

ORDINANCE NO. 317

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 18A, Sections 18A.02.140, 18A.20.600, 18A.20.700, 18A.30.530, 18A.30.830, 18A.50.135, 18A.50.170, 18A.50.400-465, 18A.50.530, 18A.50.665, 18A.50.675, 18A.70.250 and 18A.70.900 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 August 13, 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.02.140 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.02.140 - Permit Required

No structure, portion of a structure, or sign shall be hereafter constructed, erected, enlarged, moved, or altered nor shall any use be established or changed until a zoning certification or discretionary land use permit (administrative use permit, conditional use permit, or temporary use permit), as appropriate, and a business license, if required, have been issued by the City. The Building Official shall not issue a building permit for the construction, reconstruction or alteration of a sign, structure or a part of a structure for

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

Section 2. 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 proving 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 (typically recyclable consumer goods and containers) 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, which use heavy equipment for processing and may provide for outdoor storage of recyclable materials. Examples of commercial buy-back recycling centers include small scale glass or aluminum

container and paper buy-back centers. Facilities which process vehicle parts, building materials, or industrial scrap material are classified under the Recycling Processor Industrial use type. May include scrap tire piles of up to a total of two hundred (200) tires as an accessory use. All materials stored outdoors must be containerized.

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 10,000 gross square feet, with or without a drive-up window, with up to six (6) two-sided gas pumps.

Level 3: Structure of up to twenty thousand (20,000) gross square feet, with or without a drive-up window, with up to nine (9) two-sided gas pumps.

Level 4: Structure of over twenty thousand (20,000) gross square feet, with or without a drive-up window, or with 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. Any facility that requires a Type I Hood pursuant to the Uniform Mechanical Code shall be not be considered a Level 2 use (but rather shall generally be classified as an Eating and Drinking Establishment Level 3, 4, or 5 use type).

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 sports bars, 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, subject to the requirements of LMC 18A.70.900.

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, or other transient lodging facilities not listed herein, 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 subject to compliance with all applicable federal, state, and/or local licensing requirements. 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~~ including the storage of motor, recreational, and sporting vehicles, ~~which are instead not otherwise~~ 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~~ including the storage of motor, recreational, and sporting vehicles, ~~which are instead not otherwise~~ regulated as a Level 1 Salvage/Vehicle Storage Facilities Industrial use type.

Section 3. That Section 18A.20.700 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

#### 18A.20.700 - Industrial Use Category - Land Use Types and Levels

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

A. Primary Manufacturing. Uses that involve the primary processing of a raw or initially-processed material into a product that requires additional processing, manufacturing, or assembly in order to become a consumer good. This use type does not include animal rendering or rendering of animal products, nor manufacturing of illegal substances. Examples include:

- Production of basic chemicals.
- Manufacturing of castings and other basic metal products, including sheet metal, and the manufacture of nails, spikes, and insulated wire and cable.
- Tanning, curing, or storage of raw hides or skins.
- Manufacturing of cement, ready-mix concrete, cut stone, and crushed rock and other primary products from materials taken principally from the earth in the form of stone, clay and sand.
- Manufacturing of asphalt and asphalt reclamation processes.
- Soil remediation facilities.
- Saw, lathe, shingle, planing, plywood and veneer mills engaged in producing lumber and basic wood materials.
- Manufacturing of pulps from woods and other cellulose fibers and from rags.
- Petroleum and natural gas refining and processing.

- Smelting and refining of ferrous and non-ferrous metals from ore or scrap, rolling, drawing and alloying metals.
- Manufacturing of paving and roofing materials, compounding lubricating oils and greases, rubber reclaiming, manufacturing of synthetic rubber.

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

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

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

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

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

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

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

- Manufacturing and assembly of clothing and fabricated products.
- Assembly of electronic computers, computer hardware components and related equipment, and other machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy.
- Assembly of industrial and commercial machinery and equipment.
- Assembly of finished products made entirely or mainly from wood for use in construction.

- Assembly of ferrous and non-ferrous metal products and a variety of metal and wire products.
- Manufacturing and assembly of products manufactured or assembled from plastic resins and from natural, synthetic or reclaimed rubber.
- Manufacturing and assembly of instruments for measuring, testing, analyzing and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products.
- Photographic processing labs.
- Manufacturing and assembly of glass and glass products, clay products, pottery, concrete and gypsum products, abrasive and asbestos products, and other secondary products from materials taken principally from the earth in the form of stone, clay and sand.
- Manufacturing and assembly of dyeing, finishing, coating, waterproofing and other treating of fiber, yarn and fabrics.
- Manufacturing and assembly of felt, lace goods, non-woven fabrics, and miscellaneous textiles
- Other manufacturing and/or assembly processes in which processed or semi-processed materials are made or assembled into consumer products.

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

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

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

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

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

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

E. Flex Space. Mixed-use industrial buildings or parks adaptable to multiple use types which primarily serve a number of small to medium-size tenants, which predominantly require direct access for truck deliveries and have limited or controlled on-site customer service, and which are generally comprised of adaptable open floor space with a delineated office area.

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

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

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

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

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

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

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

H. Mineral Extraction. The extraction of any natural substance, other than water, from the ground.

I. Motion Picture Production Studios. Warehouse-style facilities used in the production of motion pictures.

J. Off-Site Hazardous Waste Treatment and Storage Facilities. Facilities that treat and store hazardous substances and waste, extremely hazardous waste, or dangerous waste generated off-site and are authorized pursuant to RCW 70.105, including hazardous substance processing or handling and moderate risk waste fixed facilities. All contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, or treating hazardous substances and waste, extremely hazardous waste, or dangerous waste are included.

K. Outdoor Distribution and Freight Movement. Large-scale distribution of raw, manufactured, or processed products for one (1) or more businesses at a central, predominantly outside location. This use type does not include the distribution or movement of illegal substances. Examples include raw log storage and shipping container yards.

L. Printing and Publishing. Uses engaged in printing by one (1) or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and platemaking; and publishing newspapers, books and periodicals.

Level 1: Printing/pressing operation of up to five thousand (5,000) gross square feet.

Level 2: Printing/pressing operation exceeding five thousand (5,000) gross square feet.

M. Recycling Processor. Any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing, as distinguished from Buy-Back Recycling Center Commercial use types. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off-site, which is referred to as a "clean" materials resource recovery facility. May include scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

N. Research, Development, and Laboratories. Businesses primarily devoted to experimental research and development.

Level 1: Research, development, and laboratories with limited manufacturing/assembly at the level allowed in the zoning district.

Level 2: Research, development, and laboratories with secondary manufacturing and major assembly at the level allowed in the zoning district.

Level 3: Research, development, and laboratories and basic manufacturing.

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

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

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

Level 3: Wrecking yards dealing with dismantling facilities for motor vehicles and salvage facilities for ~~such items as~~ wrecked motor vehicles and vehicle parts. Includes dismantling, wrecking, hulk haulers, and

salvage of motor, commercial, recreational, and sporting vehicles and heavy equipment.

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

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

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

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

Section 4. 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)
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)
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)
- 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)
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 5. That Section 18A.30.830 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.30.830 - Permitted Uses - Public/Institutional Zoning District

~~The following uses are permitted within the PI zoning district, subject to approval of a discretionary land-use permit and all applicable development permits. The unique nature of this zoning district and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or conditional use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.~~

A. PI Zoning District

1. The following uses are permitted within the PI zoning district, subject to approval of a discretionary land-use permit and all applicable development permits. The unique nature of this zoning district and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or conditional use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.

~~1.a.~~ Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.

~~2. b.~~ Any use that, in the opinion of the Community Development Director, constitutes an essential public facility as defined in LMC 18A.20.400.D, or public and semi-public facilities beyond those specifically identified in state law, including a broad variety of both listed and unlisted uses, which may be liberally interpreted to meet essential community needs. Examples may include, but are not limited to, schools, libraries, and hospitals, but specifically excluding Religious Assembly use types for which adequate provision is made in other zoning districts.

2. The following uses are allowed in the PI zoning district, without the need for a discretionary land use permit:

- a. Outdoor Recreation (Level 1/2)
- b. Public Maintenance Facilities (Level 1)
- c. Transportation Facilities (Level 1)
- d. Communication Facilities (Level 1)
- e. Electrical Facilities (Level 1)
- f. Natural Gas Facilities (Level 1)
- g. Sewage Collection Facilities

- h. Stormwater Facilities (Level 1)
- i. Water Supply Facilities (Level 1)

Section 6. That Section 18A.50.135 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

**18A.50.135 – Streetscapes**

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of providing sidewalks and other means of non-motorized circulation, controlling vehicle access, protecting living areas from traffic, unhealthy conditions and incompatible uses, and to continue to remedy potential groundwater contamination.

B. Sidewalks. Sidewalks shall be located along all arterial streets contiguous to the property line and shall serve to provide a pedestrian right-of-way and prevent interference or encroachment by fencing, walls, hedges, and other incompatible plantings and structures. Sidewalks of no less than five (5) feet in width shall be constructed with curb, gutter, and adjacent landscape strip, and shall meet the standards of LMC ~~12-02~~ Title 12, Streets Sidewalks and Public Thoroughfares.

1. Sidewalks shall be constructed by the developer of any new industrial, commercial, and multifamily development; non-residential change of use, or major tenant improvement; commercial, non-residential or multi-family residential remodel; or residential subdivision, where the new development, change of use, or remodel will increase vehicular or pedestrian traffic to and from the site, or otherwise impact the local street system as determined by the City Engineer.

2. In all subdivisions, in addition to sidewalks along arterial streets, sidewalks shall be installed by the developer on all interior streets as follows:

- a. For subdivisions with one to nine (1-9) dwelling units, sidewalks shall be required on one (1) side of the interior streets only.
- b. For subdivisions of ten (10) or more dwelling units, sidewalks shall be required on both sides of the interior streets.

C. Utilities. Utilities shall be placed underground wherever possible, as determined by the City Engineer.

D. Sanitary Sewers. At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within three hundred (300) feet of the property at the property owner's expense.

- 1. If connecting to the existing sewer requires the property owner to obtain an easement across private property but the property owner is unable to do so and can provide evidence that a reasonable attempt to obtain such easement was made, and providing further that hookup to any existing and available sewer requires the property owner to extend a line greater than one thousand (1,000) feet, a waiver from this requirement can be granted. This waiver provision does not apply to new subdivisions of five (5) or more lots.

E. Access. Multifamily, commercial and industrial development shall have access located on arterial streets or have access to arterial streets. All newly created residential lots shall access off internal plat roads, except as authorized by the City Engineer.

F. Lighting. Street lighting shall be provided in conjunction with new industrial, commercial, and multifamily development, major tenant improvements, or subdivisions. Street lighting shall be provided along arterial streets in accordance with specification and standards approved by the City Engineer.

1. In commercial and industrial developments, including major tenant improvements, lighting and glare shall be shielded or directed away from residential uses. New multi-unit developments shall provide shielding or direct lighting and glare away from all other residential uses.

G. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, utilities, and waste disposal shall be integrated into the design of the building(s) or development and screened from view.

H. Streetscapes shall be improved for all new developments as specified in this section, LMC 17.46 Site Development Regulations, LMC 18A.50.200 Community Design, LMC 18A.50.400 Landscaping, LMC 12.02, Streets Sidewalks and Public Thoroughfares, and LMC 18A.50.500 Parking.

I. The City Engineer and the Community Development Director may modify ~~the streetscape improvements requirements for structure remodeling or tenant improvements of this section~~ in accordance with LMC 18A.50.400 Landscaping, LMC 18A.50.500 Parking, LMC 18A.50.200 Community Design, LMC 18A.10.400, Design Review, and the following:

1. The City Engineer and the Community Development Director may permit modification of streetscape improvements requirements and standards when development of the required improvement(s) is not, in the opinion of the City Engineer and the Community Development Director, practical due to physical limitations of the site which are no fault of the applicant.

2. The City Engineer and the Community Development Director may permit modification of streetscape improvement standards where the required streetscape is not, in the opinion of the City Engineer and the Community Development Director, roughly proportionate to the impact, type, scale, and cost of the proposed development action.

3. The streetscape design alternatives shall be documented as an administrative determination. Mailing of notice to adjacent property owners potentially affected by the development regulation modifications is required.

Section 7. That Section 18A.50.170 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.50.170 - Outdoor Storage and Commercial Yard Surfacing Standards.

A. Outdoor Storage Areas and Yards.

1. Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, ~~or stored,~~ or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the Community Development Director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeologic assessment per the City's critical areas regulations may be required to assist the Director in making this determination.
2. No hazardous materials shall be stored or utilized in storage areas, except as permitted under the Uniform Fire Code and any conditions of site development required by the City.
3. ~~The~~ All storage areas shall be screened and fenced pursuant to LMC 18A.50.400, Landscaping.

B. Salvage Yards, Vehicle Storage Facilities, Vehicle Impound Yards, and Wrecking Yards shall be paved with asphalt or concrete, fenced and landscaped pursuant to LMC 18A.50.400, Landscaping.

Section 8. That Section 18A.50.400 – 18A.50.465 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.50.400 - Landscaping

18A.50.405 - Purpose - Landscaping

This section establishes standards for landscaping, street trees and landscape maintenance for new development and uses. The use of landscaping, street trees, and the retention of existing vegetation by property owners reduces visual, noise and lighting impacts, and promotes compatibility between land uses while enhancing the visual appearance of the city. Landscaping protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and stormwater runoff, and helps to define public and private open spaces. This section also encourages the protection and planting of vegetation native and common to the Puget Sound region while providing policies and standards for the preservation of natural vegetation and maintenance of landscaping within the City of Lakewood.

18A.50.410 - Applicability - Landscaping

~~This section establishes standards for landscaping, street trees and landscape maintenance for new development and uses. The use of landscaping, street trees, and the retention of existing vegetation by property owners reduces~~

~~visual, noise and lighting impacts, and promotes compatibility between land uses while enhancing the visual appearance of the city. Landscaping protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and stormwater runoff, and helps to define public and private open spaces. This section also encourages the protection and planting of vegetation native and common to the Puget Sound region while providing policies and standards for the preservation of natural vegetation and maintenance of landscaping within the city of Lakewood.~~

This section shall apply to all land development proposals including tree removal permits, discretionary land use permits, zoning certifications, subdivisions and building permits. Landscaping, landscape buffering, and tree preservation shall be provided in accordance with the requirements of individual zoning districts, specific use requirements, and the provisions of this chapter. In the event one of the above permits is not required for the establishment of a permanent use, the standards of this section shall still apply. The Community Development Department shall review and may approve, disapprove, or approve with modification all site/landscape plans for public and private projects where required.

#### 18A.50.415 - Exceptions - Landscaping

Exceptions to this section are allowed under the following circumstances:

A. Residential Properties. The landscaping and street tree provisions of this chapter shall not apply to lots which are, as of the effective date of this title, zoned for and used as a detached or an attached single-family dwelling use type, excluding zero lot line developments, provided that the zoning and/or use continues unchanged from its status as of said effective date.

B. Interior Tenant Improvement. The landscaping provisions of this section shall not apply to existing structures where interior tenant improvements, such as interior remodel or painting, occur and where there is no addition to the number of parking spaces provided.

C. Existing Structures. Where existing structures are situated so as to preclude installation of required landscaping, the Community Development Director, at his/her sole discretion may reduce the required landscaping for the area affected by such structures pursuant to 18A.50.415.E.

