

ORDINANCE NO. 307

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Title 18A, Sections 18A.02.220, 18A.02.340, 18A.02.615, 18A.02.630, 18A.02.740, 18A.10.150, 18A.10.311, 18A.10.335, 18A.10.390, 18A.20.400, 18A.20.600, 18A.20.900, 18A.30.440, 18A.30.530, 18A.30.750, 18A.30.930, 18A.50.115, 18A.50.140, 18A.50.145, 18A.50.150, 18A.50.251, 18A.50.320, 18A.50.665, 18A.70.240 and repealing Sections 18A.10.340 and 18A.10.385 of the Lakewood Municipal Code relating to the Land Use and Development Code.

WHEREAS, the City of Lakewood incorporated on February 28, 1996; and

WHEREAS, pursuant to Title 36.70A RCW, the Washington State Growth Management Act, the City of Lakewood adopted a comprehensive plan in July, 2000, and a Land Use and Development Code (Chapter 18A of the Lakewood Municipal Code) on August 20, 2001; and,

WHEREAS, since the time of adoption of the Land Use and Development Code the City has received input on the Code from citizens and project proponents, and has identified areas where adjustments to the Code would be appropriate; and,

WHEREAS, the Community Development Department has suggested specific changes to the Code and the Planning Advisory Board has reviewed and considered said changes; and,

WHEREAS, the Planning Advisory Board held a duly-noticed public hearing on February 5, 2003, to receive and consider public testimony on said proposed code changes; and,

WHEREAS, the Planning Advisory Board has found that the proposed changes to the Land Use and Development Code are consistent with the adopted City of Lakewood Comprehensive Plan;

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

Section 1. That Section 18A.02.220 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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 (including right-of-way dedications and vacations), 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.~~ if the Community Development Director, in his sole discretion, determines that the boundary line adjustment is minor in nature and that the corresponding change in the zoning is consistent with goals, objectives and intent of the comprehensive plan and is consistent with the general zoning pattern in the area. In this case, the Community Development Director shall direct that the official zoning map be amended pursuant to LMC 18A.02.320.

If the Community Development Director determines that moving the zoning line as a result of a boundary line adjustment is not clearly minor, would have a material impact on the zoning pattern of the area, or would be contrary to the goals, objectives or intent of the comprehensive plan, then the zoning boundary shall only be moved after approval through the formal zoning amendment process pursuant to LMC 18A.02.400.

- 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, unless determined otherwise pursuant to subsection 18A.02.220.A, 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.

Section 2. That Section 18A.02.340 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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, except as may be allowed by the specific use regulations of said district.

Section 3. That Section 18A.02.615 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.02.615 - Exemptions - Public Notice and Permit Decision Procedures

The following permits or approvals are specifically excluded from the procedures set forth in LMC 18A.02.620-700, and LMC 18A.02.730:

- 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.

Section 4. That Section 18A.02.630 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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. Plans, maps and other exhibits appropriate to Additional information required by other sections of this title because of the type of development proposal or the area involved. The Department may require, at its discretion, boundary and/or topographical surveys of the project site and immediate surroundings prepared by a licensed land surveyor.
 - 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.

Section 5. That Section 18A.02.740 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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~~ All 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 an an ~~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.

Section 6. That Section 18A.10.150 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.10.150 - Required Findings - Conditional Use Permit

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 and physical characteristics of the site ~~is adequate~~ are appropriate 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.~~
- ~~C.D.~~ C. 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. The proposed use will be compatible with adjacent land uses and consistent with the character of the surrounding area.
- ~~E. The proposed use will be compatible with adjacent land uses and consistent with the character of the surrounding area.~~
- ~~D. F.~~ D. 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.
- ~~E. G.~~ E. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
- ~~E.H.~~ F. 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. 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. Buffering devices such as fencing, landscaping or topographic characteristics may be required to adequately protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.

- ~~G.†~~ 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.
- ~~H.†~~ 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.
- ~~I.†~~ 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.

Section 7. That Section 18A.10.311 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.10.311 - Required Findings – Variances

A variance shall only be granted after the Community Development Director or Hearing Examiner, as appropriate, has reviewed the proposed variance 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 or Director 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 shall be consistent with the comprehensive plan and in agreement with the general purpose and intent of the regulations imposed by this title.

- D. That the granting of the variance shall neither be injurious to the neighborhood or community, nor otherwise detrimental to the public welfare.
- E. 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.
- F. That the granting of the variance will not permit the establishment of any development or use which is not permitted by the title.

Section 8. That Section 18A.10.335 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.10.335 - Decision - Administrative Variances

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.~~ LMC 18A.10.311 Required Findings-Variances.

Section 9. That Section 18A.10.340 of the Lakewood Municipal Code, be and the same is hereby repealed.

~~**18A.10.340 - Required Findings --- Administrative Variances**~~

~~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.~~

Section 10. That Section 18A.10.385 of the Lakewood Municipal Code, be and the same is hereby repealed.

~~18A.10.385 - Required Findings - Major Variances~~

~~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.~~

Section 11. That Section 18A.10.390 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.10.390 - Hearing Examiner Action - Major Variances

The Hearing Examiner shall approve, approve with conditions, or deny the application in accordance with the criteria set forth in LMC 18A.10.311, Required Findings- Variances. The decision of the Hearing Examiner shall be final ~~unless appealed pursuant to LMC 18A.02.740.~~

Section 12. That Section 18A.20.400 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.20.400 - Civic Use Category - Land Use Types and Levels

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 ("com 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 where the principal place of assembly does not exceed five thousand (5,000) gross square feet.

Level 2: Establishments where the principal place of assembly ~~of~~ is 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 a principal place of assembly 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.

Section 13. That Section 18A.20.600 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.20.600 - Commercial Use Category - Land Use Types and Levels

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)~~ up to 10,000 gross square feet, with or without a drive-up window, with up to ~~two (2) gas islands~~ six (6) two-sided gas pumps.
- Level 3: Structure of up to ~~thirty~~ twenty thousand (~~30~~20,000) gross square feet, with or without a drive-up window, with up to ~~four (4) gas islands~~ nine (9) two-sided gas pumps.
- Level 4: Structure of ~~up to thirty~~ over twenty thousand (~~30~~20,000) gross square feet, with or without a drive-up window, or with up to eight (8) gas islands more than nine (9) two-sided gas pumps. Level 4 shall include levels 1, 2 and 3.
- 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, family style chain restaurants such as Denny's and Shari's, fine dining establishments, 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 primarily involved in alcohol sales, or which include a specific bar/lounge area, 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, or low-intensity entertainment such as video games, pool tables, darts, television, and/or jukebox music. Examples 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~~ restaurants with bars/lounges, 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 3 shall include Level 1 uses.
- 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 4 shall include Level 3 and Level 1 uses.
- 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 1 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 1 Salvage/Vehicle Storage Facilities Industrial use type.

Section 14. That Section 18A.20.900 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.20.900 - Accessory Use Category - Land Use Types and Levels

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 two hundred (1,200) 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 ½
 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 ½
 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.
 10. Unloading of shipping containers and semi-truck trailers may occur in non-residential zoning districts. Railroad cars, shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the Community Development Director via the zoning certification process outlined in LMC 18A.02.140.

- 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 ½
 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.

Section 15. That Section 18A.30.340 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.30.340 - Administrative Uses - Multi-Family Zoning Districts

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)
 9. Stormwater Facilities (Level 2)
 10. 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 3 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/~~5~~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)

Section 16. That Section 18A.30.530 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.30.530 - Primary Permitted Uses - Commercial Zoning Districts

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 2/3)
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 Services and Repair (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 2/3)
- 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)
- 24. Business Services
- 25. Convenience Commercial (Level 1/2)
- 26. Eating and Drinking Establishment (Level 1/2/3/5/6)
- 27. Food Stores (Level 1/2)
- 28. Funeral Services (Level 1)
- 29. Lodging (Level 3)
- 30. Motor Vehicle Service and Repair (Level 1/2)
- 31. Personal Services (Level 1/2)
- 32. Pet Sales and Services (Level 1/2)
- 33. Private Training School (Level 1)
- 34. Professional Offices (Level 1/2/3)
- 35. Rental and Repair Services (Level 1/2/3)
- 36. Sales of General Merchandise (Level 1/2/3/4)
- 37. Sales of Secondhand Property (Level 1/2)
- 38. Limited Manufacturing/Assembly (Level 1)
- 39. Printing and Publishing (Level 1/2)
- 40. Civic Accessory Uses
- 41. Commercial Accessory Uses

C. C1 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

Section 17. That Section 18A.30.750 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.30.750 - Conditional Uses - Military-Related Zoning Districts

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 permitted or administratively permitted use involving more than

incidental levels of hazardous materials or waste.

C. AC1 Zoning Districts

1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.
2. Uses allowed by conditional use permit in the I2 zoning district.

D. AC2 Zoning District

1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.
2. Uses allowed by conditional use permit in the I1 zoning district.

Section 18. That Section 18A.30.930 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.30.930 - Primary Permitted Uses - Open Space/Recreation Zoning Districts

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)~~
- 1.2. Outdoor Recreation (Level 1/2)
- 2.3. Public Maintenance Facilities (Level 1)
- 3.4. Transportation (Level 1)
- 4.5. Communication Facilities (Level 1)
- 5.6. Electrical Facilities (Level 1)
- 6.7. Stormwater Facilities (Level 1)
- 7.8. Residential Accessory Uses
- 8.9. Civic Accessory Uses

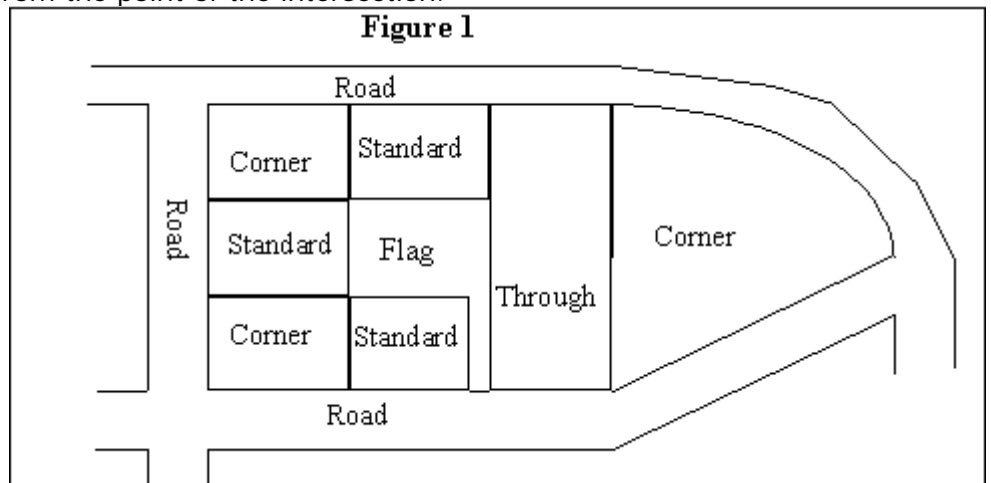
Section 19. That Section 18A.50.115 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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 recorded formal plat, short plat, or subdivision approved by Pierce County or the City of Lakewood pursuant to RCW 58.17 or RCW 58.16 separately describing the lot.

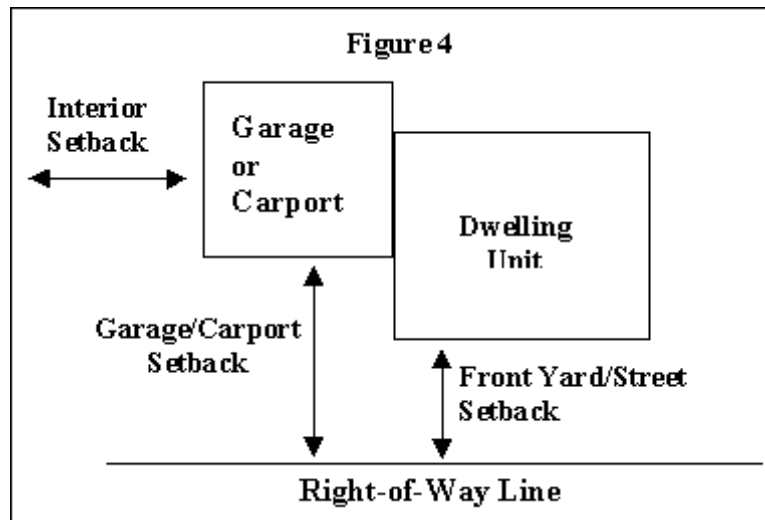
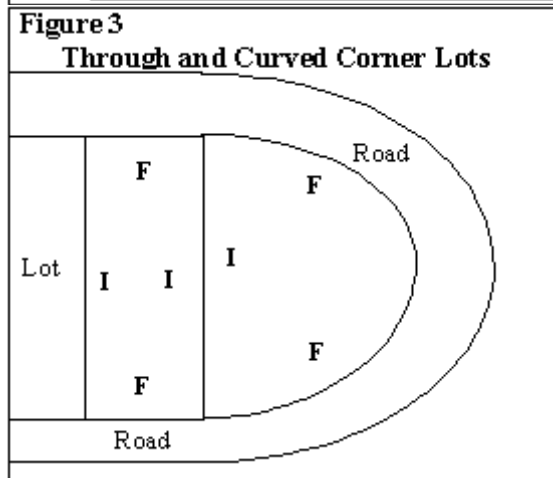
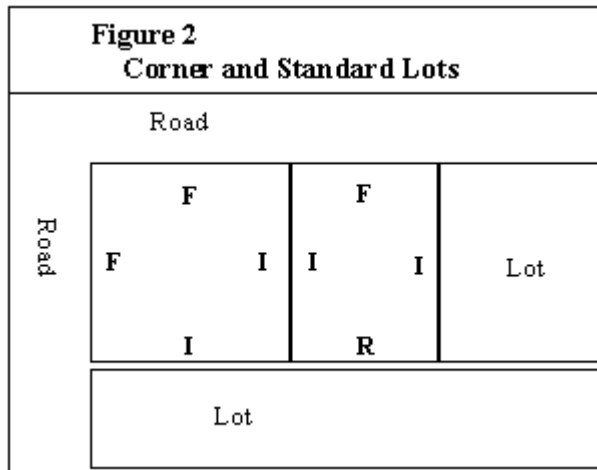
- b. A copy of the recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot.
 - c. Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.
 - 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 projections, excluding flag lots, or unusual 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, C1, C2, TOC, CBD, IBP, I1, I2, AC1, 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 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:
 - (1) The lot boundaries.
 - (2) The ordinary high water mark.
 - (3) The applicable shoreline setbacks.
 - (4) The topographic lines at two (2) foot contours.
 - (5) The location of building footprint.
 - (6) The elevation of all corners of the proposed structure.
 - (7) The location of any proposed docks/ramps and bulkheads.
 - (8) The location of all other existing and proposed structures on the site.
 - (9) 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, or as may be allowed by the specific use regulations of a particular district.
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~~ membrane or rigid canopies, or other similar structures shall not be ~~used for dwelling or storage purposes~~ placed or maintained in any commercial or industrial zoning district, except with the written authorization of the Community Development Director. The Community Development Director shall evaluate any such proposal against

the development standards and community design guidelines pertinent to the applicable 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.

Section 20. That Section 18A.50.140 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.50.140 - Residential Accessory Buildings

- A. The maximum height for residential accessory buildings shall be twenty-four (24) feet.
- B. 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.
- C. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.
- D. Vehicle covers and other storage structures that are composed of pipes or poles with a fabric, plastic or other type of cover on the top of the framework are required to meet the development standards for the applicable zoning district, including lot coverage limitations and setback requirements. If the covering on such a structure is metal, wood, hard plastic or other rigid material and the structure exceeds 120 square feet in size, a building permit is required for the structure. If the structure is used for recreational, sporting or utility vehicle storage, the storage requirements of LMC 18A.50.145, including a parking pad and screening must be met. Fabric, vinyl, flexible plastic or other membrane material may be utilized to enclose the sides of the structure only if the structure is specifically designed and used for vehicle storage. Such enclosed structures are not exempt from the screening requirements of LMC 18A.50.145. Except as noted above, general storage is prohibited in tents, yurts or other tent-like structures.
- E. Railroad cars, shipping containers, and semi-truck trailers shall not be placed or maintained in any single-family residential, mixed residential, or multi-family residential zoning district.

Section 21. That Section 18A.50.145 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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. Such temporary occupancy shall be permitted only with the prior written authorization of the Community Development Director for time periods as permitted in this section. Occupancy of the recreational, utility or sporting vehicle outside of the specific time periods referenced in the Director's written authorization shall constitute conclusive evidence of a violation of this section. 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. No other utility hook-ups shall be permitted at any time.
- 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 rear 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.

Section 22. That Section 18A.50.150 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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 or rear 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. Unloading of shipping containers and semi-truck trailers may occur in residential zoning districts for periods not to exceed seventy-two (72) hours.
- C. Commercial vehicles shall not be parked on, adjacent to, or abutting property zoned OSR1 or OSR2.

Section 23. That Section 18A.50.251 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.50.251 – Administration

Applications subject to community design guidelines shall be subject to the Design Review process pursuant to the procedures set forth in LMC 18A.10.400 ~~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 visually agreeable 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. Advisory guidelines may be used as a basis for the conditioning, modification, or denial of an application. Decisions under this chapter may be appealed using the appeal procedures of the administrative land-use process.

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.

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, the more specific provision shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

Section 24. That Section 18A.50.320 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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, whichever 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 where the proposed lot size is greater than 17,000 sq. ft., 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. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than 17,000 sq. ft, no specific tree preservation is required.
 - 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.40.240 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 a 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.

Section 25. That Section 18A.50.665 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

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.
 - (5) No sign shall be located so as to pose a traffic vision hazard.
 - (6) No sign shall be greater than 24 inches in width and 36 inches in height.
 - (7) All signs shall be professionally manufactured.
 - (8) All signs shall be kept in good repair and neatly painted.
 - (9) Attachments to a sign shall be prohibited.
 - (10) 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.

Section 26. That Section 18A.70.240 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.70.240 - Prohibited Activities - Home Occupations

- 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.
 - 8. Escort services.

Section 27. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 28. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 17th day of March, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney