

# Ordinance No. 00392

[Council meeting minutes of September 19 2005](#)

## ORDINANCE NO. 392

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a new section 18A.02.837 to the Lakewood Municipal Code and amending Lakewood Municipal Code sections 18A.30.540, 18A.30.550 and 18A.50.241, creating and modifying Land Use and Development Code sections related to residential nonconformities, TOC and C1 zoning districts, and design standards for development projects located adjacent to highways

WHEREAS, pursuant to the Washington State Growth Management Act of 1995, the City of Lakewood adopted a Comprehensive Plan in July of 2000 and a Land Use and Development Code (Chapter 18A of the Lakewood Municipal Code) in August of 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, specifically, the Community Development Director suggested a new nonconformities section of the Land Use and Development Code to permit limited expansion of existing multi-family residential uses in single-family residential zoning districts; and, WHEREAS, the City's Economic Development Administrator suggested specific amendments to the TOC and C1 zoning districts to allow larger scale motor vehicle sales and rental upon the issuance of an administrative or conditional use permit; and, WHEREAS, the Community Development Director has suggested specific amendments with regard to design standards for development projects adjacent to highways; and, WHEREAS, these suggestions were brought before the City's Planning Advisory Board for discussion at a duly-noticed public hearing on July 20, 2005, to receive and consider public testimony and to discuss said proposed code changes; and, WHEREAS, the City Council does hereby adopt the Planning Advisory Board's findings and recommendation that the proposed changes to the Land Use and Development Code have merit, that the proposed changes are consistent with the adopted Lakewood Comprehensive Plan, and as shown in a staff report submitted in conjunction with this Ordinance that the proposed amendments have been evaluated according to and are consistent with the standards and criteria listed in LMC 18A.02.415. NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. That the Lakewood Municipal code be amended to include a new section, section 18A.02.837, that will read as follows:**

18A.02.837 - Limited Expansion of Multi-Family Residential Dwelling Units in Single Family Residential Zoning Districts

The owner of a property containing multiple dwelling units in a single family residential zone may designate one of the dwelling units on the property as the "primary unit". This designated primary unit shall thereafter be permitted to be expanded, notwithstanding the provisions of LMC 18A.02.855(A). Designation and expansion of the primary unit shall be subject to the following:

- A. This policy shall be administered by the Community Development Director, or the designee thereof, and shall apply only to an individual detached dwelling unit. Units attached to other dwelling units shall not generally be permitted to be designated as the primary unit, except for duplex units where duplexes are permitted by the terms of the underlying zoning district.
- B. It shall remain the policy of the City to seek the discontinuance of the non-conforming aspects of the use through attrition. The remaining units on the property shall only be permitted to remain subject to the provisions of the Lakewood Municipal Code regarding non-conforming uses.
- C. The selection and designation of the "primary unit" shall be based on the specific characteristics of the site. The designated primary unit shall generally be the largest, most prominent, or highest value unit on the property.
- D. Once selected, the "primary unit" designation shall not be transferred to another unit on the property. Documentation of the principal unit designation shall be kept on file with the City.
- E. Expansion of the primary unit shall not include any new or additional kitchen facilities or additional dwelling units, although remodeling of existing kitchen facilities may be allowed.
- F. Development of the site, including expansion of the primary unit, shall be subject to all applicable development regulations including building and impervious surface coverage, setbacks, separation between buildings, etc..
- G. The Community Development Director, or the designee thereof, may impose conditions on the designation or expansion of the primary unit to make the development of property more compatible with surrounding land uses. The Community Development Director or designee may require that specific units on the property be removed where such units are in violation of the Uniform Code for the Abatement of Dangerous Buildings, the International Property Maintenance Code, or the development standards of the zoning district in which the property is located.
- H. Any other non-conforming uses on the property shall be eliminated and removed prior to the approval of any development under this policy.

Section 2. That section 18A.30.540 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.30.540- Administrative Uses - Commercial Zoning Districts

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

A. TOC Zoning District

1. Type 2 Group Home (Level 3)
2. Motor Vehicle Sales and Rental (Level 1/2/3)

B. CBD Zoning District

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

C. C1 Zoning District

1. Government Administration Facilities (Level 3)
2. Outdoor Recreation (Level 4)
3. Postal Services (Level 2)
4. Public Maintenance Facilities (Level 3)
5. Stormwater Facilities (Level 2/3)
6. Waste Transfer Facilities (Level 2)
7. Water Supply Facilities (Level 3)
8. Convenience Commercial (Level 4)
9. Lodging (Level 2)
10. Motor Vehicle Sales and Rental (Level 2/3)
11. Motor Vehicle Service and Repair (Level 4/5)
12. Pet Sales and Service (Level 3)
13. Professional Offices (Level 3)
14. Rental and Repair Services (Level 3/4)
15. Sales of General Merchandise (Level 3/4)
16. Research, Development, and Laboratories (Level 1)

D. C2 Zoning District

1. Government Administration Facilities (Level 3)
2. Public Maintenance Facilities (Level 3)
3. Outdoor Recreation (Level 4)
4. Stormwater Facilities (Level 2/3)
5. Waste Transfer Facilities (Level 2)
6. Water Supply Facilities (Level 3)
7. Convenience Commercial (Level 4)
8. Lodging (Level 2)
9. Motor Vehicle Sales and Rental (Level 3)
10. Pet Sales and Service (Level 3)
11. Rental and Repair Services (Level 4)

**Section 3. That section 18A.30.550 of the Lakewood Municipal Code is hereby amended to read as follows:**

18A.30.550- Conditional Uses - Commercial Zoning Districts

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

A. TOC Zoning District

1. Type 3 Group Home (Level 1/2)
2. Education (Level 1/2)
3. Outdoor Recreation (Level 3)
4. Public Safety Services (Level 1)
5. Social Services (Level 3)
6. Transportation (Level 4)
7. Electrical Facilities (Level 2)
8. Pipelines
9. Stormwater Facilities (Level 2/3)
10. Water Supply Facilities (Level 2/3)
11. Flex Space (Level 1)
12. Research, Development, and Laboratories (Level 1)

B. CBD Zoning District

1. Type 3 Group Home (Level 1/2)
2. Education (Level 1/2)
3. Outdoor Recreation (Level 3)
4. Public Maintenance Facilities (Level 2)
5. Public Safety Services (Level 1/3)
6. Social Services (Level 3)
7. Transportation (Level 4)
8. Electrical Facilities (Level 2)
9. Pipelines
10. Water Supply Facilities (Level 3)
11. Amusement and Recreation (Level 4)
12. Building/Garden Supply and Nurseries (Level 4)
13. Eating and Drinking Establishment (Level 4)
14. Sales of Secondhand Property (Level 3)
15. Flex Space (Level 1)
16. Research, Development, and Laboratories (Level 1)

C. C1 Zoning District

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

- 5. Food Stores (Level 3)
- 6. Motor Vehicle Sales and Rental (Level 4)
- 7. Pet Sales and Service (Level 4)
- 8. Storage (Level 2)
- 9. Contractor Yards (Level 2)
- 10. Warehousing, Distribution, and Freight Movement (Level 3)

D. C2 Zoning District

- 1. Type 4 Group Home
- 2. Public Safety Services (Level 1/2/3)
- 3. Transportation (Level 3/4)
- 4. Pipelines
- 5. Food Stores (Level 3)
- 6. Pet Sales and Service (Level 4)
- 7. Contractor Yards (Level 2)
- 8. Industrial Services
- 9. Warehousing, Distribution and Freight Movement (Level 3)

Section 4. That section 18A.50.241 of the Lakewood Municipal Code is hereby amended to read as follows:

**18A.50.241- General and Special Uses Design Standards**

The standards of this section apply generally to development in all zoning districts.

A. Large Buildings. New buildings three (3) or more stories in height or over eight thousand (8,000) feet of gross floor area shall provide at least two (2) of the following features on those facades visible from public rights-of-way:

1. Upper story setback. To reduce the perception of bulk, one (1) or more upper stories shall be set back from the ground floor at least ten (10) feet.
2. Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Buildings within four hundred (400) feet of a public right-of-way or park and visible from that right-of-way or park shall meet the following design standards:
  - a. The maximum width, as measured horizontally along the building exterior, without building modulation shall be one hundred (100) feet for commercial buildings.
  - b. The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of twenty (20) feet.
  - c. Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.
  - d. Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.
  - e. Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.
  - f. Canopies or arcades may be used along a facade as modulation only if the facade is visible from a right-of-way and the length of the canopy or arcade is at least fifty (50) percent of the length of the facade on which it will be located.
3. Modulated roofline ? Rooflines shall be modulated by one (1) or more of the following standards:
  - a. Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
  - b. Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than one hundred (100) feet in width.
  - c. For flat roofs or facades with a horizontal eave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds one hundred (100) feet, measured horizontally for commercial buildings.
4. Building articulation with design elements such as the following, providing the interval does not exceed sixty (60) feet:
  - a. Repeat distinctive window patterns at intervals equal to the articulation interval.
  - b. Provide a porch, patio, deck, or covered entry for each interval.
  - c. Provide a balcony or bay window for each interval.
  - d. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
  - e. Change materials or colors with a change in building plane.
  - f. Provide a lighting fixture, trellis, tree or other landscape feature within each interval.
  - g. Clustering of smaller uses and activities around entrances on street-facing facades.
  - h. Massing of substantial landscaping and/or pedestrian oriented open spaces along the building facade.
  - i. A pedestrian pass-through that would access the rear of the lot through buildings over two hundred (200) feet in length.

Other design methods proposed by the project applicant subject to approval by the City. The proposed methods must satisfy the intent of the design principles in this section.

B. Siting and Screening of Service and Parking Facilities. Minimize the impacts of incompatible uses, reduce the visibility of unsightly uses and create compatible edges between business and residential uses among adjacent properties by encouraging more thoughtful siting of trash containers, service areas, private utilities apparatus and parking facilities, while balancing the need for these service uses with the desire to screen negative impacts.

1. Locate incompatible uses and intrusive site elements away from neighboring properties to reduce conflicts with adjacent uses. Service yards and loading areas shall be designed and located for easy access by service vehicles and tenants and shall not displace required landscaping, impede other site uses, or create a nuisance for adjacent property owners.
2. Landscape buffers or another form of screening shall be provided along property lines adjacent to incompatible uses. If changes in topography between the properties are sufficient to reduce impacts, then modification to some of the screening/buffer options may be allowed.
3. When visible from public streets or adjacent residential uses, chain link fencing may only be used if the chain link fencing posts, gates, couplings and fasteners are coated with a colored plastic, vinyl or decorative finish, other than paint. Barbed wire may be utilized on the top of a fence, for security purposes only. Concertina or razor wire shall not be used.
4. Integrate outdoor storage areas and loading facilities into the site design to reduce visual impact and obstruction of pedestrian and

integrate outdoor storage areas and loading facilities into the site design to reduce visual impact and obstruction of pedestrian and vehicular movement. Commercial services relating to loading, storage, trash and recycling should be located in such a manner as to optimize public circulation and minimize visibility into such facilities. Trash and recycling receptacles shall be located within enclosures and shall include covers to prevent odor and wind blown litter.

5. Service yard walls, enclosures, and similar accessory site elements shall be consistent with the primary building(s) relative to architecture, materials and colors.

6. Locate and/or screen utility meters, electrical conduit, and other public and private utilities equipment and apparatus, including transformers, fire standpipes and engineered retention ponds, except biofiltration swales, so as not to be visible from the street or adjacent properties. Building utility equipment such as electrical panels and junction boxes should be located in an interior utility room. If site utilities must be located in a front yard, they shall be either underground or screened by walls and/or landscaping, and shall not obstruct views of tenant common spaces, public open spaces, monument signs, and/or driveways.

7. Locate and/or screen roof-mounted mechanical equipment so that it blends with the architecture of the building and is not visible from the street or adjacent properties.

C. Pedestrian Weather Protection. Provide pedestrian weather protection on building entrances as follows:

1. At each primary building entry, provide weather protection in the form of an awning, canopy, marquee, building overhang or other feature that creates a covered pedestrian space that extends at least four (4) feet on either side of the entrance doors of the building and at least four (4) feet from the building wall.

2. Canopies or awnings should not extend higher than fifteen (15) feet above ground level or lower than eight and one-half (8 1/2) feet at the lowest point. Vertical height of the overhead clearance for the bottom of an awning should not be more than ten (10) feet.

3. The material and configuration of the pedestrian covering shall be reviewed by the City. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric, plastic and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings shall conform to the City's sign regulations as set forth in LMC 18A.50.600.

D. Signage. Signage should be included as an integral element of the building and site design. Sign colors and design should relate and be complementary to the architecture of the building. Individual channel letters are generally preferred over cabinet-style signs. All signs must conform to the requirements of the City's Sign Code.

E. Design Treatment of Blank Walls. Reduce the apparent size and visual impact of large plain walls through the use of various architectural and landscaping treatments.

1. All blank walls within one-hundred (100) feet and visible from a street right-of-way, park, or a residential use in a residential zone shall be treated in at least two (2) of the following methods:

a. Install a vertical trellis in front of the wall with climbing vines or similar plant materials.

b. Provide a planting bed at least five (5) feet wide or raised planter at least two (2) feet high and three (3) feet wide in front of the wall. Landscape with plant materials that obscure or screen at least fifty (50) percent of the wall surface within three (3) years.

c. Provide artwork such as mosaic, mural, decorative masonry, metal patterns or grillwork, sculpture, relief or other art, on at least fifty (50) percent of the blank wall surface.

d. Showcase, display, recessed windows.

e. Architectural features such as setbacks, indentations, overhangs, projections, articulated cornices, bays, reveals, canopies, and awnings.

f. Material variations such as colors, brick or metal banding, or textural changes;

g. Landscaped public plaza(s) with space for vendor carts, concerts and other pedestrian activities.

h. Other methods subject to City approval of architectural plans and elevations of the proposed treatments.

F. Surface Parking and Parking Structure Facilities. Coordinate parking facilities to reduce visual and traffic impacts as follows:

1. In parking facilities, the preferred location for markings and signs for individual stalls is the pavement. Parking and vehicle circulation areas shall be clearly delineated using directional signage. Limit the height of free standing or wall mounted stall signs to three (3) feet above grade, except for handicap accessible parking signs, which shall be three (3) to five (5) feet in height. Limit parking lot entrance signs to one (1) per parking area entrance. The sign shall be no more than six (6) feet in height above grade, and shall have a surface area of no more than six (6) square feet per side.

2. Screen the storage of all moveable parking lot equipment, such as barrels, saw horses, etc. from the public right-of-way.

3. Driveways shall be located to be visible from the right-of-way but not impede pedestrian circulation on-site or to adjoining properties. Parking aisles without loop access are discouraged. Driveways should be shared with adjacent properties to minimize the number of driveways and curb cuts. Vehicular circulation between adjoining properties is encouraged.

4. Minimize the size and surface area of required parking lots by:

a. Encouraging the use of shared parking facilities whenever feasible.

b. Encouraging the inclusion of underground and/or rooftop parking facilities in multi-story buildings.

c. Encouraging the development and use of parking structures and facilities; and

d. Encouraging the use of transit and ride share programs whenever possible.

5. Design parking structures, including parking floors located within commercial buildings, as follows:

a. The bulk and mass of a parking structure as seen from the right-of-way should be minimized by placing its short dimension along the street edge. The parking structure shall include active uses at the ground level such as retail, offices or other commercial uses that occupy at least fifty (50) percent of the building's lineal frontage along the right-of-way.

b. Parking structures which are part of new development shall be architecturally consistent with exterior architectural elements of the primary structure, including roof lines, facade design, and finish materials.

c. Parking structures should incorporate methods of articulation and accessory elements, pursuant to LMC 18A.50.241.A Large Buildings, and LMC 18A.50.231.A.2. Commercial Building Design, for facades located above grade.

d. Buildings built over parking should not appear to "float" over the parking area, but should be linked with ground level uses or screening. Parking at grade under a building is discouraged unless the parking area is completely enclosed within the building or wholly screened with walls and/or landscaped berms.

e. Top deck lighting on multi-level parking structures shall be architecturally integrated with the building, and screened to control impacts to off-site uses.

f. Parking structures and vehicle entrances should be designed to minimize views of parked vehicles inside the structure from surrounding streets, without sacrificing public safety. Methods to help minimize such views may include, but are not limited to landscaping, planters, and decorative grilles and screens.

g. Security grilles for parking structures shall be architecturally consistent with and integrated with the overall design. Chain link fencing is not permitted for garage security fencing.

h. A minimum of eight (8) foot wide strip of landscaping along the base of the facade pursuant to LMC 18A.50.425.A.1.a, Landscape Types, in those areas where ground level retail or other active uses are not located.

i. When curtain wall glass and steel systems are used to enclose a building, the glazing panels shall be transparent on fifty (50) percent

... when curtain wall glass and steel systems are used to enclose a building, the glazing panels shall be transparent on fifty (50) percent of the ground floor facade fronting a right-of-way or pedestrian area.

j. Transparent glazing panels shall be utilized in the construction of all elevators and enclosed stairways. Elevators and stairways shall be sited so as to maximize the visual surveillance from the surrounding streets as well from within the parking structure.

k. The parking structure shall be designed and lighted in accordance with crime prevention concepts so that personal safety risks are minimized.

G. Public Safety. Provide surveillance opportunities from buildings and public streets to promote personal safety, discourage vandalism, and contribute to property security.

1. Avoid site design features that create entrapment areas such as long enclosed corridors and opaque fences in locations with pedestrian activity. Provide more than one (1) pedestrian access route to the sidewalk from a parking lot or other enclosed area.
2. Ensure that site and building designs provide lines of sight that allow building occupants and passersby to observe on-site activities. All buildings adjacent to the street should provide visual access from the street into activities within the building. Windows, balconies, and entries overlooking parking lots, pedestrian corridors and vehicular routes will allow for informal surveillance.

H. Drive-Through Facilities. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC.

1. Drive-through windows and queuing lanes should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.
2. The queuing lane shall be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation. Painted lanes are not sufficient to separate pedestrians from vehicles.
3. Drive-through speakers or amplified music shall not be audible off-site.
4. A bypass lane to escape the queuing lane is required for all drive-through facilities.

I. Design Elements for Vendors. Stands for espresso, food, merchandise, and other outdoor vendors are subject to the following design standards:

1. The stand or cart shall be constructed of good quality, permanent materials. Tarps, bare plywood, cardboard, plastic sheeting, corrugated fiberglass or metal, or similar materials are not permitted.
2. The design, materials, and colors shall be compatible with existing features in the proposed location.
3. Awning quality shall be equal to that required for permanent buildings.
4. The size of the stand or cart shall be adequate for storage, trash containers, and other facilities. No outside storage is permitted.
5. Wiring and plumbing shall be hidden from view.
6. One (1) sign, maximum area six (6) square feet, two (2) sided, is permitted. Menus and price lists two (2) square feet and less, are not signs for the purpose of this guideline.
7. No music or drive-up speakers shall be audible off-site.

J. Transit Facilities. Provide residents and shoppers with convenient transit and pedestrian connections to work places, parks, schools and shopping by:

1. Encouraging the development of pedestrian-oriented retail and services uses in close proximity to transit facilities.
2. Encouraging the development of residential uses within walking distance of the Sound Transit commuter rail station.
3. Encouraging the development of multi-story combined uses buildings in the area around the Sound Transit commuter rail station.
4. Encouraging the connection of a variety of transit modes, such as rail, bus, park and ride, vanpool, bicycles and pedestrian, around the Sound Transit commuter rail station to create a transit hub for the City of Lakewood.

K. Development Adjacent to Highways. In new development and projects where there is an opportunity to address a property's frontage on Interstate 5 or Highway 512, the following principles should be applied:

1. Development designs, including site design, architecture, and landscaping, should pay careful attention to the project's presentation to the highway. Designs should strive to present a positive visual presentation to the highway through architectural design elements and building orientation which acknowledge the presence of the highway.
2. Signage should be sufficient for way-finding purposes, without being overly demanding of the viewer's attention. The scale and design of signage should be comparable to other signs in the vicinity. Businesses shall not try to out-compete each other for visual attention.
3. To permit other businesses to have visual access to the highway, signage should be located within the first half of the highway frontage as encountered by oncoming highway traffic.
4. Landscaping should frame views of the site, accentuating positive visual focal points and screening unsightly or visually distracting elements. If visual access to the freeway is not critical, then landscaping shall be installed that provides visual continuity and effective screening of the site as seen from the highway.
5. Avoid the placement of service and utility areas toward the highway. Use the primary structure to screen such areas from the vision of oncoming traffic on the highway.
6. Outdoor display of merchandise should be focused toward a limited, specially designated and designed area of the site. Landscaping should frame the display area, screening other areas of the site and focusing the viewer's attention to the display. Merchandise and equipment placed for display along the highway shall not exceed 20 feet in height.
7. Work with WADOT to provide complimentary landscaping within the highway right-of-way.
8. In order to establish visual continuity along the highway, fencing should be limited to vinyl coated galvanized chain link fencing for developments providing visual access to the highway, and grey colored split-face block walls for projects that do not require visual access. Fencing along the freeway shall be installed in accordance with design guidelines issued by the Washington State Department of Transportation. A coating to help allow clean-up of spray paint graffiti shall be applied to the face of the block wall.

Section 5. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be effected.

Section 6. Effective Date. This ordinance shall be in full force and effect five days after publication of the Ordinance Summary.

ADOPTED by the City Council this 19<sup>th</sup> day of September, 2005.

CITY OF LAKEWOOD

Attest:

Douglas G. Richardson Mayor

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Alice M. Bush, MMC/AEE, City Clerk  
Approved as to Form:

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Heidi Ann Wachter, City Attorney