D. Physical Limitation of the Site. The Community Development Director may modify landscaping requirements for structure remodeling or tenant improvements when the development of the required landscaping improvement(s) is not, in the determination of the Community Development Director, feasible due to physical limitations of the site that are no fault of the applicant. Where landscaping requirements have been reduced, the landscaping shall be relocated in the following manner and order

1. At the entry of the building.
2. To another lot line.

3. To an equal-sized area in another portion of the lot.
4. To an area, as determined by the Community Development Director upon review with the owner or developer.
5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.

E. Parking for Existing Structures. Where compliance with the provisions of loading areas and off-street parking requirements for existing buildings or structures conflicts with the requirements of this section, the required landscaping and/or parking may be reduced, as determined by the Community Development Director, pursuant to 18A.50.415.F.

F. Landscaping Reduced. Where landscaping is reduced or waived in a specific location, equivalent landscaping shall be located elsewhere on the site in the following manner and order:

1. At the entry of the building.
2. To another lot line.
3. To an equal-sized area in another portion of the lot.
4. To an area, as determined by the Community Development Director upon review with the owner or developer.
5. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.

G. Jointly Developed Properties. If contiguous lots or driveways to such lots are developed jointly with like uses, a portion of the perimeter buffering required between the lots may be relocated to other areas of the site, at the discretion of the Community Development Director, provided that the remaining portion of the perimeter buffering area is landscaped in a pedestrian-friendly manner to the required standard.

H. Existing Vegetation. Where existing vegetation can provide the same level of screening as required by the landscaping requirements, the Community Development Director may grant a waiver to some or all of the standard requirements. In such case, the applicant shall be responsible for submitting to the Community Development Department, an alternate conceptual landscape plan, supporting photographs and a brief explanation as to how the alternate plan satisfies the intent of the landscape standard required. Supplemental plant material may be required to be installed within, or adjacent to, the natural landscape area to fully comply with the intent of the required landscape standards.

#### 18A.50.420 - Landscaping Standards

A. General Standards.

1. Where any structure is enlarged or expanded, then landscaping shall be provided for the area of said expansion or enlargement in



accordance with LMC 18A.50.400, Landscaping. A change in use in an existing structure may require additional landscaping as set forth in this section.

2. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is not reconfigured or expanded, the following standards apply:

- a. Perimeter landscaping and parking area landscaping may be required pursuant to 18A.50.200, Community Design.
- b. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.

3. If the development proposal is a structure remodel or exterior tenant improvement, and the parking area is reconfigured or expanded, the following standards apply:

- a. Perimeter landscaping is required pursuant to LMC 18A.50.425-430, Landscaping.
- b. Parking area landscaping is required pursuant to LMC 18A.50.425.A.4, Landscaping Types.
- c. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.

4. If the development proposal is for a new structure, the following standards shall apply:

- a. Perimeter landscaping is required pursuant to LMC 18A.50.425-430,.
- b. Parking area landscaping is required pursuant to LMC 18A.50.425.A.4, Landscaping Types.
- c. Building and/or entry landscaping may be required pursuant to 18A.50.200, Community Design.

5. All parking areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the total parking area, drive aisles, maneuvering area and loading space, landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Required perimeter landscaping adjacent to property lines and ~~required interior landscape islands~~ shall not be calculated as accounting for a portion of the ten (10) percent figure.

6. All ingress or egress driveways, internal circulation routes and easements which provide access corridors to the subject lot, and which are not adjacent to a public right-of-way, shall be landscaped to the same standard as a public right-of-way.

7. All outside storage areas shall be screened by fencing and landscaping a minimum of five feet in depth unless it is determined by development plan review that such screening is not necessary because stored materials are not visually obtrusive.

8. All trash containers shall be screened from abutting properties and streets by a one hundred (100) percent sight-obscuring fence or wall and appropriate landscaping.

9. Landscaping shall be placed outside of fences unless it is determined by the Community Development Department that such arrangement would be detrimental to the stated purpose of this chapter.

10. All portions of a lot not devoted to a building, future buildings, parking, storage or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter. Type III landscaping

is the minimum landscaping required if no other landscaping standards apply.

11. All required landscaping areas shall extend to the curb line or the property line, whichever is greater.

12. All required landscaping areas shall be surrounded by concrete curbing and shall contain soil of sufficient quantity and quality to allow landscaping plantings to flourish. Landscaping areas shall not be placed on top of any impervious surface.

13. Required landscaping for those areas that are inappropriate to landscape due to the existence of rail lines or other features, shall be relocated in the following manner and order:

a. At the entry of the building.

b. To another lot line.

c. To an equal-sized area in another portion of the lot.

d. To an area, as determined by the Community Development Director upon review with the owner or developer.

e. The applicant shall post money into the City Street Tree Fund proportionate to the landscaping that cannot be relocated. The cost of the landscaping shall be based on a proportionate square foot cost of other areas on the lot that have been landscaped to a similar standard.

14. The perimeter of parking lots that abut residential zones or uses shall be landscaped with Type I landscaping and a solid wood or equivalent fence. Substitute fencing may be allowed at the discretion of the Community Development Director to address public safety concerns. The term "adjacent residential property," for purposes of this section, shall mean abutting property, and lots immediately adjacent to abutting property.

15. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety.

16. The perimeter landscape strip of all property abutting Interstate 5 or abutting railroad right-of-way adjacent to Interstate 5 shall be increased to a minimum depth of fifteen (15) feet along the highway or railroad right-of-way frontage, unless a larger area is otherwise required by LMC 18A.50.425, Landscaping Types.

17. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area described in LMC 18A.50.425, Landscaping Types.

18. Landscape plans shall include, where feasible, a diversity of native plant species which promote native wildlife habitat.

19. Landscaping buffers shall be required adjacent to any above ground storm water facilities of no less than five (5) feet in width.

20. Landscape areas adjacent to required biofiltration systems that do not exceed one to three (1:3) slope may be counted toward a portion of any required landscaping areas if they meet the following:

a. Landscaping shall not be permitted within the treatment area of a biofiltration system. The chosen vegetation shall not result in any disruption of bioswale functions at any time.

b. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of storm water systems and plant species and location are subject to

approval of the City Engineer and Community Development Director.

21. Where the width of a required landscape strip exceeds the setback requirement for any structure subject to this section, the setback shall be increased to provide the full width of the landscape strip, except where otherwise permitted for commercial buildings under LMC 18A.50.200, Community Design.

22. Use of man-made non-vegetative material such as plastic or artificial plants or grass is prohibited as substitute for the required landscaping. Nonvegetative material is not a substitute for plant material. Non-porous weed barriers are prohibited in landscaped areas. Bark, mulch, rock or other nonvegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material.

23. Required landscape areas shall be provided with adequate drainage.

24. All trees shall be double (2) staked for the first two (2) years.

25. Slopes shall not exceed a 1 to 3 (1:3) ratio (height to width from center), in order to decrease erosion potential and assist in ease of maintenance.

B. Plant Standards. Where new landscaping is required, the following plant standards apply:

1. Deciduous tree. A minimum three (3) inch diameter at six (6) inches above grade at the time of planting.

2. Evergreen tree. A minimum six (6) feet in height above grade at the time of planting.

3. Low Shrub. Plants shall be a minimum of one (1) to two (2) feet in height at the time of planting with approximately a one (1) or two (2) gallon pot or ball-and-burlap.

4. Medium Shrub. Plants shall be a minimum of two (2) to three (3) feet in height at the time of planting with approximately a three (3) to five (5) gallon pot or ball-and-burlap.

5. Ornamental tree. A minimum of one (1) inch diameter for deciduous; a minimum of two (2) feet tall for evergreens. Ornamental trees may count as a medium shrubs, but do not count for trees otherwise required.

6. Vegetative Groundcover. Grass sod, or spreading groundcover in four (4) inch pots with a maximum spacing of nine (9) inches, or one (1) gallon pots with a maximum spacing of eighteen (18) inch and of sufficient size, spacing and species as to spread to form a solid cover of the planting area within two (2) years from the time of planting.

