Siting and Screening of Service and Parking Facilities. Minimize the impacts of incompatible uses, reduce the visibility of unsightly uses and create compatible edges between business and residential uses among adjacent properties by encouraging more thoughtful siting of trash containers, service areas, private utilities apparatus and parking facilities, while balancing the need for these service uses with the desire to screen negative impacts.
- 1. Locate incompatible uses and intrusive site elements away from neighboring properties to reduce conflicts with adjacent uses. Service yards and loading areas shall be designed and located for easy access by service vehicles and tenants and shall not displace required landscaping, impede other site uses, or create a nuisance for adjacent property owners.
 - 2. Landscape buffers or another form of screening shall be provided along property lines adjacent to incompatible uses. If changes in topography between the properties are sufficient to reduce impacts, then modification to some of the screening/buffer options may be allowed.
 - 3. When visible from public streets or adjacent residential uses, chain link fencing may only be used if the chain link fencing posts, gates, couplings and fasteners are coated with a colored plastic, vinyl or decorative finish, other than paint. Barbed may be utilized on the top of a fence, for security purposes only. Concertina or razor wire shall not be used.

4. Integrate outdoor storage areas and loading facilities into the site design to reduce visual impact and obstruction of pedestrian and vehicular movement. Commercial services relating to loading, storage, trash and recycling should be located in such a manner as to optimize public circulation and minimize visibility into such facilities. Trash and recycling receptacles shall be located within enclosures and shall include covers to prevent odor and wind blown litter.
5. Service yard walls, enclosures, and similar accessory site elements shall be consistent with the primary building(s) relative to architecture, materials and colors.
6. Locate and/or screen utility meters, electrical conduit, and other public and private utilities equipment and apparatus, including transformers, fire standpipes and engineered retention ponds, except biofiltration swales, so as not to be visible from the street or adjacent properties. Building utility equipment such as electrical panels and junction boxes should be located in an interior utility room. If site utilities must be located in a front yard, they shall be either underground or screened by walls and/or landscaping, and shall not obstruct views of tenant common spaces, public open spaces, monument signs, and/or driveways.
7. Locate and/or screen roof-mounted mechanical equipment so that it blends with the architecture of the building and is not visible from the street or adjacent properties.

K. Landscape Design. The intent of this section is to encourage landscape design that will enhance the pedestrian environment and complement building and site design using plant species that are of low maintenance, resistant to drought and otherwise appropriate for conditions within the zoning district.

1. Landscape Components. Include coordinated systems of open spaces and/or planted areas that provide the required pedestrian areas. The plan shall indicate how the open space and plantings relate to achieve continuity, variety and activity.
 - a. Plantings and/or site features that enhance the architectural qualities of the building. Plant species shall be chosen in scale with the building at plant maturity, and shall define the building modulation and entries.
 - b. A coordinated selection of plant material to provide a succession of blooms, seasonal color and varied textures.
 - c. Extension of the architectural concept of the building onto the site where possible, with low sitting walls, planter walls, gazebos or pergola that compliment the building design, columns or fence supports faced with material that coordinates with the building facade or trim.
 - d. Extension of the site landscaping to the walls of the building when possible with metal trellises, vines, espaliered trees and shrubs, wall and window planters, and roof gardens.
 - e. On-site ground or container landscaping that provides visual continuity by coordinating with the City's recommended street tree species and repeating the street tree species on-site where appropriate.

- f. Fences or dividers, where proposed, of the same material as the facade of the building or a complimentary material.
2. Landscape Design Objectives. The applicant should consider the following design objectives when creating a landscape plan:
 - a. Provide landscape transitions between adjacent sites and within the site to achieve greater continuity.
 - b. Create landscape definition between public and private residential spaces.
 - c. Provide a transition between the vertical planes of structures and the horizontal planes of the site.
 - d. Highlight significant site features and define the function of the site, including parking, circulation, entries, open space, and activity areas.
 - e. Highlight principal entrances to sites with seasonal plantings arranged in a gateway effect. Consider containers planted with seasonal flowers.
 - f. Coordinate street trees and plantings on street frontages to unify the street image.
3. Safe Landscape Designs. To ensure landscaping and other site features contribute to personal safety and design the landscape so that long-term growth will not interfere with site lighting and surveillance.
 - a. Place landscape elements to allow for long-term growth without interfering with site lighting.
 - b. Consider long-term growth characteristics when choosing plant species.
 - c. Choose shrub species no taller than three (3) feet in height. Choose tree species with a high branch habit or prune tree limbs at least seven feet above ground level to allow an open space of at least four (4) feet between the shrubs and the lower branches of the trees.
4. Alternative Plan. The applicant may submit an alternative landscaping plan to meet the surface parking area landscaping requirements if the alternate proposal provides a better solution for one (1) or more of the following:
 - a. Integrates interior surface parking and landscaping with required biofiltration swales or surface water detention ponds.
 - b. Preserves distant views.
 - c. Provides a significant pedestrian oriented space such as a pocket park or amphitheater.
 - d. Creates an extension or connection to a local park or a regional bicycle/pedestrian trail system.
 - e. Provides for outstanding public art within pedestrian view.
 - f. Provides outstanding enhancement and support for the City-designated gateway intersections.
 - g. Addresses the context of the site and the intent of this section more effectively than could be done within the zoning code standards, and results in a superior plan.

18A.50.240 Special Uses Development Standards.

A. **Commercial Uses and Zones.** These standards are intended to create an active, safe pedestrian environment for commercial uses, improve vehicular circulation and upgrade the city's visual appearance in commercial zones.

1. Streets in commercial zones should be pedestrian-oriented, but also accommodate vehicular access to businesses. Buildings with ground floor retail sales or service uses should orient major entrances, display windows and other pedestrian features to the right-of-way to the maximum extent possible.
2. Buildings shall be constructed adjacent to the front and side property lines to create a continuous street wall along the sidewalk, except gas stations, which are exempt from this standard. The street wall should be maintained for a minimum of seventy-five (75) percent of the property frontage along streets in commercial zones, except to allow a maximum thirty (30) foot setback if a pedestrian activity is planned for that space, such as an entry, pedestrian plaza, outdoor dining, or a garden space associated with residences. The applicant may propose a greater setback to provide greater pedestrian interest and activity subject to approval by the City.
 - a. The building setback can be applied to the entire building facade adjacent to the street or can be applied to only the first level of a multi-story building with the upper levels permitted to be cantilevered over the first level. Vertical height of the overhead clearance for the ceiling of a pedestrian area or pathway under a cantilevered second level of a building shall not be less than twelve (12) feet.
 - b. Setback exceptions may be made for public space adjacent to a building if the intent and standards of the pedestrian-oriented street front are met. The setback area may not be used for parking.
3. Vehicular access to the site is permitted from the street to the property within the remaining twenty-five (25) percent of the street frontage in commercial zones. Surface parking areas may front on the street within this same area. However, surface parking shall not be located in front of the building.
4. The building setback is measured from the property line abutting the public right-of-way.
5. Breaks in the continuous street wall are permitted where pedestrian access is being provided into or through the site.
6. Large retail complexes, including multi-tenant developments, with large surface parking lots may not be able to locate parking entirely in accordance with the above guidelines. Therefore, retail complexes of sixty thousand (60,000) square feet of gross floor area or larger may locate surface parking between the buildings and the right-of-way, provided that small buildings and/or retail/service building pads are located along the right-of-way to break up and reduce the visual impact of the parking areas, and the resulting building characteristics achieve visual interest and appeal at a pedestrian scale and proximity to reinforce the pedestrian experience. For the purposes of this guideline, retail complex means the entire lot or parcel, or series of lots or parcels, on which a development, activity or use is located or will locate.

- a. The small retail/service buildings adjacent to the right-of-way shall have entrance facades that front on, face or are clearly recognizable from the right-of-way; and shall incorporate windows and other methods of articulation on all facade(s) of the building adjacent to the right(s)-of-way.

B. Street Corners. The intent of the standards in this section is to improve the appearance of highly visible locations at the intersections of streets. New development on corner lots at street intersections shall enhance the visual qualities of the corner.

1. Location of corner buildings. At gateways, intersections of arterials or other selected streets and other designated locations, locate and design the building, with a maximum thirty (30) foot setback from the property corner nearest the street intersection, to allow the corner to serve a pedestrian-attractive use such as outdoor dining, flower carts, information or merchandise kiosk or newsstand. Enhance the building corner with a building element such as a corner entry, tower, corner window sculpture, or other device. The applicant may propose a greater setback to provide greater pedestrian interest and activity on a corner property subject to approval by the City.
 - a. The building setback is measured from the property line corner abutting the intersection of the public rights-of-way.
 - b. The building setback can be applied to the entire building facade adjacent to the street corner or can be applied to only the first level of a multi-story building with the upper levels cantilevered over the first level. Vertical height of the overhead clearance for the ceiling of a pedestrian area or pathway under a cantilevered second level of a building shall not be less than twelve (12) feet.
 - c. Breaks in the continuous street wall to provide for vehicular access to the site are restricted and should be permitted for the lower classification of street from which vehicular access may be provided.
2. Street corner landscaping. Install substantial landscaping such as a low hedge or trees and shrubs, of at least two hundred (200) square feet of ground surface area, at or near the property corner, taking care not to create a visibility or security problem. Container gardens, public art, or other features attractive to pedestrians may be substituted for landscaping, **subject to planning director approval.**
3. When the corner is adjacent to a City-designated gateway intersection, coordinate with the City to provide significant gateway elements such as landscaping, banners, special lighting, or art.
4. Plazas, public open spaces and entries should be located at street corners to optimize pedestrian access and use.

C. Surface Parking and Parking Structure Facilities. Coordinate parking facilities to reduce visual and traffic impacts as follows:

1. In parking facilities, the preferred location for markings and signs for individual stalls is the pavement. Parking and vehicle circulation areas shall be clearly delineated using directional signage. Limit the height of free standing or wall mounted stall signs to three (3) feet above grade, except for handicap accessible parking signs, which shall be three (3) to five (5) feet in height. Limit parking lot entrance signs to one (1) per parking area entrance. The sign shall be no more than six (6) feet in height above grade, and shall have a surface area of no more than six (6) square feet per side.
2. Screen the storage of all moveable parking lot equipment, such as barrels, saw horses, etc. from the public right-of-way.
3. Driveways shall be located to be visible from the right-of-way but not impede pedestrian circulation on-site or to adjoining properties. Parking aisles without loop access are discouraged. Driveways should be shared with adjacent properties to minimize the number of driveways and curb cuts. Vehicular circulation between adjoining properties is encouraged.
4. Minimize the size and surface area of required parking lots by:
 - a. Encouraging the use of shared parking facilities whenever feasible.
 - b. Encouraging the inclusion of underground and/or rooftop parking facilities in multi-story buildings.
 - c. Encouraging the development and use of parking structures and facilities; and
 - d. Encouraging the use of transit and ride share programs whenever possible.
5. Design parking structures, including parking floors located within commercial buildings, as follows:
 - a. The bulk and mass of a parking structure as seen from the right-of-way should be minimized by placing its short dimension along the street edge. The parking structure shall include active uses at the ground level such as retail, offices or other commercial uses that occupy at least fifty (50) percent of the building's lineal frontage along the right-of-way.
 - b. Parking structures which are part of new development shall be architecturally consistent with exterior architectural elements of the primary structure, including roof lines, facade design, and finish materials.
 - c. Parking structures should incorporate methods of articulation and accessory elements, pursuant to LMC 18A.50.230.B.1 Building Design, Architectural Scale and LMC 18A.50.230.B.3 Building Design, Building Design Details, for facades located above grade.
 - d. Buildings built over parking should not appear to "float" over the parking area, but should be linked with ground level uses or screening. Parking at grade under a building is discouraged unless the parking area is completely enclosed within the building or wholly screened with walls and/or landscaped berms.
 - e. Top deck lighting on multi-level parking structures shall be architecturally integrated with the building, and screened to control impacts to off-site uses.

- f. Parking structures and vehicle entrances should be designed to minimize views of parked vehicles inside the structure from surrounding streets, without sacrificing public safety. Methods to help minimize such views may include, but are not limited to landscaping, planters, and decorative grilles and screens.
- g. Security grilles for parking structures shall be architecturally consistent with and integrated with the overall design. Chain link fencing is not permitted for garage security fencing.
- h. A minimum of eight (8) foot wide strip of landscaping along the base of the facade pursuant to LMC 18A.50.425.A.1.a, Landscape Types, in those areas where ground level retail or other active uses are not located.
- i. When curtain wall glass and steel systems are used to enclose a building, the glazing panels shall be transparent on fifty (50) percent of the ground floor facade fronting a right-of-way or pedestrian area.
- j. Transparent glazing panels shall be utilized in the construction of all elevators and enclosed stairways. Elevators and stairways shall be sited so as to maximize the visual surveillance from the surrounding streets as well from within the parking structure.
- k. The parking structure shall be designed and lighted in accordance with crime prevention concepts so that personal safety risks are minimized.

D. Transit Facilities. Provide residents and shoppers with convenient transit and pedestrian connections to work places, parks, schools and shopping by:

- 1. Encouraging the development of pedestrian-oriented retail and services uses in close proximity to transit facilities.
- 2. Encouraging the development of residential uses within walking distance of the Sound Transit commuter rail station.
- 3. Encouraging the development of multi-story combined uses buildings in the area around the Sound Transit commuter rail station.
- 4. Encouraging the connection of a variety of transit modes, such as rail, bus, park and ride, vanpool, bicycles and pedestrian, around the Sound Transit commuter rail station to create a transit hub for the city of Lakewood.

E. Multifamily Residential Uses. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC.

- 1. Significant trees shall be retained within the landscape buffer perimeter around the site, pursuant to LMC 18A.50,320B.1, Tree Preservation. Significant trees shall be retained and incorporated into the landscaping and open space areas on the site, whenever possible.

2. For multifamily residential complexes over six (6) units in size, no residential building may be located within fifty (50) feet of the property line abutting a single-family residential zone. Buildings containing the rental office, recreation and sports facilities and other community facilities may be located within this setback. Landscaped yards shall be provided between building(s) and public street(s).
3. Buildings shall be designed to have a distinct "base," "middle," and "top." The base, typically the first floor, shall contain the greatest number of architectural elements such as windows, materials, details, overhangs, cornice lines, and masonry belt courses. The midsection by comparison may be simple. Single-story buildings have no middle, but do have a base and a top. The top shall avoid the appearance of a flat roof and include distinctive roof shapes including but not limited to pitched, vaulted or terraced roof lines, etc. Rooflines shall be varied on individual buildings and among buildings in a multifamily residential complex.
4. The longest dimension of any building shall not exceed one hundred sixty (160) feet. Buildings on the same site may be connected by covered pedestrian walkways.
5. Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Multifamily residential buildings shall meet the following design standards:
 - a. The maximum width, as measured horizontally along the building exterior, without building modulation shall be fifty (50) feet.
 - b. The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of ten (10) feet.
 - c. Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.
 - d. Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.
 - e. Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.
6. Modulated roof line. The rooflines shall be modulated according to the following standards:
 - a. Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - b. Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than sixty (60) feet in width.
 - c. For existing flat roofs or facades with a horizontal cave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds sixty (60) feet, measured horizontally.

7. Residential design features, including but not limited to entry porches, projecting window bays, balconies or decks, individual windows instead of strip windows, offsets and cascading or stepped roof forms shall be incorporated into all buildings. Window openings shall have visible trim material or painted detailing that resembles trim. Use design elements in the following manner to accent building articulation, providing the interval does not exceed sixty (60) feet:
 - a. Repeat distinctive window patterns at intervals less than or equal to the articulation interval.
 - b. Provide a porch, patio, deck, or covered entry for each interval.
 - c. Provide a balcony or bay window for each interval.
 - d. Provide a lighting fixture, trellis, tree or other landscape feature within each interval.
8. The site plan for the development should be integrated with the surrounding neighborhood.
9. The buildings in the development should, where appropriate, maintain neighborhood scale and density.
10. The exterior design of all buildings in the development should provide for individual unit identity.
11. Buildings in the development should be oriented for maximum sun exposure.
12. Dwelling units on the ground floor level shall have private outdoor spaces adjacent to them to provide those exterior portions of the site to be controlled by individual households.
13. Buildings in the development should be oriented to provide for privacy of residents.
14. Dwelling units shall be constructed so that windows are not located at ground level, below grade in window wells or below adjacent sidewalks, stairways, landscape areas or parking areas.
15. Pedestrian walkways, at least six (6) feet in width, shall be provided between the interior of the project and the public sidewalk.
16. Lighting fixtures should not exceed fifteen (15) feet in height and shall include cutoff shields.
17. Provide substantial landscaping and/or pedestrian oriented open spaces near building entrances and along the building facade. Principal entries to buildings shall be highlighted with plaza or garden areas containing planting, lighting, seating, trellises and other features. Such areas shall be located and designed so windows overlook them.
18. The landscape plan should enhance the parking and utility areas on the site.

19. All new buildings, including accessory buildings, such as carports and garages shall have a roof pitch ranging from at least three (3) feet vertical to twelve (12) feet horizontal.
20. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.
21. Carports and garages in front yards are discouraged. Parking areas should be beside or behind buildings that front upon streets. Subterranean parking is encouraged. Parking lots should be broken up into rows containing no more than ten (10) adjacent stalls, separated by planting areas and pedestrian walkways. If parking is located along a right-of way, a landscaped berm at least three (3) feet higher than the finished grade of the parking lot shall be located between the parking lot and the right-of-way.
22. Provide an open space network that is accessible to all units and that will accommodate a wide variety of activities, public and private, in the following manner:
 - a. Provide at least thirty (30) square feet per unit of common open space in addition to individual balconies or patios and that area required by landscaping, recreation, building setbacks, critical area buffers and other code requirements.
 - b. Common open space shall be an open air area intended for use by all residents, guests, employees or patrons of a site and may include lawns, gardens, squares, plazas, courtyards, terraces, barbecue and picnic areas, games court or multi-use recreational areas, and other types of built space. Common open space shall meet the following standards:
 - (1) Linear dimensions of no less than twenty (20) feet.
 - (2) No more than thirty (30) percent of the area covered by a structure.
 - (3) Provide ample exposure to natural sunlight and fresh air.
 - (4) Provide direct pedestrian connection to other parts of the site.
 - (5) May include multi-use stormwater detention facilities, if the Community Development Director determines that the facilities are designed to function as common open space by providing an enhanced nature or visually aesthetic design.
 - c. Ensure that the open space network provides privacy for the residents while allowing for security and surveillance from residential units. Common recreational spaces shall be located and arranged to allow windows to overlook them.
 - d. Provide adequate lighting in the open space network, but place and shield lighting so that it does not glare into housing units.
 - e. Provide landscaping that defines the open space and provides shade and wind protection where needed but permits surveillance from units and roads.
 - f. Design the residential open space network with specific uses in mind. In each multifamily residential or combined uses buildings, private open space shall be provided in addition to common open space areas.
 - (1) Private open space shall be a partially or fully screened or enclosed open-air area that is strictly intended for use by the residents of the dwelling unit.
 - (2) Private open space may include yards, gardens, patios, courtyards, porches, balconies, terraces, rooftop gardens, decks or verandahs. Private open space shall not **have a dimension less than six (6) feet in length.**

23. Provide a one (1) or more furnished play areas for children. Provide a minimum of two hundred (200) square feet or fifty (50) square feet per unit, whichever is greater. Game courts, bike tracks and other recreational facilities may be included as play areas, provided that at least one (1) play area for children ages seven (7) and under has been provided. "Adult only" housing that prohibits children as residents is exempt from providing a children's play area but shall provide equal area for recreational uses appropriate to the age of residents.

F. Combined Uses Residential Buildings. These standards are in addition to other development standards **applicable under this chapter or other chapters of the LMC.**

1. Ground level facades of combined uses buildings that front a public right-of-way shall develop retail, commercial or office space to occupy at least fifty (50) percent of the gross ground floor area of the building.
2. Landscaped gardens, courtyards, or enclosed terraces for private use by residents should be designed with minimum exposure to the right-of-way.

G. Drive-Through Facilities. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC.

1. Drive-through windows and queuing lanes should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.
2. The queuing lane shall be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation. Painted lanes are not sufficient to separate pedestrians from vehicles.
3. Drive-through speakers or amplified music shall not be audible off-site.
4. A bypass lane to escape the queuing lane is required for all drive-through facilities.

H. Design Elements for Vendors. Stands for espresso, food, merchandise, and other outdoor vendors are subject to the following design standards:

1. The stand or cart shall be constructed of good quality, permanent materials. Tarps, bare plywood, cardboard, plastic sheeting, corrugated fiberglass or metal, or similar materials are not permitted.
2. The design, materials, and colors shall be compatible with existing features in the proposed location.

3. Awning quality shall be equal to that required for permanent buildings.
4. The size of the stand or cart shall be adequate for storage, trash containers, and other facilities. No outside storage is permitted.
5. Wiring and plumbing shall be hidden from view.
6. One (1) sign, maximum are area six (6) square feet, two (2) sided, is permitted. Menus and price lists two (2) square feet and less, are not signs for the purpose of this guideline.
7. No music or drive-up speakers shall be audible off-site.

18A.50.250 Administration.

Applications subject to community design guidelines shall be conducted as an administrative procedure under the applicable land use permit process. Planning staff will inform the applicant which standards are applicable to the project to assist the applicant to meet the community design requirements. Each application shall demonstrate how the various building elements, such as walls, roofline, entries, modulation, and materials are organized into a functional and attractive composition and how the concept relates to site conditions and site design such as visibility, access, pedestrian circulation, and neighboring development. Design review will generally be conducted as a function of project permit review. During project permit review, the staff person will note which design standards have been satisfied and any requirements that have not yet been met. The Community Development Director shall have the authority to approve, modify, or deny proposals pursuant to a review under this process.

This chapter sets parameters for design, but is constructed to allow for design flexibility and innovative design solutions. Decisions under this chapter will consider proposals on the basis of individual merit and will encourage creative design alternatives in order to achieve the stated purpose and objectives of this chapter. Decisions under this chapter may be appealed using the appeal procedures of the administrative land-use process.

This chapter in no way should be construed to supersede or modify any other City codes or ordinances that apply to the proposal. To the extent that any provision of this chapter is inconsistent or conflicts with any other chapter or City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

18A.50.300 TREE PRESERVATION

18A.50.305 Purpose.

This section promotes tree preservation by protecting the treed environment of the city of Lakewood by regulating the removal of significant trees and providing incentives to preserve

trees that, because of their size, species, or location, provide special benefits. Tree preservation protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and storm water runoff, and helps to define public and private open spaces.

18A.50.310 Applicability.

The requirements for tree preservation shall be provided in accordance with the development standards of each individual zoning district and the provisions of this section, and are applicable to all zoning districts, except for lots under seventeen thousand (17,000) square feet in single family residential zones. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

18A.50.320 Significant Tree Preservation.

A. Standards. Significant tree preservation shall be required for any project permit.

1. A significant tree is an existing tree which:
 - a. When measured at four and one-half (4.5) feet above ground, has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;
 - b. When measured at four and one-half (4.5) feet above ground; has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,
 - c. Regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.
2. For the purposes of this section, existing trees are measured by diameter at four and one-half (4.5) feet above ground level, which is the usual and customary forest standard. Replacement trees are measured by diameter at six (6) inches above ground level, which is the usual and customary nursery standard.
3. Damaged or Diseased Trees. Trees will not be considered "significant" if, following inspection and a written report by a registered landscape architect, certified nursery professional or certified arborist, and upon review of the report and concurrence by the City, they are determined to be:
 - a. Safety hazards due to root, trunk or primary limb failure;
 - b. Damaged or diseased, and do not constitute an important wildlife habitat. At the discretion of the City, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as a safety hazard.

B. Preservation Criteria. All significant trees shall be preserved according to the following criteria:

1. Perimeter trees. All significant trees within twenty (20) feet of the lot perimeter or required buffer, which ever is greater, shall be preserved.

- a. Except that significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Community Development Director.
2. Interior trees. A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.
 - a. For new single family residential development including a single family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot, shall be retained.
 - b. For new residential subdivisions, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements.
 - c. For commercial and industrial development, ten (10) percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.
 - d. In Open Space and Recreation zones, ninety-five (95) percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Community Development Director.
3. Buffers and Sensitive/Critical Areas. Tree preservation criteria listed above shall exclude sensitive/critical areas and their buffers, and open space areas and tracts. All trees within such areas shall be retained except as may be specifically approved and indicated in the written findings of a discretionary land use permit or a tree removal permit. See also LMC 18A.240.40 for tree removal standards within the Riparian Overlay.
4. SEPA Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

C. Tree Retention Plan Required.

1. A significant tree retention plan shall be submitted to the Community Development Department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the Community Development Department.
2. The Community Development Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.
3. A significant tree permit is required for the removal of any significant tree or street tree unless specifically exempted within this section.

D. Permit/Plan Requirements. Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:

1. Submit a tree retention plan that consists of a tree survey that identifies the location, size and species of all significant trees on a site and any trees over three (3) inches in diameter at four and one half (4 1/2) feet above ground level that will be retained on the site.
 - a. The tree survey may be conducted by a method that locates individual significant trees, or
 - b. Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.
2. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.
3. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continued healthy life of retained significant trees.
4. If tree retention and/or landscape plans are required, no clearing, grading or disturbance of vegetation shall be allowed on the site until approval of such plans by the City.

E. Construction Requirements.

1. An area free of disturbance, corresponding to the drip line of the significant tree's canopy, shall be identified and protected during the construction stage with a temporary three (3) foot high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, or parking of vehicles shall be permitted within the area defined by such fencing.
2. At Community Development Director's sole discretion, a protective tree well may be required to be constructed if the grade level within ten (10) feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least five (5) feet of additional diameter.
3. The Community Development Director may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.
4. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies or is removed within five (5) years of the development of the site, then the significant tree shall be replaced pursuant to LMC 18A.50.320.G.

F. Significant Tree Removal for Non-Development Action. Where no project permit is proposed or is pending on a lot, a maximum of two (2) significant trees within the interior of the lot and which shall not constitute more than twenty (20) percent of the significant trees on the lot, may be removed within a single calendar year:

1. If a project permit is proposed or occurs on the lot within one (1) year of removal of a significant tree, the replacement requirements of LMC 18A.50.320.G shall apply to the significant trees previously removed.

G. Replacement. When a significant tree subject to this section cannot be retained, the tree shall be replaced as a condition for the removal of the significant tree, in accordance with the following.

1. On-Site Replacement.

- a. Significant trees shall be replaced at a ratio of two to one (2:1) of the total diameter inches of all replacement trees to the diameter inches of all the significant trees removed.
 - b. Replacement trees shall be no smaller than three (3) inches in diameter at six (6) inches above ground;
 - c. Existing healthy trees anywhere on the site which are retained to support the remaining significant trees can be counted against the on-site replacement requirements on a one to one (1:1) basis of the total diameter inches of all replacement trees removed, provided it meets the following criteria:
 - (1) The tree does not present a safety hazard; and,
 - (2) The tree is between three (3) and nine (9) inches in diameter at four and one half (4.5) feet above ground.
2. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a one and one-half to one (1.5:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between nine (9) inches and twenty-four (24) inches in diameter for evergreen trees, or between nine (9) inches and thirty (30) inches in diameter for deciduous trees.
3. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:
- a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
 - b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
 - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.

- d. The tree belongs to a unique or unusual species.
 - e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.
 - f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.
4. **Off-Site Replacement.** When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:
- a. The planting of the required replacement trees at locations approved by the City throughout the city. Plantings shall be completed prior to completion of the project permit requiring tree replacement.
 - b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the city. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

H. **Trimming** Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard.

18A.50.400 LANDSCAPING

18A.50.405 Purpose.

This section establishes standards for landscaping, street trees and landscape maintenance for new development and uses. The use of landscaping, street trees, and the retention of existing vegetation by property owners reduces visual, noise and lighting impacts, and promotes compatibility between land uses while enhancing the visual appearance of the city. Landscaping protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and stormwater runoff, and helps to define public and private open spaces. This section also encourages the protection and planting of vegetation native and common to the Puget Sound region while providing policies and standards for the preservation of natural vegetation and maintenance of landscaping within the city of Lakewood.

18A.50.410 Applicability.

Landscaping required pursuant to this title is applicable to all land developments, project permits, and/or land-use activities. The requirements for landscaping and street trees are applicable to all zoning districts and shall be provided in accordance with the development standards of each individual zoning district and the provisions of this section. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

18A.50.415 Exceptions.

Exceptions to this section are allowed under the following circumstances:

- A. Residential Properties. The landscaping and street tree provisions of this chapter shall not apply to lots which are, as of the effective date of this title, zoned for and used as a detached or an attached single-family dwelling use type, excluding zero lot line developments, provided that the zoning and/or use continues unchanged from its status as of said effective date.
- B. Interior Tenant Improvement. The landscaping provisions of this section shall not apply to existing structures where interior tenant improvements, such as interior remodel or painting, occur and where there is no addition to the number of parking spaces provided.
- C. Existing Structures. Where existing structures are situated so as to preclude installation of required landscaping, the Community Development Director, at his/her sole discretion may reduce the required landscaping for the area affected by such structures pursuant to 18A.50.415.E.
- D. Physical Limitation of the Site. The Community Development Director may modify landscaping requirements for structure remodeling or tenant improvements when the development of the required landscaping improvement(s) is not, in the determination of the Community Development Director, feasible due to physical limitations of the site that are no fault of the applicant. Where landscaping requirements have been reduced, the landscaping shall be relocated in the following manner and order:
 - 1. At the entry of the building.
 - 2. To another lot line.
 - 3. To an equal-sized area in another portion of the lot.
 - 4. To an area, as determined by the Community Development Director upon review with the owner or developer.
 - 5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.
- E. Parking for Existing Structures. Where compliance with the provisions of loading areas and off-street parking requirements for existing buildings or structures conflicts with the requirements of this section, the required landscaping and/or parking may be reduced, as determined by the Community Development Director, pursuant to 18A.50.415.F.
- F. Landscaping Reduced. Where landscaping is reduced or waived in a specific location, equivalent landscaping shall be located elsewhere on the site in the following manner and order:
 - 1. At the entry of the building.
 - 2. To another lot line.
 - 3. To an equal-sized area in another portion of the lot.

4. To an area, as determined by the Community Development Director upon review with the owner or developer.
 5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.
- G. **Jointly Developed Properties.** If contiguous lots or driveways to such lots are developed jointly with like uses, a portion of the perimeter buffering required between the lots may be relocated to other areas of the site, at the discretion of the Community Development Director, provided that the remaining portion of the perimeter buffering area is landscaped in a pedestrian-friendly manner to the required standard.
- H. **Existing Vegetation.** Where existing vegetation can provide the same level of screening as required by the landscaping requirements, the Community Development Director may grant a waiver to some or all of the standard requirements. In such case, the applicant shall be responsible for submitting to the Community Development Department, an alternate conceptual landscape plan, supporting photographs and a brief explanation as to how the alternate plan satisfies the intent of the landscape standard required. Supplemental plant material may be required to be installed within, or adjacent to, the natural landscape area to fully comply with the intent of the required landscape standards.

18A.50.420 Landscaping Standards.

A. General Standards.

1. Where any structure is enlarged or expanded, then landscaping shall be provided for the area of said expansion or enlargement in accordance with LMC 18A.50.400, Landscaping. A change in use in an existing structure may require additional landscaping as set forth in this section.
2. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is not reconfigured or expanded, the following standards apply:
 - a. Perimeter landscaping and parking area landscaping may be required pursuant to 18A.50.200, Community Design.
 - b. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.
3. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is reconfigured or expanded, the following standards apply:
 - a. Perimeter landscaping is required pursuant to LMC 18A.50.425-430, Landscaping.
 - b. Parking area landscaping is required pursuant to LMC 18A.50.425.A.4, Landscaping Types.
 - c. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.
4. If the development proposal is for a new structure, the following standards shall apply:
 - a. Perimeter landscaping is required pursuant to LMC 18A.50.425-430,.
 - b. Parking area landscaping is required pursuant to LMC 18A.50.425.A.4, Landscaping Types.

- c. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.
5. All parking areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the total parking area, drive aisles, maneuvering area and loading space, landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Required perimeter landscaping adjacent to property lines and required interior landscape islands shall not be calculated as accounting for a portion of the ten (10) percent figure.
 6. All ingress or egress driveways, internal circulation routes and easements which provide access corridors to the subject lot, and which are not adjacent to a public right-of-way, shall be landscaped to the same standard as a public right-of-way.
 7. All outside storage areas shall be screened by fencing and landscaping a minimum of five feet in depth unless it is determined by development plan review that such screening is not necessary because stored materials are not visually obtrusive.
 8. All trash containers shall be screened from abutting properties and streets by a one hundred (100) percent sight-obscuring fence or wall and appropriate landscaping.
 9. Landscaping shall be placed outside of fences unless it is determined by the Community Development Department that such arrangement would be detrimental to the stated purpose of this chapter.
 10. All portions of a lot not devoted to a building, future buildings, parking, storage or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter. Type III landscaping is the minimum landscaping required if no other landscaping standards apply.
 11. All required landscaping areas shall extend to the curb line or the property line, whichever is greater.
 12. All required landscaping areas shall be surrounded by concrete curbing and shall contain soil of sufficient quantity and quality to allow landscaping plantings to flourish. Landscaping areas shall not be placed on top of any impervious surface.
 13. Required landscaping for those areas that are inappropriate to landscape due to the existence of rail lines or other features, shall be relocated in the following manner and order:
 - a. At the entry of the building.
 - b. To another lot line.
 - c. To an equal-sized area in another portion of the lot.
 - d. To an area, as determined by the Community Development Director upon review with the owner or developer.
 - e. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.
 14. The perimeter of parking lots that abut residential zones or uses shall be landscaped with Type I landscaping and a solid wood or equivalent fence. Substitute fencing may be allowed at the discretion of the Community Development Director to address public safety concerns. The term "adjacent residential property," for purposes of this section, shall mean abutting property, and lots immediately adjacent to abutting property.

15. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety.
16. The perimeter landscape strip of all property abutting Interstate 5 or abutting railroad right-of-way adjacent to Interstate 5 shall be increased to a minimum depth of fifteen (15) feet along the highway or railroad right-of-way frontage, unless a larger area is otherwise required by LMC 18A.50.425, Landscaping Types.
17. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area described in LMC 18A.50.425, Landscaping Types.
18. Landscape plans shall include, where feasible, a diversity of native plant species which promote native wildlife habitat.
19. Landscaping buffers shall be required adjacent to any above ground storm water facilities of no less than five (5) feet in width.
20. Landscape areas adjacent to required biofiltration systems that do not exceed one to three (1:3) slope may be counted toward a portion of any required landscaping areas if they meet the following:
 - a. Landscaping shall not be permitted within the treatment area of a biofiltration system. The chosen vegetation shall not result in any disruption of bioswale functions at any time.
 - b. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of storm water systems and plant species and location are subject to approval of the City Engineer and Community Development Director.
21. Where the width of a required landscape strip exceeds the setback requirement for any structure subject to this section, the setback shall be increased to provide the full width of the landscape strip, except where otherwise permitted for commercial buildings under LMC 18A.50.200, Community Design.
22. Use of man-made non-vegetative material such as plastic or artificial plants or grass is prohibited as substitute for the required landscaping. Nonvegetative material is not a substitute for plant material. Non-porous weed barriers are prohibited in landscaped areas. Bark, mulch, rock or other nonvegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material.
23. Required landscape areas shall be provided with adequate drainage.
24. All trees shall be double (2) staked for the first two (2) years.
25. Slopes shall not exceed a 1 to 3 (1:3) ratio (height to width from center), in order to decrease erosion potential and assist in ease of maintenance.

C. Plant Standards. Where new landscaping is required, the following plant standards apply:

1. Deciduous tree. A minimum three (3) inch diameter at six (6) inches above grade at the time of planting.
2. Evergreen tree. A minimum six (6) feet in height above grade at the time of planting.
3. Low Shrub. Plants shall be a minimum of one (1) to two (2) feet in height at the time of planting with approximately a one (1) or two (2) gallon pot or ball-and-burlap.
4. Medium Shrub. Plants shall be a minimum of two (2) to three (3) feet in height at the time of planting with approximately a three (3) to five (5) gallon pot or ball-and-burlap.

5. Ornamental tree. A minimum of one (1) inch diameter for deciduous; a minimum of two (2) feet tall for evergreens. Ornamental trees may count as a medium shrubs, but do not count for trees otherwise required.
6. Vegetative Groundcover. Grass sod, or spreading groundcover in four (4) inch pots with a maximum spacing of nine (9) inches, or one (1) gallon pots with a maximum spacing of eighteen (18) inch and of sufficient size, spacing and species as to spread to form a solid cover of the planting area within two (2) years from the time of planting.
7. Drought Tolerant Plants. The use of native and drought tolerant, low water use plants shall be incorporated into landscape design plans.

D. Irrigation Standards. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable to lack of watering and to survive periods of extended drought once they are established.

1. Irrigation systems shall be incorporated into a landscaping area and the applicant shall prepare a water use and conservation plan for review and approval by the City Engineer and Community Development Director.
2. The applicant shall choose one of the following options to provide all landscaped areas with an irrigation method:
 - a. A permanent underground irrigation method with an automatic controller plus an overriding rain switch. All landscape that is placed in median strips in the middle of street rights-of-ways shall be irrigated with underground automated irrigation systems.
 - b. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant material selected is classified as drought tolerant and a permanent irrigation system is determined to be unnecessary by the Community Development Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

18A.50.425 Landscaping Types.

- A. The landscaping types are intended to provide a basic list of landscaping standards that may be applied within a proposed project as necessary to provide for the intent of the comprehensive plan.
 1. Type I, Vegetative Buffer. A combination of landscaping, evergreen and deciduous trees, and fencing that provides a substantial visual barrier between uses and creates an impression of separation of spaces along an interior property line. The following standards shall be applied:
 - a. Landscaping strip shall be a minimum of eight (8) feet in width, and shall be increased to ten (10) feet in width and fifteen (15) feet in width as required by LMC 18A.50.430, Landscaping Regulations by Zoning District.

- b. Depending on the use, a sight obscuring barrier may be required to be placed within the landscaping strip to consist of:
 - (1) Fence/wall five (5) feet in height, or
 - (2) A medium shrub barrier (hedge) which is of such a density as to provide a solid visual barrier.
 - c. One (1) evergreen or deciduous tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than (20) feet on center along the full extent of the landscaping strip. No more than sixty (60) percent of the trees may be deciduous.
 - d. The percentage of evergreen trees allowed may be further reduced at the discretion of the Community Development Director to address public safety concerns.
 - e. Shrubs:
 - (1) Two (2) medium shrubs are required per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
 - (2) Three (3) low shrubs are required per three (3) linear feet of landscaping strip and placed no greater than three (3) feet on center.
 - (3) Shrubs shall be placed along the entire length of the landscaping strip as to provide vegetative cover.
 - f. Vegetative groundcover.
 - g. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative buffer. These are minimum standards, additional landscaping may be required if, in the determination of the Community Development Director, the proposed landscaping plan does not provide effective separation and screening.
2. Type II, Streetscapes. A unifying theme of canopy type trees along a public or private street within the right-of-way, with a landscaping strip and a minimum five (5) foot sidewalk, shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling. The following standards shall be applied:
- a. Curb, gutter, and sidewalks standards as required in LMC 18A.50.135 Streetscapes, LMC 17.46 Site Development Regulations, and LMC 12.02, Streets Sidewalks and Public Thoroughfares.
 - b. Landscaping strip of vegetative groundcover a minimum five (5) feet in width, located between the curb and the sidewalk.
 - c. Deciduous street trees, pursuant to LMC 18A.50.440 Street Tree Standards are required along the entire street frontage at a spacing of no more than thirty (30) feet on center or as required to continue the existing pattern of street, whichever is less distance.
 - d. Tree wells, four (4) foot diameter or six (6) square feet in size, are required when trees are placed within the sidewalk. Trees not located on the sidewalk shall be centered on the landscaping strip.
 - e. Level 1 Utilities shall be placed underground as appropriate.
 - f. Street lights as directed by the City Engineer.
 - g. Landscaped medians within the roadway may be required at the discretion of the City Engineer and the Community Development Director including.
 - (1) Curb, gutter, four (4) to twelve (12) foot wide landscaping strip within the roadway with a length determined by the City Engineer.

- (2) One (1) street tree at each end of the median, plus one (1) street tree per thirty (30) feet of median.
 - (3) Vegetative groundcover.
 - (4) Small shrubs shall be placed within the landscaping strip so as to cover thirty (30) percent of the strip, have a maximum bush height of three (3) feet, and provide year-round screening.
- h. Bus stop(s), benches and/or bus shelter(s) as deemed necessary by the Community Development Director and Pierce Transit.
3. Type III, Open Space. A combination of natural and native open space, vegetative groundcover, and deciduous and evergreen trees.
- a. One (1) deciduous or evergreen tree shall be spaced at intervals not greater than fifty (50) feet on center along the full extent of the open space. No more than eighty (80) percent of the trees may be deciduous.
 - b. Vegetative groundcover.
4. Type IV, Parking Areas. A combination of landscaping to break up the bulk of a parking area. The following standards shall be applied:
- a. Landscaping Islands. Landscaped islands shall be located at the end of each parking row. Internal landscaping islands shall occur at intervals within the row so that no parking stall within that parking row is more than eight (8) parking stalls from a landscaping island. The following standards shall apply:
 - (1) The length of the island shall be the same depth as the adjacent parking stalls and have an interior width a minimum of four (4) feet.
 - (2) The island shall be completely curbed.
 - (3) Contain one (1) street tree.
 - (4) One (1) medium shrub or two (2) small shrubs per twelve (12) square feet of island.
 - (5) Vegetative ground cover.
 - b. Internal Landscaping. If internal landscaping other than landscaping islands is included in a parking area, the internal landscaping shall consist of vegetative groundcover and shrubs be Type III, Open Space.
 - c. Perimeter Landscaping. Landscaping around the perimeter of the parking area shall be a Type I, Vegetative Buffer.
5. Type V, Solid Barrier. A combination of fencing and landscaping which is intended to provide a solid sight barrier between uses, around storage yards, salvage yards, and other incompatible uses, and to create screening and a strong impression of spatial separation. The following standards shall be applied:
- a. Landscaping strip minimum ten (10) feet in width.
 - b. Solid fence or wall six (6) feet in height located within the landscape strip.
 - c. The Community Development Director may direct the location, style, and construction materials of the required fence/wall to lessen visual impact on adjacent properties.
 - d. One (1) deciduous or evergreen tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than twenty (20) feet on center along the full extent of the landscaping strip. No more than forty (40) percent of the trees may be deciduous.

- e. The percentage of evergreen trees allowed may only be reduced, at the discretion of the Community Development Director, to address public safety concerns.
 - f. Shrubs;
 - (1) Two (2) medium shrubs are required per four (4) linear feet of landscaping strip and placed no greater than five (5) feet on center.
 - (2) Three (3) low shrubs are required per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
 - g. Vegetative groundcover.
 - h. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative barrier. These are minimum standards, additional landscaping may be required if, in the determination of the Community Development Director, the proposed landscaping plan does not provide an actual or effective barrier or separation.
6. Type VI, Area Screening. A combination of fencing/wall and landscaping that provides visual relief from dumpsters, recycling areas, or small storage yards, of less than two hundred (200) square feet in size. The following standards shall be applied:
- a. Landscaping strip minimum five (5) feet in width around the area, excluding access points.
 - b. A fence or wall six (6) feet in height located on the interior of the landscaping strip.
 - c. Minimum six (6) foot tall Arborvitae trees placed at four (4) feet on center.
 - d. Shrubs.
 - (1) One (1) medium shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
 - (2) One (1) small shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.
 - (3) Shrubs shall be spaced at intervals along the full extent of the landscaping strip.
 - e. Vegetative groundcover.
 - f. The fence and landscaping may be modified at the discretion of the Community Development Director to address public safety concerns.

18A.50.430 Landscaping Regulations by Zoning Districts.

- A. Type II, Streetscape shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling, pursuant to LMC 18A.50.135 Streetscapes, LMC 17.46 Site Development Regulations, and LMC 12.02, Streets Sidewalks and Public Thoroughfares.
- B. Type III, Open Space shall apply to all zones where open space is required as part of the development standards or Community Design Guidelines.
- C. Type IV, Parking Areas; and Type VI, Area Screening are types of landscaping that shall apply in all zones, as applicable.
- D. Discretionary land use permit approval and conditions may require any landscaping type in order to mitigate the impacts of the proposed use.

18A.50.435 Landscaping Design.

In addition to the requirements of this section, LMC 18A.50.200, Community Design, contains standards that promote connectivity between landscape improvements and adjacent sites and buildings.

18A.50.440 Street Tree Standards.

- A. Applicability. This section applies to projects that require street trees in order to fulfill a landscaping standard, and to all projects that are installing street trees unrelated to other landscaping or street improvements.
- B. Standards. All street trees shall meet the following standards:
 - 1. A minimum of three (3) inches in diameter at the time of planting.
 - 2. Street trees shall be located and placed within the street rights-of-way in accordance with the requirements of the City Engineer, unless otherwise permitted in 18A.50.440.B.3.
 - 3. Street trees may be planted within ten (10) feet of the right-of-way only if the right-of-way is insufficient to accommodate street trees, or if curbs, gutters and sidewalks already exist.
 - 4. The adjoining property owner shall be responsible for all maintenance of street trees and landscaping in public right-of-ways.
 - 5. Street tree shall be trimmed to maintain the street canopy and provide for public safety. Street trees can not be removed without the prior approval of the City Engineer.
 - 6. Trees planted within five (5) feet of public or private road pavement edge, curbing or sidewalk, or within parking areas shall be surrounded by a root control barrier. Root control barriers shall consist of galvanized metal or plastic sheets extending a minimum of two (2) feet below the finished grade of the surrounding surface.
 - 7. All trees shall be double (2) staked for the first two (2) years.
 - 8. All street trees shall be of a species approved by the Community Development Department.

18A.50.445 Plan Requirements.

The Community Development Director shall review and may approve, approve with modifications, or deny a landscape plan subject to the provisions of this section.

- A. The following plans shall be submitted according to the requirements of the application form provided by the Community Development Department for any project permit subject to the provisions of this section:
 - 1. Irrigation plan.
 - 2. Tree retention plan, pursuant to LMC 18A.50.300, Tree Preservation.
 - 3. Landscape plan.
- B. Persons Qualified to Prepare Landscape Plans. The landscape plans shall be prepared by a Washington state registered landscape architect, a Washington state certified nurseryman, or a Washington state certified landscaper, except that planting plans for short plats may be prepared by the applicant, subject to approval by the Community Development Director.

- C. Review of Landscape Requirements. At the time of the preapplication conference, the Community Development Department staff shall review specific landscape requirements with the applicant or his/her representative.
- D. Irrigation Plan. All proposed multifamily or non-residential developments require an irrigation plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. The irrigation plan shall indicate the location of pipes, sprinkler heads, and back flow devices. The Community Development Director or City Engineer may require additional information, including but not limited to pumps, pipe size, head capacity, water pressure in pounds per square inch at the pump and sprinkler heads, and timer system. The irrigation plan shall conform to the requirements of this section.
- E. Persons Qualified to Prepare Irrigation Plans. The irrigation plan shall be prepared by a Washington State registered landscape architect, except that irrigation plans for short plats may be prepared by the applicant.
- F. Approved Landscaping Plan Required. A building permit or zoning certification shall not be issued until the landscaping plan has been approved.

18A.50.450 Landscaping Installation.

- A. Planting Season. Landscape installation is encouraged to take place in the spring or fall planting season following building permit issuance or zoning certification. The Community Development Director may allow a postponement of the landscaping due to weather conditions, subject to LMC 18A.50.465, Guarantee, and may approve an alternative timeline if the development is a phased project.
- B. Landscaping and Irrigation Installed. The person or persons qualified, pursuant to LMC 18A.50.445.B and E above, to prepare the landscape and irrigation plans shall submit, within 30 days of completed installation, a signed affidavit that landscaping and irrigation systems have been installed per the approved plans.
- C. Issuance of Certificate of Occupancy. Except as provided for in LMC 18A.50.450.A, the Community Development Department shall not issue a final certificate of occupancy and/or final site certification until the landscaping has been installed as shown on the approved landscaping plan.

18A.50.455 Water Conservation and Suggested Plant Materials.

- A. Intent. The following guidelines are promoted and strongly recommended by the City to reduce the maintenance cost of a development, enhance the long-term health of plant material and reduce the cost of watering. The intent of water conservation guidelines is to ensure that costly plant material is provided with the opportunity to take advantage of natural watering and therefore reduce the amount of water required to maintain plant material health during the dry season. The intent of a plant material guideline is to encourage use of plants native to

the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to maximize use of rainwater, to reduce general maintenance needs and to encourage the development of landscape designs reflective of our natural surroundings. It is also the intent of these guidelines to encourage the use of drought tolerant plants in landscape designs in order to reduce the amount of water devoted to outdoor watering at a time when population pressures are increasing faster than the water supply.

- B. **Water Conservation Guidelines.** Water conservation measures shall be employed in the following manner:
1. **Soil Preparation.** Landscape areas should be deep-tilled to a depth of at least twelve (12) inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration or water-holding capacity. For all newly landscaped areas organic matter should be incorporated to a depth of four (4) to six (6) inches to facilitate deep water penetration and soil oxygenation.
 2. **Mulching.** Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion. Mulches include organic materials such as wood chips and shredded bark. Mulches should be applied to the following depths: three (3) inches over bare soil and two (2) inches where plant materials will cover.
 3. **Plant Types.** Applicants are strongly encouraged to utilize drought tolerant plant material native to the Western Washington and introduced noninvasive plants common to the area that are well suited to the wet/dry climate of the Puget Sound.

18A.50.460 Maintenance.

The following standards shall be followed for the maintenance of on-site landscaping and landscaping on adjacent public rights-of way:

- A. Failure to complete all of the required landscaping or any portion of that landscaping, other than as permitted in LMC 18A.50.450.A, Landscaping Installation, shall constitute a zoning violation.
- B. It shall be the responsibility of the project manager or business owner to contact the Community Development Department upon completion of the landscaping work and request an inspection.
- C. Whenever landscaping is or has been required in accordance with the provisions of this title as amended, or in accordance with the provisions of any previous code or ordinance of the City, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.
- D. The Community Development Department may inspect the landscaping upon request of the project manager or business owner or at any time after the installation of landscaping.

- E. Any installed plant material that dies shall be replaced within the spring or fall growing season following plant loss but not more than ninety (90) days from the time of loss. This standard shall apply for the life of the project or development.
- G. Failure to maintain all of the required landscaping or any part of it shall constitute a zoning violation.
- H. Regardless of whether the landscaping existed prior to the effective date of this title or was added thereafter, replacement landscaping shall comply with all provisions of this section.
- I. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition, to prevent primary limb failure, and to prevent limbs from becoming an impediment or hazard to vehicles or pedestrian traffic.
- J. All landscape areas shall be kept free of trash and weeds and all irrigation systems shall be properly maintained by the property owner to ensure the function of the requirements of this title.

18A.50.465 Guarantee.

In order to guarantee performance of the landscaping requirements, cash guarantee or other appropriate security, including letters of credit, in the amount of one hundred fifty (150) percent of the estimated cost of the required landscaping, shall be required if landscaping is not installed prior to the issuance of the occupancy permit. The cash guarantee or other appropriate security shall be forfeited to the City if the work is not completed within one hundred eighty (180) days of the date of posting of the cash guarantee or other appropriate security, or upon such other date as agreed to between the City and the property owner or authorized person acting on the property owner's behalf. In the case where such a cash guarantee or other appropriate security is forfeited to the City, the proceeds therefrom shall be used by the City to effectuate the landscaping requirements which were not completed. Along with the requirement for the cash guarantee(s) or other appropriate security, the property owner, or authorized person acting on the property owner's behalf, shall agree and consent to entry upon the property in the event of guarantee forfeiture, and completion of the landscaping requirements by the City representatives.

18A.50.500 PARKING

18A.50.510 Purpose.

The purpose of this section is to regulate parking and loading activities in order to improve traffic circulation and contribute to the public health, safety, general welfare and aesthetics of the city of Lakewood by providing standards for those areas intended for the maneuvering and parking of motor vehicles. It is the intent of this section to allow the provision of sufficient off-street parking to meet the needs of urban development, but not an excess surplus of spaces, and to promote more efficient use of the City's transportation facilities by encouraging the movement

of people from place to place via alternative modes of transportation other than the single-occupant vehicle.

18A.50.520 Applicability.

This section is applicable to all new developments, and all alterations and additions to, or expansion of, existing developments in the city of Lakewood.

18A.50.530 Parking Standards.

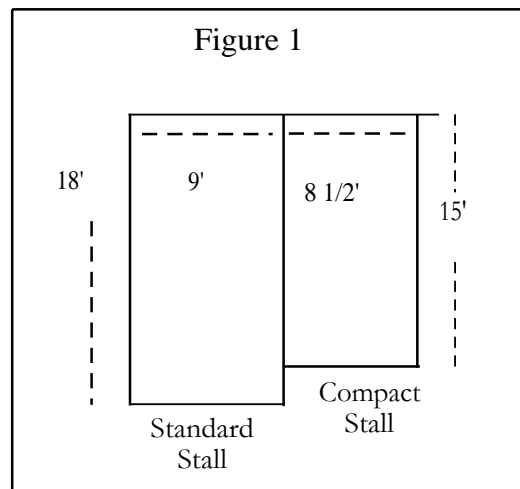
- A. **Expansions or Enlargements.** Where any structure is enlarged, expanded, erected, remodeled, or the use is changed, off-street parking spaces shall be provided for said development in accordance with the standards of this section. A change in use of an existing structure may require additional off-street parking spaces as set forth in this section.
- B. **Uses Not Specified.** In the case of a use that is not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Community Development Director based upon the requirements for the most comparable use specified in this section; or, where no comparable use exists, based upon a reasonable rationale provided in an administrative determination written to the applicant. The Community Development Director may require that the applicant conduct a parking study to evaluate the parking needs associated with a proposed use.
- C. **Surface Improvements.** All areas used for parking, maneuvering, circulation, pedestrian access, and loading or unloading shall be paved with asphalt or concrete and shall be improved and available for use prior to issuance of a certificate of occupancy.
- D. **Location.** Off-street parking facilities shall be located on the same property as the use they are required to serve and within three hundred (300) feet of the use, except as provided below. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.
 - 1. For a nursing home, assisted living facility, convalescent home, or group home, the parking facilities shall be located within one hundred (100) feet of the building they are required to serve.
 - 2. For single-family residential dwellings, the required number of parking spaces shall be in addition to any parking that is provided for by garages and/or carports that serve the development.
 - 3. For multifamily dwellings where the lot cannot accommodate all the required parking on-site for its needs, up to forty (40) percent of the required parking may be located on a lot adjacent to the development, provided that the lot is legally encumbered pursuant to LMC 18A.50.550.F, Off-Site Parking.
 - 4. For all non-residential uses where the lot cannot accommodate all the required parking on-site for its needs, parking facilities shall be located not farther than seven hundred fifty (750) feet from the facility, provided that the lot is legally encumbered pursuant to LMC 18A.50.550.F, Off-Site Parking.

5. Required parking for developments other than Single Family residential dwellings shall not be located in a required front yard setback abutting a public street, except as allowed in LMC 18A.50.200, Community Design.

E. Size and Access.

1. **Minimum Stall Dimensions.** A standard parking space shall have a minimum width of nine feet and a minimum length of eighteen (18) feet. Compact stalls shall have a minimum width of eight and one-half (8 1/2) feet and a minimum length of fifteen (15) feet.
2. **Compact Car Allowance.** Up to thirty (30) percent of the required parking for a development may consist of compact stalls. No more than four (4) compact stalls may be adjacent to each other, and a total of eight (8) spaces head to head. Compact stalls shall be evenly dispersed throughout the parking area and clearly identified with permanent marking on the pavement as approved by the City Engineer and Community Development Director.
3. **Minimum Aisle Width.** Two-way drive aisles shall have a minimum width of twenty four (24) feet where providing access to spaces at a ninety (90) degree angle to the drive aisle, and twenty (20) feet in width where spaces are at angles of seventy (70) degrees or less to the drive aisle. One-way drive aisles shall have a minimum width of twenty (20) feet where providing access to spaces at a ninety (90) degree angle to the drive aisle. Where spaces are at angles of seventy (70) degrees or less to the drive aisle, the standards for aisle width in the following table shall apply:

Parking Angle	Minimum One-Way Aisle Width
50 degrees or less	15'
55	16'
60	17'
65	18'
70	19'



4. Driveways and Turnarounds. Except for a single family dwelling, groups of more than three (3) parking spaces shall be provided with adequate aisles and/or turnaround areas so that all vehicles may enter the street in a forward manner. These parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and which shall be clearly and permanently marked and defined.
 - a. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of fourteen (14) feet for their entire length and width except that such clearance may be reduced in parking structures.
 - b. For the purpose of loading and unloading children, one-way driveways with a continuous forward flow design shall be located on the site of schools and daycares with a capacity of fifty (50) children or greater.

- F. Wheel Stops. Wheel stops, a minimum of two (2) feet from the end of the parking stall or any obstruction, shall be required in the following locations.
 1. Where the parking stall abuts a building or where vehicles may overhang a property line;
 2. Where the parking stall abuts a raised pedestrian walkway of less than eight (8) feet in width;
 3. Where a parking stall abuts a pedestrian walkway that is not raised.
 4. Where a parking stall abuts any physical object that may be impacted, such as light standards, fire hydrants fences, power vaults, utility poles, etc.
 5. Where a hazardous grade difference exists between the parking area and the abutting property;
 6. Where hazardous situations may exist as determined by the City Engineer or Community Development Director.

- G. Parking Structures. Multiple level parking structures developed either as a single use structure or as parking incorporated into a structure shall be designed and laid out in accordance with the dimension and numeric requirements of this section.

- H. Unit of Measurement.
 1. Where stationary, non-moveable seating is used by patrons or spectators in places of assembly, each twenty (20) inches of width of bench, pew, or other seating shall count as one (1) seat for the purpose of determining requirements of off-street parking facilities under this section.
 2. Where removable or temporary seating is used by patrons or spectators in places of assembly, fifty (50) square feet of open area where such seating facilities could be located shall count as one (1) seat for the purpose of determining requirements of off-street parking facilities under this section.
 3. Where seating and/or uses may be unique or unusual, in the opinion of the Community Development Director, a parking study may be required to determine usage of a facility and associated parking demand.

- I. Parking Plan. Where off-street parking is required, except for a single-family dwelling, a parking plan, indicating how the off-street parking and loading requirement is to be provided,

shall accompany the application for a project permit. The plan shall show all those elements necessary to indicate that these requirements to be fulfilled including but not limited to:

1. Delineation and dimensions of individual parking spaces, both regular and compact spaces, and loading and unloading areas;
2. Dimensions of circulation and maneuvering areas necessary to serve spaces;
3. Access to streets, alleys, and properties served;
4. Curb cuts and curb placement;
5. Dimensions, continuity and substance of landscaping and screening;
6. Grading, drainage, surfacing and subgrading details;
7. Delineation of all structures or other obstacles to parking, circulation and visual clearance on the site;
8. Specifications as to location of signs and wheel stops;
9. Sidewalks and pedestrian pathways
10. Vision clearance areas for all points of ingress and egress.

J. Americans with Disabilities Act (ADA). Accessible parking for persons with disabilities shall be provided consistent with state and federal regulations.

K. Landscaping Requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.50.400, Landscaping.

M. Community Design Requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.50.200, Community Design.

18A.50.540 Loading and Unloading

A. Required Loading and Unloading Areas. Any building that is erected, enlarged or for which a change of use is proposed, shall provide a minimum of one (1) off-street or off-alley loading area.

1. The minimum area required for commercial and industrial loading spaces is as follows:
 - a. 250 sf for buildings of 5,000 to 20,000 gsf.
 - b. 500 sf for buildings of 20,000 to 50,000 gsf.
 - c. 750 sf for buildings in excess of 50,000 gsf.
 - d. Additional loading space shall be required of buildings based on the size, proposed use, potential uses, and location, as deemed necessary by the Community Development Director.
2. Each loading space shall measure not less than ten (10) feet by twenty-five (25) feet and shall have an unobstructed height of fourteen (14) feet
3. Each loading space shall be made permanently available for such purpose, and shall be surfaced, improved, maintained, and screened in accordance with this section and LMC 18A. 50.400, Landscaping.
4. Loading spaces shall be located adjacent to the building to be served and in such a manner that these spaces shall not encroach upon or interfere with areas reserved for off-street parking nor project into any public right-of-way or pedestrian area. Loading space or maneuvering areas shall be in addition to area required for off-street parking spaces.

5. Loading berths shall be located no closer than fifty (50) feet from any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six (6) feet in height and by Type V, Solid Barrier landscaping.
6. Space for loading berths may occupy all or any part of any required setback except for landscaping setback requirements as long as the loading berth is uncovered. A covered loading area shall comply with the minimum building setback requirements for the district.
7. If the site where such loading space is to be located abuts upon an alley, such loading space shall be accessed off the alley, unless alley dimensions and vehicle maneuvering turn radius prohibits such access.

B. Maneuvering Areas for Buildings with Loading Doors. Buildings that utilize dock-high loading doors shall provide a minimum of one hundred (100) feet of clear maneuvering area in front of each door. Buildings that utilize ground level service or loading doors shall provide a minimum of forty five (45) feet of clear maneuvering area in front of each door.

18A.50.550 Use and Site Specific Standards.

A. Drive-Through Facilities. All establishments and businesses which maintain drive-through facilities which are intended to serve customers who remain in their motor vehicles during the business transactions, shall provide stacking space for the stacking of motor vehicles as follows:

1. Sufficient stacking space shall be provided for the queuing of motor vehicles during peak business hours of the facility.
2. Queuing lines of vehicles shall not be located so as to interfere with pedestrian circulation routes.
3. Vehicular entrances and exits shall not be located so as to cause congestion on any public street or right-of-way.
4. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

B. Transit Support Facilities.

1. For developments that generate a parking demand of greater than twenty (20) parking spaces, the developer shall fund the purchase and installation of one (1) or more transit shelters and/or other related transit support facilities as determined by the Community Development Director and Pierce Transit operational criteria, based on the size and nature of the use.
2. For developments that generate a parking demand of fewer than twenty parking spaces, the developer shall install a bench and a concrete pad adjacent to the sidewalk at a bus stop where at least five transit riders are expected to board buses on an average weekday, and a shelter shall be provided at a bus stop where at least ten (10) transit riders are expected to board buses on an average weekday.
3. Any single-family development with fifty to two hundred (50-200) units, or multi-family residential with thirty to one hundred (30-100) units that will be located on a street where

regularly scheduled transit service is provided shall be required to provide a transit shelter with all required transit support facilities.

4. Any single-family development with over two hundred (200) units, or multi-family residential with over one hundred (100) units that will be located on a street where regularly scheduled transit service is provided shall be required to provide two (2) transit shelters with all required transit support facilities.
5. Transit facilities shall be sited in accordance with the requirements of Pierce Transit and this title. Transit shelters and related facilities shall be provided for transit stops that are located adjacent to or within six hundred (600) feet of the development site on each side of the street that has a transit route. This requirement may be waived when Pierce Transit has determined that current and projected ridership do not warrant the installation of a shelter within the six hundred (600) foot distance.
6. When a transit shelter is required to be installed, a concrete pad, seating, garbage receptacles, and lighting shall also be provided. When a transit shelter is not required to be installed, transit stops shall include design features or changes in materials that demarcate the stop.
7. Transit pullouts shall be provided as an element of street improvements if Pierce Transit and the City determine that a pullout is necessary to provide a safe refuge for transit vehicles or to minimize conflicts with other vehicles.

C. Mixed Occupancies. In the case of two (2) or more uses in the same building or on the same site, the total requirements for off-street parking facilities shall be the sum of the requirements for all of the uses calculated separately. Off-street parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in LMC 18A.50.540.E and F.

D. Parking Incentives.

1. When residential uses are combined with commercial or industrial uses in the same building, parking requirements may be reduced by twenty (20) percent, except when located within the CBD or TOC zoning districts for which parking requirements are reduced by thirty five (35) percent.
2. A structured parking space shall count as one and one-fourth (1.25) parking spaces towards the required number of parking spaces.
3. When affordable housing is constructed pursuant to LMC 18A.50.700, Housing Incentives Program, the parking space requirements shall be one and one-fourth (1.25) space per affordable dwelling unit.

E. Shared Use Parking. Joint use of required parking spaces may be permitted where two (2) or more uses on the same site or separate sites in close proximity to one another are able to share the same parking spaces because their parking usage does not materially overlap (e.g. uses primarily of a daytime vs. nighttime, or weekday vs. weekend nature). Shared parking shall be legally encumbered and shall meet all of the applicable standards of this section pursuant to LMC 18A.50.550.F, Off-Site Parking.

F. Off-Site Parking. Joint use of required parking spaces may be authorized by the Community Development Director if the following documentation is submitted in writing to the Community Development Department:

1. The names and addresses of the owners and/or tenants that are sharing the parking.
2. The uses that are involved in the shared parking.
3. The location and number of parking spaces that are being shared.
5. An analysis showing that the peak parking times of the uses occur at different times and/or that the parking area will be large enough for the anticipated demands of both uses.
6. A legal instrument such as an easement or deed restriction that guarantees continuing access to the parking for both uses which shall be subject to review and approval by the Community Development Director and the City Attorney.

G. Satellite Parking Lots. Satellite parking lots may be allowed upon approval of an administrative use permit by the Community Development Director. Satellite lots may operate for a total of six (6) months during any calendar year and shall only be located in commercial zones within one-half (1/2) mile of the sending site. Satellite parking lots may be permitted for a maximum of five (5) years from initiation of the parking site. The design and layout of satellite parking lots shall comply with the following standards:

1. Paving of satellite parking lots shall be two (2) inches of asphalt over compacted soil, or other surface as approved by the City Engineer.
2. Satellite parking lots shall be improved with curbs, gutters, sidewalks, street trees, and stormwater drainage systems.
3. Access to such lots shall be secured by chain or cable, with posts a minimum of three (3) feet in height, solidly built. At a minimum, posts shall consist of four (4) inch by four (4) inch wood or equivalent metal posts a minimum of one and one-half (1-1/2) inches in diameter securely set in the ground and placed no more than four (4) feet apart. The posts shall be connected with at least one (1) strand of one-half (1/2) inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Satellite lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day.
4. Satellite parking lots shall have Type I, Perimeter Landscaping along all property lines, and Type II, Streetscape Landscaping along the public rights-of way. Landscaping shall be protected from vehicle and pedestrian damage by concrete curbs. Wheel stops may be required as specified in 18A.50.530.F, as determined by the Community Development Director.
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed twelve (12) square feet and six (6) feet in height. Signs shall be removed from the site after each seasonal usage period.
6. Automatic entry devices or fee collection points shall be set back a minimum of sixty (60) feet from the public right-of-way, or shall provide for queuing lanes at a distance recommended by the City Engineer and approved by the Community Development Director.
7. An attendant shall be on duty at all times during business hours of seasonal parking lots.

8. An approved fire extinguisher shall be provided on the premises during business hours.
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot.
10. Prior to approval of an application for any satellite parking lot, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of one million (1,000,000) dollars per occurrence shall be filed with the City. A hold harmless agreement holding the City harmless shall also be filed with the City Attorney.
11. Subsequent to approval of an application for any satellite parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall be inspected and approved by the Community Development Director prior to issuance of a Authorization to Operate.

18A.50.560 Parking Space Standards by Use Type.

A. General Requirements.

1. The size of a development and the proposed use type shall determine the minimum number of required parking spaces. Unless otherwise specified, the parking space requirements shall be based on the gross square footage (gsf) of the building.
2. The parking space requirement for any office space associated with a use shall be calculated at the rate of one (1) parking space for each two hundred fifty (250) gsf of office use.
3. One (1) parking space shall be required for each commercial vehicle that originates from the site or is regularly present on the site.
4. The number of employee spaces required shall be based on the maximum number of employees who may be on-site at any one-time.

B. Residential Use Category

Required Parking Spaces

- | | |
|--|---|
| 1. Single-Family
Detached Dwelling Levels 1,2 | Two per dwelling unit. |
| 2. Single-Family
Attached Dwelling Levels 1,2 | Two per dwelling unit. |
| 3. Multi-Family Dwelling
Level 1 | 1.75 per dwelling unit. |
| Level 2 | 1.5 per dwelling unit. |
| 4. Co-Housing | One per two adult occupants, plus one per resident staff. |
| 5. Group Homes | One per three beds plus one per employee. |
| 6. Assisted Living Facilities | One per three beds, plus one per employee. |
| 7. Nursing Home | One per four beds plus one per employee. |
| 8. Hospice Care Center | One per four beds plus one per employee. |

C. Civic Use Category

Required Parking Spaces

- | | |
|--|-----------------|
| 1. Community and Cultural Services
Levels 1,2,3 | One per 250 gsf |
|--|-----------------|

2. Daycare Facilities	
Level 1	One per facility in addition to those spaces required for single family use.
Level 2	Two per facility, plus one per employee, in addition to those spaces required for single family use.
Level 3	One per employee, plus one per five clients, and loading area.
3. Education	
Levels 1,2	For primary schools, two per employee, plus one per 30 children, plus parking for buses, if applicable, and loading area. For secondary schools, two per employee, plus one per four students, plus parking for buses, if applicable, and loading area.
4. Government Administration Facilities	
Levels 1,2,3	One per 250 gsf.
5. Health Services	One per 250 gsf. Hospitals by parking study.
6. Outdoor Recreation	
Levels 1,2,3,4	Community Development Director shall determine parking requirements based on size and nature of the use(s).
7. Postal Services	
Levels 1,2,3	One per 250 gsf customer service area, plus one per 1000 gsf of warehouse.
8. Public Maintenance Facilities	
Levels 1,2,3	Community Development Director shall determine parking requirements based on size and nature of the use(s).
9. Public Safety Services	
Levels 1,3,4	Parking study.
Level 2	One per 500 gsf.
10. Social Services	
Level 1,2	One per 500 gsf
Level 3	Community Development Director shall determine parking requirements based on size and nature of the use(s).
11. Religious Assembly	
Levels 1,2	One per three seats.
Level 3	Community Development Director shall determine parking requirements based on size and nature of the use(s). Parking study may be required.
12. Transportation	
Level 1	N/A.
Level 4	One per commercial vehicle.
Levels 2,3,5	Parking study.
D. Utilities Use Category	Required Parking Spaces
1. Communication Facilities	
Levels 1,2	NA
Level 3	Community Development Director shall determine parking requirements based on size and nature of the use(s). Parking study may be required.
2. Electrical Facilities	
Levels 1,2	NA
3. Electrical Generation Facilities	One per employee.
4. Natural Gas Facilities	
Level 1	NA
Level 2	One per 750 gsf of the building devoted to maintenance/ storage.

5. Organic Waste Processing Facilities	One per employee.
6. Pipelines	NA
7. Sewage Collection Facilities Levels 1,2	NA
8. Sewage Treatment Facilities	One per employee.
9. Stormwater Facilities Levels 1,2,3	NA
10. Waste Disposal Facilities Levels 1,2,3,4	Community Development Director shall determine parking requirements based on size and nature of the use(s).
11. Waste Transfer Facilities Level 1 Levels 2,3,4	One per facility. Community Development Director shall determine parking requirements based on size and nature of the use(s).
12. Water Supply Facilities Levels 2,3,4	Community Development Director shall determine parking requirements based on size and nature of the use(s).
E. Commercial Use Category	
Required Parking Spaces	
1. Amusement and Recreation Levels 1,2,3,4	Community Development Director shall determine parking requirements based on size and nature of the use(s).
2. Building/Garden Supply & Nurseries Levels 1,2 Levels 3,4	One per 300 gsf. Parking study.
3. Bulk Fuel Dealers	One per 750 gsf of building devoted to maintenance/storage.
4. Business Services	One per 250 gsf.
5. Buy-Back Recycling Center	One per 750 gsf.
6. Convenience Commercial Levels 1,2,3,4	One per 300 gsf, plus one per employee.
7. Eating and Drinking Establishment Level 1 Level 2 Level 3 Levels 4,5,6	NA One per employee, plus two per establishment. One per 200 gsf One per 100 gsf
8. Food Stores Levels 1,2,3	One per 300 gsf.
9. Funeral Services	One per three seats.
10. Lodging Level 1 Level 2 Level 3	One per guest room. See LMC 18A.70.500, RV Parks. One per guest room, plus two per three employees.
11. Manufactured and Modular Homes Sales	One per 10,000 gsf.
12. Motor Vehicle Sales and Rental Levels 1,2,3,4	One per 5,000 gsf.
13. Motor Vehicle Service and Repair Level 1 Level 2 Levels 3,4 Level 5	One per 500 gsf, plus one per commercial vehicle. Community Development Director shall determine parking requirements based on size and nature of the use(s). One per 400 gsf. Parking study.
14. Personal Services Levels 1,2	One per 250 gsf.

15. Pet Sales and Services Levels 1,2,3 Level 4	One per 300 gsf. Two per employee.
16. Private Training School Levels 1,2	Community Development Director shall determine parking requirements based on size and nature of the use(s).
17. Professional Offices Levels 1,2,3	One per 250 gsf.
18. Rental and Repair Services Levels 1,2,3,4	One per 500 gsf.
19. Sales of General Merchandise Levels 1,2,3 Level 4	One per 300 gsf. Parking study.
20. Sales of Secondhand Property Levels 1,2,3	One per 300 gsf.
21. Sexually Oriented Business	One per 100 gsf.
22. Shopping Center	One per 350 gsf of all development on the site.
23. Storage Level 1 Level 2 Level 3	One per 2,000 gsf. One per 2,000 of the site's total square foot area, Community Development Director shall determine parking requirements based on size and nature of the use(s).

I. Industrial Use Category

Required Parking Spaces

1. Primary Manufacturing Levels 1,2	One per 1,000 gsf.
2. Secondary Manufacturing and Major Assembly Levels 1,2	One per 1,000 gsf.
3. Limited Manufacturing/ Assembly Levels 1,2,3	One per 1,000 gsf.
4. Food and Related Products	One per 1,000 gsf.
5. Industrial Services	One per 1,000 gsf.
6. Printing and Publishing	One per 1,000 gsf.
7. Warehousing, Distribution and Freight Movement Levels 1,2,3	One per 2,000 gsf.
8. Speculative Warehouse or Industrial Building	One per 1,000 gsf.
9. Speculative Business Park: with Warehouse/Industrial Space with Office/Retail Spaces - Percent Office/Retail/Warehouse /Industrial will be determined at time of application	One per 1,000 gsf One per 400 gsf.
8. Outdoor Distribution and Freight Movement	Community Development Director shall determine parking requirements based on size and nature of the use(s).
9. Contractor Yards Levels 1,2	Community Development Director shall determine parking requirements based on size and nature of the use(s).
10. Motion Picture Production Studios	Community Development Director shall determine parking requirements based on size and nature of the use(s).

11. Off-Site Hazardous Waste Treatment and Storage Facilities	Community Development Director shall determine parking requirements based on size and nature of the use(s).
12. Recycling Processor	One per 1,000 gsf.
13. Salvage Yards/Vehicle Storage Facilities	One per 2,000 gsf.
14. Flex Space Levels 1,2,3	Community Development Director shall determine parking requirements based on size and nature of the use(s).
15. Research, Development, and Laboratories Levels 1,2,3	One per 1,000 gsf.
16. Mineral Extraction	Community Development Director shall determine parking requirements based on size and nature of the use(s).
G. Agricultural Use Category	Required Parking Spaces
1. Agriculture Levels 1,2,3	Community Development Director shall determine parking requirements based on size and nature of the use(s).
H. Accessory Use Category	Required Parking Spaces .
1. Accessory Dwelling Unit	One per unit.
2. Caretaker Dwelling	One per unit.

18A.50.600 SIGN REGULATIONS

18A.50.605 Purpose.

The purpose of this section is to control and manage signs in the city of Lakewood in order to promote the safety, well being, and comfort of the users of streets, to increase the effectiveness of individual signs and to reduce dangerous conflicts between traffic control signs and advertising signs. This section also promotes the community's interests in traffic safety and aesthetics by regulating the number, type, size and location of signs to minimize visual blight, clutter and traffic hazards while allowing sufficient signage to enable the performance of the basic activities within the community. This section further attempts to reduce distractions and obstructions from signs that would adversely affect traffic safety; and alleviate hazards caused by signs encroaching upon public ways. The city's visual character is enhanced by promoting new and replacement signage which is creative and distinctive, compatible with the surroundings, and which is responsive to the public need to locate a business establishment by identification, address, and product and/or service information.

18A.50.610 Administration.

Only signs of the type or types as designated by this section shall be permitted in the respective zoning districts. This section shall be enforced pursuant to the procedures established in LMC 18A.02.460, Enforcement.

18A.50.615 Permanent Sign Permits.

New sign or sign modification permit.

- A. Each individual permanent or temporary sign shall require a separate sign permit, except as specifically exempted in this section. Any sign for which a building permit is required under the UBC shall also obtain a building permit.
- B. No sign shall hereafter be erected, re-erected, constructed, installed, or altered except as provided by this title, unless a sign permit for the same has been issued by the Community Development Director. For the purposes hereof, "alteration" shall not include maintenance as that term is used in LMC 18A.50.680, Definitions.
- C. Any alteration of or change to a sign or any change in the sign copy requires a sign permit, except for message changes on a changeable copy readerboard or a billboard.
- D. A new sign or sign modification permit shall become null and void if the work for which the permit was issued has not been completed within six (6) months of issuance.
- E. The Community Development Director shall not issue a sign permit for a freestanding sign or modification of a freestanding sign if a nonconforming freestanding sign exists on the subject property or contiguously owned properties; nor a sign permit for a wall sign or modification of a wall sign if a nonconforming wall or roof sign exists on the subject property or contiguously owned properties, except as provided in LMC 18A.50.675, Nonconforming Signs.

18A.50.620 Prohibited Signs.

The following signs are prohibited in all zoning districts:

- A. Mobile readerboards.
- B. Roof signs.
- C. Non-utility and non-governmental signs on utility poles or traffic control devices, public sign posts, or other public utility devices.
- D. Signs which, by virtue of their size, location, movement, content, coloring or manner of illumination, may be confused with traffic control signs or signals, including but not limited to signs containing words such as "stop," "look", and "danger," and directional features such as lighted arrows.
- E. Posters, pennants, banners, streamers, string pennants, blinking or flashing or strobe lights, balloons, searchlights, strings, twirlers, propellers, flares, and other displays of a carnival nature, blimps, or inflatables except as permitted in conjunction with a temporary sign pursuant to LMC 18A.50.665, Temporary Signs.

- F. Animated, emitting, moving, rotating, or visually projecting signs.
- G. Vehicle signs, except as allowed pursuant to LMC 18A.50.625.B.21-22, Sign Permit Exceptions.
- H. Parking lot curb or wheelstop painting or advertising which is not restrictive or cautionary in nature.
- I. Public address systems or sound devices used in conjunction with any sign or advertising device.
- J. Obscenity. No sign shall bear or contain statements, words, or pictures in which the dominant theme appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material, that is utterly without redeeming social value.
- K. Abandoned signs.
- L. Off-premise signs, except as specifically permitted within this section.
- M. Billboard signs.

18A.50.625 Sign Permit Exemptions.

- A. Exemption from the sign permit requirements of this title shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this title or any other laws or ordinances of the City or the State of Washington.
- B. A sign permit shall not be required for the following signs:
 - 1. Professional nameplates not exceeding two (2) square feet of sign area.
 - 2. Plaques, tablets, or inscriptions indicating the name of a building, date of erection, commemorative information, or historic designation provided it is:
 - a. non-illuminated; and
 - b. no more than two signs per site; and
 - c. a maximum twelve (12) square feet of sign area.
 - 3. Signs owned and/or required by the state, city, or public utility entities indicating or warning of danger, aids to safety, traffic control, or traffic direction signs.
 - 4. Tourist related business signs associated with those highway tourist-related signs regulated by the Washington State Department of Transportation.
 - 5. City sponsored or co-sponsored signs, banners, or decorations subject to approval of the Community Development Director. These signs, banners, and displays may be located on or over public rights-of-way with approval of the sign placement by the City Engineer.
 - 6. Temporary signs for the purpose of announcing or promoting a City-sponsored or promoted community fair, festival, or event. Such decorations and signs may be displayed no more than fourteen (14) calendar days prior to and during the fair, festival, or event. All decorations and signs must be removed within five (5) calendar days

following the end of the fair, festival or event. Temporary signs may be located on or over public rights-of-way with approval of the sign placement by the City Engineer.

7. Public art including sculptures, wall paintings, murals, collages, and other design features that do not incorporate advertising or identification.
8. "No soliciting," "no trespassing," tow-away zone," or indications of danger or warning signs less than four (4) square feet in sign face size.
9. Maintenance of a legal sign in accordance with this section.
10. Signs intended to notify the public of public meetings or hearings and official or legal notices required, issued, sponsored, or posted by any public agency or court.
11. Incidental signs, as defined in LMC 18A.50.680, Definitions.
12. Religious symbols, when not included in a sign.
13. Decorative flags in commercial zones, on private property, within the confines of parking lots landscape areas and on building frontages, which do not incorporate advertising, logos, or business identification; provided, that each individual flag does not exceed eighteen (18) square feet in sign area.
14. Identification signs on and for structures or improvements such as phone booths, charitable donation containers, and recycling boxes. Signs may not exceed ten (10) percent of the facade of the structure or object to which it pertains.
15. Building addresses with numbers and letters which comply with the requirements of the Uniform Building Code and the Uniform Fire Code.
16. Signs located inside of a building, painted on a window, or hanging inside of a window.
17. Strings of incandescent lights where the lights do not flash or blink in any way and do not unreasonably impact adjacent properties or street with excessive illumination or glare.
18. Reasonable seasonal and holiday decorations within the appropriate season. Such displays shall be removed within ten (10) calendar days following the end of such holiday.
19. Non-illuminated signs not exceeding four (4) square feet of sign area placed on lawns or buildings or in windows and containing a noncommercial political, religious, or personal message.
20. Gravestones or other memorial displays associated with cemeteries and mausoleums.
21. Vehicle signs painted or adhered directly and permanently on the vehicle, such as vinyl letters and logos, adhered magnetically, or inside a vehicle window, subject to the requirements of LMC.18A.50.630.J.11, General Sign Standards.
22. Public transit buses and taxis bearing rental advertising, subject to the requirements of LMC.18A.50.630.J.11, General Sign Standards.
23. Public Service directional signs, subject to the requirements of LMC.18A.50.630.D.
24. Special use signs in accordance with provisions of 18A.50.660, Special Use Signs.
25. On-site directional signs that does not contain a business name or advertising.

18A.50.630 General Sign Standards.

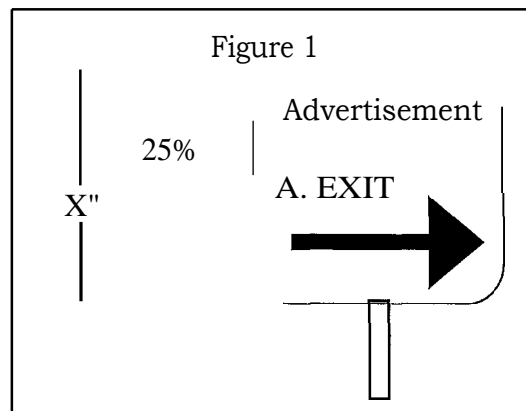
A. Wall Signs. The standard for all wall signs shall be:

1. Wall signs shall be a maximum of eighteen (18) inches thick.
2. Projecting signs shall not project more than six (6) feet from the wall.

- B. Pole Signs. For freestanding pole signs, the following sign types shall apply:
1. Type A: Maximum of fifteen (15) foot high, and forty (40) square foot sign face.
 2. Type B: Maximum twenty (20) foot high, and forty-eight (48) square foot sign face.
 3. Type C: Maximum twenty (20) foot high, and sixty (60) square foot sign face.
 4. Type D: Maximum twenty five (25) foot high, and one hundred twenty (120) square foot sign face.
- C. Monument Signs. Monument signs shall be no taller than seven (7) feet in height, and have a sign face of no larger than thirty-two (32) square feet in size.
- D. Public Service Directional Signs. Non-advertising and non-promotional directional or informational signs of a public or quasi-public nature, such as religious, educational, medical and emergency facilities, citizen recognition signs, neighborhood welcome signs, signs indicating scenic or historic points of interest may be erected or maintained by an official or civic body. Tourist related highway business signs are subject to WSDOT rules and are not included here as public service directional signs. Public service directional signs may be located in any zone with the approval of the Community Development Director if all of the following standards are met:
1. The sign shall not exceed a nine (9) square foot sign face.
 2. Such signs shall be directional or informational in nature only (no advertising other than name of the use and location allowed).
 3. Signs are of a consistent size, color and style as established by the City.
 4. No more than four (4) such signs for each use or occupancy shall be approved.
 5. Such a sign shall meet all other applicable provisions of this section.
 6. These signs may be located within the public rights-of-way with approval of the sign placement by the City Engineer.
 7. Signs shall be located on arterial streets nearest the location unless otherwise approved by the Community Development Director.
- E. Maintenance of Signs. All signs, including signs heretofore installed, shall be maintained in a constant state of security, safety, and repair. Signs which are allowed to fall into a state of disrepair to the extent they are unsightly, broken, or hazardous may be declared a nuisance by the Community Development Director and abated pursuant to LMC 18A.02. 460, Enforcement.
- F. No permanent sign shall be constructed, erected, or retained unless the sign and sign structure is constructed, erected, and maintained so as to be able to withstand the wind, seismic, and other regulations as specified in the Uniform Building Code or other applicable regulations.
- G. Fire Safety Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

- H. Visibility. No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct the visibility of any vehicular, mobile, or pedestrian traffic or be hazardous to motorists' ingress and egress from parking areas.
- I. Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, reflection of light skyward, or onto private or public property in the surrounding area and so as not to unreasonably distract pedestrians and motorists. Illumination in excess of that which is reasonably necessary to make the sign visible from an adjacent street shall be prohibited.
- J. Placement.
1. A sign shall not be affixed to a tree, shrub, rock or other natural object.
 2. No unauthorized sign may be affixed to a utility pole, or other public structure.
 3. Signs shall not be mounted on any portion of the roof or extend above the roof line unless mounted on a parapet wall. Signs shall not extend above the top edge of the parapet wall.
 4. No sign shall project into a vehicular public way or be less than nine (9) feet above a pedestrian way.
 5. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a zone.
 6. Signs shall not cover architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.
 7. Signs shall not obstruct traffic signals. The issuance of a sign permit as regulated by this code shall not relieve the permit holder from fully complying with the State of Washington or any other law governing the obstruction of any authorized traffic sign, signal or device.
 8. Signs shall not obstruct vision clearance as determined by the City Engineer.
 9. Signs shall not be placed within the public right-of-way except as specifically allowed in this section. No person, organization, or agency shall place any signs, indicators, advertisements, stakes, posts or any other foreign object or objects within a public street or the right-of-way of any public street in the City of Lakewood without the express permission, in writing, of the City Engineer. Any such objects now upon the public rights-of-way are hereby declared illegal, except for those now in place with written permission of the City Engineer and except for mailboxes or newspaper delivery tubes placed on the public right-of-way, with the approval of the City Engineer.
 10. Unauthorized signs in the public right-of-way that the City Engineer determines to be located so as to present a hazard to the public health or safety may be immediately removed without prior notice.
 11. Signs in or on vehicles, as allowed in LMC 18A.50.665.B.21-22, shall be subject to the following requirements:
 - a. Graphics and letters identifying a business or its principal product, painted or adhered directly and permanently on the vehicle, such as vinyl letters and logos, adhered magnetically, placed inside a window, or otherwise securely mounted to a vehicle which is routinely operated in the normal course of business for delivery, pickup, or transportation.
 - b. Signs permanently adhered on rental vehicles, such as U-haul rental trucks, identifying the name of the rental company,

- c. Private "for sale" signs placed in the windows of vehicles being sold by their owners, and
 - d. Signs depicting the price and model year of vehicles for sale at motor vehicle sales lots.
- K. Identification. Any sign constructed or erected after the effective date of this title must contain within its text, an identification in the English language of the business name, in order to aid public safety and emergency responses in locating the advertised business.
- L. Transmission Lines - Clearance. Horizontal and vertical clearance of signs or sign structures from transmission lines shall not be less than twelve (12) feet.
- M. Flagpoles. No flagpole shall extend to a height above the maximum building height allowed in the zone. A flagpole greater than six (6) feet in height shall require a building permit. All flagpoles shall be set back eight (8) feet from all property lines. Flagpoles greater than twenty-five (25) feet in height shall be set back an additional foot for each foot in height above twenty-five (25) feet.
- N. Entrance and Exit Signs. Entrance and exit signs and/or other similarly worded directional signs, used for the purpose of controlling traffic, shall be limited to the following:
1. One (1) sign per entrance or exit.
 2. Sign height shall not exceed thirty (30) inches.
 3. Sign width shall not exceed sixteen (16) inches.
 4. The maximum area of a sign face shall be four (4) square feet.
 5. Advertisements shall not constitute more than twenty-five (25) percent of the total face area of the sign, and shall not distract the reader from the primary directional and traffic control function of the sign.



- O. Bus Shelter Signs. To support the provision of transit bus shelters in Lakewood, signs are permitted when provided in conjunction with the City-approved Pierce Transit Lakewood Bus Shelter Program, subject to the following requirements:
1. A bus shelter sign is an accessory sign that is structurally integrated into a bus shelter approved for design, construction, and location by Pierce Transit and the City.
 - a. The maximum sign area is forty-eight (48) square feet for the entire shelter structure.

- b. Sign setback requirements are waived.
 - c. Sign separation requirements are waived.
 - d. Bus shelter signage is exclusive of signage limits of the lot on which it is located.
 - e. A sign permit for a bus shelter sign may be issued where a nonconforming freestanding sign exists on the lot.
2. Signage shall only be permitted on shelters in accordance with the City-approved Pierce Transit Lakewood Bus Shelter Program.

18A.50.635 Billboards.

- A. The total number of billboard faces within the City of Lakewood shall not exceed the total number of billboard faces existing on the date of incorporation of the City.
- B. The demolition or removal of any billboard face reduces the number of allowable billboard faces by the number removed.
- C. In the event that the City of Lakewood annexes areas containing billboards after the date of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.
- D. Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered nonconforming.
- E. Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within ninety (90) days of permit issuance.
- F. Billboards shall not be altered or modified, except as provided in subsections "G," "H," and "I" below.
- G. Ordinary and necessary maintenance and repairs that do not change the size, shape, orientation, height, or location of billboards shall not require a zoning certification, but may require a building permit. Billboard copy replacement may occur at any time and is exempt from the requirement for permits.
- H. Billboards that have any projections that extend more than three (3) feet out from the surface of the billboard face shall not be modified, except to remove or reduce such projections.
- I. Billboards that contain, include, or are illuminated by any flashing, intermittent, or moving lights shall not be altered or modified, except to remove or reduce such lights. Billboards shall not include lighting unless it is effectively shielded so that the light is directed to the billboard face and prevents beams or rays of light from being directed at any portion of the traveled ways of the highway or airways, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Billboards found to have excessive illumination, at the sole discretion of the City, shall be modified in accordance with the City's instructions.

- J. Amortization of billboards shall be fulfilled as required in LMC 18A.50.675., Nonconforming Signs.

18A.50.640 Signs in the Open Space and Public & Institutional Zoning Districts.

The Community Development Director shall review any request for signs in the OSR1, OSR2, and PI zoning districts and consider the type, size, and location of the proposed signage in respect to the type and intensity of the use; and make a determination to approve or modify the proposed sign(s) consistent with the intent of the sign and applicable zoning regulations.

18A.50.645 Signs in the Single-Family and Mixed Residential 1 Zoning Districts.

The following signs, when displayed in accordance with this chapter, are allowed within the R1, R2, R3, R4, and MR1 zoning districts:

- A. A sign with the occupant's name of no more than two (2) square feet per sign face.
- B. Each residential dwelling shall display and maintain on-premise street address number and identification consistent with the Uniform Fire Code.
- C. Each subdivision shall be permitted one (1) monument sign per primary or major entrance.
- D. For a home occupation, one (1) sign shall be permitted with a maximum sign face area of two (2) square feet, which is attached to the residence or an accessory building or displayed in a window.
- E. The maximum signage permitted in these zone classifications for public institutions, schools, churches, and other permitted non-residential uses shall be:
 - 1. Wall signs not exceeding five (5) percent of the building street facade, but not larger than fifty (50) square feet sign area, for any individual, or cluster of individual signs which may be placed on any wall of the building(s).
 - 2. One (1) monument sign per street frontage with primary access, which may be located anywhere on the site with a minimum linear separation of one hundred (100) feet between signs.
- F. Special Use signs in accordance with LMC 18A.50.660, Special Use Signs.
- G. Temporary signs in accordance with LMC 18A.50.665, Temporary Signs.

18A.50.650 Signs in the Mixed Residential 2 and Multifamily Zoning Districts.

The following signs, when displayed in accordance with this chapter, are allowed within the MR2, MF1, MF2, and MF3 zoning districts:

- A. Each building shall prominently display and maintain on-premise street address numbers for identification, consistent with the Uniform Fire Code.

- B. Signs, or that portion of a sign, indicating premises for sale or rent, shall not exceed a sign face area of six (6) square feet.
- C. For a home occupation, one (1) sign shall be permitted with a maximum sign face area of two (2) square feet, which is attached to the residence or an accessory building or displayed in a window.
- D. The maximum signage permitted for multi-family uses in these zone classifications, including public institutions, churches and school facilities and other permitted non-residential uses shall be:
 - 1. Wall signs not exceeding five (5) percent of the building street facade, but not larger than fifty (50) square feet sign area, for any individual, or cluster of individual signs, which may be placed on any wall of the building(s).
 - 2. One (1) monument sign per street frontage with primary access, which may be located anywhere on the site with a minimum linear separation of one hundred (100) feet between signs.
- E. Special Use signs in accordance with LMC 18A.50.660, Special Use Signs.
- F. Temporary signs in accordance with LMC 18A.50.665, Temporary Signs.

18A.50.655 Signs in the Commercial and Industrial Zoning Districts.

The following signs, when displayed in accordance with this chapter, are allowed within the ARC, NC1, NC2, CBD, TOC, C1, C2, IBP, Ii and 12 zoning districts:

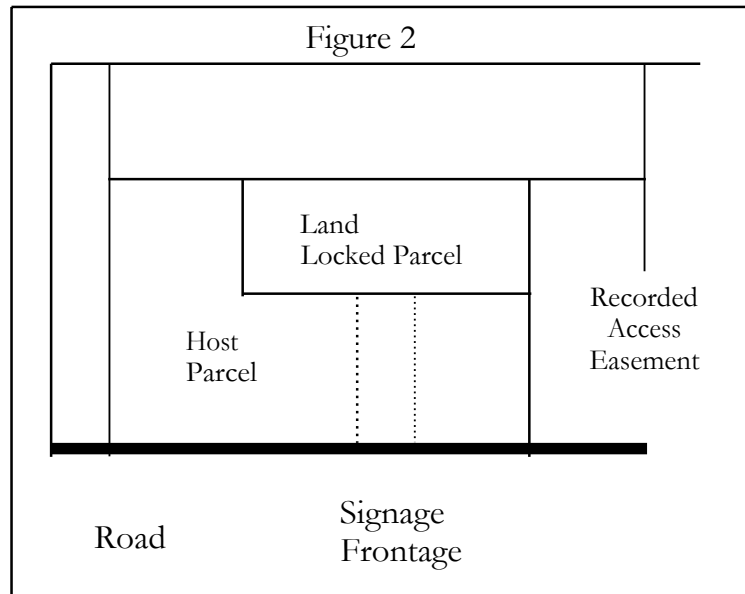
- A. Each building shall prominently display and maintain on-premise street address numbers identification, consistent with the Uniform Fire Code.
- B. Maximum wall signage.
 - 1. The cumulative sign area of all wall signs including, awning, marquee, and projecting signs shall not exceed ten (10) percent of the building facade to which the sign(s) is attached, with no individual, or cluster of individual signs, larger than two hundred (200) square feet. Wall signs may be placed on any side of the building(s).
 - 2. Major Commercial or Employment Centers within the Nd, NC2, CBD, TOC, C1, C2, IBP, and Ii zoning districts.
 - a. A major commercial center or employment center is an integrated development with contiguous ownership larger than ten (10) acres in size. Contiguous properties under separate control, but which function as an integrated center and when combined are larger than ten (10) acres in size, may be considered a major center.
 - b. Major centers may vary from the development standards of this section by obtaining approval of a binding sign plan for the center.
 - 1) The sign plan for the center shall be reviewed either separately or as part of the conditional use permit for the project.

- 2) In approving the sign plan for the center, the Hearing Examiner shall make a finding that the sign plan is proportionate to the intensity of the major commercial or employment center and consistent with the intent of this code.

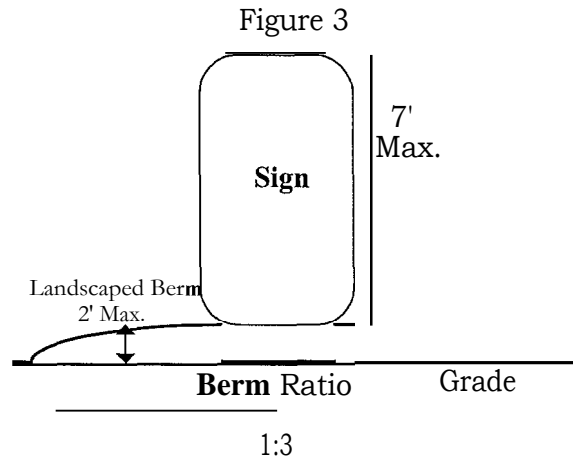
C. Maximum freestanding signage.

1. Freestanding signage shall be based on the cumulative amount of linear public street frontage of a parcel or parcels in contiguous ownership and associated with the use by a business or development on the parcel. Street frontage shall mean only that portion of the property along a public street or right-of-way, and does not include 1-5 and SR 512.
 - a. One (1) monument sign shall be permitted for street frontage of less than two hundred fifty (250) feet, with vehicular access to the street.
 - b. If the linear street frontage is less than thirty-five (35) linear feet, and/or has no vehicular access from that street frontage, a freestanding sign may be permitted pursuant to LMC 18A.50.655.C.1 .e.
 - c. For cumulative street frontage that is more than two hundred fifty (250) and less than five hundred (500) feet, the following freestanding signage shall be permitted:
 - i. Two (2) monument signs; or
 - ii. One (1) Type A pole sign.
 - d. For street frontage that is five hundred (500) linear feet or greater, the following signage shall be permitted:
 - (1) Three (3) monument signs and one (1) additional monument sign for each two hundred (200) additional feet of frontage in excess of seven hundred (700) feet; or
 - (2) One (1) Type B pole sign; and either:
 - (a) One (1) additional Type B pole sign for each additional four hundred (400) linear feet of frontage in excess of seven hundred (700) feet; or
 - (b) One (1) additional monument sign each two hundred (200) additional linear feet of frontage in excess of seven hundred (700) feet.
 - e. Freestanding signage for landlocked parcels.
 - (1) For purposes of this section:
 - (a) A landlocked parcel is a parcel which does not have frontage on a public street and access to the parcel is provided through an adjacent parcel via a recorded access easement, or is a parcel that has less than thirty (35) feet on a public street and may or may not have access on that street.
 - (b) A host parcel is the parcel which provides the access to a landlocked parcel, via an easement.
 - (2) A host parcel may share its allocation of freestanding signage with the landlocked parcel. The host parcel is under no obligation to grant the landlocked parcel use of its property for an easement or to grant part of its signage allotment.
 - (3) Freestanding signage for the landlocked parcel shall be placed adjacent to the recorded access easement and shall only advertise those businesses located on the landlocked parcel and/or the host parcel.
 - (4) In the case of landlocked parcels utilizing a host parcel for signage, the signage for the landlocked parcel shall not be considered to be off-premise signage.
 - f. Parcels within the TOC, C1, C2, IBP, and Ii zoning districts which abut I-5 and SR 512 may substitute pole signs as follows:

- (1) Parcels which qualify for a Type A pole sign may substitute a Type C pole sign on a one for one (1:1) basis, provided that the Type C pole sign is placed within twenty-five (25) feet of the 1-5 or SR 512 right-of-way.
- (2) Parcels which qualify for a Type C pole sign may substitute a Type D pole sign on a one-for-one (1:1) basis, provided the Type D pole sign is placed within twenty (25) feet of the 1-5 or SR 512 right-of-way; or
 - (a) For properties located in Tillicum only, within twenty-five (25) feet of the BNSF railroad right-of-way; or
 - (b) For those properties located along Tacoma Mall Boulevard only, within twenty-five (25) feet of the Tacoma Mall Boulevard right-of-way.



2. Landscaped berm and decorative block edged berm alternatives for a monument sign.
 - a. Landscaped berms or decorative block edged berms of two (2) feet or less in height shall not be included in the height calculations of a ground sign. Berms of more than two (2) feet in height shall be counted toward the sign height calculation. Landscaped berms shall have a slope ratio of not more than 1:3 height-to-width, from the center of the berm to be considered a landscaped berm.



D. Special Use Signs in accordance with 18A.50.660, Special Use Signs.

E. Temporary signs in accordance with LMC 18A.50.665, Temporary Signs.

18A.50.660 Special Use Signs.

The following special use signs, when temporary in nature and displayed in accordance with this section, do not require a sign permit. Augmentation of special use signs by such items as balloons, streamers, or lights is prohibited.

A. Political Signs.

1. Permitted in all zoning districts.
2. Time period.
 - a. Signs shall be placed no more than sixty (60) days prior to the election.
 - b. Signs shall be removed within ten (10) days after the election.
3. Maximum size shall be four (4) square feet per sign face. Multiple signs shall not be aggregated together to create, in effect, a sign face larger than four (4) square feet.
4. Signs may be placed in the public right-of-way, excluding traffic islands, provided:
 - a. Placement of signs shall not impede pedestrian, bicycle, or automobile movement or create a traffic hazard.
 - b. Signs shall not be located within the vision clearance area of a driveway, access point, or intersection.
 - c. Signs may be placed on fences, buildings, or other similar structures, in windows, or on pickets, in accordance with the provisions and prohibitions of this code.
5. Signs within the right-of-way that are not maintained in a proper condition shall be removed.
6. Signs may be placed on private property, provided that:
 - a. Permission of the property owner or occupant is obtained.
 - b. Signs shall be placed in accordance with the provisions and prohibitions of this code.

B. Private Sale Signs, Including Garage/Estate Sales, Etc.

1. Permitted only for residential use types in all zoning districts.

2. Signs shall be displayed on the days of the sale only and displayed for not more than four (4) times per year, per property.
3. Number of signs permitted.
 - a. One (1) freestanding on-premise sign, subject to the requirements of B.1 and B.3 in this subsection.
 - b. Four freestanding off-premise signs.
 - (1) A-frame, T-frame or picket style freestanding sign only.
 - (2) Signs shall be displayed within one-half (1/2) mile of the subject property; except that one (1) sign may be placed at the nearest arterial street.
 - (3) Signs may be placed within the right-of-way, provided the signs do not obstruct vehicular or pedestrian movement or visibility, or pose a safety hazard.
 - (4) Signs may be placed on private property with permission of the property owner or occupant.
4. Maximum size shall be four (4) square feet per sign face, and no more than two and one-half (2 1/2) feet in height.

C. Residential for Sale/Rent Signs.

1. Permitted for residential uses in all zoning districts.
2. Signs shall only be displayed during the period that the property is actively for sale, rent, or lease.
3. One (1) freestanding sign per public street frontage shall be permitted.
4. Maximum size shall be four (4) square feet per sign face for detached dwellings, attached dwellings, and multi-family dwellings with fewer than eight (8) units. Maximum size shall be eight (8) square feet per sign face for multi-family dwelling properties with eight (8) or more dwelling units.
5. Signs may be placed adjacent to the property line, but shall not be placed within the public right-of-way.
6. No off-premise signs shall be allowed.

D. Off-Premise Residential Open House.

1. Permitted in all zoning districts only for detached and attached single-family dwellings that are for sale, and only in conjunction with a residential open house sign permit.
2. Signs shall be displayed on the days of the open house only.
3. No more than four (4) freestanding off-premise signs are permitted per open house.
4. Signs may be placed within the right-of-way, provided the signs do not obstruct vehicular or pedestrian movement or visibility, or pose a safety hazard.
5. Signs shall be displayed within one-half (1/2) mile of the subject property except that one (1) sign may be placed at the nearest arterial street.
6. Signs shall be A-frame, T-frame or picket style freestanding signs and placed in accordance with the provisions and prohibitions of this title.
7. Maximum size shall be four (4) square feet per sign face and no more than two and one-half feet (2 1/2) in height.

E. Commercial/Industrial Buildings or Land For Sale/Lease Signs.

1. Permitted in the ARC, NC1, NC2, CBD, TOC, C1, C2, PI, IBP, Ii and 12 zoning districts, and legal non-conforming commercial or industrial uses in all zoning districts.

2. Time period. Signs shall be displayed only during the period that the property is for sale or lease.
3. One (1) freestanding on-premise sign per public street frontage is permitted.
4. Maximum size shall be sixteen (16) square feet per sign face.
5. Signs shall be placed in accordance with the provisions and prohibitions of this title.
6. Sign may be placed adjacent to the property line, but shall not be placed within the right-of-way.
7. No off-premise signs shall be allowed.

F. Short Term Construction and Contractors' Signs.

1. Permitted in all zoning districts.
2. Time period.
 - a. Signs shall not be posted on the property until after the issuance of a building permit.
 - b. Signs shall be removed when construction is completed.
3. Four (4) signs per public street frontage shall be permitted. The sign may be freestanding, or be a wall or banner sign attached to the construction fence or other structure on the site. Where a parcel does not have public road frontage and access to the site is provided by a driveway or easement, the sign may be placed, with the property owner's permission, in or adjacent to the road easement at its intersection with the public street right of way.
4. Signs may be placed adjacent to the property line, but shall not be placed within the right-of-way.
5. Signs shall be placed in accordance with the provisions and prohibitions of this title.
6. No off-premise signs shall be allowed.
7. Maximum size shall be thirty-two (32) square feet per sign face. Total sign area shall not exceed one hundred twenty-eight (128) square feet per site.
8. Copy and graphics on the sign are limited to identification of the project and participants and shall only include:
 - a. Site identification,
 - b. Participating professional firms and contractors, and
 - c. Description and/or purpose of the building or construction project.

18A.50.665 Temporary Signs.

- A. Temporary signs, when displayed in accordance with this section, are permitted with a temporary sign permit. All temporary signs shall display the sign permit number in the upper left-hand corner of an exterior face of the sign, with the numbering at least one half (1/2) inch in height. Temporary use sign permits shall not be issued for detached or attached dwellings. There are five (5) categories of temporary sign permits: non-profit, special event, temporary uses, short term subdivision, and interim signs.
- B. Failure to comply with the conditions outlined in this title and the issued permit shall result in immediate enforcement pursuant to LMC 18A.02.460, Enforcement. In addition, the subject applicant, business, and location shall be ineligible for a temporary sign permit for a period of one (1) year.

C. Non-Profit Activities and Events Temporary Signs.

1. Permitted in all zoning districts with a non-profit temporary sign permit.
2. Sign types and amounts. The Community Development Director shall render a decision approving a permit where the signage is generally appropriate and proportionate to the type, style, amount, and duration of signage allowed for a similar commercial activity and the zoning district in which the signage will be placed.
3. The permit is only applicable to non-profit community service organizations such as, but not limited to, children's clubs, religious institutions, fraternal organizations, public schools, and governmental organizations.

D. Special Event (Sale, Event, or Grand Opening) Temporary Signs.

1. Permitted in all zoning districts for permitted uses, except home occupations, and in conjunction with a special event temporary sign permit.
2. No more than eight (8) permits shall be issued to a business per calendar year for a cumulative time period not to exceed sixty (60) days, with maximum duration of not more than fifteen (15) days for any permit.
3. Signs shall be removed for a minimum of seven (7) days between permits.
4. Maximum cumulative sign face area of eighty (80) square feet shall be allowed for all temporary signs, including posters, banners, and A-frame, T-frame or picket signs.
5. Signs shall not be placed within the right-of-way or within any pedestrian, bicycle, vehicular way, or vision clearance area, except as allowed in this Chapter.
6. Signs shall be displayed in accordance with the provisions and prohibitions of this title and as approved in the permit.
7. The following types of signs may be permitted for a special event temporary sign permit:
 - a. Posters.
 - b. Banners.
 - c. A-frame, T-frame or picket signs, subject to the following standards:
 1. A sign permit shall be required. The sign permit numbers shall be displayed in the upper left-hand corner of an exterior face of the sign, with the numbering a minimum of one half (1/2) inch in height.
 2. One sign per street frontage for each business.
 3. The sign may be placed abutting the building facade, or within the landscape areas on the site. Signs are prohibited in the public right-of-way, including on sidewalks or in landscape strips between the sidewalk and the street.
 4. The sign shall be staked to the ground or chained in such a manner so as to prevent the sign from being moved or displaced into pedestrian walkways and/or a street or roadway.
 6. No sign shall be located so as to pose a traffic vision hazard.
 7. No sign shall be greater than 24 inches in width and 36 inches in height.
 8. All signs shall be professionally manufactured.
 9. All signs shall be kept in good repair and neatly painted.
 10. Attachments to a sign shall be prohibited.
 11. Lighting attached to a sign shall be prohibited.
 11. Alteration of landscaping in any manner shall be prohibited.
 12. Signs shall not be displayed during non-business hours.

13. This subsection (LMC 18A.50.665.D.7.c) is subject to sunset review and shall expire on October 1, 2002, unless reviewed and re-approved by the City Council prior to that date.

8. Up to two (2) of the following types of devices and displays may be permitted as accessory to one (1) or more temporary signs if such devices are included in the special event temporary sign permit:
- a. Streamers.
 - b. Stringer pennants.
 - c. Strings of twirlers or propellers.
 - d. Balloons.
 - e. One (1) blimp.
 - f. One (1) inflatable.

E. Signs for Temporary Use Permits.

1. Permitted with a temporary use sign permit in any zoning district, in conjunction with a temporary use permit.
2. Permit time period.
 - a. Valid only for the period of the temporary use permit.
 - b. A temporary use sign permit shall not be issued concurrently with another type of temporary sign permit.
3. Maximum sign area of fifty (50) square feet shall be allowed.
4. Signs shall be displayed in accordance with the provisions and prohibitions of this title.
5. No off-premise signs shall be allowed.

F. Short Term Subdivision Signs.

1. Permitted in all zoning districts.
2. Time period.
 - a. Signs shall not be posted on the property until after the issuance of the preliminary approval of a subdivision.
 - b. Signs shall be removed when seventy-five (75) percent of the subdivision lots are sold or when a permanent subdivision sign(s) is installed.
3. One (1) freestanding sign per public street frontage shall be permitted. Where a parcel does not have public road frontage and access to the site is provided by a driveway or easement, the sign may be placed, with the property owner's permission, in or adjacent to the road easement at its intersection with the public street right of way.
4. Signs may be placed adjacent to the property line, but shall not be placed within the right-of-way.
5. Signs shall be placed in accordance with the provisions and prohibitions of this title.
6. No off-premise signs shall be allowed.
7. Maximum size shall be thirty-two (32) square feet per sign face. Sign area shall not exceed one hundred twenty-eight (128) square feet per site.

8. Copy and graphics on the sign are limited to identification of the project and participants and shall only include the following information:
 - a. Site identification.
 - b. Participating professional firms and contractors.
 - c. Description and/or purpose of the subdivision.

G. Interim Signs. Temporary banners will be allowed for new or re-located businesses, while waiting for delivery and installation of new permanent signs, under the following conditions:

1. Only one (1) banner shall be placed for each new permanent sign, and only while waiting for the installation of said sign.
2. The business shall have received or applied for a sign installation permit and shall have a sign company under contract and scheduled to install the new signs.
3. The sign contractor shall provide an anticipated sign installation date at the earliest possible availability, and the deadline for removal of the banner shall be based on that date.
4. The banner shall not be put in place more than two (2) weeks before the business is open to the public, and shall be removed when the new sign is installed.
5. The banner shall be no larger than the permanent signs to be installed, and shall be placed in approximately the same location as the permanent signs will be located. In the event of a business waiting for the removal of a legal non-conforming sign and installation of a conforming sign, the banner may be placed over the face of the non-conforming sign, subject to the other provisions of this section.
6. The banner shall only be placed on the faces of existing freestanding signs or on the wall, and only one (1) banner shall be placed on each wall.
7. Extensions beyond the anticipated sign installation date shall only be considered when the sign contractor provides a explanation and acceptable to the city new anticipated installation date in writing.
8. The business and sign contractor shall both have valid Lakewood business licenses.

18A.50.675 Nonconforming Signs

A. Any sign which does not conform to the sign standards within this chapter, for which a permit was issued by Pierce County prior to February 28, 1996, and which was constructed, erected, and maintained in compliance with applicable Pierce County regulations shall be regarded as a legal non-conforming sign; excluding those signs that are prohibited under LMC, 18A.50.620, Prohibited Signs.

B. Nonconforming Sign Permits.

1. A permit is required for each legal nonconforming sign within the city of Lakewood.
2. The permit shall include the necessary information pertaining to the nonconforming status of the sign for administrative tracking, public notice, amortization (if applicable), and removal of the sign in accordance with this title.
3. All property owners, lessors, or businesses with control of a nonconforming sign within the city shall obtain a nonconforming sign permit for each nonconforming sign within ninety (90) days of notification by the City of Lakewood.
4. No fee shall be charged for required nonconforming sign permits which are obtained within ninety (90) days of notification by the City of Lakewood. Owners of signs who

have not obtained the required permit prior to the stated deadline shall be assessed a permit fee for administration of the permit.

5. Changes to nonconforming signs, as allowed pursuant to this title, shall be permitted by documenting the nature and extent of the change on a nonconforming sign permit.
- C. Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this title, excluding the, repair, and/or restoration of a sign to a safe condition. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.
- D. All nonconforming signs shall be removed or modified to conform with the new sign standards no later than December 31, 2005. A sign permit shall be obtained for any sign modifications. In addition, nonconforming signs shall be removed or brought into conformance prior to December 31, 2005, under the following conditions:
1. In conjunction with any administrative use permit, conditional use permit, variance, or subdivision application related to the property on which it is located.
 2. Prior to a change in use, or expansion or alteration greater than twenty-five (25) percent of the existing value of the structure containing the use to which the sign is accessory.
 3. Within ninety (90) days of the demolition or destruction, greater than twenty-five (25) percent of the building's appraised value, of the building containing the use to which the sign is accessory.
 4. Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds twenty-five (25) percent of the cost of replacing the sign with a conforming sign. The Building Official may require that such sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.
 5. Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds twenty-five (25) percent of the cost of replacing the sign with a conforming sign.
 6. Upon notice by the City that the sign constitutes a traffic hazard not created by the relocation of streets or highways or the result of acts by the City.
- E. Nonconforming signs not subject to removal or conformance to the requirements of subsection "D" above may be repaired or restored to their original design or to a more conforming design.
- F. Any signs not removed within the time limit specified in "D" above, or as otherwise ordered by the City shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the City if the sign owner or property owner fails to do so after being so ordered by the Community Development Director. Costs, including administrative and indirect costs, of said removal shall be borne by the sign and/or property owner and may be recovered by the City, if necessary, by placing a lien on the property from which the sign has been removed.

G. Amortization. To ease the economic impact of this code on businesses with legal nonconforming signs, this section provides for a limited period of use for a nonconforming sign in its existing state. During this period, it is expected that the sign will be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment shall be accorded signs in new areas annexed to the City.

18A.50.680 Sign Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. ABANDONED SIGN. Any sign that has been deserted and its effective use terminated, and which no longer fulfills the purpose for which it was constructed.
- B. A-FRAME OR T-FRAME SIGN. A temporary, portable, freestanding, and self-supporting sign which may be either single- or double-faced, forming an "A" shape, or on a pole attached to a flat base.
- C. ALTERATION SIGN. Any change in size, shape, position, location, construction, or supporting structure of a sign. A change in copy is not an alteration.
- D. ANIMATED SIGN. A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means. Animated signs include, but are not limited to, changing or moving pictures, drawings, and designs regardless of the means and mechanisms of the animation; and message display changes at intervals of five seconds or less.
- E. AWNING SIGN. Any sign painted on, attached to, or supported by an awning.
- F. BALLOON. A decorative inflatable device with a diameter of less than eighteen (18) inches, generally composed of a thin layer of latex or mylar. The tether of a balloon is less than twelve (12) feet in length (see "blimp").
- G. BANNER SIGN. A typically rectangular or square shaped sign, of cloth or other similar material, bearing a commercial message, motto, or slogan. A banner may have a message and/or display a commercial graphic or symbol. It can vary in size, color, and design.
- H. BILLBOARD SIGN. A sign that contains a message or directs attention to a business, profession, product, activity, or service that is not related to a use or activity conducted or offered on the premises or at the location where the sign is located, excluding road directional signs, and which is generally available by means of rental or lease to persons other than the owner of the sign. A billboard sign includes the sign face(s) that contains the message or direction noted above, as well as the pole or other structure upon which the sign face is attached.
- I. BILLBOARD SIGN FACE. That portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing pre-printed poster panels or by painted copy.

- J. **BLIMP.** An advertising or decorative device with a diameter or combined diameter of eighteen (18) inches or larger that is inflated by some means and is used to attract attention, advertise, promote, market or display goods and/or services. These devices include large single displays or displays of smaller balloons connected in some fashion to create a larger display. A balloon with a tether longer than twelve (12) feet is considered a blimp
- K. **BUSINESS SIGN.** A sign that directs attention to a business, commodity, goods, service or entertainment conducted, sold or offered on the premises.
- L. **CANOPY SIGN.** A sign attached to the underside of a canopy.
- M. **CONSTRUCTION SIGN.** A temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors and other information regarding the building or structure.
- N. **DIRECTIONAL OR INFORMATIONAL SIGN.** A sign designated to guide or direct pedestrians or vehicles.
- O. **EMITTING SIGN.** A sign which emits sound, odor, or visible matter such as smoke or steam.
- P. **FLAG.** An individual piece of cloth or other similar material, varying in size, shape, color, and design, affixed to a staff or pole. A flag is used as a symbol of a nation, state, city, or organization; or it may be merely decorative. A "pennant" is a shape of flag, however one (1) "string pennant" is not a flag.
- Q. **FLASHING SIGN.** Any illuminated sign on which the artificial light is not maintained in a stationary status and/or remain constant in intensity and color at all times when such sign is in use.
- R. **FLASHING SIGN.** An illuminated sign may utilize action or motion, or light or color.
- S. **FREESTANDING SIGN.** A sign that is self-supported on a structure used exclusively or primarily for the support of the sign or for a group of signs, being detached from any building or structure.
- T. **GATE OR ENTRANCE SIGN.** A sign attached or adjacent to an entranceway of a residential site or subdivision, which identifies the site or subdivision.
- U. **IDENTIFICATION SIGN.** A sign used only for the purpose of identifying the occupancy of a building, structure or property.
- V. **INFLATABLES.** A decorative device with a diameter or combined diameter of 18 inches or larger that is inflated by some means and is used to attract and/or promote attention to a site or service. These devices include large single displays or displays of smaller balloons connected in some fashion to create a larger display. Blimps are not considered inflatables.
- W. **ILLUMINATED SIGN.** A sign designed to give forth artificial light or reflect such light from an artificial source.
- X. **INCIDENTAL SIGN.** Signs, emblems, and decals attached to a primary building which are designed to provide general building and limited non-advertising business

information and may include but are not limited to signs designating restrooms, hours of operation, acceptable credit cards, property ownership or management, and phone booths. Incidental signs shall not be readily visible or legible from a public right-of-way. Incidental signs shall not individually exceed two (2) square feet or, cumulatively, one-half of one (1/2 to 1) percent of the building facade; provided, said size limitation shall not apply to signs providing directions, warnings or information when, established, authorized, or maintained by a public agency.

- Y. **INDIRECTLY ILLUMINATED SIGN.** An illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and which is arranged so that no direct rays of light are projected from such source into residences or the street.
- Z. **MARQUEE SIGN.** Any sign painted on, attached to, or supported by a marquee.
- AA. **MOBILE READERBOARD SIGN.** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. It is characteristic of such a mobile readerboard that the space provided for advertising matter consists of a changeable copy sign.
- BB. **MONUMENT SIGN.** A freestanding sign which is affixed in or upon the ground with no air space between the ground and the sign face.
- CC. **NONCONFORMING SIGN.** Any sign legally established prior to the effective date of this title or subsequent amendments thereto, which is not in full compliance with the regulations of this title.
- DD. **OFF-PREMISE SIGN.** A sign that contains a message or directs attention to a business, profession, product, activity, or service that is not directly related to a use or activity conducted or offered on the premise or at the location where the sign is located, excluding road directional signs.
- EE. **ON-PREMISE SIGN.** A sign identifying a business, product, service or activity conducted or sold on the same premises as that on which the sign is located.
- FF. **PAINTED SIGN.** A sign which is painted on any office, wall, window, fence or structure of any kind.
- GG. **POLE SIGN.** A freestanding sign where the sign face is elevated above the site grade by structural supports, and includes the supports.
- HH. **POLITICAL SIGN.** A sign advertising a candidate for political office or a measure scheduled for election.
PORTABLE SIGN. A sign that is not permanently affixed to the ground or to a building or structure and which may be easily moved.
- JJ. **PROJECTING SIGN.** A two-faced wall sign affixed to the exterior wall of a building or structure with the exposed faces perpendicular to the plane of such wall.
- KK. **READERBOARD OR CHANGEABLE MESSAGE SIGN.** A sign or part of a sign on which the letters are readily replaceable such that the copy can be changed.

- LL. ROOF SIGN. A sign or sign structure erected upon, against or directly above a roof or above the vertical parapet wall of a building, including a sign affixed to any structure erected upon a roof.
- MM. SIGN. Any structure, device, letter, figure, character, poster, picture, logo, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. Including, but not limited to every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.
- NN. SIGN AREA. The total area of all sign faces expressed in square feet.
- OO. SIGN FACE. The total area of one sign face expressed in square feet. Area is measured from the outside perimeter, including backup, molding, framing, but excluding structural supports, architectural details, decorative scrollwork, etc. The area of a group of individual mounted letters or figures shall be the area of the smallest single geometric form necessary to enclose the entire group of letters or figures.
- PP. SIGN HEIGHT. The distance from ground level to the highest point on the sign structure.
- QQ. SPECIAL USE SIGN. A sign intended to be displayed for a limited time and which is not permanently mounted, that advertises political issues or candidates, private sales, residential sale/rent/lease, commercial and industrial sale/rent/lease, or is a short term contractor's sign.
- RR. STRING PENNANT. A series of shapes, signs, streamers, or other similar devices made of fabric, plastic or other material which are connected together or attached to a cord to create a rope-like device that is typically displayed between poles or buildings. String pennants may contain advertising or be decorative. String pennants can vary in size, color, or design.
- SS. SUBDIVISION SIGN. A sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider and the name of the owner or agent, and giving information regarding directions, price or terms.
- TT. TEMPORARY SIGN. A sign intended to be displayed for a limited time and which is not permanently mounted, that advertises non-profit community or civic events, special events, temporary uses, a subdivision, or is an interim sign for a business.
- UV. VEHICLE SIGN. The use of a vehicle as a sign, any sign which is attached to or placed on a parked vehicle or trailer which is principally used for advertising purposes rather than transportation, any advertising or advertising space for which the owners or operator of the vehicle receives any compensation, except public transit buses bearing rental advertising.

VV. VISUALLY PROJECTED SIGN. A sign which is projected, by whatever means, onto a surface or into the air.

WW. WALL SIGN. Any sign painted on or attached directly to or erected against and supported by a building wall, or facade, with the exposed face of the sign in a plane parallel to the portion of the structure to which it is attached.

18A.50.700 HOUSING INCENTIVES PROGRAM

18A.50.710 Purpose.

The City is responsible for establishing regulations that will result in housing opportunities for all of its residents, no matter what their economic means, age, or level of ability. To that end, the City's comprehensive plan contains policies designed to encourage affordable and special needs housing. Not only are a number of regulatory tools available to help stimulate the development of desired housing in the city, but some of these tools offer an additional benefit to the city as a whole in dispersing "qualified" housing such as low-income units throughout the city so as to avoid perpetuating existing concentrations of poverty. The provisions contained herein would allow a project proponent to receive more return from a project in terms of additional density, relaxed development standards, and discounted review fees in return for helping meet public goals.

18A.50.720 Applicability.

This section applies, at the developer's option, to land-use applications for rental housing in all zones, except the construction of a single-family dwelling on one (1) lot that can accommodate only one (1) dwelling based upon the underlying zoning designation. This section shall not apply to congregate care and group living facilities.

18A.50.730 General Provisions.

All housing developed under these standards shall meet all applicable federal, local, and state guidelines and requirements for limiting occupancy to identified qualified groups.

18A.50.740 Inclusionary Density Bonuses.

A. Rate and calculation. In return for the inclusion of a number of on-site units dedicated to serving low-income persons, and/or market-rate elderly and/or disabled persons, one (1) additional, on-site market-rate unit is permitted as a bonus for each qualified unit provided, up to a maximum percentage above the maximum density permitted in the underlying zoning district as shown below; provided, that only one (1) bonus unit may be awarded per qualified unit no matter how many qualifying categories it serves.

Zoning District	Maximum % Additional Density
R1, R2, R3, R4	10
MR1, MR2; ARC; NC1, NC2	15
MF1, MF2, MF3	20
CBD, TOC	25

- B. Duration. Prior to the final approval of any land-use application for which density bonuses are being sought, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the qualified dwellings created pursuant to this section remain as such for a period of at least twenty (20) years from the commencement date. The owner/applicant shall be responsible for the cost of preparing and recording the covenant, and the owner/applicant or subsequent owner or operator shall be responsible for administering the covenant. The commencement date shall be the date that the first lease agreement with a renter within an applicable qualification group becomes effective.
- C. Siting of Units. The qualified units constructed under these provisions shall be integrated and dispersed within the development for which the density bonus is granted. The physical segregation of qualified housing units from unqualified market-rate housing units, or the congregation of qualified housing units into a single physical portion of the development, is prohibited.
- D. Size of Units. The size of the qualified units constructed under the provisions of this chapter shall be proportionate to the size of the units contained in the entire project, i.e., if fifty (50) percent of the units in the project are one-bedroom units and fifty (50) percent are two-bedroom units, then the qualified units shall be divided equally between one- and two-bedroom units.
- E. Appearance of Units. Qualified units shall possess the same style and architectural character and shall utilize the same building materials as market-rate units.
- F. Completion. If a project is to be phased, the proportion of qualified units to be completed with each phase shall be determined as part of the phasing plan approved by the Community Development Director.

18A.50.750 Development Standard Modifications.

In order to accommodate bonus housing units awarded under this program, the development standards set forth separately in this code may be modified as follows for properties containing qualified housing units:

- A. Lot Coverage. Where it does not conflict with surface water management requirements, the maximum percent of lot coverage may be increased by up to five (5) percent of the total square footage over the maximum lot coverage permitted by the underlying zoning district.
- B. Parking Requirements. For multifamily developments containing qualified housing, the percentage of compact parking stalls may be increased up to fifty (50) percent of the total required parking.
- C. In circumstances where housing serving qualified populations is located within one quarter (1/4) mile of transit routes and can be shown to generate significantly lower-than-average parking demand, parking requirements may be further reduced at the Community Development Director's discretion. The applicant shall be responsible for preparing any additional studies or evaluation required to provide evidence of demand.
- D. Building Height. The maximum building height may be increased by up to twelve (12) feet for those portions of the building(s) at least twenty (20) feet from any property line.

18A.50.760 Fee Reduction.

In order to further stimulate the provision of qualified units under this program, review fees for land-use applications and building permits for properties containing housing units dedicated to serving low-income persons shall be reduced by the percentage shown below at the time of application. Any available refunds for applications withdrawn in progress shall also be discounted correspondingly.

Density Bonus	Discount
0 - 5 percent	10%
6 — 10 percent	20%
11 — 15 percent	30%
16 — 20 percent	40%
21 — 25 percent	50%

18A.50.770 Review Process

A preapplication conference will be required for any land-use application that includes a proposal for density bonus under this program. Density bonus proposals shall be reviewed and approved concurrently with the primary land-use application and shall follow the established procedures for review and appeal, if necessary, of the permit type.

18A.50.780 Monitoring

The Community Development Department shall maintain a list of all qualified units created under this program. In conjunction with comprehensive plan review and amendment processes, the level and type of unit production and other factors relating to this program shall be evaluated to gauge how effectively these regulations are functioning and to direct necessary adjustments in the program.

18A.50.790 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. **LOW INCOME.** An individual, family, or unrelated persons living together whose adjusted gross income is eighty (80) percent or less of the county median income, adjusted for household size.
- B. **QUALIFIED UNIT.** Residential housing for rental occupancy which, as long as the same is occupied by a low-income, as defined herein, household, requires **payment of** monthly housing costs, including utilities other than telephone, of no more than thirty (30) percent of the resident's or residents' income(s).

18A.50.800 PERFORMANCE STANDARDS

18A.50.810 Purpose.

Performance standards deal with the operational aspects of land uses and their impacts on other adjacent uses, the community and the general public. The intent of this section is to provide standards and regulations to minimize and mitigate the potential adverse effects of industrial and commercial development to other properties, development and people.

18A.50.820 Applicability.

While performance standards are primarily concerned with the impact of industrial development upon the environment, performance standards shall apply to all land uses within the city. Within the CZ, AC1 and AC2 zoning districts, which have their own performance standards, the most restrictive standard shall apply. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

- A. Noise, vibration or glare.
- B. Smoke, dust, odor or other form of air pollution.
- C. Heat, cold or dampness.
- D. Hazardous substances and wastes.

18A.50.830 Nonconforming Uses.

Uses established before the effective date of this title, which are nonconforming as to performance standards shall be given five (5) years from the date of adoption of this title in which to conform therewith.

18A.50.840 Location.

The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous or objectionable elements and at any points where the existence of such elements may be more apparent; provided, however, that the measurement of performance standards for noise, vibration, odors, glare or hazardous substances or wastes shall be taken at the property lines and/or at the buffer zone setback line for any hazardous substance land use facility, in all zoning districts.

18A.50.850 Restrictions on Dangerous and Objectionable Elements.

- A. Noise. The provisions of LMC 8.36, Noise Control, shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility, other than transportation facilities or temporary construction work shall not exceed seventy-five (75) decibels at the property lines. If the Community Development Director determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.
- B. Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.
- C. Odors. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.
- D. Glare. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted. This restriction shall not apply to signs or lighting of buildings for security protection purposes as permitted by this title.
- E. Radioactivity or Electrical Disturbance. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.
- F. Fire and Explosion Hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

- G. Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.
- H. Liquid or Solid Wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.
- I. Hazardous substances or wastes. No release of hazardous substances or wastes which could contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:
1. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW.
 2. Hazardous substance land use facilities shall be located at least:
 - a. Two hundred (200) feet from unstable soils or slopes which are delineated in a geo-technical report or on a critical areas hazard area map.
 - b. Two hundred (200) feet from the ordinary high-water mark of major or minor streams or lakes which are delineated in a wetland report or on a critical areas wetlands area map, and from shorelines of statewide significance or shorelines of the state.
 - c. One-quarter (1/4) mile from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas does not include public trails.
 - d. Fifty (50) feet from any property line to create and serve as an onsite hazardous substance land use facility buffer zone. The buffer zone setback line for any hazardous substance land use facility shall apply to all such facilities in all zoning districts.
 - e. Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively.
 - f. Five hundred (500) feet from a public assembly use or location.
 3. Hazardous substance land use facilities shall not be located in the one hundred (100) year floodplain.
 4. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a Type V solid screen landscaping buffer in the hazardous substance facility buffer zone as required by LMC 18A.50.400, Landscaping.
 5. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in

the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements.

6. Underground hazardous substance land use facilities shall meet federal, state and local design and construction requirements.
7. Hazardous substance land uses shall comply with the 1997 Uniform Fire Code and as revised thereafter.
8. Hazardous substance land uses shall provide a Hazardous Materials Inventory Statement for review and approval by the Fire Marshal. A Hazardous Materials Management Plan shall also be provided, if required by the Fire Marshal.
9. Hazardous substance land uses should use traffic routes which do not go through residential zones.
10. Without limiting the application of the Uniform Fire Code, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment, such as electrical power generator systems, in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use by essential governmental facilities for stationary, on-site, oil burning equipment, such as electrical power generator systems, in residential zones shall be exempt from the hazardous substance regulations of this section. However, all above-ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community Development Director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.
11. Residential uses are limited to a two hundred (200) gallon tank limit for household fuels that are classified as hazardous substances.
12. The hazardous substance zoning code regulations, except as specifically exempted in this section, shall apply to all hazardous substances as defined in this title.
13. In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

18A.50.860 Performance Standards Procedures.

- A. The Community Development Director shall have the power to authorize the following procedures prior to the issuance of a zoning certification for commercial and/or industrial uses, as deemed necessary:
 1. Application for Zoning Permits. An application for a zoning certification for a use subject to performance standard procedures shall be accompanied by a site plan and detailed information describing the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in LMC 18A.50.820. The applicant shall also provide such supporting scientific, technical or other data and/or information as is necessary to establish that the use will comply with the performance standards set forth in LMC 18A.50.850.

2. Review by Expert Consultants. The Community Development Director, at his or her discretion, may refer the application for review and evaluation to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in LMC 18A.50.850 in a manner set forth in the application. The applicant shall be responsible for the cost of the expert review required by the City. A copy of such report shall be filed with the planning department for inspection by interested persons.
3. Review by Community Development Director. The Community Development Director shall determine whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning certification, or require a modification of the proposed equipment or operation. Any zoning certification so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations conforming in operation to the applicable performance standards.

B. Enforcement.

1. The Community Development Department shall investigate any purported violation of performance standards. For the purpose of investigating such violations, the Community Development Director may employ qualified experts, the cost for which shall be reimbursed by the alleged violator if found to be in violation.
2. After investigation, on due notice to the alleged violator, the Community Development Director may order the violations corrected within a prescribed period of time, and if such violations are not so corrected may order the violator to cease and desist from carrying on that portion of the operation or process causing a violation.
3. Violations. If violation has occurred, the Community Development Director may employ any or all of those enforcement measures established in this title necessary to ensure future compliance with this section.

18A.70.100 DAYCARE FACILITIES

18A.70.110 Purpose.

Affordable, good quality, licensed day care within Lakewood is a needed service that is critical to the well being of parents, children, elders, and disabled persons in the community. It is the purpose of this section to facilitate the siting of licensed facilities in the city in a manner that both simplifies the review and approval process and ensures that the facilities are compatible with the surrounding land uses.

18A.70.120 Applicability.

This section shall apply to family day care homes and day care centers, as defined in LMC 18A.20.400.B, Daycare Facilities, operating within the city of Lakewood. It shall not apply to foster care, group homes, and other residential programs providing round-the-clock care; nor shall it apply to care services of a casual, non-recurring nature or provided in the home of the

person being cared for (i.e., babysitting) or cooperative, reciprocal care by a group of individuals in their respective homes (i.e., childcare co-operative).

18A.70.130 Development Standards.

The Community Development Director or Hearing Examiner, as appropriate, shall approve applications for family day care homes and day care centers subject to the following general requirements:

- A. Washington State day care licensure and all applicable state and local licensure and land-use permits shall be obtained prior to operation and shall be maintained;
- B. The facility shall comply with all building, fire safety, health code, and business licensing requirements;
- C. A safe passenger loading area shall be provided;
- D. Signage, if any, shall conform to the requirements of LMC 18A.50.600, Signs.
- E. Parking shall conform to the requirements of LMC 18A.50.500, Parking.
- F. No structural or decorative alteration shall be made to the dwelling, which will alter the single-family character of an existing or proposed residential structure, or which is incompatible with surrounding residences.
- G. In addition to the general requirements above, Daycare Facilities, Level 2 are subject to the following requirements:
 - 1. Outdoor recreation areas shall be enclosed by an at least six (6) foot high fence.
 - 2. Outdoor play equipment for child day cares shall not be located in any required front or side yard setback area.
- H. In addition to the general requirements above, Daycare Facilities, Level 3 are subject to the following requirements:
 - 1. The day care center shall not be located within three hundred (300) feet of another day care facility which is not located in the residence of the care provider.
 - 2. Outdoor recreation areas shall be enclosed by a six (6) foot high fence.
 - 3. Outdoor play equipment for child day cares shall not be located in any required front or side yard setback area.
 - 4. The permit may be conditioned in order to reduce potential conflicts between the day care center and surrounding neighborhood, including, but not limited to, noise attenuation, special parking needs, and hours of operation.
 - 5. There shall be a clearly marked, off-street area for loading and unloading clients. Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.

18A.70.200 HOME OCCUPATIONS

18A.70.210 Purpose.

The purpose of this section is to provide standards which allow residents of single-family or multifamily dwellings to operate businesses or conduct commercial activity from their principal residence or from a permitted accessory structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood, maintaining property values, and preserving environmental quality.

18A.70.220 Applicability.

Limited home occupations are permitted as an accessory use to a Single-Family Detached Dwelling, Single-Family Attached Dwelling, or Multifamily Attached Dwelling use type, with approval of a limited home occupation permit.

Home occupations are permitted as an accessory use only to a Single-Family Detached Dwelling use type, with approval of an administrative use permit.

18A.70.230 Exemptions.

The following uses are exempt from the regulations of this section.

- A. Daycare Facilities, Level 1 and Level 2, which are instead subject to LMC 18A.70.100.
- B. Lodging, Level 1.
- C. Garage sales; yard sales; bake sales; temporary home bazaars for hand-crafted items; parties for the display of clothing, gifts and household products; and other similar uses shall not be considered home occupations subject to regulation pursuant to this section; provided, that any such use shall not be in existence for more than twenty (20) days in any one (1) calendar year and is not in violation of any other section of the title or other City ordinances; and provided further, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.
- D. On-line endeavors that do not generate any outward appearance, including but not limited to deliveries, of commercial use at the site.
- E. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises.
- F. Hobbies which do not result in payment to those engaged in such activity.

18A.70.240 Prohibited Activities.

- A. No person shall carry on a home occupation or a limited home occupation, or permit such use to occur on property which that person owns, occupies or is in lawful control of, contrary to the provisions of this section.
- B. The following activities are prohibited as home occupations:
 - 1. Motor vehicle, commercial truck and heavy equipment repair.
 - 2. Motor vehicle, commercial truck and heavy equipment body work.
 - 3. Motor vehicle, commercial truck and heavy equipment painting.
 - 4. Motor vehicle, commercial truck and heavy equipment wash and/or detailing services.
 - 5. Parking and storage of motor vehicles, commercial trucks or heavy equipment.
 - 6. Storage of used parts of vehicles and/or used machinery in inoperable condition.
 - 7. Storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials unless being used to construct a specific structure on the premises, pursuant to a current City building permit.

18A.70.250 Performance Standards.

The following performance standards prescribe the parameters under which home occupation activities may be conducted when incidental to a residential use. Activities that exceed these performance standards are subject to Chapter 18A.20, Use Types and Levels, to determine the appropriate Civic, Commercial, or Industrial use category that applies to the activity.

- A. General Standards. The following standards apply to all home occupation activities within the city of Lakewood:
 - 1. A home occupation permit shall be obtained for each home occupation and for each property on which a home occupation is undertaken.
 - 2. A City business license shall be obtained and maintained for each home occupation, which clearly indicates each property on which a home occupation is undertaken.
 - 3. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
 - 4. All the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).
 - 5. No modification shall be made to the dwelling to establish or operate the home occupation that would cause it to resemble anything other than a dwelling.
 - 6. There shall be no more than three (3) deliveries per week to the residence by suppliers, including postal and parcel delivery services but excluding regular mail service.
 - 7. Traffic generated by a home occupation shall not exceed eight (8) vehicular trips per day associated with the home occupation, including deliveries and client-related trips.
 - 8. Sales, either retail or wholesale, shall be limited to mail order and telephone sales with off-site delivery.
 - 9. Services to patrons shall be arranged by appointment or provided off-site.
 - 10. Utility demand for sewer, water, electricity, garbage or natural gas shall not exceed normal residential levels.

11. Equipment or operation processes shall not be utilized which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense or irritation to neighboring residents.
 12. The home occupation(s) shall not use electrical or mechanical equipment that results in:
 - a. A change to the fire rating of the structure(s) used for the home occupation(s);
 - b. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 - c. Fluctuations in line voltage at or beyond the property line.
 13. There shall be no storage, distribution and/or production of toxic or flammable materials, nor spray painting or spray finishing operations that involve toxic or flammable materials which, in the judgement of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. An applicant shall make available the Material Safety Data Sheets, listing all potentially toxic and/or flammable materials associated with the home occupation, to the Fire Marshal if requested for review.
- B. Standards for Limited Home Occupations. One (1) or more home occupations may be conducted in a residential dwelling as an accessory use or uses, excepted as prohibited in LMC 18A.70.240, Prohibited Activities, provided that the limited home occupation(s) shall:
1. Not have any employee, volunteer or other person engaged in the commercial activity on the site, other than residents of the dwelling.
 2. Be operated in its entirety within the principal dwelling
 3. Not have a separate entrance from outside the building.
 4. Not use any mechanical equipment except that which is used normally for purely domestic or household purposes.
 5. Not utilize more than twenty-five (25) percent of the total floor area of the living space of the dwelling. Areas within attached garages, unfinished basements and storage buildings shall not be considered living space for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the limited home occupation.
 6. Not show any evidence that a business is being conducted from the premises.
 7. Not have any exterior signage that identifies the property as a business location.
 8. Not allow clients or customers to visit the premises for any reason.
 9. Not have any exterior storage of materials.
- C. Standards for Home Occupations. One (1) or more home occupations may be conducted in a Single-Family Residential Detached Dwelling use type as an accessory use or uses, excepted as prohibited in LMC 18A.70.240, Prohibited Activities, provided that the home occupation(s) shall:
1. Be operated by a resident of the property on which the business is located.
 2. Not have more than one (1) full or part-time employee, other than residents of the dwelling, on the site at any one time.
 3. Be operated within the dwelling or other accessory buildings normally associated with uses permitted in the zone in which the property is located.
 4. Not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.

5. Comply with all conditions imposed pursuant to LMC 18A.10, Discretionary Permits, Administrative Use Permits.
6. Have one (1) parking space per employee provided on the same parcel of land, in addition to that parking required for the dwelling.
7. Not park or store more than one (1) commercial vehicle on site. Parking for said vehicle shall be provided in accordance with the requirements of LMC 18A.50.150, Parking of Commercial Vehicles Accessory to Residential Uses.
8. Store all materials, parts, tools and other equipment used in the operation of the home occupation entirely within the dwelling or accessory building.
9. Comply with building, land use and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
10. Limit manufacturing to the small-scale assembly of already manufactured parts but shall not preclude production of small, individually hand-crafted items, furniture or other wood items as long as the activity meets the other standards of this section.
11. Prohibit customers or clients on the premises prior to 9 AM and after 7 PM on Mondays through Fridays, and prior to 11 AM and after 5 PM on weekends and state or federal holidays.
12. Prohibit more than two (2) customers or clients on the premises at any one time.
13. Limit the home occupation activity to forty (40) percent of the gross floor area of the residence, including garages and unfinished basements, and accessory buildings; or two thousand (2,000) square feet, whichever is less.
14. Meet the signage requirements of LMC 18A.50, 600, Signs.

18A.70.260 Criteria for Approval and Conditions.

- A. The decision to approve, approve with conditions, or deny an application for a home occupation permit shall be made by the Community Development Director upon findings of whether or not the purposed home occupation is or will be:
 1. In conformance with the standards contained in this section;
 2. Clearly subordinate to the residential use of the property; and
 3. Undertaken in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties or the community.

- B. Conditions Applicable to Approval.
 1. The Community Development Director may impose conditions upon the approval of a home occupation permit to ensure compatibility with adjacent residential uses and surrounding neighborhoods. These conditions may include, but are not limited to, the following:
 - a. Further limiting the hours, days, place and manner of operation.
 - b. Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust.
 - c. Requiring additional building setbacks, and increased lot area, depth or width.
 - d. Further limiting the building area used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses.
 - e. Designating the size, number, location and design of vehicle access points.

- f. Requiring street right-of-way to be free at all times of vehicles associated with the home occupation.
- g. Requiring landscaping, buffering and/or screening of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements.
- h. Requiring the protection and preservation of existing trees and other vegetation.
- i. Requiring storm drainage improvements, and surfacing of parking and loading areas.
- j. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation.
- k. Limiting or setting standards for the location and intensity of outdoor lighting.
- l. Requiring and designating the size, height, location of fences and materials used for their construction.

18A.70.270 Permit Revocation and Expiration.

- A. The Community Development Director may revoke a home occupation permit if the conditions of approval have not been complied with and the home occupation is otherwise being conducted in a manner contrary to this title.
- B. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one (1) year shall elapse before another application for a home occupation permit by the applicant(s) or member of the family residing on the subject property will be considered.
- C. A home occupation permit shall become invalid if the applicant moves his or her residence.

18A.70.280 Nonconforming Uses.

- A. An ongoing home occupation may be granted nonconforming status, provided that it was permitted under Pierce County authority prior to Lakewood's incorporation or under City authority prior to adoption of this code and has been in continuous operation since initial approval.
- B. The burden of providing a home occupation's nonconforming status rests with the property owner or tenant. A home occupation which cannot prove nonconforming status, shall be considered to be in violation of this section and shall cease until all appropriate approvals have been obtained.

18A.70.300 ACCESSORY LIVING QUARTERS

18A.70.310 Accessory Dwelling Units.

18A.70.311 Purpose.

Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the city while protecting the existing character of single-family neighborhoods.

18A.70.312 Applicability.

Accessory dwelling units shall be permitted as an accessory use, in conjunction with any Single-Family Detached use type, in all zones that allow single family residential dwellings.

18A.70.313 Standards.

A. The creation of the ADU shall be subject to the following general requirements:

1. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure. Accessory dwelling units shall not be included in the density calculations.
2. An ADU may be established in a new or existing single-family dwelling by creating the unit within or in addition to the dwelling, or as a detached unit from the principal dwelling.
3. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.
4. 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 forty (40) percent of the living space of the principal unit, excluding garage area. The size of the living space of a detached ADU, shall be a maximum of one thousand square feet (1,000) or forty (40) percent of the size of the living space of the principal unit, excluding garage area, whichever is smaller.
5. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
 - a. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.
 - b. The design of an 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.
 - c. 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.50.500, Parking.

6. Any legally constructed accessory building, existing prior to the effective date of this title, may be converted to an accessory dwelling unit provided the living area created within the structure does not exceed forty (40) percent of the size of the living area of the principal unit, excluding garage area.
 7. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet, except for antennas, which are subject to LMC 18A.70.600 WTF.
 8. An ADU in existence prior to the adoption of this title may be found to be legal on the condition that the property owner applies for an ADU permit and complies with all required standards and provisions. Such property owners have a one (1) year period from the effective date of this title in which to apply for an ADU permit, after which time such property owners can be subject to fines and penalties established in this title.
- B.** Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:
1. One (1) of the dwelling units shall be owner occupied as the owner's principal residence for at least six (6) months a year, and at no time shall the owner-occupied unit be leased or rented.
 2. No building permit or zoning certification for an ADU shall be issued until the owner files a covenant evidencing this use limitation against the property. This covenant, which acknowledges the existence of the ADU and documents the owner's agreement to all the ADU requirements as provided in this section, shall be recorded in the records of the Pierce County Auditor. Such covenant shall be in a form specified by the Community Development Director, and shall include at a minimum:
 - a. The legal description of the property which has been approved for an ADU.
 - b. The applicability of the restrictions and limitations contained in this section.
 - c. A copy of the floor/site plan approved by the City.
 - d. The notarized signature of all property owners.
- C.** Discontinuation of an ADU
1. An ADU shall be converted to another permitted use or shall be removed if one (1) of the two (2) dwellings is not owner occupied, pursuant to the requirements of this section.
 2. If both the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU shall cease immediately, and the ADU shall be removed or converted to a permitted use.

18A.70.350 Accessory Caretaker's Dwelling.

18A.70.351 Purpose.

Accessory caretaker's dwellings (ACDs) are intended to meet the need for an on-site dwelling of an owner or employee to provide for security of the business, allow for extended hours of service or availability of on-site management, and to reduce the need for commute trips.

18A.70.352 Standards.

- A. One (1) ACD per commercial or industrial site is permitted within all commercial and industrial zones within the city.
- B. An ACD may be established in a new or existing commercial or industrial building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.
- C. The ACD, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
- D. The design and size of an ACD shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. The size of an ACD contained within or attached to a commercial or industrial building shall be limited to one thousand, two hundred (1,200) square feet. The size of a detached ACD shall be limited to no more than one thousand (1,000) square feet.
- F. A minimum of one (1) off-street parking space shall be required for the ACD, in addition to off-street parking required for the primary use(s) on-site, pursuant to LMC 18A.50.500, Parking.
- G. A building permit and zoning certification must be obtained for all ACDs prior to construction and/or occupancy of the ACD.

18A.70.400 MANUFACTURED HOME PARKS

18A.70.410 Purpose.

Manufactured home parks are intended primarily to accommodate planned manufactured home developments in a desirable residential environment, thereby contributing to the provision of a greater range and choice of affordable housing types within the city. These developments are intended to accommodate individual manufactured homes within a planned-unit manufactured home park on a condominium lot sale basis or a lot rental or lease basis so that the park remains in one (1) ownership to comply with the conditions of development.

18A.70.420 Applicability.

The development and operation of manufactured home parks and manufactured home subdivisions are allowed as a conditional use in all zones where Single-Family Detached Dwelling, Level 3 uses are permitted, subject to LMC 18A.10, Discretionary Permits, Conditional Use Permits, and LMC 18A.70.430, Development Standards.

18A.70.430 Permitted Uses Within a Manufactured Home Park.

No building, structure or land within the boundaries of a manufactured home park shall be used for any purpose except as follows:

- A. Manufactured homes for residential use only, together with permitted residential accessory uses.
- B. Community recreation facilities, including swimming pools, for residents of the park and guests only.
- C. One (1) manufactured home for the use of a caretaker or manager responsible for maintaining or operating the property.

18A.70.440 Development Standards.

The following development standards apply to all manufactured home parks.

- A. Size. New parks shall be a minimum of three (3) acres in size. Spaces within manufactured home parks, regardless of the underlying zoning, shall be a minimum of four thousand (4,000) square feet.
- B. Density. The maximum density for a manufactured home park shall be the maximum density of the underlying zone.
- C. Dimensions. The minimum space width within manufactured home parks shall be fifty (50) feet; provided that up to fifty (50) percent of the pads within a park may be forty (40) feet wide.
- D. Buffers. A manufactured home park shall provide and maintain the minimum landscape requirements for Type **II**, Streetscape and Type **I**, Vegetative Buffers along any property line abutting upon a public right-of-way and Type **I**, Vegetative Buffers along any other property line defining the outside limits of the park, pursuant to LMC 18A.50.400, Landscaping. A six (6) foot high, sight-obscuring fence shall be constructed around the perimeter of the park, except for those park boundaries abutting a public street, where the fence shall be no more than four (4) feet in height. Visible elements of the fence shall be constructed primarily of wood, stone, masonry or similar materials. Fencing and vegetative screening shall be interrupted appropriately to accommodate required pedestrian and bike access.
- E. Structures. Structures located within any manufactured home space shall be limited to one (1) storage building, a carport, and an awning or a patio cover. The storage building, patio cover and/or carport may be combined as one (1) structure.
- F. Outside Storage. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park. All outside storage in a manufactured home park shall be in an enclosed building. One (1) permanent

storage building containing a minimum of thirty-two (32) square feet of floor area and a maximum of one hundred (100) square feet shall be provided for each manufactured home space. The building height shall not be less than seven (7) feet nor more than ten (10) feet.

- G. Each manufactured home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each manufactured home pad. Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.
- H. Emergency Access. Each manufactured home park shall have at least one (1) main access and one (1) emergency access, or two (2) main access roads, depending upon the size of the park and other factors affecting emergency access needs. If the park abuts only one (1) street frontage, a loop road shall be utilized with access determined by the City Engineer and the Fire Marshal.
- I. Street Lighting. Street lighting shall be provided in accordance with the requirements of the City Engineer. Pedestrian/bike pathways, recreational facilities, service buildings and common areas shall be adequately illuminated.
- J. Underground Utilities. All utilities shall be installed underground unless waived by the City Engineer and the Community Development Director.
- K. Signs. Signs identifying the manufactured home park shall conform to LMC 18A.50.600, Signs.
- L. Access and Circulation. All manufactured home parks shall front on an improved street. Internal park streets shall be privately owned and maintained and provided in such a pattern as to provide convenient traffic circulation for all vehicles, including fire and other emergency equipment. Park owners or managers shall be responsible for maintenance of internal roads. The vehicular speed limit shall be ten (10) miles per hour and shall be posted to the satisfaction of the Lakewood Police Department. Within manufactured home parks, all streets shall be constructed to City of Lakewood standards for public streets, including width, sidewalks, paving depth and base, curve radii and curbs; except for the width of the rights-of-way required of a public street; streets shall instead be constructed to the following standards:
 - 1. The width of all private streets shall be not less than thirty-two (32) feet, from curb to curb, with on-street parking allowed on one (1) side of the street only. Signs designating "no parking" and "fire lane" shall be placed on one (1) side of the street and shall be so designated on the final plans. Variations in specific design standards may be granted on a case-by-case basis, depending on field conditions, by the City Engineer and the Community Development Director.
 - 2. There shall be vertical concrete curb and gutter, constructed to City standard specifications, installed on each side of all private streets.
 - 3. Sidewalks shall be a minimum of five (5) feet in width and six (6) inches thick.
 - 4. Park streets shall be paved in accordance with the standards established by the City Engineer.
 - 5. All public streets abutting a manufactured home park shall be improved to City standards.

6. A bike/pedestrian walkway system, separated from vehicular traffic, shall be provided to link interior roadways with adjacent public streets and which shall give safe, convenient access from the lot spaces to the service buildings and common areas. Access points and design shall be subject to approval by the City Engineer and Community Development Director. Internal walkways, separate from street sidewalks, shall have a minimum width of four (4) feet with a paved surface of concrete, asphalt or the equivalent.
- M. Fire Hydrants. Fire hydrants shall be provided as required by the Fire Marshal.
- N. Recreational Vehicle Storage. Common storage areas for recreational and sporting vehicles and their trailers may be provided as part of the manufactured home park design at the rate of fifty (50) square feet for each pad in the park. A six (6) foot high, sight-obscuring fence with a lockable gate shall be erected around the perimeter of such storage area. Parking of recreational vehicles shall not be allowed other than in approved storage areas.
- O. Recreation Area. One (1) or more recreation areas shall be created in each park at the rate of at least one hundred (100) square feet per lot space. Recreation areas shall be suitably improved and maintained for recreational purposes as necessary for the types of residents for whom the manufactured home park is intended. At least one (1) recreational area shall have a minimum size of four thousand (4,000) square feet and be of a shape that will make it usable for its intended purpose. The recreation area may contain a community clubhouse, swimming pool, tennis courts, or similar activities.
- P. Laundry Facilities. Adequate and properly equipped laundry room facilities shall be made available to the residents of the manufactured home park.
- Q. Open Space. Ten (10) percent of the gross area of the manufactured home park shall be reserved for open space. This open space is in addition to area used for lots, roads, walkways, or recreation areas. The open space shall be landscaped pursuant to LMC 18A.50.400, Landscaping.
- R. Park Office. Every park shall provide an office for a permanent, non-seasonal resident manager who shall staff the park on an ongoing basis. The resident manager shall be available and responsible for the direct management of the manufactured home park.
- S. Each manufactured home park shall develop covenants, conditions and restrictions (CC&Rs), which establishes a resident association and guidelines for operation and maintenance of park including provisions for enforcement of guidelines.
- T. Manufactured Home Site Standards. The following standards shall be satisfied for individual sites or "pads" within manufactured home parks:
1. One Home Per Site. No more than one (1) manufactured home shall be allowed on a single pad.
 2. Internal Setbacks.
 - a. A manufactured home or attached accessory building shall not be located closer than ten (10) feet to any other manufactured home or attached accessory building, closer

- than ten (10) feet to the edge of any right-of-way, or closer than five feet (5) to the edge of any other pad.
 - b. Manufactured homes shall set back at least fifteen (15) feet from any interior property line abutting residential zoned property or ten (10) feet from any interior property line abutting commercial or industrial zoned property.
 - c. Manufactured home accessory structures, when not attached to the manufactured home, shall not be located closer than six (6) feet to any dwelling, closer than ten (10) feet to the edge of any right-of-way, or closer than five (5) feet to the edge of any other pad.
 - d. No structures are allowed in landscape or open space areas.
 - 3. Lot Coverage. A manufactured home and all accessory structures shall not cover more than seventy-five (75) percent of the space area.
 - 4. Parking. Parking requirements shall be consistent with LMC 18A.50.500, Parking.
 - 5. Height. Structures within manufactured home parks shall be no more than one (1) story in height.
- U. In addition to the conditional use criteria set forth in LMC 18A.10, Discretionary Permits, Conditional Use Permits, the following criteria shall be utilized in approving or denying manufactured home park applications:
- 1. The park design, including site layout, street configuration, landscaping, and community space, are compatible with the surroundings and the community character goals of the comprehensive plan;
 - 2. The park is consistent with other applicable goals and policies of the comprehensive plan; and
 - 3. The park makes adequate provision for sanitary sewers, stormwater drainage, water, streets, open space and recreation, and schools.

18A.70.450 Operation and Maintenance.

- A. Manufactured home parks shall be maintained free of any brush, leaves, and weeds in which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home. Manufactured home parks shall be maintained in a safe, attractive and well maintained fashion. Landscaping which is required as a part of buffers or otherwise required shall be maintained in a healthy and attractive condition.
- B. Streets, sidewalks and public ways within manufactured home parks shall be maintained in a safe manner. The responsibility for maintenance of the streets, sidewalks and public ways rests solely with the park owner and resident manager.
- C. It shall be the responsibility of the manufactured home park resident manager and the CCRs to ensure that the provisions of this section are observed and maintained within the manufactured home park. Violations of this chapter shall subject the owner of the facility to any penalties provided within this title for such violation.

stay in the park, and that the park does not permit the use of any of its accommodations for manufactured homes or RVs that are used for permanent occupancy.

18A.70.520 Duration of Occupancy.

No recreational vehicle or tent shall remain in a RV park for more than thirty (30) days in any ninety (90) day period. No habitable vehicle which is not a recreational vehicle shall be allowed in the park for any period with the exception of one (1) manufactured home for the exclusive use of the park manager and/or caretaker.

18A.70.530 Design Standards.

The following criteria shall govern the design, development, and operation of a camping and RV park facility.

A. Park Dimensions.

1. **Size.** Minimum total acreage shall not be less than three (3) acres.
2. **Density.** The maximum number of RV spaces per gross acre shall not exceed sixteen (16) spaces per gross acre. The maximum number of tent camping spaces shall not exceed four (4) spaces per gross acre. The total number of spaces, including both RV and tent camping spaces, shall not exceed twenty (20) spaces per gross acre.
3. **RV Spaces.**
 - a. The minimum area for any RV space shall not be less than two thousand four hundred (2,400) square feet.
 - b. The minimum dimensions for any RV space shall be forty (40) feet wide and fifty (50) feet in length.
 - c. The RV parking pads shall be a minimum twenty (20) feet wide and forty (40) feet in length, paved with asphalt, concrete or similar material, and sloped to allow run-off of stormwater. The remainder of the space, which is not occupied by the RV parking pad, shall be landscaped.
4. Each tent camping space shall be a minimum twenty-five (25) feet in width and forty (40) feet in length. The minimum dimensions within a tent camping spaces shall include:
 - a. A parking area of twelve (12) feet in width and twenty (20) feet in length, paved with asphalt, concrete or similar material, and sloped to allow run-off of stormwater;
 - b. A ten (10) by ten (10) foot cooking/eating area with a picnic table and campfire pit;
 - c. A ten (10) by fifteen (15) foot tent set up area, which shall accommodate no more than two (2) tents per tent camping space.

B. Internal Setbacks. Within the RV park, the minimum setbacks shall be:

1. Fifty (50) feet between recreation vehicles and a public street, arterial or highway right-of-way;
2. Ten (10) feet between recreation vehicles and all property lines;
3. Twenty (20) feet between recreation vehicles and other like units;
4. Twenty-five (25) feet between recreation vehicles and public services buildings; and,
5. Thirty (30) feet between all recreation vehicle sites and/or structures and perennial streams or lakes (high water mark) or other bodies of water.

C. Recreation Areas. Recreation areas and facilities such as playgrounds, swimming pools and community buildings should be provided to the extent necessary to meet the anticipated needs of the clientele the RV park is designed to serve.

1. A developed recreation area shall be provided which contains a minimum of two hundred (200) square feet per site space.
2. A separate recreation area for young children shall be provided.
3. Playground areas shall be protected from public streets, private streets and parking areas by fencing.
4. Recreation areas shall be centrally located to the spaces they are to serve. At least one (1) recreation area shall have a minimum size of four thousand (4,000) square feet and be of a shape that will make it usable for its intended purpose.

D. Landscaping.

1. No more than sixty (60) percent of a RV space may be impervious surface.
2. No more than thirty (30) percent of a tent camping space may be impervious surface.
3. No more than fifty (50) percent of the total RV park may be impervious surface.
4. The remaining forty (40) percent of the RV space and the not less than sixty (60) percent of the camping space shall be landscaped predominately in grass. Other landscaping may be included.
5. Ten (10) percent of the gross area of the RV park shall be reserved for open space. This open space is in addition to areas used for lots, roads, walkways, play areas and service areas. The open space shall be landscaped pursuant to LMC 18A.50.400, Landscaping.
6. A site-obscuring landscaping buffer strip shall be required around all sides of the RV park, pursuant to LMC 18A.50.400, Landscaping.
7. Additional landscaping, in conformance with the standards of LMC 18A.50.400, Landscaping, shall be provided around:
 - a. service buildings;
 - b. commercial service buildings, such as a convenience market;
 - c. recreation areas; and
 - d. the perimeter of parking areas for sporting vehicles.

E. Utilities and facilities.

1. Each RV space shall include complete utility hookups, including sewer connections constructed to the requirements of the City Engineer.
2. A potable water source shall be provided in a convenient location to serve every four (4) tent camping spaces.
3. Tent camping spaces shall be located no further than three hundred fifty (350) feet from restroom facilities.
4. Restroom, shower, and utensil cleaning facilities shall be provided for all parks.
5. All facilities and service structures including each RV space shall be provided with underground water and utilities.
6. Approved public drinking fountains shall be located in playground and service building areas.

F. Lighting.

1. Lighting shall be provided for all common walkways, restrooms, recreation areas, service buildings and service areas and roadways.

G. Access and Circulation.

1. Roadways with the RV park shall be paved to a minimum width of twenty (20) feet for one-way circulation and thirty-two (32) feet for two-way circulation, with no parking allowed on either side of the roadway.
2. Access for the RV park shall not be located where it will result in hazardous entrance or exit onto a road or onto a road that has a hazardous intersection with a major arterial.
3. Ingress and egress shall be provided in such a manner as to allow access through the park tollbooth without causing traffic stoppage or unsafe traffic movement on public roads.
4. Street grades shall not be in excess of eight (8) percent at any given point.
5. A pedestrian walkway system shall be provided and maintained which gives safe, convenient access from individual sites to common areas, bathroom facilities, service buildings and natural amenities.
6. Common walkways shall be located through interior areas and be kept separated from vehicular traffic.

H. Parking.

1. The total number of parking spaces in the RV park shall be one (1) space per camping space plus two (2) for the use of the manager(s), plus one (1) per employee. All camping spaces shall provided for one (1) paved parking space within each site.
2. Additional parking areas for boats, boat trailers, and other recreational vehicles shall be conveniently located for supervision, but these specialized parking areas shall be separated from other parking facilities in the park. One (1) additional sporting vehicle parking space shall be provided for every ten (10) camping spaces.

18A.70.600 WIRELESS TELECOMMUNICATIONS FACILITIES

18A.70.610 Purpose.

The purpose of this chapter is to accommodate an increased need for the development of enhanced wireless telecommunications facilities (WTF) capabilities and services while protecting the public health, safety, welfare, and property and aesthetic values, to the extent permitted by the federal Telecommunications Act of 1996. This section establishes criteria for the siting of WTFs, which promote collocation on existing and new towers and utility pole extensions in order to minimize the number of towers; manage the location and height of towers and antennae; minimize adverse visual impacts of towers through careful design, siting, landscaping, and other innovative camouflaging and screening techniques; and avoid potential damage or adverse impacts to adjacent properties through sound engineering practices and the proper siting and construction of antenna support structures.

18A.70.615 Applicability.

Wireless telecommunications facilities may be located upon properties in Lakewood only as provided herein. All proposals for WTFs made in the city, whether for new construction or for modification of existing facilities, shall be subject to these regulations, except those specifically exempted under LMC 18A.70.620, Exemptions.

Wireless telecommunications facilities existing before April 28, 1998, or those with permits issued by the City after April 28, 1998, but prior to the effective date of this title, which do not meet the requirements of this section shall be allowed to continue as they presently exist, but shall be considered nonconforming uses for the purposes of this title.

18A.70.620 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in accordance with the requirements of LMC 18A.30, Zoning Districts:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- B. Antennae and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale.
- C. Amateur radio station operators or receive-only antennae.
- D. Home satellite services, including satellite dish antennae less than six and one-half (6 1/2) feet in diameter and direct-to-home satellite services, when used as an accessory use of the property.
- E. Public safety WTFs and equipment, including the regional 911 system, radar systems for military and civilian communication and navigation, and wireless radio utilized for temporary emergency communications in the event of a disaster.
- F. A mobile transmission facility or other temporary wireless telecommunications facility temporarily placed on a site for a period of thirty (30) days or less, unless an administrative use permit is obtained for an additional period or unless the City has declared an area-wide emergency.
- G. Emergency or routine maintenance and repair of an existing WTF and related equipment, excluding structural work or changes in height or dimensions of antennae, towers, or buildings, provided that compliance with the standards herein is maintained.
- H. Wireless telecommunications facilities installed on properties that are subject to the Chambers Creek Properties Joint Procedural Use Agreement, which shall instead be regulated to the terms and conditions of the interlocal agreement and design standards adopted thereunder, as administered by the City of University Place pursuant to interlocal

agreement. If, at some point, the interlocal agreement is abandoned, such uses on the Lakewood portion of the Chambers Creek Properties shall once again be subject to the requirements set forth herein; provided, that any existing uses which do not meet these standards shall be considered to be and shall be regulated as nonconforming.

18A.70.625 Priority of Locations.

- A. The City's priorities for the location of new WTFs are listed below in order of preference, with the most preferred site listed first and the least preferred site listed last. The applicant must show that use of preferred site locations are not feasible in order to request a less preferred location. The applicant shall demonstrate, using engineering evidence satisfactory to the City, that all possible preferred locations and other WTF technology options have been exhausted before a less preferred site may be approved.
1. Mount antennae on utility poles within the right-of-way, public water towers, existing WTF towers or other public and/or non-residential buildings in commercial and industrial zoning districts.
 2. Mount antennae on utility poles within the right-of-way, public water towers, existing WTF towers or other public and/or non-residential buildings in all zoning districts, except **R1**, R2, R3, R4, MR1, and MR2 zoning districts.
 3. Locate antennae and new towers in the MP, Ii, and I2 zoning districts.
 4. Locate antennae and new towers in the C1 and C2 zoning districts.
 5. Locate antennae and new towers on non-residential property in the CBD, TOC, and **PI** zoning districts.
 6. Locate antennae and new towers on non-residential property in the NC1 and NC2 zoning districts.
 7. Locate antennae and new towers on non-residential property in the OSR1 and OSR2 zoning districts.
 8. Locate antennae and new towers on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
 9. Locate antennae and new towers on residential property in the CBD, TOC, **PI**, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
 10. Locate antennae and new towers on residential property in MF1, MF2, and MF3 zoning districts.
 11. Antennae and new towers shall not be located in single-family residential zoning districts unless the applicant demonstrates that all other possible locations, collocations and wireless technologies cannot be modified to function within their grid system.

18A.70.630 General Siting and Design Requirements.

The location and design of WTFs shall consider the impacts, including visual, of the facility on the surrounding neighborhood.

- A. **Siting.** Any applicant who proposes to construct a new WTF or to modify or add to an existing WTF shall demonstrate, by engineering evidence satisfactory to the City, that the proposed facility is located at the least obtrusive and the most appropriate site available to satisfy its function in the applicant's grid system. Facilities shall be placed in locations where

the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and shall be designed to minimize any significant adverse impact on residential property.

- B. Primary or Accessory Use. A WTF may be considered either a primary or an accessory use on a lot or parcel. A different use of an existing structure on the same lot shall not preclude the installation of a WTF on that lot.
- C. Development. Development and construction of the site shall preserve the existing character of the site as much as possible. Existing vegetation should be preserved. When existing vegetation cannot be preserved, vegetation shall be improved by landscaping. Disturbance of the existing topography of the site shall be minimized.
- D. Design. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- E. FCC Licensure. The City will only process WTF permit applications upon a satisfactory showing of proof that the applicant is a FCC-licensed telecommunications provider or that the applicant has agreements with a FCC-licensed telecommunications provider for use or lease of the facility.
- F. Compliance with Other Laws. Wireless telecommunications facility service providers shall demonstrate compliance with FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules and regulations, including FAA and U.S. Air Force airspace maximum height criteria. Failure to maintain compliance with applicable standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.
- G. Lot size. For purposes of determining whether the installation of a WTF complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other development requirements, the dimensions of the entire lot shall control, even though the WTF may be located on leased parcel within that lot.
- H. Height. Except as allowed by LMC 18A.70.645, Collocation, or LMC 18A.70.660, Conditional Use Permit, no WTF may exceed one hundred (100) feet in height. Further, the applicant must demonstrate, by engineering evidence satisfactory to the City, that the height requested is the minimum height necessary.
- I. Security fencing. Wireless telecommunications facilities shall be enclosed by security fencing not less than six (6) feet in height, constructed of masonry, solid wood or coated chain link with matching colored slats, designed to blend with the character of the existing neighborhood provided, however, that the Community Development Director or, where applicable, the Hearing Examiner may waive these requirements as appropriate. Access to the WTF shall be through a locked gate, and there shall be a universal key box at any such gates.

- J. Landscaping. Wireless telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the WTF compound pursuant to LMC 18A.70.675.B. Screening.
- K. Structure or rooftop mountings. Wireless telecommunications facilities mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.
- L. Aesthetics. Wireless telecommunications facilities shall meet the following requirements:
 - 1. Unless a different color is required by the FCC or FAA, a WTF shall be painted a neutral color generally matching the surroundings or background to minimize its visual obtrusiveness.
 - 2. At a WTF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.
- M. View corridors. Due consideration shall be given so that WTFs do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound, the Olympic Mountains or other scenic vistas.
- N. Required parking. Off-street parking shall be provided in accordance with LMC 18A.50.550, Parking. The amount of parking required to be provided shall be dependent on whether the cell site is fully automated, partially automated, or is not automated.
- O. Lighting. If lighting is required for any WTF, then the lighting shall be of a type to cause the least disturbance to the surrounding area and which shall not cause glare skyward or beyond the property line.
- P. Measurement. For purposes of measurement, WTF setbacks and separation distances shall be calculated and applied irrespective of jurisdictional boundaries.
- Q. Franchises, licenses, and permits. Owners and/or operators of a WTF shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of the WTF system in the city and shall file a copy of all required franchises, licenses, and permits with the Community Development Department at the time of application. All applicable franchises, licensees and permits required for operation shall be maintained.
- R. Signs. No signs shall be allowed on antennae or towers.
- S. Backhaul providers. Backhaul providers shall be identified and shall obtain and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, either wired or wireless, shall be identified.

- T. Safety inspections. Each facility operator shall conduct all safety inspections in accordance with the EIA and FCC standards.
- U. Equipment structures. Ground-level equipment, buildings, and the tower base shall be screened from public view. All such structures shall be considered primary structures, not accessory structures, for the purposes of development regulations. The standards for the equipment buildings are as follows:
1. The maximum floor area shall be three hundred (300) square feet, and the maximum height shall be twelve (12) feet, unless the applicant demonstrates that the WTF and/or proposed collocation will require additional space or height to function within the provider's local network. The City may, at its sole discretion, approve multiple equipment structures or one (1) or more larger structures if it will result in a more aesthetically pleasing structure and/or site design or will further other public policy objectives.
 2. The equipment building shall be located no more than fifty (50) feet from the tower or antenna, except under unique and unusual circumstances demonstrated by the applicant to the City's satisfaction or for other public policy considerations.
 3. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified in this title or other City ordinances or regulations.
 4. A WTF, including equipment buildings, antennae, and related equipment, shall occupy no more than twenty-five (25) percent of the total roof area of the building on which the WTF is mounted. The City may, at its sole discretion, increase the percentage of building coverage allowed, if collocation is achieved and an adequate screening structure is used.
 5. Equipment buildings mounted on a roof shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
 6. If located in residential zones, equipment buildings shall be designed so as to conform in appearance with nearby residential buildings and equipment structures shall comply with the setback requirements of the zoning district.

18A.70.635 Siting and Design Requirements for Structure-Mounted WTFs.

- A. A WTF mounted on and/or extending above a structure shall be subject to the following:
1. The antenna shall be architecturally compatible, to the maximum extent feasible, with the building and/or wall on which it is mounted, and shall be designed and located so as to minimize adverse aesthetic impact.
 - a. The antenna may be mounted on a wall of an existing building if it is mounted as flush to the wall as is technically possible and does not project further above the top of the wall on which it is mounted beyond that height necessary to fulfill the function of that site within the local network system.
 - b. The antenna may be mounted on a building roof if the City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
 - c. The antenna shall be constructed, painted, or fully screened to match, as closely as possible, the color and texture of the building and/or wall on which it is mounted.
 - d. No portion of the antenna or base station shall exceed the height limitations set forth in this section.

2. If an equipment shelter is present, the structure shall be architecturally and visually compatible with surrounding existing buildings, structures, vegetation, and uses in terms of color, size, and bulk. Such facilities will be considered architecturally and visually compatible if they blend with the surrounding buildings in architectural character and color and are camouflaged to disguise the facility.
3. The maximum height of a utility pole extension shall be determined by the City Engineer and Community Development Director. The pole extension shall be designed such that the height of the utility pole is the minimum additional height necessary to support the antenna and the diameter of the utility pole required to support the antenna is not increased more than twenty (20) percent of the existing utility pole.
4. An antenna attached to the roof or sides of a building at least thirty (30) feet in height, or on an existing tower, a water tank, or a similar structure, must be either:
 - a. An omnidirectional or whip antenna no more than seven (7) inches in diameter and extending no more than sixteen (16) feet above the structure to which it is attached.
 - b. A panel antenna no more than two (2) feet wide and six (6) feet long, extending no more than ten (10) feet above the structure to which it is attached.

18A.70.640 Tower Siting and Design Requirements.

- A. Setbacks. All towers, support structures and accessory buildings must satisfy the minimum setback requirements for the zoning district in which they are located, except under the following conditions:
 1. Tower setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the MF1, MF2, MF3, MR1, MR2, R1, R2, R3, and **R4** zoning districts, where permitted, and on property abutting or adjacent to such districts, towers shall be set back from any property line in or abutting a residential zone a distance equal to one hundred (100) percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined at the City's sole discretion.
 2. In all other zones, towers shall comply with a minimum setback of fifteen (15) feet from all property lines.
 3. Right-of-way setback exception. The setback requirement may be waived if the antenna and antenna support structure are located in the public right-of-way.
- B. Support systems setbacks. All guy wires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks or within the landscape screening buffer area and which shall be located no closer than fifteen (15) feet to any property line.
- C. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WTF, then the lighting must be of the type to cause the least disturbance to the surrounding area and shall not cause glare skyward or beyond the property line. If lighting is required for a tower, dual mode lighting shall be requested from the FAA when residential uses are located within five hundred (500) feet of the tower.

- D. Monopole construction required. All towers shall be of a tapering monopole construction unless the provider can demonstrate that another type of tower would cause less impact to the surrounding property than a monopole structure and/or would otherwise further the purposes and goals of this section.
- E. Inventory of existing sites. Each applicant for a tower shall provide an inventory of its existing WTF sites that are either within the jurisdiction of the City or within one (1) mile of its borders, including specific information about the location, height, and design of each facility.
- F. Building and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with applicable City building codes and EIA standards, as amended. New construction and any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer licensed in Washington State, which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. If the owner fails to bring the tower into compliance within thirty (30) days, the City may remove the tower at the owner's expense. If the structure is determined by the City to pose an imminent danger to the public, the City shall be entitled to abate the danger through the appropriate processes established by the City.
- G. Antenna and support structure safety. The tower or antenna and its support structure shall be designed to withstand, at a minimum, a wind force of one hundred (100) miles per hour and one-half (1/2) inch of ice without the use of supporting guy wires. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- H. Site selection and tower height. Towers shall be located to minimize their number, height, and visual impacts on the surrounding area in accordance with the following policies:
 - 1. Tower height shall not exceed one hundred (100) feet in height except under the following conditions:
 - a. Collocation of two (2) or more service providers allows for additional height by using collocation height increment provisions.
 - b. A single service provider can demonstrate, via the conditional use permit criteria and all other applicable criteria in this section and this title, that a tower greater than one hundred (100) feet in height is necessary to provide service within its provider system.
 - 2. The height of a tower shall have the least visual impact feasible and the height shall be no greater than necessary to achieve service area requirements and to provide for potential collocation; and
 - 3. The owner or operator has demonstrated that the tower site selected provides, to the greatest extent feasible, the least visual impact on residential areas. This shall include an

analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

4. The tower shall be sited to minimize solitary or prominent visibility when viewed from surrounding areas, especially residential areas. The facility shall be camouflaged to the maximum extent feasible.
- I. Screening. Towers shall be significantly screened to the extent that it does not result in significant signal degradation. If there are no trees to provide screening, the site shall utilize significant camouflage or other design/construction methods satisfactory to the City, so as to provide compatible aesthetics on and around the site, to the fullest extent reasonably possible.
- J. Separation distances between towers. Separation distances between towers shall be measured between the proposed tower and pre-existing towers. Measurement shall be from base of tower to base of tower, excluding pad, footing or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances shall be listed in linear feet. Separation distances between towers shall be one thousand five hundred (1,500) linear feet, except when both towers are lattice or guyed towers, then the separation distance shall be five thousand (5,000) linear feet, or one (1) of the towers is a monopole is less than one hundred (100) feet in height, then the separation distance shall be one thousand (1,000) linear feet; or, if the City designates areas where multiple towers can be located in closer proximity. The applicant shall provide an inventory of all WTF towers, despite ownership, within a one thousand five hundred (1,500) or five thousand (5,000) foot radius, as appropriate, around the proposed tower site, and said inventory shall include the location, height and design style of each tower. The Community Development Director or Hearing Examiner, as applicable, may reduce tower separation distance requirements if written findings are made that the provider has demonstrated that the purposes and goals of this section or this title would be better served in doing so. However, the development of multiple tower locations on one (1) or more sites in close proximity, often referred to as "antenna farms," are specifically prohibited, unless such a site has been so designated by the City Council.
- K. Collocation priority. Collocation of antennae by more than one (1) provider on existing towers is preferred to the construction of new towers. New facilities shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for technical reasons.

18A.70.645 Collocation.

To minimize adverse visual impacts associated with the proliferation of towers, collocation of WTFs on existing or new towers is promoted and encouraged as follows:

- A. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennae for more than one user, unless the applicant demonstrates why such design is not feasible for technical reasons.

- B. Proposed facilities shall collocate onto existing towers wherever reasonably feasible. A new or additional administrative use or conditional use permit approval, as appropriate, is not required when a new service provider is added to an existing tower without modification or reconstruction of the tower. However, requirements for any and all other permits, licenses, leases, or franchise conditions must be satisfied, and the collocation must be accomplished in a manner consistent with the policies, siting and design criteria, and landscape and screening provisions contained in this section, as well as any applicable requirements of the original administrative use or conditional use permit and building permit.
- C. An existing tower may be modified or rebuilt to a taller height to accommodate collocation of an additional antenna without a new or additional administrative use or conditional use permit, as appropriate, and without additional distance separation, provided that:
1. The tower shall be of the same tower type as the existing tower, or of a less obtrusive design, such as a monopole.
 2. The additional antenna shall be of a similar type as those on the existing tower;
 3. The tower, if reconstructed, is placed on its existing site within fifty (50) feet of its existing location.
 4. The tower conforms to or can be modified to conform to the applicable design and development standards in this section.
 5. The tower is not located within a single-family or multifamily residential zone. A tower may not be increased in height without a new or additional administrative use or conditional use permit, as appropriate, in these zones.
- D. The City may deny an application to construct new facilities if the applicant has not demonstrated by substantial evidence that a diligent effort has been made to collocate the facilities.
- E. Collocation height increments. Collocated WTFs are eligible for additional height allowances if collocation occurs according to certain height and usage criteria.
1. To qualify for collocation height increments, the minimum required number of service providers must either be co-applicants and/or have valid lease agreements with the applicant for collocation, at the time of application. However, space reserved for future collocations may qualify for a maximum of one (1) additional service provider for the purpose of height increments, when at least two (2) providers have already located facilities on the tower or have valid lease agreements for such location. Additional height resulting from a height increment shall not require an additional distance separation.
 2. In cases of space reservation, a first right-of-refusal, which is either executed or maintained while the provider's facilities and services are in use, to lease the area at the base of the tower and/or mount for other providers will meet the reservation requirement. The site plan shall reserve area for other providers' equipment near the base of the applicant's tower.
 3. The additional height increment allowed for two (2) or more providers is thirty (30) feet above the base height. The additional height increment allowed for three (3) or more providers is fifty (50) feet above the base height and, for four (4) or more providers, is seventy (70) feet above the base height.

F. No WTF service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate collocation with competitors. If a dispute arises about the feasibility of collocating, the Community Development Director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

18A.70.650 Permits Required.

Unless specifically exempt, all wireless telecommunications facilities require either an administrative use or conditional use permit. Any WTF application that is not subject to administrative use permit approval pursuant to LMC 18A.70.655, Approved WTFs., or an exemption pursuant to LMC 18A.70.620, Exemptions, shall require a conditional use permit pursuant to LMC 18A.70.660, Conditional Use Permit. In addition to these discretionary land use permits, additional permits including, but not limited to, a building permit, zoning certification, site development permit and if applicable, a right-of-way permit is required prior to site development and construction.

18A.70.655 Administratively Approved WTFs.

The Community Development Director may administratively approve the WTF uses listed in this subsection, after an applicant has submitted a complete administrative use permit application and provided all information required by the City.

A. Administratively approved uses. The following uses may be approved after conducting an administrative review:

1. Industrial/commercial zones. Locating WTFs, including the placement of additional buildings or other supporting equipment used in connection with WTFs, that meet the required separation distances and that do not exceed one hundred (100) feet in height for a single user and one hundred thirty (130) feet in height for two (2) or more users in the CI, C2, NCI, NC2, IBP, Ii, 12, and PI zoning districts.
2. Antennae on existing structures. Locating a WTF, other than a tower, as an accessory use by attachment to any non-residential building or structure in any zoning district, provided that:
 - a. The WTF does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if other than a whip antenna.
 - b. The WTF complies with all applicable building codes.
 - c. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.
3. Facilities within allowable building height. Locating WTFs, including placement of additional buildings or other supporting equipment used in connection with the WTF, in the MF1, MF2, MF3, TOC, CBD zoning districts, so long as the WTF does not exceed the allowable building height for that district.
4. A mobile transmission facility or other temporary WTF for more than thirty (30) days. Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTF clearly and legitimately cannot be completed within 30 days), locating a mobile transmission facility at a single location for more than thirty (30) calendar days

shall be allowed; however, purely economic convenience shall not be considered a viable factor in making this determination.

- B. Authority to waive certain requirements. In connection with the administrative use permit approval, the Community Development Director may, in order to encourage camouflaging and collocation of WTFs, administratively reduce separation distance requirements between WTFs by up to thirty (30) percent in Commercial and Industrial zones if the provider demonstrates that the purposes and goals of this section would be better served in so doing.
- C. Additionally, in order to encourage the use of the least obtrusive type of WTF, the Community Development Director may administratively permit the reconstruction of any existing WTF to a less obstructive form.
- D. Appeal. An appeal to a final decision of the Community Development Director issued hereunder shall be heard by the Hearing Examiner in accordance with the requirements of LMC 18A.02, Administration.

18A.70.660 Conditional Use Permit.

Application for a conditional use permit shall be subject to the procedures and requirements of LMC 18A.10, Discretionary Permits, Conditional Use Permits., except as modified by this subsection. Conditional use permits shall be required for the following WTFs:

- A. Tower height. Locating WTFs that exceed one hundred (100) feet in height for a single user or one hundred thirty (130) feet in height for two (2) or more users.
- B. Amateur radio antennae. Locating amateur radio antennae or towers that exceed seventy (70) feet in height.
- C. Locating WTFs on existing structures. Placement of WTFs on existing structures that will exceed the height limitations in LMC 18A.70.655.A.2.a., Antennae on Existing Structures.
- D. Wireless telecommunications facilities exceeding allowable building height. Locating WTFs, including towers, that exceed the allowable building height limitations in the MF1, MF2, MF3, TOC, and CBD zoning districts.
- E. Tower construction under allowed separation distances. Locating towers that do not meet the separation distance requirements in LMC 18A.70.640.J, Separation Distances Between Towers., or that do not meet administratively approved separation distance limits in LMC 18A.70.655.B, Authority to Waive Certain Requirements.
- F. Wireless telecommunications facilities that are located on public property, and are:
 - 1. Separate from existing structures on property owned, leased, or otherwise controlled by the City or other governmental entity.

2. Attached to existing structures exceeding the height limitations in LMC 18A.70.655A.2.a., Antennae on Existing Structures., on property owned, leased, or otherwise controlled by the City or other governmental entity.

G. Any other WTF application that is not subject to administrative approval pursuant to LMC 18A.70.655, Administrative Approved WTFs, or an exemption pursuant to LMC 18A.70.620, Exceptions.

18A.70.665 Factors for Granting Conditional Use Permits for Towers.

A. In addition to the conditions of LMC 18A.10, Discretionary Permits, Conditional Use Permits, the following factors shall be taken into consideration when reviewing a CUP application for a WTF tower. The Hearing Examiner shall make written findings to approve, deny, modify or condition an application on the basis of these factors:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential zoning district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
8. Collocation of other service providers on the proposed tower.
9. Obstruction of or interference with views.
10. Consistency with the purpose and goals set forth in this section.

B. Authority to waive certain requirements. In connection with this conditional approval, the Hearing Examiner may, in order to encourage camouflaging and collocation of WTFs, waive separation distance requirements between WTFs by up to seventy (70) percent in Commercial and Industrial zones if the provider demonstrates that the purposes and goals of this section would be better served.

C. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Hearing Examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WTF. An applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed WTF shall address the following:

1. No existing WTF is located within the geographic area that meets applicant's engineering requirements.
2. Existing WTFs are not of sufficient height to meet applicant's engineering requirements.
3. Existing WTFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.

4. Electromagnetic interference would occur between two (2) or more WTF systems.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing WTF or to adapt an existing WTF for collocation are unreasonable. Fees or costs that exceed new WTF development shall not be presumed to render sharing facilities unsuitable.
6. Other limiting factors render existing WTFs unsuitable.
7. An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WTF development shall not be presumed to render the technology unsuitable.

18A.70.670 Siting and Permit Requirements for WTF Use on Public Property.

- A. Priority of WTF placement. Where public property is sought to be utilized for WTFs, priority will be given to the following entities in descending order:
1. City of Lakewood.
 2. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Lakewood, and private entities with a public safety agreement with the City of Lakewood.
 3. Other governmental agencies, for uses which are not related to public safety.
 4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, data, Internet, paging, and similar services that are marketed to the general public.
- B. Minimum requirements. The placement of wireless telecommunications facilities on City-owned property must comply with the following requirements:
1. The facilities shall not interfere with the purpose for which the City-owned property is intended.
 2. The facilities shall have no significant adverse impact on surrounding properties.
 3. The applicant shall obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other provisions and safeguards deemed necessary by the City. The City shall determine appropriate fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors.
 4. The applicant shall submit a letter of credit, cash guarantee, or other security acceptable to the City to cover the costs of removing the facilities.
 5. The antennae or tower shall not interfere with other users who have a higher use priority on the public land pursuant to LMC 18A.70.670.A, Property of WTF Placement.
 6. The lease shall provide that, in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense.
 7. The applicant shall reimburse the City for any related costs incurred by the City because of the presence of the applicant's facilities.
 8. The applicant shall obtain all necessary land-use approvals.
 9. The applicant shall cooperate with the City's objectives to promote and encourage collocation.

10. The applicant shall comply with the requirements and conditions set forth in any administrative or conditional use permits, or decision of a reviewing body.
 11. The applicant shall comply with requirements for maintenance of the facility site, including but not limited to keeping lawns mowed, providing litter control and maintaining trees and other vegetation in a healthy state.
- C. Special requirements for parks. The use of City-owned parks for WTFs brings with it special concerns due to the unique nature of these sites. The placement of a WTF in a park shall be allowed only when the following additional requirements are met:
1. The applicant has clearly demonstrated to the satisfaction of the City that the following additional criteria are met:
 - a. Placement of the WTF shall conform to the requirements of the Critical Areas and Resource Lands Ordinance.
 - b. Visual impacts shall be mitigated to the fullest extent reasonably possible.
 - c. Accommodations shall be included in the design and placement of the WTF to ensure that there will be no disruption of normal public use of the park.
 - d. Placement of the WTF in a public park is absolutely necessary for the effective operation of the applicant's system, and that placement at other alternate sites would not be reasonably possible.
 2. The Community Development Director has made a recommendation, based on the approval criteria, to the City Council regarding the WTF proposed to be located in the park.
 3. The City Council has considered the Community Development Director's recommendation in relation to the request and the applicable criteria, and has given consent for such use of the park.

18A.70.675 Landscaping and Screening.

- A. Landscaping. Wireless telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the WTF compound. The City may also require any combination of existing vegetation, topography, walls, decorative fences or other features, in addition to landscaping, necessary to achieve the desired level of screening of the site. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping may not be required. Landscaping is not required for WTFs mounted on rooftops or on the top of other structures; however, other methods of screening may be required to be utilized.
- B. Screening. The visual impacts of a WTF shall be mitigated through landscaping or other screening materials at the base of a WTF and/or compound. The following landscaping and buffering shall be required around the perimeter of the compound. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or as a supplement to landscaping requirements.
1. Evergreen trees, a minimum of twelve (12) feet tall at planting, shall be planted in two (2) rows around the perimeter of the fence. The trees shall be planted so that the trees are staggered in the rows to provide maximum screening and are located no further apart than fifteen (15) feet on center.

2. A row of bushes at least thirty (30) inches high at planting and which is capable of growing into a continuous hedge to at least forty eight (48) inches in height within two (2) years shall be planted no more than four (4) feet on center, in front of the tree line referenced above.
3. Groundcover shall be planted such that it will completely cover the soil within the landscape area within eighteen (18) months of planting, generally one (1) gallon size plants planted no more than eighteen (18) inches on center.
4. In the event that landscaping is not maintained at the level required herein or as required in any administrative use or conditional use permit, the City may, after giving thirty (30) days' advance written notice, establish and/or maintain the landscaping and bill both the owner and lessee of the site for such costs until such costs are paid in full.
5. The Community Development Director or, where applicable, the Hearing Examiner, may modify these requirements if the goals of this section would be better served.

18A.70.680 Nonconforming Uses.

- A. Pre-existing WTFs shall be allowed to continue their usage as they presently exist. Emergency repairs and routine maintenance shall be permitted on pre-existing WTFs. Any construction, alteration or modification other than repair or maintenance on a pre-existing WTF shall comply with the requirements of this section.
- B. Damage or destruction not the fault of owner/occupant. Legal nonconforming WTFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain an administrative use or conditional use permit and without having to meet separation requirements. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility or of a less obtrusive design, such as a monopole. Construction to rebuild the facility shall comply with all current applicable building codes and building permits shall be obtained prior to construction, and within one hundred eight (180) days from the date the facility is damaged or destroyed. If no building permit is obtained or if the permit expires, the WTF shall be deemed abandoned as specified in LMC 18A.70.685.A, Abandonment.

18A.70.685 Non-Use or Abandonment.

A. Abandonment.

1. The owner or operator of any abandoned WTF shall notify the City of Lakewood, in writing, at least thirty (30) days prior to the date of discontinuation of operation or abandonment of a WTF. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the City's discovery of discontinuation of operation or upon a determination by the City of the date abandoned, and subsequent notice of the City's determination of abandoned status to the WTF owner and/or operator.
2. Except as provided in LMC 18A.70.685.A.3, an owner or operator shall have ninety (90) days from the date of abandonment within which to reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.
3. If abandonment occurs due to the relocation of an antenna to a lower point on the antenna support structure, a reduction in the effective radiated power of the antenna or a reduction

in the number of transmissions from the antennae, then the operator of the tower shall have six (6) months from the date of effective abandonment to collocate another service on the tower. If another service provider is not added to the tower, then the operator shall dismantle and remove, within thirty (30) days, that portion of the tower which resulted from a collocation height increment and/or exceeds the minimum height required to function satisfactorily. City approval for that portion of the tower shall automatically expire two hundred ten (210) days from the date of abandonment if the collocation is not completed or upon completion of the dismantlement and removal of that portion of the tower that is not longer being utilized, whichever comes first.

4. Except as provided in this section, changes which are made to WTFs that do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers' towers in the city or surrounding area, then all of the towers within the city shall similarly be reduced in height.
- B. Dismantlement and Removal of Facility. If the abandoned WTF, including all accessory structures, antenna, foundation, and other associated appurtenances are not removed within the required time period, the City may remove the WTF and all associated development at the provider's expense. If there are two (2) or more providers collocating on a facility, this provision shall not become effective until all providers cease using the facility, except as provided in LMC 18A.70.685.A.3.
- C. Except as provided in LMC 18A.70.685.A.3, City approval for the facility shall automatically expire ninety (90) days from the date of abandonment if the WTF is not reactivated or upon completion of the dismantlement and removal of the WTF, whichever comes first.
- D. Security and Lien. Prior to the commencement of demolition, each applicant shall post sufficient security in the form of a cash guarantee or assignment of funds in a form acceptable to the City, cashier's check, or cash, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If, for any reason, the posted funds are not adequate to cover the cost of removal, then the City may charge the facility owner or operator with the City's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

18A.70.690 Expert Review.

Wireless telecommunications service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a technical expert may need to review the technical data submitted by a service provider and/or applicant. The City may require a technical review as part of a permit application process. The costs of the technical review shall be borne by the service provider and/or applicant.

The selection of the technical expert shall be at the City's sole discretion, with a provision for the provider and interested parties to comment on the proposed expert and review the expert's professional qualifications. The expert review is intended to address the technical aspects of the proposed facilities at a specific location and/or a review of the providers' methodology and equipment used. Based on the results of the expert review, the City may require additional information to be submitted as part of the application process. The expert review shall address the following:

- A. The accuracy and completeness of submissions.
- B. The applicability of analysis techniques and methodologies.
- C. The validity of conclusions reached.
- D. Any specific technical issues raised by the City.

18A.70.695 Controlling Provisions.

To the extent that any provision of this chapter is inconsistent or conflicts with any other City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

18A.70.700 SEXUALLY ORIENTED BUSINESSES

18A.70.710 Purpose.

The purpose of this section is to protect Lakewood's residents and corporate citizens from documented harmful secondary effects attributable to sexually oriented businesses as documented by the findings of a municipal task force organized to study these issues and the findings of other jurisdictions dealing with similar issues. The regulations included herein are intended to shield the community from crime, disease, and prostitution; to provide a quality environment for children in the community; to advance the goals and purposes of schools and religious organizations serving Lakewood; and to foster and preserve the family orientation of the city's residential neighborhoods.

18A.70. 720 Special Notation.

The provisions of Chapter 18A.70.700 are a recodification of Lakewood Municipal Code, Chapter 18A.12, adopted by Ordinance No. 258 on February 5, 2001. The recodification was made without substantive change, in order to conform the Ordinance provisions to a revised code number system. No other changes were intended from the provisions of the Ordinance, and it is intended that no change in the implementation, enforcement or effect of the Ordinance result from this recodification.

18A.70.730 Applicability.

- A, This section shall apply to all Sexually Oriented Business use types, as defined herein and as may be hereafter defined, located within the city of Lakewood.
- B. As used herein, the distances shall mean the straight-line distance between the edge or corner of the property on which the use is located to the nearest edge or corner of the property of another Sexually Oriented Business use or any of the sensitive receptor areas set forth above.

18A.70.740 Prohibited in Certain Areas.

Sexually Oriented Business uses are prohibited:

- A. Within three hundred thirty (330) feet of any property zoned for any residential use or of any property used or any single-family or multiple-family residential use.
- B. Within three hundred thirty (330) feet of any public or private elementary or secondary school.
- C. Within three hundred thirty (330) feet of any child day care center, child care service, nursery, preschool, or community youth center.
- D. Within three hundred thirty (330) feet of any church or other facility or institution used primarily for religious purposes.
- E. Within three hundred thirty (330) feet of any public park, open space or other place where children are likely to congregate.
- F. Within one thousand (1,000) feet of any other Sexually Oriented Business use.

18A.70.750 Amortization of Nonconforming Use; Extension and Appeal.

Any Sexually Oriented Business use located within the city limits as of February 12, 2001, which was made nonconforming by Ordinance No. 258, shall be terminated within one (1) year; provided, however, that such termination date may be extended upon the approval by the Community Development Director of an application filed with the City within one hundred twenty (120) days of February 12, 2001, or within one hundred twenty (120) days of the date that the sexually oriented business is made nonconforming subsequent to February 12, 2001, by the location of a use or property as described in LMC 18A.70.740, Prohibited in Certain Areas, requesting an extension to such one- (1) year amortization period. The decision of the Community Development Director on whether or not to approve any extension period and the length of such period shall be based upon the applicant clearly demonstrating extreme economic hardship based upon an irreversible financial investment or commitment, made prior to February 12, 2001, or the date of subsequent nonconformity, which precludes reasonable alternative uses of the subject property. The decision denying such an extension or the decision on the length of the extension period may be appealed by the applicant for such an extension through a Writ of Review in the Pierce County Superior Court. The review of the decision by the Superior Court

shall be limited to whether the Community Development Director manifestly abused his or her discretion in determining the existence or absence of extreme economic hardship based upon an irreversible financial investment or commitment, made prior to February 12, 2001, or the date of subsequent nonconformity, which precludes reasonable alternative uses of the subject property.

18A.70.760 Conditional Use Permit Required.

Any business subject to the regulations of this section shall be required to obtain a conditional use permit, in conformance with LMC 18A.10, Discretionary Permits, Conditional Use Permits.

18A.70.770 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. ADULT ENTERTAINMENT FACILITY. Any establishment where the business or activity of the facility includes the following:

1. Any exhibition, performance, dance or conduct of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. Any exhibition, performance, dance or conduct of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - d. Any exhibition, performance, dance or conduct which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the activities in these premises. This includes, but is not limited to, any such exhibition, performance, dance or conduct performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, for which payment is made, either directly or indirectly, for such performance, exhibition, dance or conduct and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing, or similar types of performances, exhibitions, dances or conduct.

Provided, however, that for the purposes of this chapter, adult entertainment activities do not include the following: plays, operas, musicals, or other dramatic works that are not obscene; classes, seminars and lectures which are held for serious scientific or educational purposes

and which are not obscene; or exhibitions, performances, expressions or dances that are not obscene.

Provided, further, that these exemptions shall not apply to the sexual conduct defined in LMC 5.16.010.0, or the sexual conduct described in RCW 7.48A.010 (2)(b)(ii) and (iii).

- B. ADULT-ORIENTED MERCHANDISE. Any goods, products, commodities, or other wares, including but not limited to, videos, CD-ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties, which depict, describe or simulate specified anatomical areas or specified sexual activities.
- C. ADULT RETAIL USE. A retail establishment which, for money or any other form of consideration, either:
1. Has, as a primary part of its business, the purpose or function of selling, exchanging, renting, loaning, trading, transferring, and/or providing for viewing or use, off the premises, any adult oriented merchandise; or
 2. Provides for, as its substantial stock in trade, the sale, exchange, rental, loan, trade, transfer, and/or provide for viewing or use, off the premises, any adult-oriented merchandise.

For the purposes of this chapter, a "primary part of [a] business" includes, but is not limited to, instances where a business provides or has advertising displays, merchandise, or product information reasonably visible to customers and other persons within the business facilities that shows, displays, or otherwise depicts adult-oriented merchandise or other sexually oriented business activities. Provided, however, that it shall not be considered a "primary part of [a] business" if such display, merchandise, or product information is only reasonably visible from within a limited portion of the business facility screened from general view, taking up not more than twenty (20) percent of the customer floor space, and where the access to the limited portion can be controlled to prevent accidental or incidental viewing of the display, merchandise, or product information by customers and other persons outside the limited portion of the business facilities.

Also, for the purposes of this chapter, a "substantial stock in trade" refers to, but is not limited to, instances where twenty (20) percent or more of the revenue generated by the business is derived from the sale, exchange, rental, loan, trade, transfer, and/or provision of adult-oriented merchandise; twenty (20) percent or more of the inventory of the business is adult-oriented merchandise; or twenty (20) percent or more of the customers of the business buy, exchange, rent, borrow, trade, transfer, and/or shop for adult-oriented merchandise in or from the business.

- D. PANORAM, PREVIEW, PICTURE ARCADE, OR PEEP SHOW. Any device which, for payment of a fee, membership fee, or other charge, is used to view, exhibit, or display a film, videotape, or videodisc. All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms panoram and panoram device as used in this chapter do not include games which employ pictures, views, or video displays; or state-regulated gambling devices.

- E. SENSITIVE RECEPTOR AREAS. Those uses and zoning designations where children are likely to congregate, including property zoned for residential use or any single-family or multifamily residential use; public or private elementary or secondary schools; day care facilities, nurseries, or pre-schools for children; churches or other facilities or institutions used primarily for religious purposes; and public parks or open spaces where children are likely to congregate.
- F. SEXUALLY ORIENTED BUSINESS USE. A business that includes, as a primary part of its business, any one (1) or more of the following as defined herein: "adult entertainment facility," "adult-oriented merchandise," "adult retail use," and/or "panoram"; or a similar facility, merchandise, or entertainment.
- G. SPECIFIED ANATOMICAL AREAS. Any of the following:
1. Less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. SPECIFIED SEXUAL ACTIVITIES. Any of the following:
1. **Human genitals in a state of sexual stimulation or arousal; or** Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality.
 2. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself or of one (1) person by another.
 3. Excretory functions as part of or in connection with any of the activities set forth in this subsection.

18A.70.780 Provision for Conformance.

If any portion of this section is deemed to be in conflict or inconsistent with any other provisions of the Lakewood Municipal Code, including, but not limited to other sections of this title, such other provisions shall be construed in conformity herewith; provided, that if such other provisions are not able to be so construed, the provisions of this section shall control, and such other provisions shall be deemed modified to conform herewith, for the purposes of this section only.

18A.70.800 ZERO LOT LINE RESIDENTIAL DEVELOPMENT

18A.70.810 Purpose.

The purpose of this section is to allow the development of single-family residential dwellings of a design, style, size, and density that will help expand the options for affordable home ownership and high-quality lease and rental units in Lakewood.

18A.70.820 Applicability.

Zero lot line residential development may be permitted for three (3) or more single-family attached dwelling units in the R4, MR1, MR2, ARC and MF1 zoning districts, subject to the applicable standards herein.

18A.70.830 General Standards.

- A. Each unit in a zero lot line residential development may be located on an individual lot or may be combined on a single parcel with lot lines delineating ownership spaces or tracts. The phrase "lot line," as used in this subsection and this subsection only, shall refer to the boundaries of an ownership area, lot, or tract as located, designated and illustrated on a recorded final plat for condominium development pursuant to the requirements of Chapter 64.32 RCW.
- B. Zoning certification and building permits for zero lot line residential development which has minimum lot sizes smaller than those allowed in the zoning district in which the development is located, subject to the applicable standards of LMC 18A.840, shall only occur subsequent to filing and recording of a final condominium plat pursuant to the requirements of Chapter 64.32 RCW.
- C. Common Walls. At least one (1) wall of each unit shall be in common with and contiguous to another unit, and said common wall shall be located on the lot line.
- D. Density. The density of the zero lot line residential development shall not exceed the density of the underlying zoning district.
- E. Common Open Space. Area dedicated or reserved for common open space shall be in addition to that area dedicated or reserved for roads, utility easements, stormwater detention facilities and other development requirements.
 - 1. Common open space shall be landscaped to a Type III, Open Space Landscaping standard, except for a minimum five- (5) foot-wide landscape buffer strip, planted to the requirements of Type I, Vegetative Buffer, LMC 18A.50.425, Landscaping, which shall be required on the inside of the fence along the perimeter of the zero lot line development. This landscape buffer shall be credited toward the common open space requirements.
 - 2. Common open space shall be owned and maintained in one (1) of the following ways:
 - a. If under one (1) ownership, owned and maintained by the ownership.
 - b. If held in common ownership by all of the owners of the development, a homeowners' association shall be legally created and recorded, which shall take responsibility, via recorded covenants, for maintenance of the common open space. If such open space is not maintained in a reasonable manner, the City shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. A lien against the homeowners' association may be pursued for any such bills that remain unpaid.

- c. Dedicated for public use if accepted by the City Council or other appropriate public agency.
- F. Openings Prohibited on Zero Lot Line Side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit. Opaque openings or high-level windows above eight (8) feet in height shall be allowed. There is no restriction on openings where a wall is located on a zero lot line facing open space.
- G. Storage of Recreational or Sporting Vehicles. The outdoor parking or storage of recreational and sporting vehicles shall be prohibited within a zero lot line residential development.
- H. Perimeter Buffer. A one hundred (100) percent sight-obscuring wall, fence and/or landscaping shall be established along the perimeter boundaries of the zero lot line development, except where the front of dwelling units face a public street. A minimum five (5) foot wide landscape buffer strip, planted to the requirements of Type I, Vegetative Buffer, LMC 18A.50.425, Landscaping, shall be required on the outside of the fence along the perimeter of the zero lot line development. This landscape buffer may be credited toward the common open space requirements, at the discretion of the City.
- I. Garage Access. Single-Family Attached Dwelling units shall be designed and constructed so that the garage is not prominent or the focal point of the dwelling when viewed from the street. Such design may include access to the garage via an alley at rear or side of the dwelling units, garages further recessed from the street than the living space of the dwelling, garages utilizing a multi-purpose courtyard as driveway and recreational space, and any other design that emphasizes the living space of the dwelling and minimizes the visibility of the garage. The minimum building setback for a garage shall be twenty (20) feet.
- J. Parking. The off-street parking spaces required by LMC 18A,50.500, Parking, shall be satisfied as follows:
 - 1. A garage of any size may count toward one (1) of the two (2) required parking spaces for a single-family dwelling.
 - 2. A driveway of not less than twelve (12) feet in width and twenty (20) feet in length shall count toward one (1) of the two (2) required parking spaces. A driveway of not less than twenty (20) feet in width and twenty (20) feet in length shall constitute two (2) off-street parking spaces.

18A.70.840 Zone-Specific Development Standards.

- A. Development standards for zero lot line residential development R4 and MR1 zoning districts are as follows:
 - 1. Minimum lot size. Minimum lot size shall be three thousand (3,000) square feet per unit.

2. Maximum site coverage. Maximum coverage of the gross land area of the development shall be:
 - a. Building coverage: Fifty (50) percent.
 - b. Impervious surface coverage: Sixty-five (65) percent.
 3. Each zero lot line residential development shall provide not less than thirty (30) percent of the gross land area for common open space, which shall be concentrated in large areas and designed to provide greenbelts and either passive or active recreation.
- B. Development standards for zero lot line residential development MR2 and ARC zoning districts are as follows:
1. Minimum lot size. Minimum lot size shall be two thousand two hundred (2,200) square feet per unit.
 2. Maximum site coverage. Maximum coverage of the gross land area shall be:
 - a. Building coverage: Sixty (60) percent.
 - b. Impervious surface coverage: Seventy (70) percent.
 3. Each zero lot line residential development shall provide not less than twenty (20) percent of the gross land area for common open space, which shall be concentrated in large areas and designed to provide greenbelts and either passive or active recreation.
- C. Development standards for zero lot line residential development MF1 zoning district is as follows:
1. Minimum lot size. Minimum lot size shall be one thousand six hundred (1,600) square feet per unit.
 2. Maximum site coverage. Maximum coverage of the gross land area shall be:
 - a. Building coverage: Seventy (70) percent.
 - b. Impervious surface coverage: Eighty-five (85) percent.
 3. Each zero lot line residential development shall provide not less than ten (10) percent of the gross land area for common open space, which shall be concentrated in large areas and designed to provide greenbelts and either passive or active recreation.

18A.90 DEFINITIONS

18A.90.100 Purpose.

The purpose of this section is to define words that are used throughout this title. Definitions may also be found in specific sections of this title.

18A.90.200 Definitions.

1. ABANDON OR ABANDONMENT OF WTF. Means:
 - a. to cease operation for a period of sixty (60) or more consecutive calendar days;
 - b. to reduce the effective radiated power of an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective

- radiated power by more than seventy five (75), so long as the operator still serves essentially the same customer base;
- c. to relocate an antenna at a point less than eighty (80) percent of the height of an antenna support structure; or,
 - d. to reduce the number of transmissions from an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days; Provided that non-operation or reduced operation for a period of sixty (60) or more consecutive calendar days to facilitate maintenance, re-design or other changes about which the City was notified in advance shall not constitute abandonment.
2. **ABSENTEE OWNER.** Any real property owner(s) who customarily resides some place other than the property (whether an estate or business) in question.
 3. **ABUTTING.** Lots sharing common property lines.
 4. **ACCESS.** The way or means by which pedestrians and vehicles enter and leave property.
 5. **ACCESSORY BUILDING -** A detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same tract with the principal building or use.
 6. **ACCESSORY DWELLING UNIT (ADU).** A habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.
 7. **ACCESSORY LIVING QUARTERS.** A single residential dwelling unit that is an attached or detached part of a commercial or manufacturing building, and which is incidental to the commercial or manufacturing use.
 8. **ACCESSORY STRUCTURE.** A structure either attached or detached from a principal building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.
 9. **ACCESSORY USE.** A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
 10. **ADEQUATE PUBLIC FACILITIES.** Adequate public facilities means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
 11. **ADJACENT.** Lots located across a right-of-way, railroad or street, except limited access roads.
 12. **ADMINISTRATIVE USE PERMIT.** A written decision granted by the Community Development Director to authorize the development or operation of a proposed land use activity subject to special degrees of control.
 13. **AGRICULTURAL USE.** Land primarily devoted to the commercial production of dairy, apiary, furbearing, vegetable, or animal products or of grain, hay, straw, turf, seed, fin fish, or livestock, and that has long-term commercial significance for agricultural production.

14. AIRPORT. Any land area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.
15. ALLEY. A public or private way not more than 30 feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.
16. ALTERATION, STRUCTURAL. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.
17. AMATEUR RADIO STATION OPERATORS OR RECEIVE-ONLY ANTENNAS. Any tower or antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
18. AMENDMENT. Amendment means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of City code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Community Development Director or Hearing Examiner.
19. ANCHOR. The device to which tie-downs are secured or fastened having a holding power of not less than 4,800 pounds. They include, but are not necessarily limited to, screw auger, expanding or concrete deadmen type anchors, and are to be constructed as to accommodate "over the top" and "frame" type tie-downs, used singly or in conjunction.
20. ANTENNA HEIGHT OR HEIGHT. When referring to a tower or other WTF, the vertical distance measured from the finished grade of the parcel at the base of the tower pad or antenna support structure to the highest point of the structure even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
21. ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.
22. ANTENNA. Any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services.
23. ANTIQUE DEALER. Any person engaged, in whole or in part, in the business of selling antiques.
24. ANTIQUES. Works of art, pieces of furniture, decorative and household objects, and other such collectibles possessing value or commercial appeal owing to their being made during an earlier period.
25. APARTMENT. A dwelling unit in a multifamily building.

26. APPEAL. A request for review of the Community Development Director's decision concerning matters addressed by the Ordinance to the Planning Advisory Board or a review of the Hearing Examiner's decision to the City Council.
27. APPLICANT FOR WTF. Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a WTF within the city.
28. APPLICANT. Any person who makes an application to the City of Lakewood for a development permit.
29. ARCADE. A linear pedestrian walkway that abuts and runs along the facade of a building. It is covered, but not enclosed, and open at all times to public use. Typically, it has a line of columns along its open side. There may be habitable space above the arcade.
30. ARCHAEOLOGICAL RESOURCES. Districts, sites, building, structures, and artifacts with material evidence of prehistoric human life and culture.
31. ARCHITECTURAL BARRIERS. Constructed structures such as walls, signs, rockeries, drainage swales or similar constructed features that impact the required landscape areas.
32. ARCHITECTURAL CHARACTER. The architectural character of a building is that quality or qualities that make it distinctive and that are typically associated with its form and the arrangement of its architectural elements. For example, a prominent design feature may convey the architectural character of a structure. Examples are a distinctive roofline, a turret or portico, an arcade, an elaborate entry, or an unusual pattern of windows and doors.
33. ARCHITECTURAL ELEMENTS. The elements that make up an architectural composition or the building form, which may include such features as the roof form, entries, an arcade, porch, columns, windows, doors and other openings. "Architectural elements" is used interchangeably with "architectural features" in this chapter.
34. ARCHITECTURAL SCALE. The perceived height and bulk of a building relative to other forms in its context. Modulating facades and other treatments may reduce a building's apparent height and bulk.
35. AREA OF SHALLOW FLOODING. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
36. AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.
37. AUTO WRECKING YARD. Any property where two (2) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.
38. AUTOMOBILE AND OTHER VEHICLE SALES AREA. An open area, other than a street, used for the display, sale or rental of two (2) or more new or used motor vehicles or

trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

39. **AUTOMOBILE BODY REPAIR.** Those establishments primarily engaged in furnishing automotive vehicle bodywork and painting.
40. **AUTOMOBILE SERVICE STATION OR GAS STATION.** A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.
41. **AUTOMOBILE WRECKING OR MOTOR VEHICLE WRECKING.** The dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.
42. **AWNING.** A shelter extending from the exterior wall of a building for the purpose of shielding a doorway or window from the elements and composed of non-rigid materials except for the supporting framework.
43. **AXIAL SYMMETRY.** The similarity of form or arrangement on either side of a dividing line or plane through the center of an object.
44. **BACKHAUL NETWORK.** The lines that connect a provider's wireless telecommunications facilities to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
45. **BALCONY.** An outdoor space built as an above ground platform projecting from the wall of a building and enclosed by a parapet or railing
46. **BARN.** A structure used for the storage of farm products, feed, and for housing farm animals and light farm equipment.
47. **BASE FLOOD.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
48. **BASEMENT.** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.
49. **BAY WINDOW.** A window that protrudes from the main exterior wall. Typically, the bay contains a surface that lies parallel to the exterior wall, and two (2) surfaces that extend perpendicular or diagonally from the exterior wall.
50. **BEACH ACCESS, PUBLIC OR PRIVATE.** Trails or roads that provide access for the public to the beach.
51. **BED AND BREAKFAST.** A lodging facility comprised of a single residential structure containing up to six units of small-scale temporary lodging which provides a single meal and where the proprietors of the service reside in the structure.
52. **BIOSOLIDS.** Municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

53. **BLANK WALLS.** Walls subject to "blank wall" requirements are any ground-level wall over six feet in height measured from finished grade at the base of the wall, and longer than fifty (50) feet measured horizontally. A wall subject to the requirement does not have any significant building feature, such as a window, door, modulation or articulation, or other special wall treatment within that fifty (50) foot section.
54. **BLOCK.** All land along one (1) side of a street that is between two (2) intersections or intercepting streets, or interrupting streets and a railroad right-of-way, or unsubdivided land or water course.
55. **BOARD.** The Planning Advisory Board
56. **BOAT RAMP OR LAUNCH.** An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.
57. **BOATHOUSE, PRIVATE.** An accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boathouse is erected on a pier or wharf and/or over a dock or docking slip.
58. **BUILDING COVERAGE.** The measurement of the gross footprint of all the structures, to include accessory and exempt structures, on a lot. The gross footprint includes all structural elements and projections of a building and includes, but is not limited to; eaves, projections, decks, balconies, elevated patios, breezeways, or canopies.
59. **BUILDING DIVISION.** The Building Division of the City of Lakewood Community Development Department.
60. **BUILDING FACADE OR FACADE.** The visible wall surface, excluding the roof, of a building when viewed from a public right-of-way or adjacent property. If more than one (1) wall is predominately visible, the walls may be considered one (1) facade for the purposes of signage. A building facade is measured in gross square feet (gsf) and does not include roof area.
61. **BUILDING HEIGHT.** The vertical distance from the average of the elevation of the natural, undisturbed topography or the pre-existing grade at all comers of a proposed structure to the highest point of the structure, in accordance with LMC 18A.50.130, Height Standards.
62. **BUILDING LINE.** A line on the comprehensive plan, zoning map, or plat, parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the provisions of this ordinance
63. **BUILDING OR OCCUPANCY FRONTAGE.** The length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area or mall appurtenant to such building or occupancy, expressed in lineal feet and fractions thereof
64. **BUILDING, ATTACHED.** A building or structure attached to another building or structure by an enclosed interior wall or walls and covered by a roof in common with both structures. A structure connected to another building or structure only by a roof or only by a wall is not considered attached.

65. BUILDING, DETACHED. A building or structure sharing no common wall with another structure, and generally surrounded by open space on the same lot. A structure connected to another building or structure only by a roof or only by a wall is considered to be a detached building.
66. BUILDING, PRINCIPAL. A building devoted to the principal use of the lot on which it is situated.
67. BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.
68. BULKHEAD. A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.
69. BUSINESS. The purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.
70. CAMOUFLAGE. To disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.
71. CAMPSITE. A space provided in a campground or recreational vehicle (RV) park which usually contains a table, stove, parking spur and space for a tent to accommodate a one-family group.
72. CANOPY. A permanent, cantilevered extension of a building that typically projects over a pedestrian walkway abutting and running along the facade of a building, with no habitable space above the canopy. A canopy roof is comprised of rigid materials.
73. CAR WASH. Mechanical facilities for the washing or waxing and vacuuming of automobiles, light trucks, and vans,
74. CARETAKER HOME. An on-site residential dwelling unit of up to two thousand (2,000) square feet providing living accommodations for an individual, together with his/her family, who is employed as a caretaker for a private home, public recreational or community facility, or commercial or industrial establishment. Caretaker units may not be a temporary structure or recreational vehicle and may not remain in residential use if no longer used for caretaker residence.
75. CARPORT. A covered automobile structure open on one (1) or more sides, with direct driveway access for the parking stall(s). A carport may be integrated with, or detached from the primary structure. An attached carport shall have common wall construction with the primary structure.
76. CARRYING CAPACITY. The level of development density or use an environment is able to support without suffering undesirable or irreversible degradation.
77. CATTERY. An enclosure or structure in which any combination of six or more cats that individually exceed seven months of age are kept for breeding, sale, or boarding purposes.

78. **CELL SITE OR SITE.** A tract or parcel of land that contains wireless telecommunications facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to WTF.
79. **CEMETERIES.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
80. **CERTIFICATE OF CAPACITY.** A document issued by a service provider indicating the quantity of capacity that has been reserved for a specific development project on a specific property.
81. **CHANGE OF USE.** A change of use shall be determined to have occurred when it is found that the general character of the use in question has been modified. This determination shall include review of but not be limited to: hours of operation, materials processed or sold, required parking, traffic generation, impact on public utilities, clientele, general appearance and location or a change in use type.
82. **CITY MANAGER.** The Administrative Director of the City of Lakewood or his/her designee.
83. **CIRCULATION.** The movement or flow of traffic from one place to another through available routes. Traffic includes a variety of modes of travel including pedestrian, motor vehicle and non-motorized methods such as bicycles.
84. **CLEAR-VISION AREAS.** A triangular area at intersections or public drives where visual obstructions are to be kept clear as directed by the City Engineer.
85. **CLOSED RECORD APPEALS.** Administrative appeals under Chapter 36.70B RCW which are heard by the City Council or Hearing Examiner, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal arguments allowed.
86. **CLUSTER DEVELOPMENT.** A development technique wherein home sites or structures are grouped together, with the remainder of the tract left in open space or common open space.
87. **CO-GENERATION.** The simultaneous production of electricity and heat energy. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both. Co-generation units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.
88. **COLLOCATION OF WTF.** The use of a WTF by more than one (1) service provider.
89. **COMBINED USE BUILDING.** Residential use types in combination with other use types.
90. **COMMERCIAL ACTIVITY.** Any activity carried out for the purpose of financial gain for an individual or organization, whether profit or non-profit.
91. **COMMERCIAL VEHICLE.** Any motorized vehicle over six thousand (6,000) gvw, including, but not limited to, a van, truck, truck trailer, utility trailer, tractor, grading

- machine, bulldozer, scraper, boat, motorized crane, or other construction equipment that is used in the operation of a business or in construction, road grading, or logging activities.
92. **COMMON OPEN SPACE.** A parcel of land or an area of water or a combination of land and water within a site designed or developed and intended primarily for the use or enjoyment of the residents of such development.
 93. **COMMUNITY DEVELOPMENT DIRECTOR.** The Director of the Community Development Department of the City of Lakewood or his/her designee.
 94. **COMPREHENSIVE PLAN.** The document, including maps, adopted by the City Council which outlines the City's goals and policies relating to management of growth, and prepared in accordance with Ch. 36.70A RCW. The term also includes any adopted subarea plans prepared in accordance with Ch. 36.70A RCW.
 95. **CONCURRENCY.** Ensuring that adequate public improvements or strategies are in place at the time of development, and the ability and financial commitment of the service provider to expand capacity or maintain the level-of-service for new development through capital improvements within a six year period as noted in the Transportation Capital Improvement Plan.
 96. **CONDITIONAL USE.** A use conditionally permitted in a zoning district as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment or, because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.
 97. **CONDOMINIUM.** Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.
 98. **CONSTRUCTED WETLANDS.** Wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or stormwater treatment. Constructed wetlands are normally considered as part of the stormwater/wastewater collection and treatment system and must be maintained, but are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.
 99. **CONTIGUOUS.** Bordering upon, to touch upon, or in physical contact with.
 100. **CORRECTIONAL FACILITIES.** Facilities for holding persons in custody or in detention, including county jails, state prisons, juvenile detention facilities, pre-release facilities, work release facilities, and other facilities to which a person may be incarcerated upon arrest or pursuant to sentencing by court.

101. **COURTYARD, INTERIOR COURT.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.
102. **COURTYARD.** A courtyard is an open space usually landscaped, which is enclosed on at least three (3) sides by a structure or structures.
103. **CROP AND TREE FARMING.** The use of land for horticultural purposes.
104. **CURB CUT.** A curb cut is a depression in the curb for a driveway to provide vehicular access between private property and the street.
105. **CURB LEVEL.** Curb level for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.
106. **DANGEROUS WASTE.** Any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means. Includes wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes.
107. **DAYCARE CENTER.** A daycare facility which operates in a place other than a residence, with no limitation as to the number of clients.
108. **DAYCARE FACILITY.** A building or structure in which care is regularly provided for a group of children or adults for periods of less than twenty-four (24) hours. Day care facilities include family day care homes and day care centers regulated by the Washington State Department of Social and Health Services or successor agency, as presently defined and as may be hereafter amended (RCW 74.15, WAC 388-73-422).
109. **DAYCARE, HOME.** A daycare facility which operates in the provider's residence and is subject to a limitation on the number of clients.
110. **DAYCARE, HOME-BASED.** A daycare facility with no more than twelve (12) persons in attendance at any one time in the provider's home in the family living quarters, including immediate family members who reside in the home.
111. **DECIBEL.** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated by decibels.
112. **DECIDUOUS TREE.** A tree which loses its foliage annually.
113. **DECK.** A deck is a roofless, outdoors above ground platform projecting from the wall of a building and supported by piers or columns
114. **DEPARTMENT.** The City of Lakewood Community Development Department.

115. **DESIGN DETAILS.** Architectural or building design details refer to the minor building elements that contribute to the character or architectural style of the structure. Design details may include moldings, mullions, rooftop features, the style of the windows and doors, and other decorative features.
116. **DESIGN, WTF.** The appearance of WTF, including such features as their materials, colors, and shape.
117. **DESIGNATED ZONE FACILITY.** Any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC, and that is not a preempted facility as defined in RCW 70.105.010 or in Chapter 173-303 WAC. A hazardous waste treatment or storage facility is a designated zone facility.
118. **DEVELOPMENT (for the purposes of Flood Hazard).** Any constructed changes to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavator, or drilling operations.
119. **DEVELOPMENT ACTIVITY.** Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Most activities may take place in conjunction with a variety of uses.
120. **DEVELOPMENT PERMIT.** Any document granting, or granting with conditions, an application for a site plan, building permit, discretionary decision, or other official action of the City having the effect of authorizing the development of land.
121. **DEVELOPMENT PLAN.** A plan drawn to scale, indicating but not limited to, the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.
122. **DEVELOPMENT STANDARDS.** Regulation of the location and size of development, including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.
123. **DISCONTINUANCE.** The abandonment or nonuse of a building, structure, sign or lot.
124. **DISCRETIONARY PERMIT.** A decision which requires special analysis or review due to the nature of the application or because special consideration was requested by the applicant.
125. **DISTRICT.** An area designated by this title, with specific boundaries, in which lie specific zones, or special purpose area as described in this title.
126. **DOCK-HIGH LOADING AREAS.** Truck maneuvering areas and loading or unloading areas associated with loading doors that are located above the finish grade.
127. **DOCKS.** A pier or secured float or floats for vessel moorage, fishing, or other water use.
128. **DOUBLE-FRONTAGE LOT.** A lot other than a corner lot with frontage on more than one (1) street.

129. DRAINAGE DITCH. A constructed channel with a bed, bank or sides which discharges surface waters into a major or minor creek, lake, pond or wetland.
130. DRIPLINE. A circle drawn at the soil line directly under the outermost branches of a tree.
131. DRIVE-THROUGH. A business establishment so developed that all or a portion of its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in a motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-through service.
132. DRIVEWAY. A paved or graveled surface a minimum of fifteen (15) feet in width that provides access via a paved apron to a lot from a public or private right-of-way.
133. DUPLEX. One (1) detached residential building, vertically or horizontally attached, containing two (2) dwelling units totally separated from each other by a one (1) hour firewall or floor, designed for occupancy by not more than two (2) families.
134. DWELLING UNIT. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking, sleeping and sanitary facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
135. DWELLING. A building or portion thereof designed exclusively for human habitation, but not including hotels or motel units.
136. EASEMENT. A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land for the purpose of and to protection from interference with this use by a public or private street, railroad, utilities, transmission lines, walkways, sidewalks, bikeways, equestrian trails, and other similar uses. An easement may be exclusive or include more than one (1) user.
137. EFFLUENT. With regard to water quality, treated or untreated liquid entering the estuary from a point source. With regard to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.
138. EQUIPMENT ENCLOSURE. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.
139. ERECT. The act of placing or affixing a component of a structure upon the ground or upon another such component.
140. EVERGREEN TREE. A tree, often a coniferous tree, which retains its foliage and remains green year round.
141. EXCAVATE. The removal by man of sand, sediment, or other material from an area of land or water for other than commercial or industrial use.

142. **EXTREMELY HAZARDOUS WASTE.** Any waste which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic constitution of humans or other living creatures and is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment. Those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes.
143. **FACADE.** Any portion of an exterior elevation of a building extending from the ground level to the top of the parapet wall or eaves, for the entire width of the building elevation. A front facade is typically the facade facing the major public street(s). An entry facade is typically the facade with the primary public entry.
144. **FAMILY.** One (1) or more individuals related by blood or legal familial relationship, or a group of not more than six persons who need not be related by blood or a legal familial relationship, living together in a dwelling unit as a single, nonprofit housekeeping unit, excluding Types 1, 2, 3, and 4 Group Homes as defined in LMC 18.20.300, Use Types and Levels; and excluding state-licensed foster homes.
145. **FEDERAL INSURANCE RATE MAP (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for those areas.
146. **FENCE, SIGHT-OBSCURING.** A fence constructed of solid wood, masonry, metal or other appropriate material that totally conceals the subject use from adjoining uses.
147. **FILL.** The placement by man of sand, sediment or other material to create new uplands or raise the elevation of the land.
148. **FINAL DEVELOPMENT PLAN.** A plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, authorizes the granting of a discretionary permit.
149. **FLAGPOLE.** A staff or pole which is designed to display a flag. A flagpole may be freestanding or attached to a building or to a private light standard.
150. **FLEA MARKET.** Arrangements whereby a person or persons sell, lease, rent, offer or donate to one (1) or more persons a place or area where such persons may offer or display secondhand or junk items.
151. **FLOOD HAZARD BOUNDARY MAP (FHBM).** The official map issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards applicable to the city of Lakewood have been designated as Zone A.
152. **FLOOD INSURANCE STUDY.** The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.
153. **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

154. **FLOODPLAIN.** The area adjoining a stream, tidal estuary or coast that is subject to regional flooding. A regional (100-year) flood is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one (1) percent chance of occurring in any one (1) year in an area as a result of periods of higher than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
155. **FLOODPLAIN MANAGEMENT REGULATIONS.** State or local regulations, and any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.
156. **FLOODPROOFING.** A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
157. **FLOODWAY, REGULATORY.** The channel or the watercourse reasonably required to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
158. **FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, but not including, attic space providing headroom of less than seven feet, basement, if more than fifty (50) percent of the basement is less than grade.
159. **FLOOR AREA RATIO (FAR).** The floor area ratio of the building or buildings on any lot means the gross floor area of the building or buildings on that lot divided by the gross area of such lot.
160. **FOOTCANDLE.** A footcandle is a unit used for measuring the amount of illumination on a surface. The amount of usable light from any given source is partially determined by the angle of incidence of the source and the distance to the illuminated surface.
161. **FREEWAY.** Any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.
162. **FRONTAGE ROAD.** A street which is parallel and adjacent to an arterial, and which provides access to abutting properties while relieving them of the effect of street traffic access on to and from an arterial.
163. **FRONTAGE.** Frontage refers to length of a property line along a public street or right-of-way.
164. **GARAGE.** An enclosed automobile structure with direct driveway access principally for vehicular equipment such as automobiles, boats, etc., used by the tenants of the building(s). A garage may be integrated with, attached, or detached from the primary structure. See also **PARKING STRUCTURE.**
165. **GAS ISLANDS.** In conjunction with a motor vehicle service station or convenience commercial use providing gasoline, individual gas islands are comprised of single pumps dispensing single or various grades and types of motor vehicle fuel, or individual banks of pumps dispensing single or various grades and types of motor vehicle fuel, whether or not covered by a single canopy.

166. GATEWAYS. As used in these guidelines, the term gateways refers to those areas which are entranceways into the City of Lakewood and are so designated in the Lakewood Comprehensive Plan.
167. GEOLOGIC. Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.
168. GOVERNING AUTHORITY. The City Council of the City of Lakewood.
169. GRADE, AVERAGE. The average elevation of the undisturbed ground prior to construction at all exterior corners of the proposed structure.
170. GRADE, FINISHED. The finished surface of the ground, street, paving or sidewalk.
171. GRADE, PRE-CONSTRUCTION. Prior to any grade, fill or disturbance of soil or vegetation.
172. GROSS AREA. The total sum area of the lot minus public rights-of-way.
173. GROSS DENSITY. A calculation of the number of housing units that is allowed on a property based on the maximum density permitted.
174. GROSS SQUARE FEET (GSF). The sum of the total square footage of any building, lot, property or area.
175. GROUND COVER. Low-growing vegetative materials with a mound or spreading manner of growth that provides solid cover.
176. GUYED TOWER. A wireless communication support structure that is typically over 100 feet tall and is steadied by wire guys in a radial pattern around the tower.
177. HABITABLE FLOOR (for purposes of floods). Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor".
178. HABITABLE ROOM (for purposes of floods). An undivided enclosed space within a dwelling used for sleeping or kitchen facilities. This term does not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms or similar places.
179. HABITAT. The place or type of site where an organism lives; the place occupied by an entire community, such as a freshwater tidal marsh community.
180. HAZARDOUS SUBSTANCE. Any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter 70.105 RCW or in WAC 173-303-090, 173-303-100, 173-303-101, 173-303-102 or 173-303-103 .
181. HAZARDOUS SUBSTANCE FACILITY BUFFER. A setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and storage facilities must maintain at least a fifty (50) foot buffer.

182. **HAZARDOUS SUBSTANCE LAND USE.** Any use which is permitted under this title and which includes a designated facility or the processing or handling of a hazardous substance.
183. **HAZARDOUS SUBSTANCE LAND USE FACILITY.** The projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.
184. **HAZARDOUS SUBSTANCE PROCESSING OR HANDLING.** The use, manufacture, compounding, treatment, synthesis or storage of hazardous substances in excess of the following amounts of cumulative quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, six hundred fifty (650) cubic feet of gaseous hazardous substances, or equivalent combination thereof. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, WAC 173-303, and any pertinent local ordinances, such as sewer discharge standards.
185. **HAZARDOUS WASTE.** Any dangerous and extremely hazardous waste as designated pursuant to RCW 70.105, WAC 173-303, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.
186. **HAZARDOUS WASTE FACILITY.** The contiguous land and structures, other appurtenance and improvements on the land used for recycling, storing, treating, incinerating or disposing of hazardous waste.
187. **HAZARDOUS WASTE STORAGE FACILITY.** Any designated zone facility which holds hazardous waste for a temporary period not to exceed five (5) years; this does not include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.
188. **HAZARDOUS WASTE TREATMENT FACILITY.** Any designated zone facility which processes hazardous waste by physical, chemical or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
189. **HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, OFFSITE.** Any hazardous waste treatment or storage facility that treats or stores any waste that is generated off the site.
190. **HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, ONSITE.** Any hazardous waste treatment or storage facility that treats or stores only that waste that is generated on the site.
191. **HEARING EXAMINER REVIEW.** A process involving the judgment and discretion of the Hearing Examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zoning district.

192. HEARING EXAMINER. A person appointed by the City to carry out the functions authorized under LMC 18A.02, Administration, and Chapter 35A.63 RCW.
193. HOLIDAY DECORATIONS. Temporary messages, displays, lighting, or decorations celebrating national, state, local, ethnic, and religious holidays or holiday seasons.
194. HOME OCCUPATION. Any occupation, profession or lawful commercial activity carried on by a resident living on the premises, and in which said activity is secondary to the use of the dwelling for living purposes, provided that the occupation or profession meets the requirements of LMC 18A.70.250.A and C.
195. HOME OCCUPATION, LIMITED. Any occupation, profession or lawful commercial activity carried on entirely within the dwelling, solely by a resident living on the premises, and which said activity is secondary to the use of the dwelling for living purposes; provided that the limited home occupation meets the requirements of LMC 18A.70.240.A-B.
196. HOMEOWNERS' ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner is automatically a member, and, each lot is automatically subject to a charge for a proportionate share of the common property, and, a charge, if unpaid, becomes a lien against the property.
197. HORTICULTURE. The cultivation of plants, garden crops, trees and/or stock.
198. HOTEL. A single building or a group of detached or semi-detached buildings containing six (6) or more guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers for a period not to exceed thirty (30) days.
199. HUMAN SCALE. The size of a building element or space relative to the dimensions and proportions of a human being.
200. IMPERVIOUS SURFACE. A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, grasscrete, and oiled, macadam or other surfaces, which similarly impede the natural infiltration of surface water. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.
201. INCIDENTAL USE. A use that is in conjunction with, and smaller than the main part of a facility or use.
202. INCOMPATIBLE USES. For the purpose of community design, incompatible uses are those uses, including, but not limited to, outdoor storage, utilities equipment and apparatus, and loading and service facilities, which are considered to be visually intrusive, unsightly and which require site design and screening to mitigate the negative impacts to retail, service and office commercial uses and residential development.

203. **INDUSTRIAL PRETREATMENT FACILITY.** Treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.
204. **INTERIOR LOT AREA.** Any area of a lot that is not within a required perimeter or buffer area.
205. **JUDICIAL APPEALS.** Appeals filed by a party of record in Pierce County Superior Court.
206. **KENNEL.** An enclosure or structure in which any combination of six (6) or more dogs that individually exceed seven (7) months of age are kept for breeding, sale, training, boarding, or sporting purposes.
207. **KITCHEN.** Any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.
208. **LAKE.** A natural or artificial body of water of two (2) or more acres or where the deepest part of the basin at low water exceeds two (2) meters. Artificial bodies of water with a recirculation system approved by the City Engineer are not included in this definition.
209. **LANDFILL, DEMOLITION.** A solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other man-made structures, consisting of but not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster or other materials likely to produce leachate is not demolition waste.
210. **LANDFILL, INERT.** A solid waste facility for the permanent disposal of inert materials which are non-combustible and non-dangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.
211. **LANDFILL, MUNICIPAL SOLID WASTE.** A solid waste facility for their permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.
212. **LANDFILL, SPECIAL WASTE.** A solid waste facility for the permanent disposal of one (1) specific type of waste of limited, known and consistent composition such as an ash monofill, a landspreading disposal facility for biosolids, problem waste landfill or any facility which is not previously defined but is permitted with a state solid waste permit as a "limited purpose landfill."
213. **LANDFILL, WOOD WASTE.** A solid waste facility with two thousand (2,000) or more cubic yards of capacity for their permanent disposal of wood waste which does -not contain chemical preservatives. This does not include wood waste landfills on forest lands regulated under the state Forest Practices Act but does include facilities which use wood waste as a component of fill.
214. **LANDFILL.** A solid waste facility for the permanent disposal of solid wastes in or on the land which requires a solid waste permit under RCW 70.95.

215. LANDSCAPING. Vegetative cover including shrubs, trees, flowers, ground cover and other similar plant material.
216. LATTICE TOWER. A support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.
217. LOADING SPACE, OFF-STREET. In space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such deliveries when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
218. LOCAL ROAD OR STREET. A road or street which is used or intended to be used primarily for providing access to abutting properties.
219. LOT. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and developed or built upon as a unit. The term shall include "tracts" or "parcels".
220. LOT AREA. The total area, in gross square feet (gsf), within the lot lines of a lot, excluding right-of-way. For the purposes of flood regulations, any portion of a lot lying below the ordinary high water mark or lawfully constructed bulkhead shall not be included in a lot area calculation.
221. LOT COVERAGE. The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.
222. LOT DEPTH. The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.
223. LOT LINE. The property line bounding a lot.
224. LOT LINE, FRONT. Normally, the property line separating the lot from the street, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit shall be independent of access to the parcel. In the case of a corner lot, the front lot line shall be the property line with the narrow dimension adjacent to the street.
225. LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line and which is in the same plane and runs parallel to the front lot.
226. LOT LINE, INTERIOR. Any property line which is neither a front nor a rear lot line.
227. LOT OF RECORD. A lot that is part of a subdivision recorded, pursuant to statute, with the Pierce County Auditor, or a legally created lot under state and local subdivision on regulations in effect at the time of creation or a lot described by metes and bounds, the description of which has been so recorded.
228. LOT, BUILDABLE. A legal lot which is proposed for use in compliance with this title, and has received approval of the water supply and sewage disposal method as appropriate to such use.
229. LOT, CORNER. A lot of which at least two (2) adjacent sides abut streets other than alleys.

230. LOT, CUL-DE-SAC. A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac.
231. LOT, FLAG. A flag lot is surrounded by abutting lots with an extended access way to a street right-of-way.
232. LOT, INTERIOR. A lot other than a corner lot.
233. LOT, THROUGH. An interior lot having frontage on two (2) streets, and which is not a corner lot.
234. LOT, WIDTH. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines, except that portion of a flag lot that usually forms an extended access way to a street right-of-way.
235. LOWEST FLOOR. For flood purposes, any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a lowest floor.
236. LUMEN. A lumen is a unit used for measuring the amount of light energy given off by a light source.
237. MAINTENANCE. Routine upkeep of existing structure or facilities which are in current use or operation.
238. MAJOR COMMERCIAL OR EMPLOYMENT CENTERS. An integrated planned development within the NC2, CBD, SD, CI, C2, IBP, Ii, and I2 zoning districts with contiguous ownership larger than 12 acres in size. Contiguous properties under separate control, but which function as an integrated center and when combined are larger than 12 acres in size, may be considered a major center.
239. MANUFACTURED HOME PARK. A tract of land that was permitted, designed, and maintained under a single ownership or unified control where two (2) or more spaces or pads are provided solely for the placement of manufactured homes for residential purposes with or without charge. A manufactured home park shall not include manufactured home subdivisions or recreational vehicle parks.
240. MANUFACTURED HOME SPACE. An apportioned piece of land within a park designed to accommodate a single manufactured home, also known as a "pad".
241. MANUFACTURED HOME. A factory-assembled structure that was constructed in accordance with the 1976 or later [HUD] federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and displays the appropriate HUD or Department of Labor and Industries label,
- a. is suitable for movement along public highways;
 - b. is intended solely for human habitation, and
 - c. has sleeping, eating and plumbing facilities.
- Manufactured homes do not include modular homes or recreational vehicles as herein defined. For the purpose of flood hazard regulations only, a manufactured home is a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers that are placed on a site for more than one hundred eighty (180) consecutive days.

242. MAP. A representation, usually on a flat surface, of the whole or part of an area.
243. MARINA. Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial and fishing vessels. They are differentiated from docks and moorages by their larger scale, the provision of significant shore or land-side services and/or the use of a solid breakwater (rock, bulkheading, etc.).
244. MAXIMUM DENSITY. The maximum number of dwelling units allowed per gross acre (dua), excluding accessory dwelling units.
245. MEAN HIGH WATER (MHW). The average height of all high waters over a nineteen (19) year period.
246. MINI-WAREHOUSE. A facility consisting of separate storage units which are rented to customers having exclusive access to their respective units for storage of residential or commercial oriented goods. No business is conducted out of storage units.
247. MITIGATE. To alleviate the negative impacts of a particular action.
248. MITIGATION. Any action that, to some degree, softens the impact of development on critical or sensitive areas. This may include all or any one of the following actions:
- a. avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. minimizing impacts by limiting the degree or magnitude of an action and its implementation;
 - c. rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. reducing or eliminating the impact over time by preservation and maintenance operations; and
 - e. compensating for the impact by creation, restoration, or enhancement of critical or sensitive areas to maintain their functional processes, such as natural biological productivity, habitat, and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.
249. MOBILE HOME PAD. That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or addition.
250. MOBILE HOME PARK. An area under one (1) ownership designed to accommodate ten or more mobile homes (see Manufactured Home for definition of mobile home).
251. MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed prior to June 15, 1976 and/or does not conform to [HUD] Manufactured Housing Construction and Safety Standards Act. Mobile home does not include recreational vehicles. The appropriate HUD or Department of Labor and Industries label is displayed.
252. MOBILE TRANSMISSION FACILITY. A movable, non-stationary transmission facility that contains wireless telecommunications equipment including any antenna, support structure, accessory structures, and may include other uses associated with and ancillary to wireless telecommunications facilities.

253. **MODERATE RISK WASTE FIXED FACILITY.** A solid waste transfer facility needing a state solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility or for recycling. It may collect limited amounts of hazardous waste from small quantity generators that are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations (RCW 70.105).
254. **MODERATE RISK WASTE.** Those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.
255. **MODIFICATION.** The changing of any portion of a wireless telecommunications facility from its description in a previously approved permit, excluding routine maintenance and repair. Examples include, but are not limited to, changes in design or structure, changes in the heights of towers or monopoles, changes in any accessory structures or appurtenances that are affiliated with or support a wireless telecommunications facility.
256. **MODULAR HOME.** A detached dwelling that is designed for human habitation, is either entirely or substantially prefabricated at a place other than a building site, and is constructed or installed on the site in accordance with the UBC and bearing the appropriate insignia indicating such compliance. Modular homes are also commonly referred to as "prefabricated," "panelized," or "factory-built" units.
257. **MODULATION.** A stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth as a means of breaking up the apparent bulk of a structure's continuous exterior walls.
258. **MONOPOLE TOWER.** A support structure which consists of a single pole sunk into the ground and/or attached to a foundation.
259. **MOORAGE.** Piling or a dock, or both, used to secure a boat or barge.
260. **MOTEL.** A building or group of buildings on the same lot, containing units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to transients and guests for compensation.
261. **MOTOR VEHICLE.** Motor vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway except for mopeds, bicycles and other devices moved by human or animal power or used exclusively upon stationary rails or tracks.
262. **MOTOR VEHICLE SERVICE OR REPAIR.** Those establishments engaged in fixing, engine tune-up, adjusting lights or brakes, or supplying and installing replacement parts of or for passenger vehicles and trucks.

263. **MOTOR VEHICLE SERVICE STATION.** Any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for automobiles at retail direct to the customer.
264. **MOUNT.** The structure or surface upon which wireless telecommunications facilities are mounted. There are three (3) types of mounts:
- a. **Building mounted.** A wireless telecommunications facility mount fixed to the roof or side of a building.
 - b. **Ground mounted.** A wireless telecommunications facility mount fixed to the ground, such as a tower.
 - c. **Structure mounted.** A wireless telecommunications facility fixed to a structure other than a building, such as light standards, utility poles, water towers, and bridges.
265. **MULTIFAMILY DESIGN REVIEW.** An administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.
266. **MULTIFAMILY DWELLING.** Multiple residential units within a single residential structure, or multiple residential structures, which provide separate living accommodations for multiple individuals or families. Multifamily dwelling units are typically under common ownership and management but may be separately owned condominium units on a commonly owned parcel or cooperatively owned.
267. **MURAL.** A picture on an exterior surface of a structure. A mural is a sign only if it is related by text, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
268. **NATURAL AREAS.** All or portions of a parcel of land undisturbed by development and maintained in a manner which preserves the indigenous plant materials.
269. **NEIGHBORHOOD PARK OR PLAYGROUND.** An area for recreational activities, such as but not limited to field games, court games, crafts, playground apparatus area, skating, walking, viewing, picnicking, wading pools, swimming pools.
- [270. NET](#) **ACREAGE.** The buildable area after the area of street rights-of-way has been subtracted.
271. **NOISE LEVEL REDUCTION (NLR).** Difference in noise level from outside to inside of the building. NLR is a difference, in decibels, between A-weighted sound levels; it depends primarily on the nature of the walls, ceilings, windows, doors and vents and, to a lesser extent, on the amount of sound-absorbing material in the room in which the sound is received. It shall be measured, if so required by the building official, in a completed and furnished building by application of the testing procedure described in this section.
272. **NONCONFORMING LOT.** A lot which does not conform to the design or density requirements of the zoning district in which it is located. A non-conforming lot is a lot that was legal when it was created but no longer meets the current area, width, or depth dimensional requirements for the zoning district in which the property is located. Nonconforming lots may be occupied by any permitted use in the district, provided that all other development regulations in effect at the time of development must be met.

273. **NONCONFORMING STRUCTURE.** A nonconforming structure is one which was lawfully erected in conformance with the regulations in effect at the time of its construction but which no longer conforms to current development standards including, but not limited to design, height, setback or coverage requirements of the zoning district in which it is located
274. **NONCONFORMING USE.** The use of land, a building or a structure lawfully existing prior to the effective date of this title or subsequent amendments thereto, which does not conform with the regulations of the district in which it is located.
275. **NONCONFORMITY.** Any land use, structure, lot or sign legally established prior to the effective date of this title or subsequent amendment, which is no longer permitted by or in full compliance with the regulations of this title.
276. **NON-PROJECT ACTION.** A decision on a policy, plan or program, which is not related to a specific project and/or which affects a significant portion of or the City of Lakewood in its entirety, including but not limited to the adoption or amendment of the comprehensive plan, development regulations, and/or subarea plans, zoning of newly annexed land, area-wide rezones, and zoning map amendments, except for site specific rezones authorized by the comprehensive plan.
277. **NON-VEGETATIVE GROUND COVER.** Bark mulch, gravel and other nonvegetative materials that promote vegetative growth by retaining moisture or preventing weeds.
278. **NON-WHIP ANTENNA.** An antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.
279. **NOXIOUS MATTER.** Materials that are capable of causing injury to living organisms by chemical reaction or are capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.
280. **NURSERY, HORTICULTURAL.** A place where trees, shrubs, vines, etc. are propagated for transplanting or for use as stocks for grafting and where such flora can be sold.
281. **NURSING HOME.** A multi-unit or multi-bed facility that are licensed or approved to provide living accommodations and round-the-clock health care and medical supervision.
282. **OCCUPANCY.** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.
283. **ODOR CONTROL STRUCTURE.** Equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.
284. **OFFICIAL CONTROLS.** Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.
285. **OFFICIAL MAP.** Maps that show the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

286. OFF-SITE. With respect to mitigation, an area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.
287. OFFSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility which treats or stores wastes that are generated off the site.
288. ON-SITE. With respect to mitigation, an area adjacent to or near the impact area that offers a reasonable opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.
289. ONSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility that treats or stores only those wastes that are generated on the site.
290. OPEN HOUSE. A temporary real estate event where a property owner or his representative opens a structure or structures on one or more contiguous Pierce County Assessor's tax parcels with single or the same ownership, to be inspected by the general public for the sole purpose of sale, rent, or lease of a structure thereon.
291. OPEN RECORD HEARING. A hearing held by a decision-making body who is authorized by the city to conduct such hearings, that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution.
292. OPEN SPACE. Land used for farm or forest uses, and any land area that would, if preserved and continued in its present use:
- a. Conserve and enhance natural or scenic resources;
 - b. Protect air or streams or water supply;
 - c. Promote conservation
 - e. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature preservations or sanctuaries or other open space.
293. ORDINARY HIGH-WATER MARK. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this title, or as it may naturally change thereafter; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark shall be the line of mean high water.
294. ORNAMENTAL TREE. A tree that is either a conifer or deciduous tree that is accessory, decorative, enhance and accent the general landscaping of the site. Ornamental trees are generally between eight (8) and twenty (20) feet tall at maturity.
295. OUTSIDE STORAGE. All or part of a lot which is used for the keeping of materials, vehicles or products in an open, uncovered yard or in an unwallled building. Such materials may include tractors, backhoes, heavy equipment, construction materials and other similar items.

296. **OVERLAY DISTRICT.** A defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district.
297. **OWNER.** The owner of record of real property as shown on the tax rolls of the Pierce County Assessor, or a person who is purchasing a piece of property under contract.
298. **OWNER OCCUPANT.** A property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.
299. **OWNERSHIP.** The existence of legal equitable title to land.
300. **PACKAGE WASTEWATER TREATMENT PLANT.** A pre-assembled factory built treatment plant.
301. **PARAPET WALL.** That portion of a vertical building wall that extends above the roof of the building.
302. **PARCEL.** A lot or plot of land proposed or created in accordance with this Code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of the date of incorporation of the City of Lakewood shall be used to establish what is a parcel for the purposes of this Code. For parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control.
303. **PARKING AREA.** An area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.
304. **PARKING SPACE.** Any off-street surface area of not less than fifteen (15) feet by eight (8) feet in size, exclusive of maneuvering and access area, permanently reserved for the storage or parking of one (1) vehicle, and connected with an access which affords ingress and egress for vehicles.
305. **PARKING STRUCTURE.** A building or structure consisting of more than one (1) level, above and/or below ground with one (1) or more common entrances, and used for the parking and/or temporary storage of motor vehicles.
306. **PARKING, SURFACE.** An off-street, ground level open area, usually improved, for the parking and/or temporary storage of motor vehicles.
307. **PARKS AND CAMPGROUNDS.** A developed area devoted to overnight temporary use for vacation, and/or recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed commercial uses such as retail stores or gas stations.
308. **PARTIES OF RECORD.** Persons with legal standing with respect to an application including the applicant, property owner as identified by the records available from the Pierce County assessor's office, or any person who testified at the open record public hearing on the application and/or; Any person who submitted written comments during administrative review or has submitted written comments concerning the application at

the open record public hearing, excluding persons who have only signed petitions or mechanically produced form letters.

309. **PASSIVE RECREATION.** An outdoor leisure time activity which usually occurs in a natural or designed urban setting. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sightseeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include: Playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.
310. **PASSIVE RESTORATION.** The use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
311. **PATIO.** A recreation area adjoining a dwelling which is often paved or a wood platform of thirty (30) inches or less above finished grade.
312. **PEDESTRIAN-ORIENTED FACADES.** Facades that feature one (1) or more of the following characteristics:
- a. Transparent window area or window displays along at least half the length of the ground floor facade.
 - b. Sculptural, mosaic or bas-relief artwork along at least half the length of the ground floor facade.
 - c. Pedestrian-oriented space, as defined below.
 - d. Other measures that meet the intent of the criteria, as approved in conjunction with overall design review approval.
313. **PEDESTRIAN-ORIENTED SPACE.** An area between a building and a public street or another building that promotes visual and pedestrian access onto the site and that provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space. Pedestrian-oriented spaces include but are not limited to outdoor plazas, arcades, courtyards, seating areas, and amphitheaters. Pedestrian-oriented spaces have:
- a. Visual and pedestrian access, including handicapped access, into the site from the public right-of-way.
 - b. Special textured paved walking surfaces of either concrete or approved unit paving.
 - c. On-site or building-mounted lighting providing at least four (4) footcandles (avg.) on the ground.
 - e. Seating; at least four (4) feet of seating area (bench, ledge, etc.) or one (1) individual seat per sixty (60) square feet of plaza area or open space.
 - f. Landscaping, including trees and seasonal plantings, that defines the space but does not act as a visual barrier to views from the street or adjacent buildings.
 - g. Site furniture, artwork or amenities such as fountains, kiosks, etc.
 - h. Pedestrian weather protection or other enclosure, such as an arcade or gazebo.

Generally, pedestrian-oriented spaces shall not have:

- a. Asphalt or gravel pavement.
- b. Adjacent unscreened parking lots.

- c. Adjacent chain-link fences.
 - d. Adjacent "blank walls" without "blank wall treatment."
314. PEDESTRIAN-ORIENTED USE. A commercial use whose customers commonly arrive on foot, or where signage, advertising, window display and entryways are oriented toward pedestrian traffic on a public sidewalk. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.
 315. PENNANT. A tapered flag having a distinctive triangular form. (See FLAG and STRING PENNANTS)
 316. PERFORMANCE STANDARDS. Criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.
 317. PERSON. Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other person or combination acting as a unit, with legal rights and duties, whether acting by themselves or by a servant, agent, employee, or guardian.
 318. PERSONAL WIRELESS SERVICE, PERSONAL WIRELESS SERVICE FACILITIES, AND FACILITIES. (see Wireless Telecommunications Facility).
 319. PILING. Wood, concrete or steel posts driven into the bottom in aquatic areas either as mooring devices, or to support a dock, float, range marker, or other structure.
 320. PLAT. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other division and dedications.
 321. PLAT, PRELIMINARY. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the City subdivision regulations and chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
 322. PLAT, SHORT. A legally recorded map or drawing which subdivides a parcel of ground into four (4) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership.
 323. PLAZA. A pedestrian space that is available for public use and is situated near a main entrance to a building or is clearly visible and accessible from the adjacent right-of-way. Typical features include special paving, landscaping, lighting, seating areas, water features, and art.
 324. POST OFFICE, BRANCH. A government operated subdivision of a main post office serving as a base for one (1) or more carrier routes and providing customer postal service.
 325. POST OFFICE, CONTRACT STATION. A privately operated, limited-service postal facility carried on as adjunct to a principal business or use.
 326. PREEMPTED FACILITY. Any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in Chapter 173-303 WAC. This may include any facility that

includes as a significant part of its activities any of the following hazardous waste operations:

- a. Landfill,
- b. Incineration,
- c. Land treatment,
- d. Surface impoundment to be closed as a landfill, or
- e. Waste pile to be closed as a landfill.

327. **PRE-EXISTING WIRELESS TELECOMMUNICATIONS FACILITY.** Any wireless telecommunications facility for which a building permit and/or development permit has been properly issued prior to the date of adoption of this ordinance, including permitted WTFs that have not yet been constructed, so long as that permit or approval has not expired.
328. **PRELIMINARY APPROVAL.** An approval, based upon an application and conceptual plan for a Discretionary Land Use Permit, granted by the Director or Examiner which sets forth certain conditions.
329. **PRESCHOOL.** An establishment providing exclusively educational programs for prekindergarten or preschool children, but excluding day-care uses as specified in LMC 18A.20.400, Use Types and Levels.
330. **PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.
331. **PROCESSING OR HANDLING OF A HAZARDOUS SUBSTANCE.** The compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.
332. **PROJECT ACTION.** Any action taken or activity performed in conjunction with a development or to make a use possible, on a specific site or within a defined geographic area. Project actions do not in and of themselves constitute or result in a specific use. A project action involves a decision on a specific project located in a defined geographic area, such as and agency decisions to license, permit, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract, or to purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.
333. **PROJECT PERMIT.** Any land use or environmental permit or license required from the City of Lakewood for a project action, including but not limited to building permits, site development permits, grading or other land preparation permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, site specific rezones authorized by the comprehensive plan and other discretionary or administrative land use permits or approvals; but excluding adoption or amendment of the comprehensive plan and development regulations, zoning of newly annexed land, area-wide rezones, and zoning map amendments except as otherwise specifically included above in this definition.

334. **PROPERTY LINE ADJUSTMENT.** The relocation of a common property line between two (2) abutting properties.
335. **PROVIDER.** A corporation, company, association, joint stock company, firm, partnership, sole-proprietorship, limited liability company, other entity or individual which provides telecommunications services through the use of wireless telecommunications facilities.
336. **PUBLIC ACCESS.** Public access to shoreline and aquatic areas either may be achieved through
- a. direct physical access to shoreland and aquatic areas (i.e. boat ramps);
 - b. aesthetic access (i.e. viewing opportunities); and
 - c. other facilities providing some degree of access to shorelands and aquatic areas.
337. **PUBLIC FACILITIES.** Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools. Such facilities include, but are not limited to, water supply electric power, gas and transportation of persons or freight.
338. **PUBLIC GAIN.** The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.
339. **PUBLIC MEETING.** An informal or formal meeting, workshop, or other public gathering of persons to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision, but is not an open record hearing.
340. **PUBLIC ON-SITE OPEN SPACE.** A space that is accessible to the public at all times, predominantly open above, and designed specifically for use by the general public as opposed to serving merely as a setting for the building.
341. **PUBLIC OR SEMI-PUBLIC USE.** A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, child care centers, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section.
342. **PUMP/LIFT STATION.** The part of a water collection or distribution system that raises water from a lower to a higher elevation.
343. **QUALIFIED ARCHITECT OR ENGINEER.** An architect or engineer registered in the state of Washington who, by reason of this training and experience, is considered qualified to pass judgement on acoustical design, materials, and methods of construction for the attenuation of noise. The qualifications of the architect or engineer relative to acoustical design must be reviewed and found to be acceptable by the building official.
344. **RECORDED.** Unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.
345. **RECREATION.** The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its

wildlife. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

346. **RECREATIONAL VEHICLE PARK.** A plot of ground upon which two (2) or more recreational vehicles are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, education or vacation purposes.
347. **RECREATIONAL VEHICLE.** A camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit.
348. **RECYCLING CENTER.** A center for the receiving and storage of recyclable materials such as paper, glass and aluminum. The center would receive materials from the general public. This use may involve some outside storage.
349. **RECYCLING COLLECTION SITE.** A site with collection boxes or other containerized storage where citizens can leave materials for recycling.
350. **REHABILITATION.** Infrequent, extensive repair of more than routine nature to existing structures or facilities which are in current use or operation.
351. **RELIGIOUS ASSEMBLY.** An establishment whose principal purpose is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, which may include accessory uses in the main building or in separate buildings or structures such as religious educational class rooms, assembly rooms, library or reading room, recreation hall, and a single dwelling unit for caretaker or clergy and his/her immediate family.
352. **REMOTE SWITCHING UNIT.** A device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and inter-facilities trunks, notmally dependent on one (1) or more Central Office Switching Units for full operability.
353. **REPLAT.** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
354. **RESORT.** Any area of land or water used for open land commercial or private recreation where overnight lodging, meals and related tourist services are provided in conjunction with such recreational use.
355. **RETAIL TRADE.** The sale or rental of goods and merchandise for final use or consumption.
356. **REVEGETATION.** The planting of vegetation to cover any land areas which have been disturbed during construction.
357. **RIGHT-OF-WAY.** Land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic. Right-of -way may also include land privately owned, provided that such land has been developed and

- constructed in compliance with all applicable laws and standards for a public right-of-way.
358. **RIPARIAN.** Of, pertaining to, or situated on the edge of the bank of a river, stream or other body of water.
359. **RIPRAP.** A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.
360. **ROADSIDE STAND.** A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.
361. **ROOM.** Any space in a building enclosed or set apart by a partition or partitions which is habitable and shall be deemed to apply to any room used as a bedroom, a dining room, a living room, a sitting room, a parlor, a kitchen, a sewing room, a library, a den, a music room, a dressing room, a sleeping porch, a sun room, a sun porch, a party room, a recreation room, a breakfast room, a study, and similar uses.
362. **ROWHOUSE.** A three-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.
363. **SALVAGE YARD OR JUNKYARD.** A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.
364. **SCREENING.** Placement of a wireless telecommunication facility such as a tower or mount among trees or other appropriate vegetation to provide a natural, aesthetic appearance to the location of such wireless telecommunication facility.
365. **SECONDARY USE.** A use subordinate to the principal or primary use of the property, such as commercial, residential, or industrial uses allowed in each zoning district, etc.
366. **SECONDHAND DEALER.** Any person engaged, in whole or in part, in the business of buying, selling, trading, or otherwise transferring for value, secondhand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.
367. **SECONDHAND PROPERTY/GOODS.** Any and all used or secondhand goods or items of personal property which can be used again for the purpose for which they were originally intended, including, but not limited, to valuable items such as coins with a value greater than their face value, precious metals, precious stones and jewelry.
368. **SECURITY BARRIER.** A wall, fence, or berm that has the purpose of securing a wireless telecommunications facilities wireless service facility from unauthorized entry or trespass.

369. **SEPTAGE.** A semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.
370. **SERVICE AREAS.** Service areas refer to areas, enclosed or open, that contain equipment and uses such as ground level mechanical equipment, utility vaults, loading zones, outdoor storage areas, and trash and recycling areas.
371. **SERVICE PROVIDER.** The department, district or agency responsible for providing the specific public facility or service.
372. **SERVICE USES OR ACTIVITIES.** A business which sells the knowledge or work of its people rather than a tangible product.
373. **SETBACK.** The minimum required distance, measured from the wall line of any structure and a specified line such as a property line or buffer line that is required to remain free of structures unless otherwise provided in this title.
374. **SEWAGE SYSTEM, ON-SITE.** Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.
375. **SEWAGE COLLECTION SYSTEM.** Pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge.
376. **SHADING VEGETATION.** Vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in LMC 18A.50.400, Landscaping.
377. **SHED, STORAGE.** A structure in which possessions are kept for future use and which is constructed on the owner's property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial production or retail sales activities.
378. **SHOPPING CENTER.** A retail shopping area designed as a unit, with a minimum of six (6) tenant spaces, and which utilizes a common parking area.
379. **SHORELINE.** The boundary between a body of water and the land, measured on tidal waters at the landward limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water; and on non-tidal waterways at the ordinary high water mark.
380. **SHORELINE STABILIZATION.** The protection from erosion and sloughing of the banks of tidal or non-tidal streams, rivers or lakes by vegetative or structural means:
- a. Vegetative shoreline stabilization is the use of lands that anchor the soil to prevent shoreline erosion and sloughing.
 - b. Structural shoreline stabilization is the use of riprap, bulkheads, sea walls, or other non-vegetative material to prevent shoreline erosion.
381. **SIGNIFICANT TREE.** An existing tree which, when measured at four and one-half (4 1/2) feet above ground,
- a. has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;

- b. When measured at four and one-half (4 1/2) feet above ground; has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,
 - c. Regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.
382. **SINGLE FAMILY ATTACHED DWELLING.** A single-family residential structure that is structurally attached to another single-family residential structure and provides living accommodations for an individual or family. Attached dwelling units may be separate structures located on individual lots or on a commonly owned parcel.
383. **SINGLE FAMILY DETACHED DWELLING.** A residential dwelling unit that is not attached to another residential dwelling unit by any means and provides living accommodations for a single individual or family. Dwelling units shall be separately located, with a maximum of one (1) dwelling unit per individual lot.
384. **SITE PLANNING.** Site planning is the arrangement of buildings, driveways, sidewalks, public open spaces, landscaping, parking, and other facilities on a specific site.
385. **SKATING RINK.** A commercial facility wherein the rental of skating equipment occurs and an enclosed skating surface for private or public use is provided.
386. **SLOPE LINE.** The line perpendicular to the contour lines crossing the property.
387. **SOIL.** Soil means the surface layer of earth supporting plant life.
388. **SOLID WASTE INCINERATOR.** The processing of solid wastes by means of pyrolysis, refuse-derived fuel or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional-scale operations and does not include solid waste incineration which is accessory to an individual principal use.
389. **SOLID WASTE TRANSFER STATION.** The transfer of solid waste materials from route collection trucks to larger capacity semi-trailers for transport to a solid waste disposal site. The transfer activities would be conducted entirely within an enclosed structure. The use may involve a service area for the repair and maintenance of trucks and an outside parking area for trucks.
390. **SOLID WASTE.** All wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, seepage from septic tanks, wood wastes, dangerous wastes, and problem wastes.
391. **SOUND ABSORPTION.** Capacity of the materials and furnishings in a habitable room to absorb sound.
392. **SOUND LEVEL.** In decibels, the quantity measured by an instrument that satisfies American National Standard Specification for Sound Level Meters, S1.4-1971, or the most recent revision thereof. Sound level is understood to be measured with the A-weighted filter and slow response of the instrument.

393. **SOUND TRANSMISSION CLASS (STC) OF A PARTITION.** A single figure rating of the sound-isolating properties of a partition, which takes into account the relative importance of the sound transmission loss of the partition at different frequencies. The determination of the sound transmission class of a partition is described in "Determination of Sound Transmission Class," American Society for Testing and Materials, Designation E413-73.
394. **SOUND TRANSMISSION LOSS OF A PARTITION.** A measure of the sound-isolating properties of a wall, floor, ceiling, window or door, that is characteristic of the partition itself and not the room of which it is a part. The determination of sound transmission loss of a partition, in the field, is described in "Measurement of Airborne Sound Isolation in Buildings," American Society for Testing and Materials, Designation E336-71 or the latest revision thereof.
395. **SPORTING VEHICLE.** A motor-or wind-powered device used in or on the water or off normal public roads for recreational or sporting purposes.
396. **STABILIZATION.** The process of controlling or stilling the movement of sand and eroding soil by natural vegetative growth, planting of grasses and shrubs, or mechanical means such as wire net, fencing.
397. **STACKING SPACE.** The space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to and away from the business establishment.
398. **STORAGE.** The parking of vehicles or machinery and/or the placement of equipment, inventory, goods, materials in a location for more than 72 hours or the use of a site for the parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a reoccurring or routine manner, regardless of the time interval.
399. **STORMWATER CONVEYANCE FACILITIES.** Features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems and drywells that convey stormwater.
400. **STORMWATER MULTIPLE USE FACILITIES.** Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.
401. **STORY.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
402. **STREAMBANK ALTERATION.** Realignment of a stream bank or the entire stream, either within or without its normal high water boundaries.
403. **STREAM BANK, TOP OF.** That line along the highest elevations at the top of a slope above a channel or stream, where the slope changes to less than ten (10) percent.
404. **STREET FURNITURE.** The objects placed on or near a sidewalk for use, convenience or enjoyment primarily by pedestrians such as benches or other seating arrangements, trash receptacles, mail and newspaper boxes, kiosks, light poles, and art objects.

405. **STREET TREE FUND.** A fund established by ordinance for the purpose of allowing the transfer of street improvements including street trees, landscaping and urban design features such as sidewalks and street furniture from one site to another.
406. **STREET TREE.** A species of tree approved by the City of Lakewood to be planted in along street frontages in accordance with the provisions of LMC 18A.50.400, Landscaping.
407. **STREET WALL.** The construction of buildings adjacent to the edge of the sidewalk and which abut each other or are in very close proximity to one another, to create the effect of a continuous wall of building facades along the sidewalk at the property lines.
408. **STREET, CUL-DE-SAC.** A street having only one (1) outlet for vehicular traffic, with a turnaround at the closed end and which is not planned to be extended or continued to serve future subdivisions or development on adjacent lands.
409. **STREET, STUBBED.** A street having only one (1) outlet for vehicular traffic which is constructed to the edge of a property line, and which is to be extended or continued to serve future subdivisions or development on adjacent property.
410. **STREET.** A public access way located within a thirty (30) feet right-of-way that was created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land and includes the terms road, highways, lanes, avenue, or similar designation.
1111. **STREETSCAPE.** The streetscape is the visual character and quality of a street as determined by various elements located between the edge of the street and the building face, such as trees and other landscaping, street furniture, lighting, artwork, transit stops, signage, utility fixtures and equipment, and paving treatments. Where there are frequent and wide spaces between buildings, the streetscape will be defined by the pattern of building and open space and the character of that open space.
412. **STRUCTURAL ALTERATION.** Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders or any structural change in the roof or in the exterior walls.
413. **STRUCTURE (used in connection with flood regulations only).** A walled and roofed building, a manufactured home, and a gas or liquid storage tank, that is principally above ground.
414. **STRUCTURE.** Anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together.
415. **SUBDIVIDER.** Any person who undertakes the subdivision of land for the purpose of ownership or development at any time, whether immediate or future.
416. **SUBDIVISION.** The act of dividing a parcel or tract of land into smaller lots and tracts.
417. **SUBDIVISION, FINAL.** The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title and chapter 58.17 RCW.

418. **SUBSTANTIAL IMPROVEMENT** (for the purposes of flood regulations only). Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
- a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.

Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the building. The term does not, however, include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.
419. **SURFACE MINING**. Any area or areas within one-half (1/2) mile to each other, where extraction of minerals from the surface results in: Removal of five thousand (5,000) cubic yards of material; or More than three acres of disturbed area; or Mined Slopes greater than thirty (30) feet high land steeper than one (1) foot horizontal to one (1) foot vertical; or more than one (1) acre of disturbed area within an eight (8) acre or greater area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. Surface mining shall not include excavations and grading for the purpose of public safety or restoring the land following a natural disaster.
420. **SURVEY AND MONUMENT**. To locate and monument the boundaries of a partition parcel, road right-of-way or road easement.
421. **TELECOMMUNICATIONS SERVICE**. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
422. **TELECOMMUNICATIONS**. The transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.
423. **TEMPORARY USE**. A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and which is intended to exist or operate for a limited period of time.
424. **TOWER (FOR THE PURPOSES OF WTF)**. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, including, but not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and other similar

communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

425. **TOWNHOUSE.** A two-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling units. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.
426. **TOXIC MATERIALS.** A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.
427. **TRACT.** Any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.
428. **TRAILER, AUTOMOBILE COMMERCIAL.** A vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.
429. **TRANSFER STATION, DROP-BOX.** A solid waste facility requiring a state solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.
430. **TRANSFER STATION.** A solid waste facility requiring a state solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.
431. **TRANSITIONAL HOUSING.** A facility operated publicly or privately to provide housing for individuals or families who might otherwise be homeless and generally have no other immediate living options available to them. Transitional housing shall not exceed a two (2) year period per individual or family.
432. **TRANSIT-ORIENTED DEVELOPMENT.** Development that is centered around and coordinated in its use and design with a transit station or other transit facility. Transit-oriented development includes a variety of different planning and development projects, but is typically compact, medium to high density, mixed-use development within walking distance of transit with a focus on pedestrian orientation and creating neighborhood centers, places and/or gathering spots.
433. **TRANSPARENT GLASS.** Windows that are transparent enough to permit the view of activities within a building from nearby streets, sidewalks and public spaces. Tinting or some coloration is permitted, provided a reasonable level of visibility is achieved. Reflective or very dark tinted glass does not accomplish this objective.
434. **TREE REMOVAL PERMIT.** An approval granted by the Community Development Department to remove a significant tree(s) within the city.

435. **TREE.** Any living woody plant characterized by one (1) main trunk and many branches, and having a diameter of two (2) inches or more measured at three (3) feet above ground level.
436. **UNIFORM BUILDING CODE (UBC).** The current version of the Uniform Building Code, published by the International Conference of Building Officials.
437. **UNIQUE AND FRAGILE AREA.** An area of special environmental significance for wildlife habitat, threatened plant communities or natural scenic quality. The geographic boundaries of these areas are officially delineated on the Hazard Area Development Limitations Map, included as Exhibit A to the ordinance from which this section is derived.
438. **UNLICENSED WIRELESS SERVICES.** Commercial mobile services that operate on public frequencies and are not required to have a FCC license to operate.
439. **USE CATEGORY.** A group of similar use types that are associated with each other to such an extent that they represent a general land use function.
440. **USE TYPE.** A group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.
441. **USE, PERMITTED.** Any use allowed in a zoning district and subject to the restrictions applicable to the specific use.
442. **USE, PRINCIPAL.** The primary or predominant use of any lot or parcel.
443. **USE.** The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied, maintained, rented, or leased, and includes any manner of performance of such activity with respect to the performance standards of this zoning code. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.
444. **UTILITIES.** Public facilities including electrical substation, electrical generation facilities, electrical transmission, telephone or communication lines, pipelines, sewer lines, water lines, natural gas lines, or similar transmission facilities, natural gas gate valve and storage facilities, sewage collection and treatment facilities, waste disposal facilities, waste transfer facilities, and water supply facilities.
445. **UTILITY VEHICLE.** A utility vehicle includes those devices capable of being moved upon a public highway and in, upon, or by which any property or animal is or may be transported or drawn upon a public highway such as utility trailers, horse trailers, and other similar devices, except for devices moved by human or animal power or used exclusively upon stationary rails or tracks.
446. **VARIANCE.** A modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.
447. **VEGETATIVE GROUND COVER.** Low growing vegetation that does not usually exceed one (1) foot in height and eventually grows together to form a continuous mass.

448. VETERINARY CLINIC. Any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment, care, observation or treatment of any illness or injury to domestic or exotic animals.
449. WAREHOUSE. A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner of the structure or for others.
450. WASTE-TO-ENERGY FACILITY, MUNICIPAL SOLID WASTE. A combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.
451. WASTE-TO-ENERGY FACILITY, SPECIAL. A combustion plant designed to burn more than twelve (12) tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.
452. WASTE-TO-ENERGY FACILITY. Any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a useable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste which requires a state solid waste permit under RCW 70.95.
453. WASTEWATER TRANSFER FACILITY. Equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.
454. WASTEWATER. Water that carries waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.
455. WATER PURIFICATION FACILITY. Treatment plants or facilities for disinfecting water.
456. WATER SUPPLY, POTABLE. A water source that complies with appropriate state agency regulations as to quality and quantity for use as a drinking source.
457. WETLAND CREATION. Alteration, by excavation or other means, of upland areas to allow local hydrologic conditions to convert soils and vegetation to hydric character.
458. WETLAND ENHANCEMENT. An action which results in a long term improvement of existing wetland functional characteristics and processes that is not the result of a creation of restoration action.
459. WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
460. WHIP ANTENNA. An omnidirectional dipole antenna of cylindrical shape that is no more than six inches in average diameter.
461. WHOLESALER. Establishments primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies; and professional and commercial equipment suppliers.

462. **WTF, INCLUDING PERSONAL WIRELESS SERVICE.** Personal wireless service facilities, and facilities as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, any other services licensed by the FCC, and any other unlicensed wireless services.
463. **YARD.** An open area on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied land unobstructed from the ground upward.
464. **YARD SALE.** All temporary and intermittent sales which may be variously referred to as "garage sale," "lawn sale," "attic sale," "rummage sale," "estate sale," or any similar casual sale of tangible personal property from a residence or community use which is advertised by any means whereby the public at large is or can be made aware of the sale, and which is clearly secondary to the primary use of the site.
465. **YARD, FRONT.** An open space on the same lot with the building, between the front wall line of the building, exclusive of steps, and the front property line, including the full width of the lot to its side line.
466. **YARD, REAR.** An open space on the same lot with the building between the rear wall line of the building, exclusive of steps and accessory buildings, and the rear line of the lot, including the full width of the lot to its side lines.
467. **YARD, SIDE.** An open, unoccupied space on a lot, between the side wall line of the main building, exclusive of steps, and the side property line of the lot.
468. **ZONING CERTIFICATION.** A certificate, issued prior to a building permit, stating that the proposed use is in accordance with the requirements and standards of this title
469. **ZONING DISTRICT.** An area accurately defined as to boundaries and location, and classified by the Zoning Code as available for certain types of uses and within which other types of uses are excluded.
470. **ZONING.** The regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and district zoning districts, and the specific use and development standards that regulate development. Such regulation shall also govern those public and quasi-public land use and buildings that provide for government activities and proprietary type services for the community's benefit, except as prohibited by law. State and federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious city development.

18A.90.300 Abbreviations.

The following abbreviations are used throughout this title:

DOE. Washington State Department of Ecology

DOT (or WSDOT). Washington State Department of Transportation

DNS. Determination of Non-Significance

DS. Determination of Significance
DUA. Dwelling units per gross acre
EIS. Environmental Impact Study
FCC. Federal Communications Commission
FEMA. Federal Emergency Management Agency
FIRM. Federal Insurance Rate Map
FHBM. Flood Hazard Boundary Map
GSF. Gross square feet
GVW Gross Vehicle Weight
HUD. U.S. Department of Housing and Urban Development
LMC. Lakewood Municipal Code
MDNS. Mitigated Determination of Non-Significance
OHWM Ordinary High Water Mark
SEPA. State Environmental Policy Act
RCW. Revised Code of Washington.
UBC. Uniform Building Code.
WAC. Washington Administrative Code.
WTF. Wireless telecommunications facilities