7. Drought Tolerant Plants. The use of native and drought tolerant, low water use plants shall be incorporated into landscape design plans.

C. Irrigation Standards. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable to lack of watering and to survive periods of extended drought once they are established.

1. Irrigation systems shall be incorporated into a landscaping area and the applicant shall prepare a water use and conservation plan for review and approval by the City Engineer and Community Development

Director.

2. The applicant shall choose one of the following options to provide all landscaped areas with an irrigation method:

a. A permanent underground irrigation method with an automatic controller plus an overriding rain switch. All landscape that is placed in median strips in the middle of street rights-of-ways shall be irrigated with underground automated irrigation systems.

b. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant material selected is classified as drought tolerant and a permanent irrigation system is determined to be unnecessary by the Community Development Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

#### 18A.50.425 - Landscaping Types

A. The landscaping types are intended to provide a basic list of landscaping standards that may be applied within a proposed project as necessary to provide for the intent of the comprehensive plan.

1. Type I, Vegetative Buffer. A combination of landscaping, evergreen and deciduous trees, and fencing that provides a substantial visual barrier between uses and creates an impression of separation of spaces along an interior property line. The following standards shall be applied:

a. Landscaping strip shall be a minimum of eight (8) feet in width, and shall be increased to ten (10) feet in width and fifteen (15) feet in width as required by LMC 18A.50.430, Landscaping Regulations by Zoning District.

b. Depending on the use, a sight obscuring barrier may be required to be placed within the landscaping strip to consist of:

(1) Fence/wall five (5) feet in height, or

(2) A medium shrub barrier (hedge) which is of such a density as to provide a solid visual barrier.

c. One (1) evergreen or deciduous tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than (20) feet on center along the full extent of the landscaping strip. No more than sixty (60) percent of the trees may be deciduous.

d. The percentage of evergreen trees allowed may be further reduced at the discretion of the Community Development Director to address public safety concerns.

e. Shrubs:

(1) Two (2) medium shrubs are required per ~~four (4)~~ six (6) linear feet of landscaping strip and placed no greater than four

(4) feet on center.

(2) Three (3) low shrubs are required per ~~three (3)~~ six (6) linear feet of landscaping strip and placed no greater than three (3) feet on center.

(3) Shrubs shall be placed along the entire length of the landscaping strip as to provide vegetative cover.

f. Vegetative groundcover.

g. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative buffer. These are minimum standards, additional landscaping may be required if, in the determination of the Community Development Director, the proposed landscaping plan does not provide effective separation and screening.

2. Type II, Streetscapes. A unifying theme of canopy type trees along a public or private street within the right-of-way, with an optional landscaping strip and a minimum five (5) to eight (8) foot wide sidewalk, as required by the City Engineer, shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling. The following standards shall be applied:

a. Curb, gutter, and sidewalks standards as required in LMC 18A.50.135 Streetscapes, LMC 17.46 Site Development Regulations, and LMC ~~Title 12-02~~, Streets Sidewalks and Public Thoroughfares.

b. Landscaping strip of vegetative groundcover ~~a minimum of five (5)~~ three to eight feet in width, at the discretion of the City Engineer, located between the curb and the sidewalk.

c. Deciduous street trees, pursuant to LMC 18A.50.440 Street Tree Standards are required along the entire street frontage at a spacing of no more than thirty (30) feet on center or as required to continue the existing pattern of street, whichever is less distance.

d. Tree wells, a minimum of four (4) foot in any dimension, with a grating system approved by the City Engineer diameter or six (6) square feet in size, are required when trees are placed within the sidewalk. Sidewalks must maintain a minimum 48-inch clear width exclusive of curbing. Trees not located on the sidewalk shall be centered on the landscaping strip, or behind the sidewalk within 10 feet of the right-of-way if the right-of-way is insufficient to accommodate street trees, or if curbs, gutters and sidewalks already exist.

e. Level 1 Utilities shall be placed underground as appropriate.

f. Street lights as directed by the City Engineer.

g. Landscaped medians within the roadway may be required at the discretion of the City Engineer and the Community Development Director including.

(1) Curb, gutter, four (4) to twelve (12) foot wide landscaping strip within the roadway with a length determined by the City Engineer.

(2) One (1) street tree at each end of the median, plus one (1) street tree per thirty (30) feet of median.

(3) Vegetative groundcover.

(4) Small shrubs shall be placed within the landscaping strip so as to cover thirty (30) percent of the strip, have a maximum bush height of three (3) feet, and provide year-round screening.

- h. Bus stop(s), benches and/or bus shelter(s) as deemed necessary by the Community Development Director and Pierce Transit.
- 3. Type III, Open Space. A combination of natural and native open space, vegetative groundcover, and deciduous and evergreen trees.
  - a. One (1) deciduous or evergreen tree shall be spaced at intervals not greater than fifty (50) feet on center along the full extent of the open space. No more than eighty (80) percent of the trees may be deciduous.
  - b. Vegetative groundcover.
- 4. Type IV, Parking Areas. A combination of landscaping to break up the bulk of a parking area. The following standards shall be applied:
  - a. Landscaping Islands. Landscaped islands shall be located at the end of each parking row. Internal landscaping islands shall occur at intervals within the row so that no parking stall within that parking row is more than eight (8) parking stalls from a landscaping island. The following standards shall apply:
    - (1) The length of the island shall be the same depth as the adjacent parking stalls and have an interior width a minimum of four (4) feet.
    - (2) The island shall be completely curbed.
    - (3) Contain one (1) street tree.
    - (4) One (1) medium shrub or two (2) small shrubs per twelve (12) square feet of island.
    - (5) Vegetative ground cover.
  - b. Internal Landscaping. If internal landscaping other than landscaping islands is included in a parking area, the internal landscaping shall at a minimum consist of vegetative groundcover and ~~shrubs~~ be trees per Type III, Open Space.
  - c. Perimeter Landscaping. Landscaping around the perimeter of the parking area shall be a Type I, Vegetative Buffer.
- 5. Type V, Solid Barrier. A combination of fencing and landscaping which is intended to provide a solid sight barrier between uses, around storage yards, salvage yards, and other incompatible or unsightly uses, and to create screening and a strong impression of spatial separation. The following standards shall be applied:
  - a. Landscaping strip minimum ten (10) feet in width.
  - b. Solid fence or wall six (6) feet in height located within the landscape strip.
  - c. The Community Development Director may direct the location, style, and construction materials of the required fence/wall to lesson visual impact on adjacent properties.
  - d. One (1) deciduous or evergreen tree is required per twenty (20) linear feet of landscaping strip. Trees shall be spaced at intervals not greater than twenty (20) feet on center along the full extent of the landscaping strip. No more than forty (40) percent of the trees may be deciduous.
  - e. The percentage of evergreen trees allowed may only be reduced, at the discretion of the Community Development Director, to address public safety concerns.
  - f. Shrubs;

(1) Two (2) medium shrubs are required per four (4) linear feet of landscaping strip and placed no greater than five (5) feet on center.

(2) Three (3) low shrubs are required per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.

g. Vegetative groundcover.

h. Landscaping shall be placed along the entire length of the landscaping strip so as to provide a vegetative barrier. These are minimum standards, additional landscaping may be required if, in the determination of the Community Development Director, the proposed landscaping plan does not provide an actual or effective barrier or separation.

6. Type VI, Area Screening. A combination of fencing/wall and landscaping that provides visual relief from dumpsters, recycling areas, or small storage yards, of less than two hundred (200) square feet in size. The following standards shall be applied:

a. Landscaping strip minimum five (5) feet in width around the area, excluding access points.

b. A fence or wall six (6) feet in height located on the interior of the landscaping strip.

c. Minimum six (6) foot tall Arborvitae or approved equivalent trees placed at four (4) feet on center.

d. Shrubs.

(1) One (1) medium shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.

(2) One (1) small shrub per four (4) linear feet of landscaping strip and placed no greater than four (4) feet on center.

(3) Shrubs shall be spaced at intervals along the full extent of the landscaping strip.

e. Vegetative groundcover.

f. The fence and landscaping may be modified at the discretion of the Community Development Director to address public safety concerns.

#### 18A.50.430 - Landscaping Regulations by Zoning Districts

A. Type II, Streetscape shall apply to all zones and shall be applied to all proposed developments other than a single family dwelling, pursuant to LMC 18A.50.135 Streetscapes, LMC 17.46 Site Development Regulations, and LMC 12.02, Streets Sidewalks and Public Thoroughfares.

B. Type III, Open Space shall apply to all zones where open space is required as part of the development standards or Community Design Guidelines.

C. Type IV, Parking Areas; and Type VI, Area Screening are types of landscaping that shall apply in all zones, as applicable.

D. Discretionary land use permit approval and conditions may require any landscaping type in order to mitigate the impacts of the proposed use.

E. The unique character of development within the OSR1 and OSR2 zones, as private and public open space, parks, and public facilities requires a case-by-case review of the landscaping standards and requirements by the Community Development Director.

F. The following standards are representative and may not include all uses or types. Where individual uses or zones are not specified, the Community Development Director shall make a determination as to the most appropriate Landscaping Type in order to mitigate the impacts of the proposed development.

### G. Zones and Uses Minimum Landscaping Requirements

1. Single Family Uses/Zones:

Single Family Dwellings Exempt from Perimeter Landscaping Standards  
Civic Uses Type I, Vegetative Buffer, 10' landscape strip

2. Multi Family Uses/Zones that abut:

Single Family Uses/Zones Type I, Vegetative Buffer, 10' landscape strip  
Open Space and Recreation Zones Type I, Vegetative Buffer, 10'  
landscape strip

3. Neighborhood Business and Commercial

Uses/Zones that abut:

Single Family Uses/Zones Type I, Vegetative Buffer, 15' landscape strip  
Multi Family Uses/Zones Type I, Vegetative Buffer, ~~45'~~ 10' landscape  
strip  
Open Space and Recreation Zones Type I, Vegetative Buffer, 10'  
landscape strip

4. Industrial Uses/Zones that abut:

Single Family Uses/Zones Type V, Solid Barrier  
Multi Family Uses/Zones Type V, Solid Barrier  
Commercial Uses/Zones Type I, Vegetative Buffer, 10' landscape strip  
Open Space and Recreation Zones Type V, Solid Barrier

5. Public/Institutional Zone Type I, Vegetative Buffer, 10' landscape  
strip

6. Between developments in the same zone:

All Uses (other than  
Single Family uses) Type I, Vegetative Buffer, 8' landscape strip

7. Parking Lots in all zones: Type I, Vegetative Buffer & Type IV,  
Parking Areas

8. Property Lines abutting public right-of-way or private streets: ~~-Type  
II Streetscape and~~ Type I, Vegetative Buffer, 8' landscape strip or  
appropriate landscaping per LMC Section 18A.50.200 Community  
Design.



9. Storage Space (for all uses other than single family residential):  
Under 200 gsf Type VI, Area Screening  
200 or more gsf Type V, Solid Barrier  
Salvage/Wrecking Use Type V, Solid Barrier  
Industrial and Outdoor Type V, Solid Barrier

10. Wireless Telecommunication Facilities See LMC 18A.70.600, WTF

11. Open Space Type III, Open Space

12. Streets/ Rights-of-Way Type II, Streetscape

13. Trash Dumpsters Type VI, Area Screening

#### 18A.50.435 - Landscaping Design

In addition to the requirements of this section, LMC 18A.50.200, Community Design, contains standards that promote connectivity between landscape improvements and adjacent sites and buildings. (Ord. 264 § 1 (part), 2001.)

#### 18A.50.440 - Street Tree Standards

A. Applicability. This section applies to projects that require street trees in order to fulfill a landscaping standard, and to all projects that are installing street trees unrelated to other landscaping or street improvements.

B. Standards. All street trees shall meet the following standards:

1. A minimum of three (3) inches in diameter at the time of planting.
2. Street trees shall be located and placed within the street rights-of-way in accordance with the requirements of the City Engineer, unless otherwise permitted in 18A.50.440.B.3.
3. Street trees may be planted within ten (10) feet of the right-of-way only if the right-of-way is insufficient to accommodate street trees, or if curbs, gutters and sidewalks already exist.
4. The adjoining property owner shall be responsible for all maintenance of street trees and landscaping in public right-of-ways.
5. Street tree shall be trimmed to maintain the street canopy and provide for public safety. Street trees can not be removed without the prior approval of the City Engineer.
6. Trees planted within five (5) feet of public or private road pavement edge, curbing or sidewalk, or within parking areas shall be surrounded by a root control barrier. Root control barriers shall consist of galvanized metal or plastic sheets extending a minimum of two (2) feet below the finished grade of the surrounding surface.
7. All trees shall be double (2) staked for the first two (2) years.
8. All street trees shall be of a species approved by the Community Development Department.

#### 18A.50.445 - Plan Requirements - Landscaping

The Community Development Director shall review and may approve, approve with modifications, or deny a landscape plan subject to the provisions of this section.

A. The following plans shall be submitted according to the requirements of the application form provided by the Community Development Department for any project permit subject to the provisions of this section:

1. Irrigation plan.
2. Tree retention plan, pursuant to LMC 18A.50.300, Tree Preservation.
3. Landscape plan.

B. Persons Qualified to Prepare Landscape Plans. The landscape plans shall be prepared by a Washington state registered landscape architect, a Washington state certified nurseryman, or a Washington state certified landscaper, except that planting plans for short plats may be prepared by the applicant, subject to approval by the Community Development Director.

C. Review of Landscape Requirements. At the time of the preapplication conference, the Community Development Department staff shall review specific landscape requirements with the applicant or his/her representative.

D. Irrigation Plan. All proposed multifamily or non-residential developments require an irrigation plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. The irrigation plan shall indicate the location of pipes, sprinkler heads, and back flow prevention devices. The Community Development Director or City Engineer may require additional information, including but not limited to pumps, pipe size, head capacity, water pressure in pounds per square inch at the pump and sprinkler heads, and timer system. The irrigation plan shall conform to the requirements of this section.

E. Persons Qualified to Prepare Irrigation Plans. The irrigation plan shall be prepared by a Washington State registered landscape architect, except that irrigation plans for short plats may be prepared by the applicant.

F. Approved Landscaping Plan Required. A building permit or zoning certification shall not be issued until the landscaping plan has been approved.

#### 18A.50.450 - Landscaping Installation

A. Planting Season. Landscape installation is encouraged to take place in the spring or fall planting season following building permit issuance or land use certification. The Community Development Director may allow a postponement of the landscaping due to weather conditions, subject to LMC 18A.50.465, Guarantee, and may approve an alternative timeline if the development is a phased project.

B. Landscaping and Irrigation Installed. The person or persons qualified, pursuant to LMC 18A.50.445.B and E above, to prepare the landscape and

irrigation plans shall submit, within 30 days of completed installation, a signed affidavit that landscaping and irrigation systems have been installed per the approved plans.

C. Issuance of Certificate of Occupancy. Except as provided for in LMC 18A.50.450.A, the Community Development Department shall not issue a final certificate of occupancy and/or final site certification until the landscaping has been installed as shown on the approved landscaping plan.

#### 18A.50.455 - Water Conservation and Suggested Plant Materials

A. Intent. The following guidelines are promoted and strongly recommended by the City to reduce the maintenance cost of a development, enhance the long-term health of plant material and reduce the cost of watering. The intent of water conservation guidelines is to ensure that costly plant material is provided with the opportunity to take advantage of natural watering and therefore reduce the amount of water required to maintain plant material health during the dry season. The intent of a plant material guideline is to encourage use of plants native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to maximize use of rainwater, to reduce general maintenance needs and to encourage the development of landscape designs reflective of our natural surroundings. It is also the intent of these guidelines to encourage the use of drought tolerant plants in landscape designs in order to reduce the amount of water devoted to outdoor watering at a time when population pressures are increasing faster than the water supply.

B. Water Conservation Guidelines. Water conservation measures shall be employed in the following manner:

1. Soil Preparation. Landscape areas should be deep-tilled to a depth of at least twelve (12) inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration or water-holding capacity. For all newly landscaped areas organic matter should be incorporated to a depth of four (4) to six (6) inches to facilitate deep water penetration and soil oxygenation.

2. Mulching. Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion. Mulches include organic materials such as wood chips and shredded bark. Mulches should be applied to the following depths: three (3) inches over bare soil and two (2) inches where plant materials will cover.

3. Plant Types. Applicants are strongly encouraged to utilize drought tolerant plant material native to the Western Washington and introduced noninvasive plants common to the area that are well suited to the wet/dry climate of the Puget Sound.

#### 18A.50.460 - Maintenance - Landscaping

The following standards shall be followed for the maintenance of on-site

landscaping and landscaping on adjacent public rights-of way:

A. Failure to complete all of the required landscaping or any portion of that landscaping, other than as permitted in LMC 18A.50.450.A, Landscaping Installation, shall constitute a zoning violation.

B. It shall be the responsibility of the project manager or business owner to contact the Community Development Department upon completion of the landscaping work and request an inspection.

C. Whenever landscaping is or has been required in accordance with the provisions of this title as amended, or in accordance with the provisions of any previous code or ordinance of the City, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.

D. The Community Development Department may inspect the landscaping upon request of the project manager or business owner or at any time after the installation of landscaping.

E. Any installed plant material that dies shall be replaced within the spring or fall growing season following plant loss but not more than ninety (90) days from the time of loss. This standard shall apply for the life of the project or development.

F. Failure to maintain all of the required landscaping or any part of it shall constitute a zoning violation.

G. Regardless of whether the landscaping existed prior to the effective date of this title or was added thereafter, replacement landscaping shall comply with all provisions of this section.

H. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition, to prevent primary limb failure, and to prevent limbs from becoming an impediment or hazard to vehicles or pedestrian traffic.

I. All landscape areas shall be kept free of trash and weeds and all irrigation systems shall be properly maintained by the property owner to ensure the function of the requirements of this title.

#### 18A.50.465 - Guarantee - Landscaping

In order to guarantee performance of the landscaping requirements, cash guarantee or other appropriate security, including letters of credit, in the amount of one hundred fifty (150) percent of the estimated cost of the required landscaping, shall be required if landscaping is not installed prior to the issuance of the occupancy permit. The cash guarantee or other appropriate security shall be forfeited to the City if the work is not completed within one hundred eighty (180) days of the date of posting of the cash guarantee or other appropriate security, or upon such other date as agreed to

between the City and the property owner or authorized person acting on the property owner's behalf. In the case where such a cash guarantee or other appropriate security is forfeited to the City, the proceeds therefrom shall be used by the City to effectuate the landscaping requirements which were not completed. Along with the requirement for the cash guarantee(s) or other appropriate security, the property owner, or authorized person acting on the property owner's behalf, shall agree and consent to entry upon the property in the event of guarantee forfeiture, and completion of the landscaping requirements by the City representatives. (Ord. 264 § 1 (part), 2001.)

Section 9. That Section 18A.50.530 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

#### 18A.50.530 - Parking Standards

A. Expansions or Enlargements. Where any structure is enlarged, expanded, erected, remodeled, or the use is changed, off-street parking spaces shall be provided for said development in accordance with the standards of this section. A change in use of an existing structure may require additional off-street parking spaces as set forth in this section.

B. Uses Not Specified. In the case of a use that is not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Community Development Director based upon the requirements for the most comparable use specified in this section; or, where no comparable use exists, based upon a reasonable rationale provided in an administrative determination written to the applicant. The Community Development Director may require that the applicant conduct a parking study to evaluate the parking needs associated with a proposed use.

C. Surface Improvements. All areas used for parking, maneuvering, circulation, pedestrian access, and loading or unloading shall be paved with asphalt or concrete and shall be improved and available for use prior to issuance of a certificate of occupancy.

D. Location. Off-street parking facilities shall be located on the same property as the use they are required to serve and within three hundred (300) feet of the use, except as provided below. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

1. For a nursing home, assisted living facility, convalescent home, or group home, the parking facilities shall be located within one hundred (100) feet of the building they are required to serve.
2. For single-family residential dwellings, the required number of parking spaces shall be in addition to any parking that is provided for by garages and/or carports that serve the development.
3. For multifamily dwellings where the lot cannot accommodate all the required parking on-site for its needs, up to forty (40) percent of the required parking may be located on a lot adjacent to the development, provided that

the lot is legally encumbered pursuant to LMC 18A.50.550.F, Off-Site Parking.

4. For all non-residential uses where the lot cannot accommodate all the required parking on-site for its needs, parking facilities shall be located not farther than seven hundred fifty (750) feet from the facility, provided that the lot is legally encumbered pursuant to LMC 18A.50.550.F, Off-Site Parking.

Parking shall not be permitted on properties zoned single-family residential (R1, R2, R3, R4) or open space (OSR1 and OSR2) unless the parking is being provided for a use that is permitted in said district.

5. Required parking for developments other than Single Family residential dwellings shall not be located in a required front yard setback abutting a public street, except as allowed in LMC 18A.50.200, Community Design.

E. Size and Access.

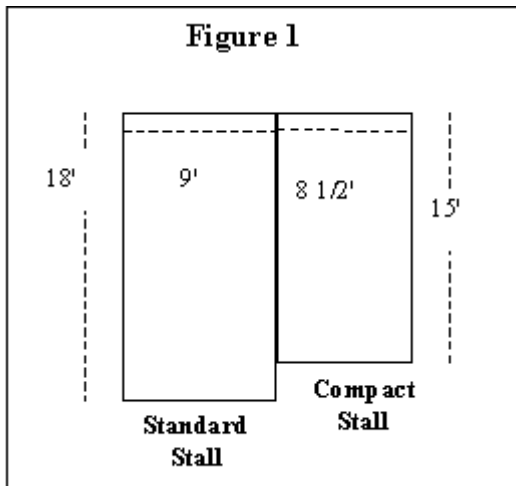
1. Minimum Stall Dimensions. A standard parking space shall have a minimum width of nine feet and a minimum length of eighteen (18) feet. Compact stalls shall have a minimum width of eight and one-half (8 1/2) feet and a minimum length of fifteen (15) feet.

2. Compact Car Allowance. Up to thirty (30) percent of the required parking for a development may consist of compact stalls. No more than four (4) compact stalls may be adjacent to each other, and a total of eight (8) spaces head to head. Compact stalls shall be evenly dispersed throughout the parking area and clearly identified with permanent marking on the pavement as approved by the City Engineer and Community Development Director.

3. Minimum Aisle Width. Two-way drive aisles shall have a minimum width of twenty four (24) feet where providing access to spaces at a ninety (90) degree angle to the drive aisle, and twenty (20) feet in width where spaces are at angles of seventy (70) degrees or less to the drive aisle. One-way drive aisles shall have a minimum width of twenty (20) feet where providing access to spaces at a ninety (90) degree angle to the drive aisle. Where spaces are at angles of seventy (70) degrees or less to the drive aisle, the standards for aisle width in the following table shall apply:

TABLE 1

Parking Angle	Minimum One-Way Aisle Width
50 degrees or less	15'
55	16'
60	17'
65	18'
70	19'



4. Driveways and Turnarounds. Except for a single family dwelling, groups of more than three (3) parking spaces shall be provided with adequate aisles and/or turnaround areas so that all vehicles may enter the street in a forward manner. These parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and which shall be clearly and permanently marked and defined.

a. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of fourteen (14) feet for their entire length and width except that such clearance may be reduced in parking structures.

b. For the purpose of loading and unloading children, one-way driveways with a continuous forward flow design shall be located on the site of schools and daycares with a capacity of fifty (50) children or greater.

F. Wheel Stops. Wheel stops, a minimum of two (2) feet from the end of the parking stall or any obstruction, shall be required in the following locations.

1. Where the parking stall abuts a building or where vehicles may overhang a property line;
2. Where the parking stall abuts a raised pedestrian walkway of less than eight (8) feet in width;
3. Where a parking stall abuts a pedestrian walkway that is not raised.
4. Where a parking stall abuts any physical object that may be impacted, such as light standards, fire hydrants fences, power vaults, utility poles, etc.
5. Where a hazardous grade difference exists between the parking area and the abutting property;
6. Where hazardous situations may exist as determined by the City Engineer or Community Development Director.

G. Parking Structures. Multiple level parking structures developed either as a single use structure or as parking incorporated into a structure shall be designed and laid out in accordance with the dimension and numeric requirements of this section.

H. Unit of Measurement.

1. Where stationary, immovable seating is used by patrons or spectators in places of assembly, each twenty (20) inches of width of bench, pew, or other seating shall count as one (1) seat for the purpose of determining requirements of off-street parking facilities under this section.
2. Where removable or temporary seating is used by patrons or spectators in places of assembly, fifty (50) square feet of open area where such seating facilities could be located shall count as one (1) seat for the purpose of determining requirements of off-street parking facilities under this section.
3. Where seating and/or uses may be unique or unusual, in the opinion of the Community Development Director, a parking study may be required to determine usage of a facility and associated parking demand.

I. Parking Plan. Where off-street parking is required, except for a single-family dwelling, a parking plan, indicating how the off-street parking and loading requirement is to be provided, shall accompany the application for a project permit. The plan shall show all those elements necessary to indicate that these requirements to be fulfilled including but not limited to:

1. Delineation and dimensions of individual parking spaces, both regular and compact spaces, and loading and unloading areas;
2. Dimensions of circulation and maneuvering areas necessary to serve spaces;
3. Access to streets, alleys, and properties served;
4. Curb cuts and curb placement;
5. Dimensions, continuity and substance of landscaping and screening;
6. Grading, drainage, surfacing and subgrading details;
7. Delineation of all structures or other obstacles to parking, circulation and visual clearance on the site;
8. Specifications as to location of signs and wheel stops;
9. Sidewalks and pedestrian pathways
10. Vision clearance areas for all points of ingress and egress.

J. Americans with Disabilities Act (ADA). Accessible parking for persons with disabilities shall be provided consistent with state and federal regulations.

K. Landscaping Requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.50.400, Landscaping.

L. Community Design Requirements. Parking areas shall meet the applicable parking, landscaping and community design requirements of LMC 18A.50.200, Community Design.

Section 10. 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.

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 11. That Section 18A.50.675 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.50.675 - Nonconforming Signs

A. Any sign which does not conform to the sign standards within this chapter, for which a permit was issued by Pierce County prior to February 28, 1996, and which was constructed, erected, and maintained in compliance with applicable Pierce County regulations shall be regarded as a legal non-conforming sign; excluding those signs that are prohibited under LMC, 18A.50.620, Prohibited Signs.

B. Nonconforming Sign Permits.

1. A permit is required for each legal nonconforming sign within the city of Lakewood.
2. The permit shall include the necessary information pertaining to the nonconforming status of the sign for administrative tracking, public notice,

amortization (if applicable), and removal of the sign in accordance with this title.

3. All property owners, lessors, or businesses with control of a nonconforming sign within the city shall obtain a nonconforming sign permit for each nonconforming sign within ninety (90) days of notification by the City of Lakewood.

4. No fee shall be charged for required nonconforming sign permits which are obtained within ninety (90) days of notification by the City of Lakewood. Owners of signs who have not obtained the required permit prior to the stated deadline shall be assessed a permit fee for administration of the permit.

5. Changes to nonconforming signs, as allowed pursuant to this title, shall be permitted by documenting the nature and extent of the change on a nonconforming sign permit.

C. Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this title, excluding the, repair, and/or restoration of a sign to a safe condition. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.

D. All nonconforming signs not exempted by subsection E below shall be removed or modified to conform with ~~the new current~~ sign standards no later than December 31, 2005. A sign permit shall be obtained for any sign modifications necessary to bring signs into conformance. Pursuant to subsection C, all non-conforming signs required to be modified or replaced by this section shall be brought into full compliance with the provisions of this code. ~~In addition, nonconforming signs shall be removed or brought into conformance prior to December 31, 2005, under the following conditions:~~

- ~~1. In conjunction with any administrative use permit, conditional use permit, variance, or subdivision application related to the property on which it is located.~~
- ~~2. Prior to a change in use, or expansion or alteration greater than twenty-five (25) percent of the existing value of the structure containing the use to which the sign is accessory.~~
- ~~3. Within ninety (90) days of the demolition or destruction, greater than twenty-five (25) percent of the building's appraised value, of the building containing the use to which the sign is accessory.~~
- ~~4. Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds twenty-five (25) percent of the cost of replacing the sign with a conforming sign. The Building Official may require that such sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.~~
- ~~5. Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds twenty-five (25) percent of the cost of replacing the sign with a conforming sign.~~

~~6. Upon notice by the City that the sign constitutes a traffic hazard not created by the relocation of streets or highways or the result of acts by the City.~~

E. Signs for which permits were issued by Pierce County prior to February 28, 1996, if they are within 25 percent of the height and area requirements of the current sign standards as of the effective date of this Ordinance, shall be exempt from the provisions of subsection D above. In addition, any sign erected pursuant to a valid sign permit issued by the City of Lakewood at any time since incorporation of the City shall be exempt from the provisions of subsection D above. These exemptions shall not apply to any sign listed as a prohibited sign. If the removal of a non-conforming sign is subject to compensation by the City pursuant to RCW 47.42, the Highway Scenic Control/Scenic Vistas Act, an exemption may be provided for said sign at the discretion of the City Manager.

F. In addition to the provisions of subsection D, all nonconforming signs not exempted by subsection E shall be removed or brought into conformance prior to December 31, 2005, under the following conditions:

1. In conjunction with any administrative use permit, conditional use permit, variance, subdivision, change in use, or building permit application for an expansion or alteration (including new structures) on the property on which the sign is located, where the cost of the expansion, alteration, or new construction is greater than twenty-five (25) percent of the value of the existing structure(s) on the site. This calculation shall include cumulative value, adjusted for inflation, of all expansions, alterations, and new construction initiated since incorporation of the City.

2. Within ninety (90) days of the demolition or destruction of any portion of a building containing the use to which a non-conforming sign is accessory, where the value of that portion of the building is greater than fifty (50) percent of the appraised value of the entire building

3. Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign. The Building Official may require that such sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.

4. Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign.

5. Upon notice by the City that the sign constitutes a traffic hazard not created by the relocation of streets or highways or the result of acts by the City.

~~E. G.~~ Any signs not removed within the time limit specified in "D" above, or as otherwise ordered by the City shall be deemed a public nuisance, subject to

the removal provisions of this chapter, and shall be removed by the City if the sign owner or property owner fails to do so after being so ordered by the Community Development Director. Costs, including administrative and indirect costs, of said removal shall be borne by the sign and/or property owner and may be recovered by the City, if necessary, by placing a lien on the property from which the sign has been removed.

F. H. Amortization. To ease the economic impact of this code on businesses with legal nonconforming signs subject to removal under subsection D, ~~this section provides~~ code has provided for a limited period of use for a nonconforming sign in its existing state. During this period, it is expected that the sign will be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment shall be accorded signs in new areas annexed to the City.

Section 12. That Section 18A.70.250 of the Lakewood Municipal Code, be and the same is hereby amended to read as follows:

18A.70.250 - Performance Standards - Home Occupations

The following performance standards prescribe the parameters under which home occupation activities may be conducted when incidental to a residential use. Activities that exceed these performance standards are subject to Chapter 18A.20, Use Types and Levels, to determine the appropriate Civic, Commercial, or Industrial use category that applies to the activity.

A. General Standards. The following standards apply to all home occupation activities within the city of Lakewood:

1. A home occupation permit shall be obtained for each home occupation and for each property on which a home occupation is undertaken.
2. A City business license shall be obtained and maintained for each home occupation, which clearly indicates each property on which a home occupation is undertaken.
3. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
4. All the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).
5. No modification shall be made to the dwelling to establish or operate the home occupation that would cause it to resemble anything other than a dwelling.
6. There shall be no more than three (3) deliveries per week to the residence by suppliers, including postal and parcel delivery services but excluding regular mail service.
7. Traffic generated by a home occupation shall not exceed eight (8) vehicular trips per day associated with the home occupation, including deliveries and client-related trips.

8. Sales, either retail or wholesale, shall be limited to mail order and telephone sales with off-site delivery.
9. Services to patrons shall be arranged by appointment or provided off-site.
10. Utility demand for sewer, water, electricity, garbage or natural gas shall not exceed normal residential levels.
11. Equipment or operation processes shall not be utilized which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense or irritation to neighboring residents.
12. The home occupation(s) shall not use electrical or mechanical equipment that results in:
  - a. A change to the fire rating of the structure(s) used for the home occupation(s);
  - b. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
  - c. Fluctuations in line voltage at or beyond the property line.
13. There shall be no storage, distribution and/or production of toxic or flammable materials, nor spray painting or spray finishing operations that involve toxic or flammable materials which, in the judgement of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. An applicant shall make available the Material Safety Data Sheets, listing all potentially toxic and/or flammable materials associated with the home occupation, to the Fire Marshal if requested for review.
14. Bed and Breakfast facilities shall be classified as a "Lodging- Level 1" commercial use type, and are subject to the requirements of LMC 18A.70.900.
15. Where home business use areas exceed 500 sq. ft., such areas may be subject to the area separation requirements of Section 302.4 of the Uniform Building Code, or any applicable succeeding building code.

B. Standards for Limited Home Occupations. One (1) or more home occupations may be conducted in a residential dwelling as an accessory use or uses, excepted as prohibited in LMC 18A.70.240, Prohibited Activities, provided that the limited home occupation(s) shall:

1. Not have any employee, volunteer or other person engaged in the commercial activity on the site, other than residents of the dwelling.
2. Be operated in its entirety within the principal dwelling or accessory structure.
3. Not have a separate entrance from outside the building.
4. Not use any mechanical equipment except that which is used normally for purely domestic or household purposes.
5. Not utilize more than twenty-five (25) percent of the total floor area of the living space of the dwelling. Areas within attached garages, unfinished basements and storage buildings shall not be considered living space for purposes of calculating allowable home occupation area but may be used for storage of goods or other activities associated with

the limited home occupation.

6. Not show any evidence that a business is being conducted from the premises.
7. Not have any exterior signage that identifies the property as a business location.
8. Not allow clients or customers to visit the premises for any reason.
9. Not have any exterior storage of materials.

C. Standards for Home Occupations. One (1) or more home occupations may be conducted in a Single-Family Residential Detached Dwelling use type as an accessory use or uses, excepted as prohibited in LMC 18A.70.240, Prohibited Activities, provided that the home occupation(s) shall:

1. Be operated by a resident of the property on which the business is located.
2. Not have more than one (1) full or part-time employee, other than residents of the dwelling, on the site at any one time.
3. Be operated within the dwelling or other accessory buildings normally associated with uses permitted in the zone in which the property is located.
4. Not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
5. Comply with all conditions imposed pursuant to LMC 18A.10, Discretionary Permits, Administrative Use Permits.
6. Have one (1) parking space per employee provided on the same parcel of land, in addition to that parking required for the dwelling.
7. Not park or store more than one (1) commercial vehicle on site . Parking for said vehicle shall be provided in accordance with the requirements of LMC 18A.50.150, Parking of Commercial Vehicles Accessory to Residential Uses.
8. Store all materials, parts, tools and other equipment used in the operation of the home occupation entirely within the dwelling or accessory building.
9. Comply with building, land use and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
10. Limit manufacturing to the small-scale assembly of already manufactured parts but shall not preclude production of small, individually hand-crafted items, furniture or other wood items as long as the activity meets the other standards of this section.
11. Prohibit customers or clients on the premises prior to 9 AM and after 7 PM on Mondays through Fridays, and prior to 11 AM and after 5 PM on weekends and state or federal holidays.
12. Prohibit more than two (2) customers or clients on the premises at any one time.
13. Limit the home occupation activity to forty (40) percent of the gross floor area of the residence, including garages and unfinished basements, and accessory buildings; or two thousand (2,000) square feet, whichever is less.
14. Meet the signage requirements of LMC 18A.50, 600, Signs.

Section 13. That a new Section 18A.70.900 of the Lakewood Municipal Code, be



and the same is hereby added to read as follows:

18A.70.900 – Bed and Breakfast Facilities

18A.70.910 – Purpose

The purpose of the bed and breakfast regulations are to allow for the provision of limited commercial transient lodging facilities as an accessory and subordinate use of a single family residence located in single-family residential neighborhoods, while at the same time ensuring that such facilities are compatible and do not adversely affect the residential character of the area and surrounding residences.

18A.70.920 Applicability.

Bed and breakfast facilities are allowed in Single-Family Residential zoning districts upon the issuance of an administrative use permit, and subject to the requirements of this chapter.

18A.70.930 Requirements for Bed and Breakfasts.

- A. Rooms. No more than five (5) rooms/units may be offered for rent in a bed and breakfast facility. Facilities with more than five (5) rooms/units for rent shall be classified as a Lodging- Level 3 commercial use type.
- B. Parking. A minimum of one off-street parking space shall be provided for each lodging room included in the bed and breakfast facility, plus two parking spaces for the principal residents of the dwelling. One additional off-street parking space shall be provided if any non-resident employees are involved in the operation of the facility.
- C. Applicable Codes. The bed and breakfast facility shall be subject to compliance with all applicable Federal, State and/or local requirements. Facilities with three or more rooms offered for rent are considered transient lodging facilities and are subject to the provisions of Chapter 70.62 RCW and 246.360 WAC.
- D. Employees. No more than two (2) non-resident employees may be employed at the bed and breakfast facility, excluding domestic service providers (gardeners, repairmen, etc.), and temporary workers (such as caterers, valets etc.) retained for special events. The owner and operator of the facility shall reside on-site.
- E. Conditions. As part of the administrative use permit process, the Community Development Director may impose additional conditions on the bed and breakfast facility in order to mitigate potential impacts that the operation might create for the surrounding neighborhood. Such conditions may include restrictions on special events involving persons other than overnight guests of the bed and breakfast that would disrupt the peace and quiet enjoyment of the residential area in the vicinity of the facility.
- F. Signage shall conform to the standards set forth in LMC 18A.50.600.
- G. Meals shall be provided only to residents and overnight guests, or in conjunction with permitted special events, subject to the requirements of WAC 246-215-180.

Section 14. 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 15. 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 6<sup>th</sup> day of October, 2003.

CITY OF LAKEWOOD

\_\_\_\_\_  
Bill Harrison, Mayor

Attest:

\_\_\_\_\_  
Alice M. Bush, CMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney