

ORDINANCE NO. 500

AN ORDINANCE of the City Council of the City of Lakewood, Washington, making amendments to Title 14, Title 17, and Title 18A of the Lakewood Municipal 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 solicited public participation in regard to its Land Use and Development Code and has received input on the Code from citizens and project proponents; and,

WHEREAS, in accordance with the Growth Management Act goal of continuous review of planning requirements and procedures, staff 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 publicly reviewed and considered said changes; and,

WHEREAS, the Planning Advisory Board held a duly-noticed public hearing on July 15, 2009, to receive and consider public testimony on said proposed code changes; and,

WHEREAS, the Planning Advisory Board has found that the proposed code amendments will work to streamline the land-use permitting process without compromising the essential functions and mission of the Community Development Department to promote the orderly development of the City and protect its environmental resources, and;

WHEREAS, the Planning Advisory Board has found that the proposed changes to Title 14, Title 17, and Title 18A of the Lakewood Municipal 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 14.02.070.E of the Lakewood Municipal Code be amended to read as follows:

14.02.070 - Determination of Categorical Exemption

A. Any City department which receives an application for a proposal, or initiates a proposal which is potentially subject to the requirements of SEPA, shall make the following determinations:

1. Whether the proposal is an "action" as defined by WAC 197-11-704; and
2. If the proposal is an "action", whether it is categorically exempt from the requirements of SEPA; and
3. If the proposal is a non-exempt action, whether appropriate environmental review of the project has been conducted or commenced.

B. The responsible official or the responsible official's designee shall assist any department in making the determinations required by this Section, upon request by the department.

C. The City of Lakewood recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of whether a proposed project, regardless of its environmental impact, must comply with SEPA and this Chapter. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderate adverse impact on environmental quality, whether that impact is direct, indirect or cumulative, environmental review under SEPA shall be conducted.

D. It is recognized that a particular development or land use, though otherwise consistent with City regulations and policies, may create adverse impacts upon facilities, services natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments. The City shall evaluate such cumulative environmental impacts and make its environmental determinations and substantive decisions accordingly.

E. Pursuant to the provisions of WAC 197-11-800, proposed actions shall be categorically exempt from threshold determinations and EIS requirements if they do not exceed the levels of activity identified as follows:

1. The construction or location of residential structures of ~~four (4)~~ up to nine (9) dwelling units.
2. The construction of an office, school, commercial recreational, service or storage building with ~~4,000~~ up to 12,000 square feet of gross floor area.
3. The construction of an associated or separate parking lot designed for ~~twenty (20)~~ up to forty (40) automobiles.
4. Any landfill or excavation of ~~250~~ up to 500 cubic yards throughout the total lifetime of the fill or excavation.

Section 2. That Section 17.02.025 of the Lakewood Municipal Code be amended to read as follows:

17.2.025 - Applicability

Every subdivision shall comply with the provisions of Chapter 58.17 Revised Code of Washington, this Title and all future amendments or applicable Federal, State or local laws. After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions shall be allowed only if the procedures of

this Title or the short plat ordinance are first followed, and these requirements shall be applicable to all plats approved prior to the effective date of this Title. Except for the large lot division procedure specified herein, the provisions of this Title shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is one thirty-second (1/32) of a Section of land, or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a Section of land; PROVIDED, the division meets the minimum lot size zoning requirements for the area involved and provided further, that for the purpose of computing the size of any lot under this item which borders on a street or streetpublic way, the lot size shall be expanded to include that area which would be bounded by the center line of the street or streetpublic way and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent, provided that each lot shall meet all applicable minimum lot size requirements.
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan which authorizes specific uses of said land in accord with the Chapter 17.30 of this Code; PROVIDED, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the County Auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of lot, parcel, or tract; AND PROVIDED FURTHER, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW;
- E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan in accordance with City Codes.
- F. The transfer of contiguous unplatted lots if:
 - 1. The lots were created in compliance with all applicable State and City subdivision regulations in effect at the time of the creation of said lots; or
 - 2. The lots transferred and remaining lots are improved with dwellings. Provided that transfers pursuant to item 1. or 2. shall not be effective until the proponent is issued a certificate of compliance from the Community Development Department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.
- G. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, the Horizontal Property Regimes Act (Condominiums), or 64.34 RCW (the Condominium Act) if the City has approved a binding site plan for all of such land.
- H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but

not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

Section 3. That Section 17.02.035 of the Lakewood Municipal Code be amended to read as follows:

17.2.035 - Definitions

As used in this Title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- A. "Binding Site Plan" means a drawing to a scale as specified by the Community Development Department. The site plan shall:
 - 1. Identify and show the area and location of all streets, improvements, utilities, open space;
 - 2. Contain inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City Hearing Examiner or other appropriate City Department or government body having authority to approve the site plan;
 - 3. Contain provisions requiring that all development occurring within the proposal's boundaries be in conformity with the site plan.
- B. "Block" is a group of lots, tracts or parcels within well defined and fixed boundaries.
- C. "Council" means the City Council.
- D. "County Assessor-Treasurer" shall be as defined in the Pierce County Charter.
- E. "County Auditor" shall be as defined in the Pierce County Charter.
- F. "City Engineer" shall be the person appointed by the City Manager as the City Engineering Manager.
- G. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
- H. "Developer" shall mean the person, party, firm or corporation who applies for approval of a subdivision, short plat or large lot subdivision.

- I. "Examiner" means the land use hearing examiner who is herein authorized to approve subdivisions, and hear appeals on short subdivisions and large lot divisions.
- J. "Final Plat" is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals one hundred feet (1" = 100') unless approval of another scale is given by the Community Development Director, on standard 18" x 24" sheet size, prepared for filing for record with the County Auditor and containing all elements and requirements set forth in State law and in this Title.
- K. "Geological Hazard" means any hazard caused by natural or artificial causes which may damage persons or property and which would include but not be limited to slides, slippage or instability of earth, rock and soil.
- L. "Improvement" shall mean any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, and storm drainage containment facilities.
- M. "Large Lot Divisions" means any number of divisions of land into lots, tracts or parcels for any purpose, the smallest lot size of which is five (5) acres or larger or one-one hundred twenty-eighth (1/128) of a Section or larger, except those divisions exempted by Section 17.02.010 of this Code.
- N. "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
- O. "Model Home." A model home for the purpose of this Code shall be defined as a dwelling in accordance with the City Zoning Code.
- P. "Original Tract" means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership and the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including the applicant or applicants; PROVIDED, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.
- Q. "Planning Agency" means the City Community Development Department together with the Planning Commission.
- R. "Planning Commission" means that body as defined in Chapter 35A.63 RCW as designated by the Council to perform a planning function, or if the Council does not appoint a Planning Commission, the Council shall act as the Planning Commission.
- S. "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- T. "Preliminary Plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be

applicable to the subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

- U. "Reserved Street Area" means a defined area of land within the short plat or subdivision which is required by the City Engineering Manager to be reserved for a future street, and said area shall be dedicated to the City at the time of approval, but the street need not be constructed by the applicant or developer until such time as stated in the ordinance. Setbacks shall be established as if the reserved street area were dedicated.
- V. "Short Plat" is the map or representation of a short subdivision.
- W. "Short Subdivision" is any voluntary or involuntary division or redivision of land into ~~four (4)~~ nine (9) or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease or transfer of ownership.
- X. "Subdivision" is any voluntary or involuntary division or redivision of land into ~~five (5)~~ ten (10) or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership except as provided in Subsection M. of this Section.

Section 4. That Section 17.22.010 of the Lakewood Municipal Code be amended to read as follows:

17.22.010 - Applicability

Every short plat and short subdivision shall comply with the provisions of this Chapter.

A. Exemptions. The provisions of this Chapter are not applicable to the following:

1. All exemptions listed in Section 17.02.010.
2. Deed releases, for the purpose of obtaining building financing, provided that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.
3. Divisions which were surveyed in accordance with the Survey Recording Act and are recorded with the Auditor prior to August 13, 1974.
4. Up to four Model Homes may be established on a single tract of land without short platting provided the City has approved a preliminary subdivision which includes the specific lots upon which the Model Homes are to be located.
5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.
6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.
7. Any division or divisions of land for the sole purpose of enabling the City or other public agency to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

B. The entire original tract (except adjacent platted or short platted land) shall be included

within one short plat application.

C. Further divisions. Land within a short subdivision shall not be further divided in any manner for a period of five (5) years from the date said approved short plat is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided, except that when the short plat contains fewer than ~~four~~ nine parcels, the owner who filed the short plat may file an alteration with the five (5) year period to create a total of up to ~~four~~ (4) nine (9) lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

Section 5. That Section 17.38.030 of the Lakewood Municipal Code related to boundary line adjustments be amended to read as follows:

17.38.030 - Application

A. Applications for boundary line adjustments shall be made on forms provided by the City Community Development Department and shall be submitted to the Community Development Department with one original Mylar (may be deferred) and five paper copies of a ~~Mylar~~ plan signed and stamped by a professional land surveyor, drawn to scale with accurate dimensions, clearly showing the following information:

1. The proposed lines for all affected lots, indicated by heavy solid lines;
2. The existing lot lines proposed to be changed, indicated by heavy broken lines;
3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;
4. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as Parcel A, Parcel B, etc.;
5. The position of Rebar and caps set at each new property corner;
6. All parcel numbers of affected lots;
7. The location of the property to Quarter/Quarter Section;
8. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
9. The area and dimensions of each lot following the proposed adjustment;

10. The existing, and if applicable, proposed future method of sewage disposal for each affected lot.

B. Zoning Designations shall follow boundary lines of separate lots and parcels. Where a zoning map or comprehensive plan map appears to reflect a division of a separate lot or parcel into two zoning districts, the zoning district covering the majority of the lot or parcel shall control and shall be the zoning district for the entire parcel.

C. Where a boundary line adjustment is sought to facilitate development of the affected property, the City shall be entitled to require compliance with the subdivision, zoning, and site development standards of the City as a condition of approval of the boundary line adjustment.

D. The total change(s) in lot size resulting from one or more boundary line adjustments shall not produce a lot smaller than the minimum developable lot size for the zoning district in which the lot is located as of the time of the completion of the boundary line adjustment(s); ~~nor shall such boundary line adjustment(s) produce a cumulative enlargement of any lot or parcel by more than 25% of its size as of February 28, 1996 unless the boundary line adjustment as well as the resulting zoning, comprehensive plan and mapping changes have been approved by the City Council and adopted through appropriate Ordinances.~~

~~E. Where a boundary line adjustment is sought to facilitate development of the affected property, the City shall be entitled to require compliance with the subdivision, zoning, and site development standards of the City as a condition of approval of the boundary line adjustment.~~

~~F. The total change(s) in lot size resulting from one or more boundary line adjustments shall not produce a lot smaller than the minimum developable lot size for the zoning district in which the lot is located as of the time of the completion of the boundary line adjustment(s); nor shall such boundary line adjustment(s) produce a cumulative enlargement of any lot or parcel by more than 25% of its size as of February 28, 1996 unless the boundary line adjustment as well as the resulting zoning, comprehensive plan and mapping changes have been approved by the City Council and adopted through appropriate Ordinances.~~

~~G~~E. Record of Survey for Boundary Line Adjustments.

1. The Mylar shall be titled on the top of the page, in large capital letters, as follows:

*RECORD OF SURVEY FOR
BOUNDARY LINE ADJUSTMENT*

2. A note shall be placed on the Mylar that reads as follows:

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION.

APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.

3. All requirements of Chapter 58.09 RCW and 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads as follows:

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND 332-130 WAC.

HF. Boundary line adjustment applications shall be submitted to the Community Development Department with a preliminary title report on forms approved by that Department with liability for errors not to exceed the value of the affected lots, as determined by the assessed value on the date of approval. The preliminary title report shall set forth all persons having an interest in the lots affected by the boundary line adjustment. The preliminary title report must be dated no more than 30 days prior to application and must be updated to the date of boundary line adjustment approval, without cost to the City.

IG. The Mylar for recording in the Auditor's Office shall contain all survey information required for a Record of Survey under the "Survey Recording Act", Chapter 58.09 RCW and 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:

<p><u><i>SURVEYOR'S CERTIFICATE</i></u></p> <p><i>This map correctly represents a survey made by me or under my direction in conformance with the requirements of Survey Recording Act at the request of _____ on _____, 20__.</i></p> <p><i>Certificate Number</i></p> <p><i>Surveyor</i></p>
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COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director

Date

CITY ASSESSOR-TREASURER

I hereby certify that all state and city taxes heretofore levied against the property described hereon, according to the books and records of my offices, have been fully paid.

Deputy Assessor/Treasurer

Date

Reviewed for Segregation

Deputy Assessor/Treasurer

Date

H. A Free Consent Statement, as shown below, shall be inked on the Mylar. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property. Owners' names shall also be lettered below the signatures.

The undersigned agree that the boundary line adjustment set forth herein is made ~~Black Ink~~ with the free consent and in accordance ~~Seal~~ with the desires of the owners.

(Black Ink Seal. Paper Press Seals Will Not Be Accepted)

Notary Seal

I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and seal this ___day of___ , 20__.

_____, *NOTARY PUBLIC*, in and for the State of Washington, residing at_____.

K. An application for a boundary line adjustment shall be accompanied by a non-refundable Planning review fee as set forth in separate Resolution.

Section 6. That Section 18A.10.500 of the Lakewood Municipal Code be amended to read as follows:

Temporary Use Permits

18A.10.510- Purpose - Temporary Use Permits

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

18A.10.520- Permitted Uses - Temporary Use Permits

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

~~A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain; subject to all applicable provisions of LMC 17.42.040.~~

~~B. Contractor's office, storage yard and equipment parking and servicing on or adjacent to the site of an active construction project.~~

~~C. A. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.~~

~~D. Indoor or outdoor art and craft shows and exhibits.~~

~~E. B. Christmas tree sales lots, flower stands, and similar seasonal sales facilities limited to location on non-residential lots in commercial or industrial zoning districts. Specific facilities that are reestablished on the same site and at the same intensity every year may be reauthorized as a minor amendment to the original permit.~~

~~F. C. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.~~

~~G. Indoor or outdoor special sales, including swap meets, flea markets, parking lot and sidewalk sales, warehouse sales or similar activities, limited to locations on non-residential lots in commercial or industrial districts, and when operated not more than ten (10) days in the same month, unless otherwise permitted by the City.~~

~~H. D. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the intended use is permitted.~~

~~I. E. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, permitted in commercial or industrial zoning districts only.~~

~~J. F.~~ Neighborhood or community garage or rummage sales, block parties, parades or holiday celebrations, and other similar neighborhood or community activities. The Community Development Director may exempt certain fund-raising or other activities by non-profit organizations from the permit requirements of this section where it is determined that the proposed activity is not likely to have adverse impacts on surrounding land uses or the community in general.

~~K. G.~~ The Community Development Director may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of this section.

Section 7. That a new Section 18A.10.525 be added to the Lakewood Municipal Code to read as follows:

18A.10.525 Exemptions- Temporary Use Permits

The following temporary uses, activities and structures may be exempted from the requirement to obtain a temporary use permit upon the determination by the Community Development Director that the use, activity or structure is expected and/or normal or customary for the facility or property where it is occurring, and that the expected impacts of the use, activity or structure have been anticipated or are regulated directly by other sections of this code:

- A. Model homes or apartments and related real estate sales and display activities located within a subdivision or residential development to which they pertain, subject to all applicable provisions of LMC 17.42.040.
- B. Indoor or outdoor art and craft shows and exhibits, swap meets and flea markets, limited parking lot and sidewalk sales and displays, warehouse sales and similar activities limited to locations on properties in commercial or industrial districts, where such activities have been anticipated and/or are considered customary for the facility, and which do not result in significant impacts on adjacent public and private properties and are conducted by the business licensed for the property. Parking lot sales that displace or interfere with required off-street parking shall require a temporary use permit.
- C. Contractor's office, storage yard and equipment parking and servicing on or adjacent to the site of an active construction project; provided that the Director may require a temporary use permit or condition such facilities to resolve site specific issues. This exemption does not include caretaker quarters or other residential uses or dwellings, which are otherwise regulated.
- D. The Director may authorize automatic or abbreviated renewal provisions for any temporary use permit. Such provisions shall be specified in the terms of the

original permit.

Section 8. That Section 18A.20.400 of the Lakewood Municipal Code be amended to read as follows:

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

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

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

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

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

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

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

Level 1: Home-based day care for up to twelve (12) children or adults.

Level 2: Daycare centers serving children or adults that provide services for periods of less than twenty-four (24) hours that are not based from a home.

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

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

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

D. Essential Public Facilities. Under the state Growth Management Act, essential public facilities include those facilities that are typically difficult to site such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; state and local correctional facilities; solid waste handling facilities; and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. For the purposes of and within this title, essential public facilities are treated as listed or substantially similar to listed use types, thereby affirming their siting in appropriate areas; except as applied to public lands, where they are liberally construed to include a broad array of public services. Essential public facilities do not include wireless telecommunications facilities.

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

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

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

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

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

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

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

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

H. Outdoor Recreation. Recreational areas and recreation facilities which primarily are owned or operated by public or non-profit entities for the use and

enjoyment of the general public. Examples include neighborhood parks, community parks, regional parks, waterfront parks, open space, arboretums, small or special landscaped areas, community and “pea patch” gardens, fairgrounds, zoos, and swimming pools. In some cases, such areas and facilities may be incidental to private development, such as open space set-asides necessary for environmental mitigation and children’s play areas (“tot lots”) within a subdivision; are intended to be principally used by a finite group; and may constitute private property.

Level 1: Natural open space and passive recreation. Protected open space areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.

Level 2: Neighborhood-scale active recreation and limited accessory structures. Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size; open sports fields two (2) acres or less in size, with no spectator seating; improved trail systems; paved multi-use areas and bridle trails within defined park areas; ranger stations; public restrooms; playground equipment; sports equipment, including swimming pools, for neighborhood use; and picnic tables and shelters.

Level 3: Parks and playgrounds from two (2) to twenty (20) acres in size; multi-use linear trails; open sports fields with unenclosed seating for up to four hundred (400) spectators; swimming pools for community or regional use; public and private outdoor recreational facilities such as golf courses and associated driving ranges, equestrian clubs, and marinas; and arboretums and community gardens more than two (2) acres in size.

Level 4: Parks and playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities.

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

Level 1: Postal facilities serving neighborhoods, such as contract stations or branch offices.

Level 2: Central or main postal facilities which process mail and provide full customer services.

Level 3: Terminal postal processing facilities which provide no or limited customer services.

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

Level 1: Indoor maintenance and storage facility not exceeding three thousand (3,000) gross square feet. Outdoor storage of equipment, materials, or vehicles and vehicle maintenance is prohibited.

Level 2: Indoor maintenance and storage facility not exceeding five thousand (5,000) gross square feet with outdoor storage not exceeding two thousand (2,000) gross square feet.

Level 3: City-wide or regional maintenance and storage facility exceeding five thousand (5,000) gross square feet and/or exceeding two thousand (2,000) gross square feet of outdoor storage.

K. Public Safety Services. Public safety and emergency services such as police and fire stations; animal control facilities, such as an animal shelter or Humane Society facilities; and correctional facilities. This use type may include accessory dispatch facilities but does not include stand-alone dispatch facilities (“com centers”) that, by their nature, provide service to multiple jurisdictions or entire regions, which shall instead be treated as a Level 3 Communication Facilities Utilities use type.

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

Level 2: Animal control services.

Level 3: City correctional facilities.

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

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

Level 1: Establishments ~~which serve primarily the immediate neighborhood in which they are located and~~ where the principal place of assembly does not exceed five thousand (5,000) gross square feet.

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

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

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

Level 1: Establishments which are accessory to a primary Community and

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

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

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

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

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

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

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

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

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

Section 9. That Section 18A.30.650 of the Lakewood Municipal Code be amended to read as follows:

18A.30.650- Conditional Uses - Industrial Zoning Districts

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

A. Industrial Business Park (IBP)

1. Outdoor Recreation (Level 4)
2. Public Maintenance Facilities (Level 3)
3. Public Safety Services (Level 1/2)
4. Transportation (Level 4)
5. Electrical Generation Facilities
6. Sewage Treatment Facilities
7. Stormwater Facilities (Level 3)

- 8. Amusement and Recreation (Level 4)
- 9. Contractor Yards (Level 2)
- 10. Warehousing, Distribution, and Freight Movement (Level 3)

B. Industrial 1 (I1)

- 1. Outdoor Recreation (Level 4)
- 2. Public Safety Services (Level 3/4)
- 3. Transportation (Level 4)
- 4. Electrical Generation Facilities
- 5. Organic Waste Processing Facilities (Level 1/2/3)
- 6. Sewage Treatment Facilities
- 7. Stormwater Facilities (Level 3)
- 8. Waste Disposal Facilities (Level 1/2/3/4)
- 9. Waste Transfer Facilities (Level 4)
- 10. Amusement and Recreation (Level 4)
- 11. Mineral Extraction
- 12. Recycling Processor
- 13. Salvage/Wrecking Yards and Vehicle Storage Facilities (Level 1/2)

C. Industrial 2 (I2)

- 1. Public Safety Services (Level 3/4)
- 2. Transportation (Level 4)
- 3. Electrical Generation Facilities
- 4. Organic Waste Processing Facilities (Level 1/2/3)
- 5. Sewage Treatment Facilities
- 6. Stormwater Facilities (Level 3)
- 7. Waste Disposal Facilities (Level 1/2/3/4)

- 8. Mineral Extraction
- 9. Off-Site Hazardous Waste Treatment and Storage Facilities (Level 1/2/3)
- 10. Recycling Processor
- 11. Salvage/Wrecking Yards and /Vehicle Storage Facilities (Level 1/2)
- ~~10. Recycling Processor~~
- ~~11. Salvage_Yards Vehicle Storage Facilities (Level 1/2)~~

Section 10. That Section 18A.50.115.A.6 of the Lakewood Municipal Code be amended to read as follows:

18A.50.115- General Standards

A. Legally Created Lots.

- 1. Development shall be permitted only on a legally created lot.
- 2. To establish that a lot has been legally created, the applicant shall provide one (1) of the following:
 - a. A copy of a recorded formal plat, short plat, or subdivision approved by Pierce County or the City of Lakewood pursuant to RCW 58.17 or

RCW 58.16 separately describing the lot.

b. A copy of the recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot.

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

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

3. Where two (2) or more lots are used as a building site, the lots shall be legally combined to form a single lot prior to issuance of a building permit. No building permit shall be issued where the subject building, associated accessory buildings, or required improvements, other than shared access or parking facilities, cross a property line.

4. The minimum width for all lots shall be fifty (50) feet.

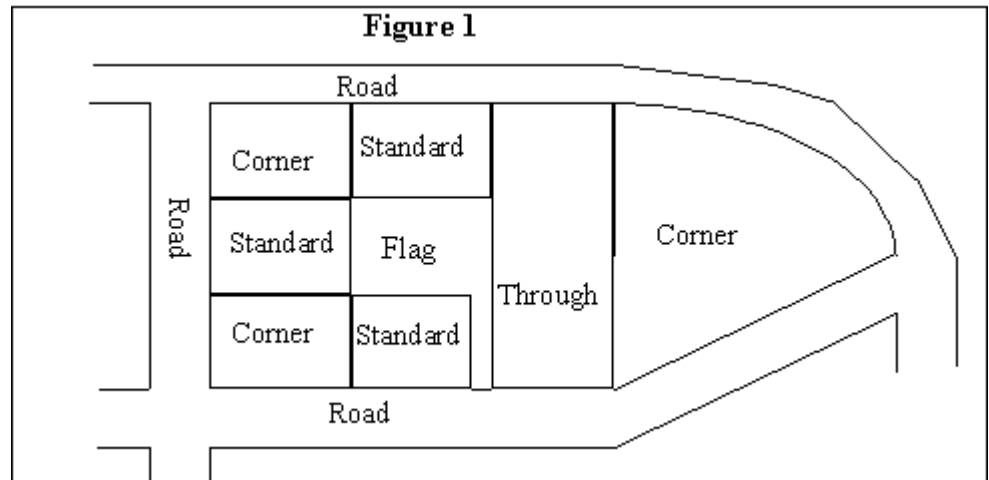
5. The minimum street frontage for all lots shall be fifty (50) feet, except flag lots and irregular lots as specified elsewhere in this section.

6. There shall be a maximum length to width ratio of four (4) to one (1) for all new lots. The Director may waive this requirement where lot configurations are limited by the circumstances of the original parcel.

7. The shape of the new lot shall conform to the general lot shapes described in this section unless the City determines that a specific topographic feature makes a standardized lot shape not feasible. In such cases, variations of general lot shapes shall be the minimum necessary to accommodate the topographic feature and shall not create extra long lots, lots with extended projections, excluding flag lots, or unusual lot shapes which make meeting development standards difficult. The presence of a topographic feature does not require the City to consider or approve variances to lot shape.

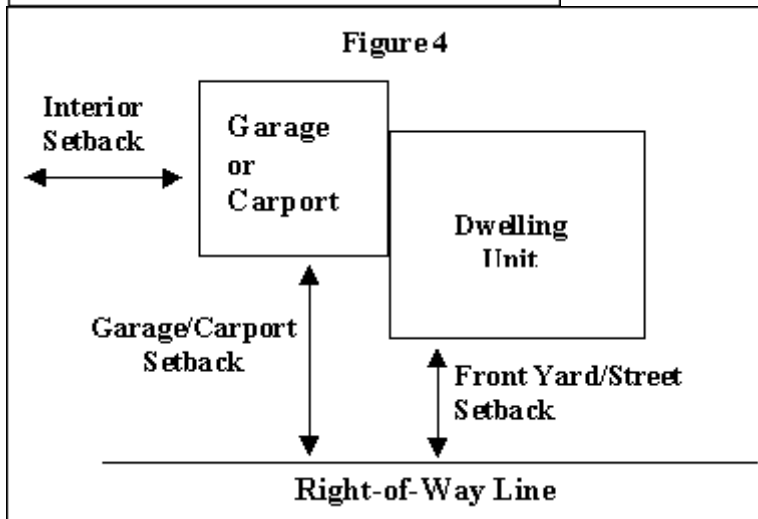
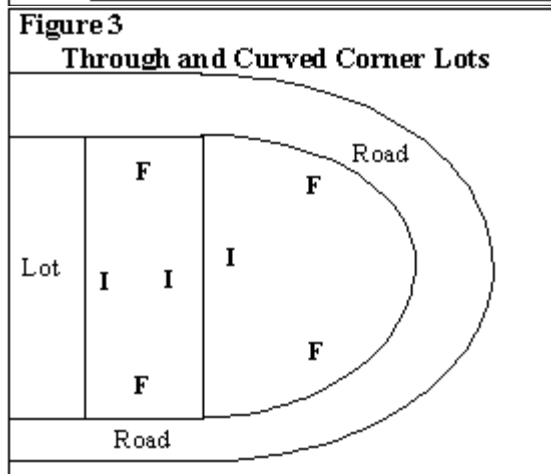
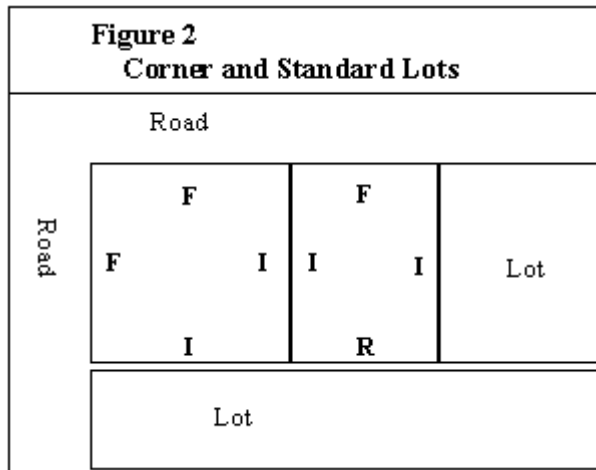
8. No land may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.

9. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) feet and nine (9) feet above the grade of the centerline of each intersecting street, and a line joining points along the street lines twenty (20) feet from the point of the intersection.



B. Setbacks and Lot Lines. Setbacks shall be measured from the property line of a lot to the wall line of a building or the exterior perimeter of a structure. A property line is a line of record bounding a lot that divides one (1) lot from another lot or from a public or private street right-of-way or any other private or public space.

1. Front lot line shall be that portion of a lot line abutting a street right-of-way.
2. Interior lot line shall be any lot line other than a front or rear lot line.
3. Rear lot line shall be that lot line opposite and most distant from the front lot line, and which runs most parallel to the front lot line.
4. Where the zoning district has a Garage/Carport setback requirement, that portion of the structure that acts as the vehicle entrance to the garage or carport portion of the structure, shall be set back from the property line as required by the zoning district to allow for vehicle parking and maneuvering.
5. All lots shall contain at least one (1) front yard setback, except flag lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots shall contain one (1) rear yard setback except for through and flag lots. All other setbacks will be considered interior yard setbacks.
6. Standard Lots. A standard lot is a lot that has only one (1) front lot line and one (1) rear lot line, and two (2) interior lot lines.
7. Corner Lots. If a lot abuts the intersection of two (2) or more street rights-of-way, a front yard setback is required abutting each right-of-way. This requirement is also applicable to a lot fronting a single right-of-way that simulates a corner lot. The minimum setbacks shall be the applicable front yard setback requirement on all sides with street frontage and the applicable interior setback on all remaining sides without street frontage.



8. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way.
9. Flag Lots. A flag lot shall have setbacks of a minimum of ten (10) feet from all property lines for both principal and accessory structures, except in R1 and R2 zoning districts where the minimum setbacks shall be fifteen (15) feet.
 - a. Flag lots in residential zones (R1, R2, R3, R4, MR1, MR2, MF1, MF2, MF3) shall have a minimum frontage of ~~fifteen (15)~~ twenty (20)

feet on a public road or street from which access is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of ~~fifteen (15)~~ twenty (20) feet in width.

b. Flag lots in non-residential zones (ARC, NC1, NC2, C1, C2, TOC, CBD, IBP, I1, I2, AC1, AC2, OSR1, OSR2) shall have a minimum frontage of twenty-four (24) feet on a public road or street from which an accessway is taken. If such frontage does not exist, an easement to a public road or street shall be a minimum of twenty-four (24) feet in width.

10. Irregular Lots. Where the shape of a lot does not generally conform to the types of lots described above, the City shall make a determination on the location of front, rear, and interior lot line, applicable setbacks and the applicable development standards for the lot.

a. In the case of triangular or otherwise irregularly shaped lots, a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered to the "rear lot line" at the City's discretion.

b. In the case of an interior or "landlocked" lot or other irregular lot that does not meet the minimum frontage required for access, the street frontage width standards shall be the same as those required for flag lots. Minimum setbacks shall be the setbacks of the zoning district in which the lot is located.

11. Projection Exception.

a. Fireplace structures, cornices, eaves, canopies, sunshades, gutters, chimneys, sills, lintels, bay or garden windows, ornamental features or similar architectural elements may project into any setback, provided such projections are:

(1) Not wider than ten (10) feet for each wall projection.

(2) Not more than two (2) feet into an interior, front, or rear yard setback.

b. Porches, decks, and other structures which do not exceed thirty (30) inches height from the finished lot grade may project into any setback, provided such projections do not extend more than three (3) feet into a front, rear, or interior yard setback.

c. Steps may project into any setback, provided such projections do not extend more than three (3) feet into the setback.

d. A wheelchair ramp may project up to half of the distance into any required setback, provided that it does not obstruct the sight distance of a driveway or a street.

12. Fences Within the Required Setbacks. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:

a. Do not obstruct the sight distance of a driveway, private street, or public street.

b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.

c. Do not exceed a maximum height of four (4) feet within the front

yard;

(1) Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and

(2) Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.

d. Are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury, except as provided for in LMC 18A.50.200, Community Design.

13. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations which is used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required yard setbacks to a maximum height of four (4) feet on front property lines and eight (8) feet on side and rear property lines, provided all applicable site distance requirements and building permit requirements are met. If more than one retaining wall is used to terrace a slope, the minimum horizontal distance between the back edge of a lower wall and the front edge of a upper wall shall be two (2) feet.

14. Setbacks from ingress/egress easements. No additional setback is required from easements.

C. Access Control.

1. Access control shall be applied, at the discretion of the City Engineer, to all street frontages to minimize traffic conflicts and where appropriate, to preserve on-street parking and promote non-motorized modes of transportation.

2. Areas for ingress and egress for automobiles shall be designed in such a manner that adequate visibility is ensured.

3. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing and required off-street parking.

D. Residential Uses

1. Adequate paved vehicular maneuvering area shall be provided in front of any residential garage or carport. The minimum depth of paving shall be twenty (20) feet from the front of the garage or carport and the minimum width shall be the total width of the garage or carport vehicular access opening(s).

2. A stormwater control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.

3. An erosion control plan shall be required for all residential development with a slope in excess of ten (10) percent on any portion of the lot that will be developed.

4. A geotechnical assessment shall be required for all residential development with a slope in excess of twenty (20) percent on any portion of the lot that will be developed.

E. Shoreline Uses

1. For new developments and additions that are adjacent to a shoreline or a shoreline buffer, the following information shall be submitted as part of the project permit application:

a. A professional survey that contains and illustrates:

- (1) The lot boundaries.
- (2) The ordinary high water mark.
- (3) The applicable shoreline setbacks.
- (4) The topographic lines at two (2) foot contours.
- (5) The location of building footprint.
- (6) The elevation of all corners of the proposed structure.
- (7) The location of any proposed docks/ramps and bulkheads.
- (8) The location of all other existing and proposed structures on the site.
- (9) The limits of proposed grading activity, soil disturbance and vegetation removal.

b. Sketch(es) showing proposed excavation, fill, and post-construction grade changes in relation to pre-construction grades.

c. An erosion control plan.

d. A stormwater control plan.

e. A tree survey for entire lot and the location of all existing vegetation within the applicable shoreline setback, including riparian buffers.

2. Erosion control measures shall be in place and inspected prior to any grading activity on the site.

3. The shoreline setback for buildings, retaining walls, rockeries, stairways, and all other structures, except bulkheads, docks, boat ramps, and other in-water uses permitted under the shoreline regulations, shall be a minimum of fifty (50) feet horizontal distance from the ordinary high water mark, and this distance shall not be averaged.

4. No vegetation removal, excavation, fill, or landscaping shall be undertaken within the shoreline setback without first obtaining the appropriate shoreline permit(s) or a shoreline exemption letter from the Community Development Department.

F. Prohibited Uses and Development.

1. No more than one (1) dwelling shall be permitted per lot in all single family residential zoning districts, except as provided in LMC 18A.70.300, Accessory Living Quarters, or as may be allowed by the specific use regulations of a particular district.

2. Except as provided in Sections 18A.70.430 and 440, Rrecreational and sporting vehicles shall not be used for dwelling purposes in any zoning district, and shall be subject to the requirements of LMC 18A.50.145, Outdoor Storage of Recreational and Sporting Vehicles.

3. Tents, yurts, membrane or rigid canopies, or other similar structures shall not be placed or maintained in any commercial or industrial zoning district, except with the

written authorization of the Community Development Director. The Community Development Director shall evaluate any such proposal against the development standards and community design guidelines pertinent to the applicable zoning district.

4. No motor vehicle, which is advertised for sale, shall be parked in any location for more than 24 hours in a manner intended to facilitate that sale, except on residential property where the registered owner resides, or in conjunction with a permitted Motor Vehicle Sales and Rental use type.

5. Outdoor commercial activities shall be prohibited except for those uses and activities that are allowed as a primary permitted use or by discretionary permit under this title.

Section 11. That Section 18A.50.310 of the Lakewood Municipal Code be amended to read as follows:

18A.50.310- Applicability - Tree Preservation

The requirements for tree preservation shall be provided in accordance with the development standards of each individual zoning district and the provisions of this section, and are applicable to all zoning districts; ~~except for lots under~~ Lots of less than seventeen thousand (17,000) square feet in single family residential zones are exempt from this Chapter, except where specific tree preservation is required as a mitigation measure under SEPA. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

Section 12. That Section 18A.50.320 of the Lakewood Municipal Code be amended to read as follows:

18A.50.320- Significant Tree Preservation

A. Standards. Significant tree preservation shall be required for any project permit.

1. A significant tree is an existing tree which:
 - a. When measured at four and one-half (4.5) feet above ground, has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;
 - b. When measured at four and one-half (4.5) feet above ground; has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,
 - c. Regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.
2. For the purposes of this section, existing trees are measured by diameter at four and one-half (4.5) feet above ground level, which is the usual and customary forest standard. Replacement trees are measured by diameter at six (6) inches above ground level, which is the usual and customary nursery standard.

3. Damaged or Diseased Trees. Trees will not be considered “significant” if, following inspection and a written report by a registered landscape architect, certified nursery professional or certified arborist, and upon review of the report and concurrence by the City, they are determined to be:

- a. Safety hazards due to root, trunk or primary limb failure;
- b. Damaged or diseased, and do not constitute an important wildlife habitat. At the discretion of the City, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as a safety hazard.

B. Preservation Criteria. All significant trees shall be preserved according to the following criteria:

1. Perimeter trees. All significant trees within twenty (20) feet of the lot perimeter or required buffer, whichever is greater, shall be preserved.

- a. Except that significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Community Development Director. This requirement shall not apply to single family residential lots less than 17,000 square feet in size, where no specific tree preservation is required.

2. Interior trees. A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.

- a. For new single family residential development, including a single family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.
- b. For new residential subdivisions where the proposed lot size is greater than 17,000 square feet, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than 17,000 square feet, no specific tree preservation is required.
- c. For commercial and industrial development, ten (10) percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.
- d. In Open Space and Recreation zones, ninety-five (95) percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Community Development Director.

3. Buffers and Sensitive/Critical Areas. Tree preservation criteria listed above shall exclude sensitive/critical areas and their buffers, and open space areas

and tracts. All trees within such areas shall be retained except as may be specifically approved and indicated in the written findings of a discretionary land use permit or a tree removal permit. See also LMC 18A.40.240 for tree removal standards within the Riparian Overlay.

4. SEPA Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

C. Tree Retention Plan Required.

1. A significant tree retention plan shall be submitted to the Community Development Department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the Community Development Department.
2. The Community Development Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.
3. A significant tree permit is required for the removal of any significant tree or street tree unless specifically exempted within this section.

D. Permit/Plan Requirements. Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:

1. Submit a tree retention plan that consists of a tree survey that identifies the location, size and species of all significant trees on a site and any trees over three (3) inches in diameter at four and one half (4 1/2) feet above ground level that will be retained on the site.
 - a. The tree survey may be conducted by a method that locates individual significant trees, or
 - b. Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.
2. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.
3. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continued healthy life of retained significant trees.
4. If tree retention and/or landscape plans are required, no clearing, grading or disturbance of vegetation shall be allowed on the site until approval of such plans by the City.

E. Construction Requirements.

1. An area free of disturbance, corresponding to the drip line of the significant tree's canopy, shall be identified and protected during the construction stage with a temporary three (3) foot high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, or parking of vehicles shall be permitted within the area defined by such fencing.
2. At Community Development Director's sole discretion, a protective tree well may be required to be constructed if the grade level within ten (10) feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least five (5) feet of additional diameter.
3. The Community Development Director may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.
4. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies or is removed within five (5) years of the development of the site, then the significant tree shall be replaced pursuant to LMC 18A.50.320.G.

F. Significant Tree Removal for Non-Development Action. Where no project permit is proposed or is pending on a lot, a maximum of two (2) significant trees within the interior of the lot and which shall not constitute more than twenty (20) percent of the significant trees on the lot, may be removed within a single calendar year:

1. If a project permit is proposed or occurs on the lot within one (1) year of removal of a significant tree, the replacement requirements of LMC 18A.50.320.G shall apply to the significant trees previously removed.

G. Replacement. When a significant tree subject to this section cannot be retained, the tree shall be replaced as a condition for the removal of the significant tree, in accordance with the following.

1. On-Site Replacement.

- a. Significant trees shall be replaced at a ratio of two to one (2:1) of the total diameter inches of all replacement trees to the diameter inches of all the significant trees removed.
- b. Replacement trees shall be a no smaller than three (3) inches in diameter at six (6) inches above ground;
- c. Existing healthy trees anywhere on the site which are retained to support the remaining significant trees can be counted against the on-site replacement requirements on a one to one (1:1) basis of the total diameter inches of all replacement trees removed, provided it meets the following criteria;

- (1) The tree does not present a safety hazard; and,
 - (2) The tree is between three (3) and nine (9) inches in diameter at four and one half (4.5) feet above ground.
2. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a one and one-half to one (1.5:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between nine (9) inches and twenty-four (24) inches in diameter for evergreen trees, or between nine (9) inches and thirty (30) inches in diameter for deciduous trees.
3. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:
- a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
 - b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
 - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
 - d. The tree belongs to a unique or unusual species.
 - e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.
 - f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.
4. Off-Site Replacement. When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:
- a. The planting of the required replacement trees at locations approved by the City throughout the city. Plantings shall be completed prior to completion of the project permit requiring tree replacement.
 - b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the city. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule shall be made. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

H. Trimming. Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard.

Section 13. That Section 18A.70.220 of the Lakewood Municipal Code be amended to read as follows:

18A.70.220- Applicability - Home Occupations

Limited home occupations are permitted as an accessory use to a Single-Family Detached Dwelling, Single-Family Attached Dwelling, or Multifamily Attached Dwelling use type, with approval of a limited home occupation permit.

Home occupations are permitted as an accessory use only to a Single-Family Detached Dwelling use type, with approval of ~~an administrative use permit~~ a Process II home occupation permit.

Section 14. That Section 18A.70.250 of the Lakewood Municipal Code be 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 judgment 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.~~

~~56.~~ Have one (1) parking space per employee provided on the same parcel of land, in addition to that parking required for the dwelling.

~~67.~~ 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.

~~78.~~ Store all materials, parts, tools and other equipment used in the operation of the home occupation entirely within the dwelling or accessory building.

~~89.~~ Comply with building, land use and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.

~~910.~~ 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.

~~1011.~~ 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.

~~1112.~~ Prohibit more than two (2) customers or clients on the premises at any one time.

~~1213.~~ 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.

~~1314.~~ Meet the signage requirements of LMC 18A.50.600, Signs.

Section 15. That Section 18A.70.430 of the Lakewood Municipal Code be amended to read as follows:

18A.70.430- Permitted Uses Within Manufactured Home Parks

No building, structure or land within the boundaries of a manufactured home park shall be used for any purpose except as follows:

A. Manufactured homes for residential use only, together with permitted residential accessory uses.

B. Community recreation facilities, including swimming pools, for residents of the park and guests only.

C. One (1) manufactured home for the use of a caretaker or manager responsible for maintaining or operating the property.

D. Pursuant to RCW 35A.21.312, a recreational vehicle may be used as primary residence within a manufactured home park, subject to the provisions of this section.

Section 16. That Section 18A.70.440 of the Lakewood Municipal Code be amended to read as follows:

18A.70.440- Development Standards - Manufactured Home Parks

The following development standards apply to all manufactured home parks.

A. Size. New parks shall be a minimum of three (3) acres in size. Spaces within manufactured home parks, regardless of the underlying zoning, shall be a minimum of four thousand (4,000) square feet.

B. Density. The maximum density for a manufactured home park shall be the maximum density of the underlying zone.

C. Dimensions. The minimum space width within manufactured home parks shall be fifty (50) feet; provided that up to fifty (50) percent of the pads within a park may be forty (40) feet wide.

D. Buffers. A manufactured home park shall provide and maintain the minimum landscape requirements for Type II, Streetscape and Type I, Vegetative Buffers along any property line abutting upon a public right-of-way and Type I, Vegetative Buffers along any other property line defining the outside limits of the park, pursuant to LMC 18A.50.400, Landscaping. A six (6) foot high, sight-obscuring fence shall be constructed around the perimeter of the park, except for those park boundaries abutting a public street, where the fence shall be no more than four (4) feet in height. Visible elements of the fence shall be constructed primarily of wood, stone, masonry or similar materials. Fencing and vegetative screening shall be interrupted appropriately to accommodate required pedestrian and bike access.

E. Structures. Structures located within any manufactured home space shall be limited to one (1) storage building, a carport, and an awning or a patio cover. The storage building,

patio cover and/or carport may be combined as one (1) structure.

F. Outside Storage. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park. All outside storage in a manufactured home park shall be in an enclosed building. One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area and a maximum of one hundred (100) square feet shall be provided for each manufactured home space. The building height shall not be less than seven (7) feet nor more than ten (10) feet.

G. Each manufactured home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each manufactured home pad. Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.

H. Emergency Access. Each manufactured home park shall have at least one (1) main access and one (1) emergency access, or two (2) main access roads, depending upon the size of the park and other factors affecting emergency access needs. If the park abuts only one (1) street frontage, a loop road shall be used with access determined by the City Engineer and the Fire Marshal.

I. Street Lighting. Street lighting shall be provided in accordance with the requirements of the City Engineer. Pedestrian/bike pathways, recreational facilities, service buildings and common areas shall be adequately illuminated.

J. Underground Utilities. All utilities shall be installed underground unless waived by the City Engineer and the Community Development Director.

K. Signs. Signs identifying the manufactured home park shall conform to LMC 18A.50.600, Signs.

L. Access and Circulation. All manufactured home parks shall front on an improved street. Internal park streets shall be privately owned and maintained and provided in such a pattern as to provide convenient traffic circulation for all vehicles, including fire and other emergency equipment. Park owners or managers shall be responsible for maintenance of internal roads. The vehicular speed limit shall be ten (10) miles per hour and shall be posted to the satisfaction of the Lakewood Police Department. Within manufactured home parks, all streets shall be constructed to City of Lakewood standards for public streets, including width, sidewalks, paving depth and base, curve radii and curbs; except for the width of the rights-of-way required of a public street; streets shall instead be constructed to the following standards:

1. The width of all private streets shall be not less than thirty-two (32) feet, from curb to curb, with on-street parking allowed on one (1) side of the street only. Signs designating "no parking" and "fire lane" shall be placed on one (1) side of the street and shall be so designated on the final plans. Variations in specific

design standards may be granted on a case-by-case basis, depending on field conditions, by the City Engineer and the Community Development Director.

2. There shall be vertical concrete curb and gutter, constructed to City standard specifications, installed on each side of all private streets.

3. Sidewalks shall be a minimum of five (5) feet in width and six (6) inches thick.

4. [Manufactured Home](#) Park streets shall be paved in accordance with the standards established by the City Engineer.

5. All public streets abutting a manufactured home park shall be improved to City standards.

6. A bike/pedestrian walkway system, separated from vehicular traffic, shall be provided to link interior roadways with adjacent public streets and which shall give safe, convenient access from the lot spaces to the service buildings and common areas. Access points and design shall be subject to approval by the City Engineer and Community Development Director. Internal walkways, separate from street sidewalks, shall have a minimum width of four (4) feet with a paved surface of concrete, asphalt or the equivalent.

M. Fire Hydrants. Fire hydrants shall be provided as required by the Fire Marshal.

N. Recreational Vehicle Storage. Common storage areas for recreational and sporting vehicles and their trailers may be provided as part of the manufactured home park design at the rate of fifty (50) square feet for each pad in the park. A six (6) foot high, sight-obscuring fence with a lockable gate shall be erected around the perimeter of such storage area. ~~Parking~~ Storage of recreational vehicles shall not be allowed other than in approved storage areas.

O. Recreation Area. One (1) or more recreation areas shall be created in each park at the rate of at least one hundred (100) square feet per lot space. Recreation areas shall be suitably improved and maintained for recreational purposes as necessary for the types of residents for whom the manufactured home park is intended. At least one (1) recreational area shall have a minimum size of four thousand (4,000) square feet and be of a shape that will make it usable for its intended purpose. The recreation area may contain a community clubhouse, swimming pool, tennis courts, or similar activities.

P. Laundry Facilities. Adequate and properly equipped laundry room facilities shall be made available to the residents of the manufactured home park.

Q. Open Space. Ten (10) percent of the gross area of the manufactured home park shall be reserved for open space. This open space is in addition to area used for lots, roads, walkways, or recreation areas. The open space shall be landscaped pursuant to LMC 18A.50.400, Landscaping.

R. Park Office. Every park shall provide an office for a permanent, non-seasonal resident manager who shall staff the park on an ongoing basis. The resident manager shall be available and responsible for the direct management of the manufactured home park.

S. Each manufactured home park shall develop covenants, conditions and restrictions (CC&Rs), which establish a resident association and guidelines for operation and maintenance of park including provisions for enforcement of guidelines.

T. Manufactured Home Site Standards. The following standards shall be satisfied for individual sites or “pads” within manufactured home parks:

1. One Home Per Site. No more than one (1) manufactured home shall be allowed on a single pad.
2. Internal Setbacks.
 - a. A manufactured home or attached accessory building shall not be located closer than ten (10) feet to any other manufactured home or attached accessory building, closer than ten (10) feet to the edge of any right-of-way, or closer than five feet (5) to the edge of any other pad.
 - b. Manufactured homes shall set back at least fifteen (15) feet from any interior property line abutting residential zoned property or ten (10) feet from any interior property line abutting commercial or industrial zoned property.
 - c. Manufactured home accessory structures, when not attached to the manufactured home, shall not be located closer than six (6) feet to any dwelling, closer than ten (10) feet to the edge of any right-of-way, or closer than five (5) feet to the edge of any other pad.
 - d. No structures are allowed in landscape or open space areas.
3. Lot Coverage. A manufactured home and all accessory structures shall not cover more than seventy-five (75) percent of the space area.
4. Parking. Parking requirements shall be consistent with LMC 18A.50.500, Parking.
5. Height. Structures within manufactured home parks shall be no more than one (1) story in height.

U. In addition to the conditional use criteria set forth in LMC 18A.10, Discretionary Permits, Conditional Use Permits, the following criteria shall be ~~utilized~~used in approving or denying manufactured home park applications:

1. The park design, including site layout, street configuration, landscaping, and community space, are compatible with the surroundings and the community character goals of the comprehensive plan;
2. The park is consistent with other applicable goals and policies of the comprehensive plan; and
3. The park makes adequate provision for sanitary sewers, stormwater drainage, water, streets, open space and recreation, and schools.

V. Use of Recreational Vehicles as a Primary Residence.

Pursuant to RCW 35A.21.312, recreational vehicles may be used as a primary residence within the context of a manufactured home park, subject to the following:

1. The recreational vehicle unit shall be connected to full utility hook-ups, including a lawful method of sewage disposal. A recreational vehicle used as

- a residence must contain at least one functioning internal toilet and at least one functioning internal shower;
2. If the toilet and/or shower requirements set forth above are not met, then the manufactured housing park must provide permanent toilet and shower facilities.
 3. A building/installation permit shall be required. The applicant shall comply with any adopted requirements of the Building Official for the set-up of a recreational vehicle as a primary residence.

Section 17. That Section 18A.90.200 of the Lakewood Municipal Code be amended to read as follows:

18A.90.200- Definitions

ABANDON OR ABANDONMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES (WTF). Means:

- a. to cease operation for a period of sixty (60) or more consecutive calendar days;
- b. to reduce the effective radiated power of an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy five (75), so long as the operator still serves essentially the same customer base;
- c. to relocate an antenna at a point less than eighty (80) percent of the height of an antenna support structure; or,
- d. to reduce the number of transmissions from an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days; Provided that non-operation or reduced operation for a period of sixty (60) or more consecutive calendar days to facilitate maintenance, re-design or other changes about which the City was notified in advance shall not constitute abandonment.

ABSENTEE OWNER. Any real property owner(s) who customarily resides some place other than the property (whether an estate or business) in question.

ABUTTING. Lots sharing common property lines.

ACCESS. The way or means by which pedestrians and vehicles enter and leave property.

ACCESSORY BUILDING - A detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same tract with the principal building or use.

ACCESSORY DWELLING UNIT (ADU). A habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACCESSORY LIVING QUARTERS. A single residential dwelling unit that is an attached or detached part of a commercial or manufacturing building, and which is incidental to the commercial or manufacturing use.

ACCESSORY STRUCTURE. A structure either attached or detached from a principal building and

located on the same lot and which is customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACTIVITIES OF DAILY LIVING (ADL) ASSISTANCE. Provision of personal care services in a state-licensed boarding home for assisted living consisting of at least minimal assistance with the following:

- a. Bathing. Reminding or cuing to wash and dry all areas of the body as needed, stand-by assistance getting into and out of the tub or shower, and physical assistance in steadying the resident during the activity; and
- b. Dressing. Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and
- c. Eating. Reminding or cuing to eat and drink; and physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident; and
- d. Personal hygiene. Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and
- e. Transferring. Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing; stand-by assistance during the activity; and physical assistance limited to steadying the resident during self-transfers; and
- f. Toileting. Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads, stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and
- g. Mobility. Reminding or cuing to move between locations on the boarding home premises; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity.

ADEQUATE PUBLIC FACILITIES. Adequate public facilities means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

ADJACENT. Lots located across a right-of-way, railroad or street, except limited access roads.

ADMINISTRATIVE USE PERMIT. A written decision granted by the Community Development Director to authorize the development or operation of a proposed land use activity subject to special degrees of control.

AGRICULTURAL USE. Land primarily devoted to the commercial production of dairy, apiary, furbearing, vegetable, or animal products or of grain, hay, straw, turf, seed, fin fish, or livestock, and that has long-term commercial significance for agricultural production.

AIRPORT. Any land area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary

taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY. A public or private way not more than 30 feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

ALTERATION, STRUCTURAL. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

AMATEUR RADIO STATION OPERATORS OR RECEIVE-ONLY ANTENNAS. Any tower or antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

AMENDMENT. Amendment means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of City code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Community Development Director or Hearing Examiner.

ANCHOR. The device to which tie-downs are secured or fastened having a holding power of not less than 4,800 pounds. They include, but are not necessarily limited to, screw auger, expanding or concrete deadmen type anchors, and are to be constructed as to accommodate "over the top" and "frame" type tie-downs, used singly or in conjunction.

ANTENNA HEIGHT OR HEIGHT. When referring to a tower or other [Wireless Telecommunications Facilities \(WTF\)](#), the vertical distance measured from the finished grade of the parcel at the base of the tower pad or antenna support structure to the highest point of the structure even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

ANTENNA. Any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services.

ANTIQUA DEALER. Any person engaged, in whole or in part, in the business of selling antiques.

ANTIQUES. Works of art, pieces of furniture, decorative and household objects, and other such collectibles possessing value or commercial appeal owing to their being made during an earlier period.

APARTMENT. A dwelling unit in a multifamily building.

APPEAL. A request for review of the Community Development Director's decision concerning matters addressed by the Ordinance to the Planning Advisory Board or a review of the Hearing Examiner's decision to the City Council.

APPLICANT FOR [WIRELESS TELECOMMUNICATIONS FACILITIES \(WTF\)](#). Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a WTF within the city.

APPLICANT. Any person who makes an application to the City of Lakewood for a development

permit.

ARCADE. A linear pedestrian walkway that abuts and runs along the facade of a building. It is covered, but not enclosed, and open at all times to public use. Typically, it has a line of columns along its open side. There may be habitable space above the arcade.

ARCHAEOLOGICAL RESOURCES. Districts, sites, building, structures, and artifacts with material evidence of prehistoric human life and culture.

ARCHITECTURAL BARRIERS. Constructed structures such as walls, signs, rockeries, drainage swales or similar constructed features that impact the required landscape areas.

ARCHITECTURAL CHARACTER. The architectural character of a building is that quality or qualities that make it distinctive and that are typically associated with its form and the arrangement of its architectural elements. For example, a prominent design feature may convey the architectural character of a structure. Examples are a distinctive roofline, a turret or portico, an arcade, an elaborate entry, or an unusual pattern of windows and doors.

ARCHITECTURAL ELEMENTS. The elements that make up an architectural composition or the building form, which may include such features as the roof form, entries, an arcade, porch, columns, windows, doors and other openings. “Architectural elements” is used interchangeably with “architectural features” in this chapter.

ARCHITECTURAL SCALE. The perceived height and bulk of a building relative to other forms in its context. Modulating facades and other treatments may reduce a building's apparent height and bulk.

AREA OF SHALLOW FLOODING. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

AT-RISK TIME IN THE COMMUNITY. The total time, since first being housed in a Type 4 Group Home located within Lakewood, that a person has resided in the community. This includes any time spent in a Type 4 Group Home, whether in Lakewood or elsewhere, as well as any time residing in the community whether or not under DOC supervision. At-risk time in the community does not include any time spent in confinement whether in a jail, prison, pre-release or work camp. Time spent in such facilities shall be tolled for the purpose of calculating summary recidivism rates.

AUTO WRECKING YARD. Any property where two (2) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

AUTOMOBILE AND OTHER VEHICLE SALES AREA. An open area, other than a street, used for the display, sale or rental of two (2) or more new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE BODY REPAIR. Those establishments primarily engaged in furnishing automotive

vehicle bodywork and painting.

AUTOMOBILE SERVICE STATION OR GAS STATION. A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

AUTOMOBILE WRECKING OR MOTOR VEHICLE WRECKING. The dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

AWNING. A shelter extending from the exterior wall of a building for the purpose of shielding a doorway or window from the elements and composed of non-rigid materials except for the supporting framework.

AXIAL SYMMETRY. The similarity of form or arrangement on either side of a dividing line or plane through the center of an object.

BACKHAUL NETWORK. The lines that connect a provider's wireless telecommunications facilities to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BALCONY. An outdoor space built as an above ground platform projecting from the wall of a building and enclosed by a parapet or railing.

BARN. A structure used for the storage of farm products, feed, and for housing farm animals and light farm equipment.

BASE FLOOD. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

BAY WINDOW. A window that protrudes from the main exterior wall. Typically, the bay contains a surface that lies parallel to the exterior wall, and two (2) surfaces that extend perpendicular or diagonally from the exterior wall.

BEACH ACCESS, PUBLIC OR PRIVATE. Trails or roads that provide access for the public to the beach.

BED AND BREAKFAST. A lodging facility comprised of a single residential structure containing up to six units of small-scale temporary lodging which provides a single meal and where the proprietors of the service reside in the structure.

BIOSOLIDS. Municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

BLANK WALLS. Walls subject to "blank wall" requirements are any ground-level wall over six feet in height measured from finished grade at the base of the wall, and longer than fifty (50) feet measured horizontally. A wall subject to the requirement does not have any significant building feature, such as a window, door, modulation or articulation, or other special wall treatment within that fifty (50) foot section.

BLOCK. All land along one (1) side of a street that is between two (2) intersections or intercepting streets, or interrupting streets and a railroad right-of-way, or unsubdivided land or water course.

BOARD. The Planning Advisory Board.

BOAT RAMP OR LAUNCH. An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

BOATHOUSE, PRIVATE. An accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boathouse is erected on a pier or wharf and/or over a dock or docking slip.

BUILDING COVERAGE. The measurement of the gross footprint of all the structures, to include accessory and exempt structures, on a lot. The gross footprint includes all structural elements and projections of a building and includes, but is not limited to; eaves, projections, decks, balconies, elevated patios, breezeways, or canopies.

BUILDING DIVISION. The Building Division of the City of Lakewood Community Development Department.

BUILDING FACADE OR FACADE. The visible wall surface, excluding the roof, of a building when viewed from a public right-of-way or adjacent property. If more than one (1) wall is predominately visible, the walls may be considered one (1) facade for the purposes of signage. A building facade is measured in gross square feet (gsf) and does not include roof area.

BUILDING HEIGHT. The vertical distance from the average of the elevation of the natural, undisturbed topography or the pre-existing grade at all corners of a proposed structure to the highest point of the structure, in accordance with LMC 18A.50.130, Height Standards.

BUILDING LINE. A line on the comprehensive plan, zoning map, or plat, parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the provisions of this ordinance.

BUILDING OR OCCUPANCY FRONTAGE. The length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area or mall appurtenant to such building or occupancy, expressed in lineal feet and fractions thereof.

BUILDING, ATTACHED. A building or structure attached to another building or structure by an enclosed interior wall or walls and covered by a roof in common with both structures. A structure connected to another building or structure only by a roof or only by a wall is not considered attached.

BUILDING, DETACHED. A building or structure sharing no common wall with another structure, and generally surrounded by open space on the same lot. A structure connected to another building or structure only by a roof or only by a wall is considered to be a detached building.

BUILDING, PRINCIPAL. A building devoted to the principal use of the lot on which it is situated.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

BULKHEAD. A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

BUSINESS. The purchase, sale, or other transaction involving the handling or disposition of any

article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

CAMOUFLAGE. To disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

CAMPSITE. A space provided in a campground or recreational vehicle (RV) park which usually contains a table, stove, parking spur and space for a tent to accommodate a one-family group.

CANOPY. A permanent, cantilevered extension of a building that typically projects over a pedestrian walkway abutting and running along the facade of a building, with no habitable space above the canopy. A canopy roof is comprised of rigid materials.

CAR WASH. Mechanical facilities for the washing or waxing and vacuuming of automobiles, light trucks, and vans.

CARETAKER HOME. An on-site residential dwelling unit of up to two thousand (2,000) square feet providing living accommodations for an individual, together with his/her family, who is employed as a caretaker for a private home, public recreational or community facility, or commercial or industrial establishment. Caretaker units may not be a temporary structure or recreational vehicle and may not remain in residential use if no longer used for caretaker residence.

CARPORT. A covered automobile structure open on one (1) or more sides, with direct driveway access for the parking stall(s). A carport may be integrated with, or detached from the primary structure. An attached carport shall have common wall construction with the primary structure.

CARRYING CAPACITY. The level of development density or use an environment is able to support without suffering undesirable or irreversible degradation.

CATTERY. An enclosure or structure in which any combination of six or more cats that individually exceed seven months of age are kept for breeding, sale, or boarding purposes.

CELL SITE OR SITE. A tract or parcel of land that contains wireless telecommunications facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to [Wireless Telecommunications Facilities \(WTF\)](#).

CEMETERIES. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF CAPACITY. A document issued by a service provider indicating the quantity of capacity that has been reserved for a specific development project on a specific property.

CHANGE OF USE. A change of use shall be determined to have occurred when it is found that the general character of the use in question has been modified. This determination shall include review of but not be limited to: hours of operation, materials processed or sold, required parking, traffic generation, impact on public utilities, clientele, general appearance and location or a change in use type.

CITY MANAGER. The Administrative Director of the City of Lakewood or his/her designee.

CIRCULATION. The movement or flow of traffic from one place to another through available routes. Traffic includes a variety of modes of travel including pedestrian, motor vehicle and non-

motorized methods such as bicycles.

CLEAR-VISION AREAS. A triangular area at intersections or public drives where visual obstructions are to be kept clear as directed by the City Engineer.

CLOSED RECORD APPEALS. Administrative appeals under Chapter 36.70B RCW which are heard by the City Council or Hearing Examiner, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only ~~appeal~~[appellate](#) arguments allowed.

CLUSTER DEVELOPMENT. A development technique wherein home sites or structures are grouped together, with the remainder of the tract left in open space or common open space.

COFFEE KIOSK A coffee kiosk is a small stand-alone structure that provides drive-through service of limited food and beverage items. Coffee kiosks shall not include structures with cooking facilities that require a Type I hood, provide indoor customer seating, or exceed 400 square feet in size.

CO-GENERATION. The simultaneous production of electricity and heat energy. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both. Co-generation units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.

COLLOCATION OF [Wireless Telecommunications Facilities \(WTF\)](#). The use of a WTF by more than one (1) service provider.

COMBINED USE BUILDING. Residential use types in combination with other use types.

COMMERCIAL ACTIVITY. Any activity carried out for the purpose of financial gain for an individual or organization, whether profit or non-profit.

COMMERCIAL VEHICLE. Any motorized vehicle over six thousand (6,000) gvw, including, but not limited to, a van, truck, truck trailer, utility trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, or other construction equipment that is used in the operation of a business or in construction, road grading, or logging activities.

COMMON OPEN SPACE. A parcel of land or an area of water or a combination of land and water within a site designed or developed and intended primarily for the use or enjoyment of the residents of such development.

COMMUNITY DEVELOPMENT DIRECTOR. The Director of the Community Development Department of the City of Lakewood or his/her designee.

COMPREHENSIVE PLAN. The document, including maps, adopted by the City Council which outlines the City's goals and policies relating to management of growth and prepared in accordance with Ch. 36.70A RCW. The term also includes any adopted subarea plans prepared in accordance with Ch. 36.70A RCW.

CONCURRENCY. Ensuring that adequate public improvements or strategies are in place at the time of development, and the ability and financial commitment of the service provider to expand capacity or maintain the level-of-service for new development through capital improvements within

a six year period as noted in the Transportation Capital Improvement Plan.

CONDITIONAL USE. A use conditionally permitted in a zoning district as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment or, because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

CONDOMINIUM. Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.

CONSTRUCTED WETLANDS. Wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or stormwater treatment. Constructed wetlands are normally considered as part of the stormwater/wastewater collection and treatment system and must be maintained, but are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.

CONTIGUOUS. Bordering upon, to touch upon, or in physical contact with.

CORRECTIONAL FACILITIES. Facilities for holding persons in custody or in detention, including county jails, state prisons, juvenile detention facilities, pre-release facilities, work release facilities, and other facilities to which a person may be incarcerated upon arrest or pursuant to sentencing by court.

COURTYARD, INTERIOR COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

COURTYARD. A courtyard is an open space usually landscaped, which is enclosed on at least three (3) sides by a structure or structures.

CROP AND TREE FARMING. The use of land for horticultural purposes.

CURB CUT. A curb cut is a depression in the curb for a driveway to provide vehicular access between private property and the street.

CURB LEVEL. Curb level for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

DANGEROUS WASTE. Any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means. Includes wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes.

DAYCARE CENTER. A daycare facility which operates in a place other than a residence, with no limitation as to the number of clients.

DAYCARE FACILITY. A building or structure in which care is regularly provided for a group of children or adults for periods of less than twenty-four (24) hours. Day care facilities include family day care homes and day care centers regulated by the Washington State Department of Social and Health Services or successor agency, as presently defined and as may be hereafter amended (RCW 74.15, WAC 388-73-422).

DAYCARE, HOME. A daycare facility which operates in the provider's residence and is subject to a limitation on the number of clients.

DAYCARE, HOME-BASED. A daycare facility with no more than twelve (12) persons in attendance at any one time in the provider's home in the family living quarters, including immediate family members who reside in the home.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated by decibels.

DECIDUOUS TREE. A tree which loses its foliage annually.

DECK. A deck is a roofless, outdoors above ground platform projecting from the wall of a building and supported by piers or columns.

DEPARTMENT. The City of Lakewood Community Development Department.

DESIGN DETAILS. Architectural or building design details refer to the minor building elements that contribute to the character or architectural style of the structure. Design details may include moldings, mullions, rooftop features, the style of the windows and doors, and other decorative features.

DESIGN, [Wireless Telecommunications Facilities \(WTF\)](#). The appearance of WTF, including such features as their materials, colors, and shape.

DESIGNATED ZONE FACILITY. Any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC, and that is not a preempted facility as defined in RCW 70.105.010 or in Chapter 173-303 WAC. A hazardous waste treatment or storage facility is a designated zone facility.

DEVELOPMENT (for the purposes of Flood Hazard). Any constructed changes to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavator, or drilling operations.

DEVELOPMENT ACTIVITY. Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Most activities may take place in conjunction with a variety of uses.

DEVELOPMENT PERMIT. Any document granting, or granting with conditions, an application for a site plan, building permit, discretionary decision, or other official action of the City having the effect of authorizing the development of land.

DEVELOPMENT PLAN. A plan drawn to scale, indicating but not limited to, the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration,

yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

DEVELOPMENT STANDARDS. Regulation of the location and size of development, including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.

DISCONTINUANCE. The abandonment or nonuse of a building, structure, sign or lot.

DISCRETIONARY PERMIT. A decision which requires special analysis or review due to the nature of the application or because special consideration was requested by the applicant.

DISTRICT. An area designated by this title, with specific boundaries, in which lie specific zones, or special purpose area as described in this title.

DOCK-HIGH LOADING AREAS. Truck maneuvering areas and loading or unloading areas associated with loading doors that are located above the finish grade.

DOCKS. A pier or secured float or floats for vessel moorage, fishing, or other water use.

DOUBLE-FRONTAGE LOT. A lot other than a corner lot with frontage on more than one (1) street.

DRAINAGE DITCH. A constructed channel with a bed, bank or sides which discharges surface waters into a major or minor creek, lake, pond or wetland.

DRIPLINE. A circle drawn at the soil line directly under the outermost branches of a tree.

DRIVE-THROUGH. A business establishment, building, or structure which, by design, physical facilities, or services or products format encourages or permits customers to access sales or services from a service window while remaining in their vehicles, with access provided by a dedicated lane or lanes incorporated into the site design.

DRIVEWAY. A paved or graveled surface a minimum of fifteen (15) feet in width that provides access via a paved apron to a lot from a public or private right-of-way.

DUPLEX. One (1) detached residential building, vertically or horizontally attached, containing two (2) dwelling units totally separated from each other by a one (1) hour firewall or floor, designed for occupancy by not more than two (2) families.

DWELLING UNIT. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking, sleeping and sanitary facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

DWELLING. A building or portion thereof designed exclusively for human habitation, but not including hotels or motel units.

EASEMENT. A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land for the purpose of and to protection from interference with this use by a public or private street, railroad, utilities, transmission lines, walkways, sidewalks, bikeways, equestrian trails, and other similar uses. An easement may be exclusive or include more than one (1) user.

EFFLUENT. With regard to water quality, treated or untreated liquid entering the estuary from a point source. With regard to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.

EQUIPMENT ENCLOSURE. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

ERECT. The act of placing or affixing a component of a structure upon the ground or upon another such component.

ESCAPE. Unauthorized absence from the designated facility boundary or failure to return to such place at the appointed time after having been permitted to leave.

EVERGREEN TREE. A tree, often a coniferous tree, which retains its foliage and remains green year round.

EXCAVATE. The removal by man of sand, sediment, or other material from an area of land or water for other than commercial or industrial use.

EXTREMELY HAZARDOUS WASTE. Any waste which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic constitution of humans or other living creatures and is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment. Those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes.

FACADE. Any portion of an exterior elevation of a building extending from the ground level to the top of the parapet wall or eaves, for the entire width of the building elevation. A front facade is typically the facade facing the major public street(s). An entry facade is typically the facade with the primary public entry.

FAMILY. One (1) or more individuals related by blood or legal familial relationship, or a group of not more than six persons who need not be related by blood or a legal familial relationship, living together in a dwelling unit as a single, nonprofit housekeeping unit, excluding Types 1, 2, 3, and 4 Group Homes as defined in LMC 18.20.300, Use Types and Levels; and excluding state-licensed foster homes.

FEDERAL INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for those areas.

FENCE, SIGHT-OBSCURING. A fence constructed of solid wood, masonry, metal or other appropriate material that totally conceals the subject use from adjoining uses.

FILL. The placement by man of sand, sediment or other material to create new uplands or raise the elevation of the land.

FINAL DEVELOPMENT PLAN. A plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, authorizes the granting of a discretionary permit.

FLAGPOLE. A staff or pole which is designed to display a flag. A flagpole may be freestanding or attached to a building or to a private light standard.

FLEA MARKET. Arrangements whereby a person or persons sell, lease, rent, offer or donate to one (1) or more persons a place or area where such persons may offer or display secondhand or junk items.

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards applicable to the city of Lakewood have been designated as Zone A.

FLOOD INSURANCE STUDY. The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN. The area adjoining a stream, tidal estuary or coast that is subject to regional flooding. A regional (100-year) flood is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one (1) percent chance of occurring in any one (1) year in an area as a result of periods of higher than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.

FLOODPLAIN MANAGEMENT REGULATIONS. State or local regulations, and any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY, REGULATORY. The channel or the watercourse reasonably required to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, but not including; attic space providing headroom of less than seven feet; or basement; if more than fifty (50) percent of the basement is less than grade.

FLOOR AREA RATIO (FAR). The floor area ratio of the building or buildings on any lot means the gross floor area of the building or buildings on that lot divided by the gross area of such lot.

FOOTCANDLE. A footcandle is a unit used for measuring the amount of illumination on a surface. The amount of usable light from any given source is partially determined by the angle of incidence of the source and the distance to the illuminated surface.

FREEWAY. Any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.

FRONTAGE ROAD. A street which is parallel and adjacent to an arterial, and which provides access to abutting properties while relieving them of the effect of street traffic access on to and from an arterial.

FRONTAGE. Frontage refers to length of a property line along a public street or right-of-way.

GARAGE. An enclosed automobile structure with direct driveway access principally for vehicular equipment such as automobiles, boats, etc., used by the tenants of the building(s). A garage may be integrated with, attached, or detached from the primary structure. See also **PARKING STRUCTURE**.

GAS ISLANDS. In conjunction with a motor vehicle service station or convenience commercial use providing gasoline, individual gas islands are comprised of single pumps dispensing single or various grades and types of motor vehicle fuel, or individual banks of pumps dispensing single or various grades and types of motor vehicle fuel, whether or not covered by a single canopy.

GATEWAYS. As used in these guidelines, the term gateways refers to those areas which are entranceways into the City of Lakewood and are so designated in the Lakewood Comprehensive Plan.

GEOLOGIC. Relating to the occurrence and properties of earth. Geologic hazards include [but are not limited to](#) faults, land and mudslides, and earthquakes.

GOVERNING AUTHORITY. The City Council of the City of Lakewood.

GRADE, AVERAGE. The average elevation of the undisturbed ground prior to construction at all exterior corners of the proposed structure.

GRADE, FINISHED. The finished surface of the ground, street, paving or sidewalk.

GRADE, PRE-CONSTRUCTION. Prior to any grade, fill or disturbance of soil or vegetation.

GROSS AREA. The total sum area of the lot minus public rights-of-way.

GROSS DENSITY. A calculation of the number of housing units that is allowed on a property based on the maximum density permitted.

GROSS SQUARE FEET (GSF). The sum of the total square footage of any building, lot, property or area.

GROUND COVER. Low-growing vegetative materials with a mound or spreading manner of growth that provides solid cover.

GUYED TOWER. A wireless communication support structure that is typically over 100 feet tall and is steadied by wire guys in a radial pattern around the tower.

HABITABLE FLOOR (for purposes of floods). Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

HABITABLE ROOM (for purposes of floods). An undivided enclosed space within a dwelling used for sleeping or kitchen facilities. This term does not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms or similar places.

HABITAT. The place or type of site where an organism lives; the place occupied by an entire community, such as a freshwater tidal marsh community.

HAZARDOUS SUBSTANCE. Any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter 70.105 RCW or in WAC

173-303-090, 173-303-100, 173-303-101, 173-303-102 or 173-303-103.

HAZARDOUS SUBSTANCE FACILITY BUFFER. A setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and storage facilities must maintain at least a fifty (50) foot buffer.

HAZARDOUS SUBSTANCE LAND USE. Any use which is permitted under this title and which includes a designated facility or the processing or handling of a hazardous substance.

HAZARDOUS SUBSTANCE LAND USE FACILITY. The projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.

HAZARDOUS SUBSTANCE PROCESSING OR HANDLING. The use, manufacture, compounding, treatment, synthesis or storage of hazardous substances in excess of the following amounts of cumulative quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, six hundred fifty (650) cubic feet of gaseous hazardous substances, or equivalent combination thereof. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, WAC 173-303, and any pertinent local ordinances, such as sewer discharge standards.

HAZARDOUS WASTE. Any dangerous and extremely hazardous waste as designated pursuant to RCW 70.105, WAC 173-303, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.

HAZARDOUS WASTE FACILITY. The contiguous land and structures, other appurtenance and improvements on the land used for recycling, storing, treating, incinerating or disposing of hazardous waste.

HAZARDOUS WASTE STORAGE FACILITY. Any designated zone facility which holds hazardous waste for a temporary period not to exceed five (5) years; this does not include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

HAZARDOUS WASTE TREATMENT FACILITY. Any designated zone facility which processes hazardous waste by physical, chemical or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, OFFSITE. Any hazardous waste treatment or storage facility that treats or stores any waste that is generated off the site.

HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, ONSITE. Any hazardous waste treatment or storage facility that treats or stores only that waste that is generated on the site.

HEARING EXAMINER REVIEW. A process involving the judgment and discretion of the Hearing Examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zoning district.

HEARING EXAMINER. A person appointed by the City to carry out the functions authorized under LMC 18A.02, Administration, and Chapter 35A.63 RCW.

HOLIDAY DECORATIONS. Temporary messages, displays, lighting, or decorations celebrating national, state, local, ethnic, and religious holidays or holiday seasons.

HOME OCCUPATION. Any occupation, profession or lawful commercial activity carried on by a resident living on the premises, and in which said activity is secondary to the use of the dwelling for living purposes, provided that the occupation or profession meets the requirements of LMC 18A.70.250.A and C.

HOME OCCUPATION, LIMITED. Any occupation, profession or lawful commercial activity carried on entirely within the dwelling, solely by a resident living on the premises, and which said activity is secondary to the use of the dwelling for living purposes; provided that the limited home occupation meets the requirements of LMC 18A.70.240.A-B.

HOMEOWNERS' ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner is automatically a member, and, each lot is automatically subject to a charge for a proportionate share of the common property, and, a charge, if unpaid, becomes a lien against the property.

HORTICULTURE. The cultivation of plants, garden crops, trees and/or stock.

HOTEL. A single building or a group of detached or semi-detached buildings containing six (6) or more guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers for a period not to exceed thirty (30) days.

HUMAN SCALE. The size of a building element or space relative to the dimensions and proportions of a human being.

IMPERVIOUS SURFACE. A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, grasscrete, and oiled, macadam or other surfaces, which similarly impede the natural infiltration of surface water. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

INCIDENTAL USE. A use that is in conjunction with, and smaller than the main part of a facility or use.

INCOMPATIBLE USES. For the purpose of community design, incompatible uses are those uses, including, but not limited to, outdoor storage, utilities equipment and apparatus, and loading and service facilities, which are considered to be visually intrusive, unsightly and which require site design and screening to mitigate the negative impacts to retail, service and office commercial uses and residential development.

INDUSTRIAL PRETREATMENT FACILITY. Treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

INTERIOR LOT AREA. Any area of a lot that is not within a required perimeter or buffer area.

JUDICIAL APPEALS. Appeals filed by a party of record in Pierce County Superior Court.

KENNEL. An enclosure or structure in which any combination of six (6) or more dogs that individually exceed seven (7) months of age are kept for breeding, sale, training, boarding, or sporting purposes.

KITCHEN. Any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.

LAKE. A natural or artificial body of water of two (2) or more acres or where the deepest part of the basin at low water exceeds two (2) meters. Artificial bodies of water with a recirculation system approved by the City Engineer are not included in this definition.

LANDFILL, DEMOLITION. A solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other man-made structures, consisting of, but not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster or other materials likely to produce leachate is not demolition waste.

LANDFILL, INERT. A solid waste facility for the permanent disposal of inert materials which are non-combustible and non-dangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.

LANDFILL, MUNICIPAL SOLID WASTE. A solid waste facility for the permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.

LANDFILL, SPECIAL WASTE. A solid waste facility for the permanent disposal of one (1) specific type of waste of limited, known and consistent composition such as an ash monofill, a landspreading disposal facility for biosolids, problem waste landfill or any facility which is not previously defined but is permitted with a state solid waste permit as a "limited purpose landfill."

LANDFILL, WOOD WASTE. A solid waste facility with two thousand (2,000) or more cubic yards of capacity for the permanent disposal of wood waste which does not contain chemical preservatives. This does not include wood waste landfills on forest lands regulated under the state Forest Practices Act but does include facilities which use wood waste as a component of fill.

LANDFILL. A solid waste facility for the permanent disposal of solid wastes in or on the land which requires a solid waste permit under RCW 70.95.

LANDSCAPING. Vegetative cover including shrubs, trees, flowers, ground cover and other similar plant material.

LATTICE TOWER. A support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

LOADING SPACE, OFF-STREET. In space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such deliveries when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOCAL ROAD OR STREET. A road or street which is used or intended to be used primarily for

providing access to abutting properties.

LOT. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and developed or built upon as a unit. The term shall include “tracts” or “parcels”.

LOT AREA. The total area, in gross square feet (gsf), within the lot lines of a lot, excluding right-of-way. For the purposes of flood regulations, any portion of a lot lying below the ordinary high water mark or lawfully constructed bulkhead shall not be included in a lot area calculation.

LOT COVERAGE. The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

LOT DEPTH. The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

LOT LINE. The property line bounding a lot.

LOT LINE, FRONT. Normally, the property line separating the lot from the street, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit shall be independent of access to the parcel. In the case of a corner lot, the front lot line shall be the property line with the narrow dimension adjacent to the street.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line and which is in the same plane and runs parallel to the front lot.

LOT LINE, INTERIOR. Any property line which is neither a front nor a rear lot line.

LOT OF RECORD. A lot that is part of a subdivision recorded, pursuant to statute, with the Pierce County Auditor, or a legally created lot under state and local subdivision regulations in effect at the time of creation or a lot described by metes and bounds, the description of which has been so recorded.

LOT, BUILDABLE. A legal lot which is proposed for use in compliance with this title, and has received approval of the water supply and sewage disposal method as appropriate to such use.

LOT, CORNER. A lot of which at least two (2) adjacent sides abut streets other than alleys.

LOT, CUL-DE-SAC. A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac.

LOT, FLAG. A flag lot is surrounded by abutting lots with an extended access way to a street right-of-way.

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH. An interior lot having frontage on two (2) streets, and which is not a corner lot.

LOT, WIDTH. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines, except that portion of a flag lot that usually forms an extended access way to a street right-of-way.

LOWEST FLOOR~~D~~. For flood purposes, any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a lowest floor.

LUMEN. A lumen is a unit used for measuring the amount of light energy given off by a light

source.

MAINTENANCE. Routine upkeep of existing structure or facilities which are in current use or operation.

MAJOR COMMERCIAL OR EMPLOYMENT CENTERS. An integrated planned development within the NC2, CBD, SD, C1, C2, IBP, I1, and I2 zoning districts with contiguous ownership larger than 12 acres in size. Contiguous properties under separate control, but which function as an integrated center and when combined are larger than 12 acres in size, may be considered a major center.

MANUFACTURED HOME PARK. A tract of land that was permitted, designed, and maintained under a single ownership or unified control where two (2) or more spaces or pads are provided solely for the placement of manufactured homes for residential purposes with or without charge. A manufactured home park shall not include manufactured home subdivisions or recreational vehicle parks.

MANUFACTURED HOME SPACE. An apportioned piece of land within a park designed to accommodate a single manufactured home, also known as a “pad”.

MANUFACTURED HOME. A factory-assembled structure that was constructed in accordance with the 1976 or later HUD federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and displays the appropriate HUD or Department of Labor and Industries label,

- a. is suitable for movement along public highways;
- b. is intended solely for human habitation; and
- c. has sleeping, eating and plumbing facilities.

Manufactured homes do not include modular homes or recreational vehicles as herein defined. For the purpose of flood hazard regulations only, a manufactured home is a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers that are placed on a site for more than one hundred eighty (180) consecutive days.

MAP. A representation, usually on a flat surface, of the whole or part of an area.

MARINA. Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial and fishing vessels. They are differentiated from docks and moorages by their larger scale, the provision of significant shore or land-side services and/or the use of a solid breakwater (rock, bulkheading, etc.).

MAXIMUM DENSITY. The maximum number of dwelling units allowed per gross acre (dua), excluding accessory dwelling units.

MEAN HIGH WATER (MHW). The average height of all high waters over a nineteen (19) year period.

MINI-WAREHOUSE. A facility consisting of separate storage units which are rented to customers having exclusive access to their respective units for storage of residential or commercial oriented goods. No business is conducted out of storage units.

MITIGATE. To alleviate the negative impacts of a particular action.

MITIGATION. Any action that, to some degree, softens the impact of development on critical or sensitive areas. This may include all or any one of the following actions:

- a. avoiding the impact altogether by not taking a certain action or parts of an action;
- b. minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- c. rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. reducing or eliminating the impact over time by preservation and maintenance operations; and
- e. compensating for the impact by creation, restoration, or enhancement of critical or sensitive areas to maintain their functional processes, such as natural biological productivity, habitat, and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.

MOBILE HOME PAD. That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or addition.

MOBILE HOME PARK. An area under one (1) ownership designed to accommodate ten or more mobile homes (see Manufactured Home for definition of mobile home).

MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed prior to June 15, 1976 and/or does not conform to [HUD] Manufactured Housing Construction and Safety Standards Act. Mobile home does not include recreational vehicles. The appropriate HUD or Department of Labor and Industries label is displayed.

MOBILE TRANSMISSION FACILITY. A movable, non-stationary transmission facility that contains wireless telecommunications equipment including any antenna, support structure, accessory structures, and may include other uses associated with and ancillary to wireless telecommunications facilities.

MOBILE VENDING. Any for-profit or non-profit business selling food and/or drink at or adjacent to the vehicle or cart in which such items are carried and/or prepared. This definition shall not include businesses providing or offering to provide scheduled delivery of food products to individual residences.

MODERATE RISK WASTE FIXED FACILITY. A solid waste transfer facility needing a state solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility or for recycling. It may collect limited amounts of hazardous waste from small quantity generators that are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations (RCW 70.105).

MODERATE RISK WASTE. Those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

MODIFICATION. The changing of any portion of a wireless telecommunications facility from its description in a previously approved permit, excluding routine maintenance and repair. Examples include, but are not limited to, changes in design or structure, changes in the heights of towers or monopoles, changes in any accessory structures or appurtenances that are affiliated with or support a

wireless telecommunications facility.

MODULAR HOME. A detached dwelling that is designed for human habitation, is either entirely or substantially prefabricated at a place other than a building site, and is constructed or installed on the site in accordance with the UBC and bearing the appropriate insignia indicating such compliance. Modular homes are also commonly referred to as “prefabricated”, “panelized”, or “factory-built” units.

MODULATION. A stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth as a means of breaking up the apparent bulk of a structure's continuous exterior walls.

MONOPOLE TOWER. A support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

MOORAGE. Piling or a dock, or both, used to secure a boat or barge.

MOTEL. A building or group of buildings on the same lot, containing units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to transients and guests for compensation.

MOTOR VEHICLE. Motor vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway except for mopeds, bicycles and other devices moved by human or animal power or used exclusively upon stationary rails or tracks.

MOTOR VEHICLE SERVICE OR REPAIR. Those establishments engaged in fixing, engine tune-up, adjusting lights or brakes, or supplying and installing replacement parts of or for passenger vehicles and trucks.

MOTOR VEHICLE SERVICE STATION. Any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for automobiles at retail direct to the customer.

MOUNT. The structure or surface upon which wireless telecommunications facilities are mounted. There are three (3) types of mounts:

- a. Building mounted. A wireless telecommunications facility mount fixed to the roof or side of a building.
- b. Ground mounted. A wireless telecommunications facility mount fixed to the ground, such as a tower.
- c. Structure mounted. A wireless telecommunications facility fixed to a structure other than a building, such as light standards, utility poles, water towers, and bridges.

MULTIFAMILY DESIGN REVIEW. An administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.

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

MURAL. A picture on an exterior surface of a structure. A mural is a sign only if it is related by text, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

NATURAL AREAS. All or portions of a parcel of land undisturbed by development and maintained in a manner which preserves the indigenous plant materials.

NEIGHBORHOOD PARK OR PLAYGROUND. An area for recreational activities, such as but not limited to field games, court games, crafts, playground apparatus area, skating, walking, viewing, picnicking, wading pools, swimming pools.

NET ACREAGE. The buildable area after the area of street right-of-way has been subtracted.

NOISE LEVEL REDUCTION (NLR). Difference in noise level from outside to inside of the building. NLR is a difference, in decibels, between A-weighted sound levels; it depends primarily on the nature of the walls, ceilings, windows, doors and vents and, to a lesser extent, on the amount of sound-absorbing material in the room in which the sound is received. It shall be measured, if so required, by the building official, in a completed and furnished building by application of the testing procedure described in this section.

NONCONFORMING LOT. A lot which does not conform to the design or density requirements of the zoning district in which it is located. A non-conforming lot is a lot that was legal when it was created but no longer meets the current area, width, or depth dimensional requirements for the zoning district in which the property is located. Nonconforming lots may be occupied by any permitted use in the district, provided that all other development regulations in effect at the time of development must be met.

NONCONFORMING STRUCTURE. A nonconforming structure is one which was lawfully erected in conformance with the regulations in effect at the time of its construction but which no longer conforms to current development standards including, but not limited to design, height, setback or coverage requirements of the zoning district in which it is located. A structure shall not be considered non-conforming for the purposes of this code if the only nonconforming aspect is failure to comply with the Chapter 18A.50.200, Community Design Standards.

NONCONFORMING USE. The use of land, a building or a structure lawfully existing prior to the effective date of this title or subsequent amendments thereto, which does not conform with the regulations of the district in which it is located.

NONCONFORMITY. Any land use, structure, lot or sign legally established prior to the effective date of this title or subsequent amendment, which is no longer permitted by or in full compliance with the regulations of this title.

NON-PROJECT ACTION. A decision on a policy, plan or program, which is not related to a specific project and/or which affects a significant portion of or the City of Lakewood in its entirety, including but not limited to the adoption or amendment of the comprehensive plan, development regulations, and/or subarea plans, zoning of newly annexed land, area-wide rezones, and zoning map amendments, except for site specific rezones authorized by the comprehensive plan.

NON-VEGETATIVE GROUNDCOVER. Bark mulch, gravel and other nonvegetative materials that promote vegetative growth by retaining moisture or preventing weeds.

NON-WHIP ANTENNA. An antenna that is not a whip antenna, such as dish antennas, panel

antennas, etc.

NOXIOUS MATTER. Materials that are capable of causing injury to living organisms by chemical reaction or are capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.

NURSERY, HORTICULTURAL. A place where trees, shrubs, vines, etc. are propagated for transplanting or for use as stocks for grafting and where such flora can be sold.

NURSING HOME. A multi-unit or multi-bed facility that are licensed or approved to provide living accommodations and round-the-clock health care and medical supervision.

OCCUPANCY. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

ODOR CONTROL STRUCTURE. Equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

OFFICIAL CONTROLS. Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

OFFICIAL MAP. Maps that show the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

OFF-SITE. With respect to mitigation, an area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

OFFSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility which treats or stores wastes that are generated off the site.

ON-SITE. With respect to mitigation, an area adjacent to or near the impact area that offers a reasonable opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

ONSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility that treats or stores only those wastes that are generated on the site.

OPEN HOUSE. A temporary real estate event where a property owner or his representative opens a structure or structures on one or more contiguous Pierce County Assessor's tax parcels with single or the same ownership, to be inspected by the general public for the sole purpose of sale, rent, or lease of a structure thereon.

OPEN RECORD HEARING. A hearing held by a decision-making body who is authorized by the city to conduct such hearings, that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution.

OPEN SPACE. Land used for farm or forest uses, and any land area that would, if preserved and continued in its present use:

- a. Conserve and enhance natural or scenic resources;
- b. Protect air or streams or water supply;

- c. Promote conservation
- d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature preservations or sanctuaries or other open space.

ORDINARY HIGH-WATER MARK. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this title, or as it may naturally change thereafter; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark shall be the line of mean high water.

ORNAMENTAL TREE. A tree that is either a conifer or deciduous tree that is accessory, decorative, enhance and accent the general landscaping of the site. Ornamental trees are generally between eight (8) and twenty (20) feet tall at maturity.

OUTSIDE STORAGE. All or part of a lot which is used for the keeping of materials, vehicles or products in an open, uncovered yard or in an unwallled building. Such materials may include tractors, backhoes, heavy equipment, construction materials and other similar items.

OVERLAY DISTRICT. A defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district.

OWNER. The owner of record of real property as shown on the tax rolls of the Pierce County Assessor, or a person who is purchasing a piece of property under contract.

OWNER OCCUPANT. A property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

OWNERSHIP. The existence of legal equitable title to land.

PACKAGE WASTEWATER TREATMENT PLANT. A pre-assembled factory built treatment plant.

PARAPET WALL. That portion of a vertical building wall that extends above the roof of the building.

PARCEL. A lot or plot of land proposed or created in accordance with this Code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of the date of incorporation of the City of Lakewood shall be used to establish what is a parcel for the purposes of this Code. For parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control.

PARKING AREA. An area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

PARKING SPACE. Any off-street surface area of not less than fifteen (15) feet by eight (8) feet in size, exclusive of maneuvering and access area, permanently reserved for the storage or parking of one (1) vehicle, and connected with an access which affords ingress and egress for vehicles.

PARKING STRUCTURE. A building or structure consisting of more than one (1) level, above and/or below ground with one (1) or more common entrances, and used for the parking and/or

temporary storage of motor vehicles.

PARKING, SURFACE. An off-street, ground level open area, usually improved, for the parking and/or temporary storage of motor vehicles.

PARKS AND CAMPGROUNDS. A developed area devoted to overnight temporary use for vacation, and/or recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed commercial uses such as retail stores or gas stations.

PARTIES OF RECORD. Persons with legal standing with respect to an application including the applicant, property owner as identified by the records available from the Pierce County assessor's office, or any person who testified at the open record public hearing on the application and/or; Any person who submitted written comments during administrative review or has submitted written comments concerning the application at the open record public hearing, excluding persons who have only signed petitions or mechanically produced form letters.

PASSIVE RECREATION. An outdoor leisure time activity which usually occurs in a natural or designed urban setting. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sightseeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include: Playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

PASSIVE RESTORATION. The use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

PATIO. A recreation area adjoining a dwelling which is often paved or a wood platform of thirty (30) inches or less above finished grade.

PEDESTRIAN-ORIENTED FACADES. Facades that feature one (1) or more of the following characteristics:

- a. Transparent window area or window displays along at least half the length of the ground floor facade.
- b. Sculptural, mosaic or bas-relief artwork along at least half the length of the ground floor facade.
- c. Pedestrian-oriented space, as defined below.
- d. Other measures that meet the intent of the criteria, as approved in conjunction with overall design review approval.

PEDESTRIAN-ORIENTED SPACE. An area between a building and a public street or another building that promotes visual and pedestrian access onto the site and that provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space. Pedestrian-oriented spaces include but are not limited to outdoor plazas, arcades, courtyards, seating areas, and amphitheaters. Pedestrian-oriented spaces have:

- a. Visual and pedestrian access, including handicapped access, into the site from the public right-of-way.
- b. Special textured paved walking surfaces of either concrete or approved unit paving.
- c. On-site or building-mounted lighting providing at least four (4) footcandles (avg.) on the ground.

- d. Seating; at least four (4) feet of seating area (bench, ledge, etc.) or one (1) individual seat per sixty (60) square feet of plaza area or open space.
- e. Landscaping, including trees and seasonal plantings, that defines the space but does not act as a visual barrier to views from the street or adjacent buildings.
- f. Site furniture, artwork or amenities such as fountains, kiosks, etc.
- g. Pedestrian weather protection or other enclosure, such as an arcade or gazebo.

Generally, pedestrian-oriented spaces shall not have:

- a. Asphalt or gravel pavement.
- b. Adjacent unscreened parking lots.
- c. Adjacent chain-link fences.
- d. Adjacent “blank walls” without “blank wall treatment”.

PEDESTRIAN-ORIENTED USE. A commercial use whose customers commonly arrive on foot, or where signage, advertising, window display and entryways are oriented toward pedestrian traffic on a public sidewalk. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks (except drive-through windows), and similar establishments.

PENNANT. A tapered flag having a distinctive triangular form. (See FLAG and STRING PENNANTS)

PERFORMANCE STANDARDS. Criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERSON. Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other person or combination acting as a unit, with legal rights and duties, whether acting by themselves or by a servant, agent, employee, or guardian.

PERSONAL WIRELESS SERVICE, PERSONAL WIRELESS SERVICE FACILITIES, AND FACILITIES. (see Wireless Telecommunications Facility).

PILING. Wood, concrete or steel posts driven into the bottom in aquatic areas either as mooring devices or to support a dock, float, range marker, or other structure.

PLAT. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other division and dedications.

PLAT, PRELIMINARY. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the City subdivision regulations and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

PLAT, SHORT. A legally recorded map or drawing which subdivides a parcel of ground into four (4) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership.

PLAZA. A pedestrian space that is available for public use and is situated near a main entrance to a building or is clearly visible and accessible from the adjacent right-of-way. Typical features include special paving, landscaping, lighting, seating areas, water features, and art.

POST OFFICE, BRANCH. A government operated subdivision of a main post office serving as a

base for one (1) or more carrier routes and providing customer postal service.

POST OFFICE, CONTRACT STATION. A privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

PREEMPTED FACILITY. Any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in Chapter 173-303 WAC. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations:

- a. Landfill,
- b. Incineration,
- c. Land treatment,
- d. Surface impoundment to be closed as a landfill, or
- e. Waste pile to be closed as a landfill.

PRE-EXISTING WIRELESS TELECOMMUNICATIONS FACILITY ([WTF](#)). Any wireless telecommunications facility for which a building permit and/or development permit has been properly issued prior to the date of adoption of this ordinance, including permitted [Wireless Telecommunications Facilities \(WTFs\)](#) that have not yet been constructed, so long as that permit or approval has not expired.

PRELIMINARY APPROVAL. An approval, based upon an application and conceptual plan for a Discretionary Land Use Permit, granted by the Director or Examiner which sets forth certain conditions.

PRESCHOOL. An establishment providing exclusively educational programs for prekindergarten or preschool children, but excluding daycare uses as specified in LMC 18A.20.400, Use Types and Levels.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PROCESSING OR HANDLING OF A HAZARDOUS SUBSTANCE. The compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.

PROJECT ACTION. Any action taken or activity performed in conjunction with a development or to make a use possible, on a specific site or within a defined geographic area. Project actions do not in and of themselves constitute or result in a specific use. A project action involves a decision on a specific project located in a defined geographic area, such as ~~and~~ agency decisions to license, permit, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract, or to purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

PROJECT PERMIT. Any land use or environmental permit or license required from the City of Lakewood for a project action, including but not limited to building permits, site development permits, grading or other land preparation permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, site specific rezones authorized by the comprehensive plan and other discretionary or administrative land use permits or approvals; but

excluding adoption or amendment of the comprehensive plan and development regulations, zoning of newly annexed land, area-wide rezones, and zoning map amendments except as otherwise specifically included above in this definition.

PROPERTY LINE ADJUSTMENT. The relocation of a common property line between two (2) abutting properties.

PROVIDER. A corporation, company, association, joint stock company, firm, partnership, sole-proprietorship, limited liability company, other entity or individual which provides telecommunications services through the use of wireless telecommunications facilities.

PUBLIC ACCESS. Public access to shoreline and aquatic areas either may be achieved through

- a. direct physical access to shoreland and aquatic areas (i.e. boat ramps);
- b. aesthetic access (i.e. viewing opportunities); and
- c. other facilities providing some degree of access to shorelands and aquatic areas.

PUBLIC FACILITIES. Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools. Such facilities include, but are not limited to, water supply electric power, gas and transportation of persons or freight.

PUBLIC GAIN. The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

PUBLIC MEETING. An informal or formal meeting, workshop, or other public gathering of persons to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision, but is not an open record hearing.

PUBLIC ON-SITE OPEN SPACE. A space that is accessible to the public at all times, predominantly open above, and designed specifically for use by the general public as opposed to serving merely as a setting for the building.

PUBLIC OR SEMI-PUBLIC USE. A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, child care centers, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section.

PUMP/LIFT STATION. The part of a water collection or distribution system that raises water from a lower to a higher elevation.

QUALIFIED ARCHITECT OR ENGINEER. An architect or engineer registered in the state of Washington who, by reason of [this/her](#) training and experience, is considered qualified to pass judgment on acoustical design, materials, and methods of construction for the attenuation of noise. The qualifications of the architect or engineer relative to acoustical design must be reviewed and found to be acceptable by the building official.

QUEUING. Specified area for vehicles awaiting service in a drive-through facility, which may include not only the space between point of ingress and the point of service, but also, where applicable, points of service internal to the drive-through operation. Where a drive-through contains not just one but separate points of ordering, payment, and/or receipt of goods, queuing is considered to apply in between all three points as well as between the ingress point and initial point of service.

“Queuing” may be used interchangeably with “stacking”.

RECIDIVISM. A condition that results when an offender who has served a period of incarceration is subsequently released from confinement and commits a new crime. As applied herein, a recidivating event is any event that results in the filing of criminal charges in any court of competent jurisdiction; or when an offender is administratively adjudicated and judged to have violated the terms of supervision or confinement in a manner that, had he or she been prosecuted in court, would have been equivalent to a misdemeanor, gross misdemeanor or felony crime in the state of Washington. Administrative adjudications are those conducted by DOC, the Indeterminate Sentence Review Board, their successors or their surrogates. Recidivating events include any criminal conduct including those which occur within the Type 4 Group Home.

RECORDED. Unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.

RECREATION. The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

RECREATIONAL VEHICLE PARK. A plot of ground upon which two (2) or more recreational vehicles are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, education or vacation purposes.

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

RECYCLING CENTER. A center for the receiving and storage of recyclable materials such as paper, glass and aluminum. The center would receive materials from the general public. This use may involve some outside storage.

RECYCLING COLLECTION SITE. A site with collection boxes or other containerized storage where citizens can leave materials for recycling.

REHABILITATION. Infrequent, extensive repair of more than routine nature to existing structures or facilities which are in current use or operation.

RELIGIOUS ASSEMBLY. An establishment whose principal purpose is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, which may include accessory uses in the main building or in separate buildings or structures such as religious educational class rooms, assembly rooms, library or reading room, recreation hall, and a single dwelling unit for caretaker or clergy and his/her immediate family.

REMOTE SWITCHING UNIT. A device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and inter-facilities trunks, normally dependent on one (1) or more Central Office Switching Units for full operability.

REPLAT. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or

decrease the number of lots in the subdivision.

RESORT. Any area of land or water used for open land commercial or private recreation where overnight lodging, meals and related tourist services are provided in conjunction with such recreational use.

RETAIL TRADE. The sale or rental of goods and merchandise for final use or consumption.

REVEGETATION. The planting of vegetation to cover any land areas which have been disturbed during construction.

RIGHT-OF-WAY. Land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic. Right-of-way may also include land privately owned, provided that such land has been developed and constructed in compliance with all applicable laws and standards for a public right-of-way.

RIPARIAN. Of, pertaining to, or situated on the edge of the bank of a river, stream or other body of water.

RIPRAP. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.

ROOM. Any space in a building enclosed or set apart by a partition or partitions which is habitable and shall be deemed to apply to any room used as a bedroom, a dining room, a living room, a sitting room, a parlor, a kitchen, a sewing room, a library, a den, a music room, a dressing room, a sleeping porch, a sun room, a sun porch, a party room, a recreation room, a breakfast room, a study, and similar uses.

ROWHOUSE. A three-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

SALVAGE YARD OR JUNKYARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

SCREENING. Placement of a wireless telecommunication facility such as a tower or mount among trees or other appropriate vegetation to provide a natural, aesthetic appearance to the location of such wireless telecommunication facility.

SECONDARY USE. A use subordinate to the principal or primary use of the property, such as commercial, residential, or industrial uses allowed in each zoning district, etc.

SECONDHAND DEALER. Any person engaged, in whole or in part, in the business of buying, selling, trading, or otherwise transferring for value, secondhand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.

SECONDHAND PROPERTY/GOODS. Any and all used or secondhand goods or items of personal property which can be used again for the purpose for which they were originally intended, including, but not limited to, valuable items such as coins with a value greater than their face value, precious metals, precious stones and jewelry.

SECURITY BARRIER. A wall, fence, or berm that has the purpose of securing a wireless telecommunications facilities wireless service facility from unauthorized entry or trespass.

SEPTAGE. A semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

SERVICE AREAS. Service areas refer to areas, enclosed or open, that contain equipment and uses such as ground level mechanical equipment, utility vaults, loading zones, outdoor storage areas, and trash and recycling areas.

SERVICE PROVIDER. The department, district or agency responsible for providing the specific public facility or service.

SERVICE USES OR ACTIVITIES. A business which sells the knowledge or work of its people rather than a tangible product.

SETBACK. The minimum required distance, measured from the wall line of any structure and a specified line such as a property line or buffer line that is required to remain free of structures unless otherwise provided in this title.

SEWAGE SYSTEM, ON-SITE. Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

SEWAGE COLLECTION SYSTEM. Pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge.

SHADING VEGETATION. Vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in LMC 18A.50.400, Landscaping.

SHED, STORAGE. A structure in which possessions are kept for future use and which is constructed on the owner's property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial production or retail sales activities.

SHOPPING CENTER. A retail shopping area designed as a unit, with a minimum of six (6) tenant spaces, and which ~~utilizes~~uses a common parking area.

SHORELINE. The boundary between a body of water and the land, measured on tidal waters at the landward limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water; and on non-tidal waterways at the ordinary high water mark.

SHORELINE STABILIZATION. The protection from erosion and sloughing of the banks of tidal or non-tidal streams, rivers or lakes by vegetative or structural means:

- a. Vegetative shoreline stabilization is the use of lands that anchor the soil to prevent shoreline

erosion and sloughing.

b. Structural shoreline stabilization is the use of riprap, bulkheads, sea walls, or other non-vegetative material to prevent shoreline erosion.

SIGNIFICANT TREE. An existing tree which, when measured at four and one-half (4 1/2) feet above ground;

a. has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;

b. ~~When measured at four and one-half (4 1/2) feet above ground;~~ has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,

c. Regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.

SINGLE FAMILY ATTACHED DWELLING. A single-family residential structure that is structurally attached to another single-family residential structure and provides living accommodations for an individual or family. Attached dwelling units may be separate structures located on individual lots or on a commonly owned parcel.

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

SITE PLANNING. Site planning is the arrangement of buildings, driveways, sidewalks, public open spaces, landscaping, parking, and other facilities on a specific site.

SKATING RINK. A commercial facility wherein the rental of skating equipment occurs and an enclosed skating surface for private or public use is provided.

SLOPE LINE. The line perpendicular to the contour lines crossing the property.

SOIL. Soil means the surface layer of earth supporting plant life.

SOLID WASTE INCINERATOR. The processing of solid wastes by means of pyrolysis, refuse-derived fuel or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional-scale operations and does not include solid waste incineration which is accessory to an individual principal use.

SOLID WASTE TRANSFER STATION. The transfer of solid waste materials from route collection trucks to larger capacity semi-trailers for transport to a solid waste disposal site. The transfer activities would be conducted entirely within an enclosed structure. The use may involve a service area for the repair and maintenance of trucks and an outside parking area for trucks.

SOLID WASTE. All wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, seepage from septic tanks, wood wastes, dangerous wastes, and problem wastes.

SOUND ABSORPTION. Capacity of the materials and furnishings in a habitable room to absorb sound.

SOUND LEVEL. In decibels, the quantity measured by an instrument that satisfies American National Standard Specification for Sound Level Meters, S1.4-1971, or the most recent revision

thereof. Sound level is understood to be measured with the A-weighted filter and slow response of the instrument.

SOUND TRANSMISSION CLASS (STC) OF A PARTITION. A single figure rating of the sound-isolating properties of a partition, which takes into account the relative importance of the sound transmission loss of the partition at different frequencies. The determination of the sound transmission class of a partition is described in “Determination of Sound Transmission Class”, American Society for Testing and Materials, Designation E413-73.

SOUND TRANSMISSION LOSS OF A PARTITION. A measure of the sound-isolating properties of a wall, floor, ceiling, window or door, that is characteristic of the partition itself and not the room of which it is part. The determination of sound transmission loss of a partition, in the field, is described in “Measurement of Airborne Sound Isolation in Buildings”, American Society for Testing and Materials, Designation E336-71 or the latest revision thereof.

SPORTING VEHICLE. A motor- or wind-powered device used in or on the water or off normal public roads for recreational or sporting purposes.

STABILIZATION. The process of controlling or stilling the movement of sand and eroding soil by natural vegetative growth, planting of grasses and shrubs, or mechanical means such as wire net, [or](#) fencing.

STACKING SPACE. The space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to and away from the business establishment.

STORAGE. The parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a location for more than 72 hours or the use of a site for the parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a reoccurring or routine manner, regardless of the time interval.

STORMWATER CONVEYANCE FACILITIES. Features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems and drywells that convey stormwater.

STORMWATER MULTIPLE USE FACILITIES. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STREAMBANK ALTERATION. Realignment of a stream bank or the entire stream, either within or without its normal high water boundaries.

STREAM BANK, TOP OF. That line along the highest elevations at the top of a slope above a channel or stream, where the slope changes to less than ten (10) percent.

STREET FURNITURE. The objects placed on or near a sidewalk for use, convenience or enjoyment primarily by pedestrians such as benches or other seating arrangements, trash receptacles, mail and newspaper boxes, kiosks, light poles, and art objects.

STREET TREE FUND. A fund established by ordinance for the purpose of allowing the transfer of street improvements including street trees, landscaping and urban design features such as sidewalks and street furniture from one site to another.

STREET TREE. A species of tree approved by the City of Lakewood to be planted ~~in~~ along street frontages in accordance with the provisions of LMC 18A.50.400, Landscaping.

STREET WALL. The construction of buildings adjacent to the edge of the sidewalk and which abut each other or are in very close proximity to one another, to create the effect of a continuous wall of building facades along the sidewalk at the property lines.

STREET, CUL-DE-SAC. A street having only one (1) outlet for vehicular traffic, with a turnaround at the closed end and which is not planned to be extended or continued to serve future subdivisions or development on adjacent lands.

STREET, STUBBED. A street having only one (1) outlet for vehicular traffic which is constructed to the edge of a property line, and which is to be extended or continued to serve future subdivisions or development on adjacent property.

STREET. A public access way located within a thirty (30) feet right-of-way that was created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land and includes the terms road, highways, lanes, avenue, or similar designation.

STREETSCAPE. The streetscape is the visual character and quality of a street as determined by various elements located between the edge of the street and the building face, such as trees and other landscaping, street furniture, lighting, artwork, transit stops, signage, utility fixtures and equipment, and paving treatments. Where there are frequent and wide spaces between buildings, the streetscape will be defined by the pattern of building and open space and the character of that open space.

STRUCTURAL ALTERATION. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders or any structural change in the roof or in the exterior walls.

STRUCTURE (used in connection with flood regulations only). A walled and roofed building, a manufactured home, and a gas or liquid storage tank that is principally above ground.

STRUCTURE. Anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together.

SUBDIVIDER. Any person who undertakes the subdivision of land for the purpose of ownership or development at any time, whether immediate or future.

SUBDIVISION. The act of dividing a parcel or tract of land into smaller lots and tracts.

SUBDIVISION, FINAL. The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title and Chapter 58.17 RCW.

SUBSTANTIAL IMPROVEMENT (for the purposes of flood regulations only). Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the building. The term does not, however, include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

SURFACE MINING. Any area or areas within one-half (1/2) mile ~~to~~ of each other, where extraction of minerals from the surface results in: Removal of five thousand (5,000) cubic yards of material; or More than three acres of disturbed area; or Mined Slopes greater than thirty (30) feet high land steeper than one (1) foot horizontal to one (1) foot vertical; or more than one (1) acre of disturbed area within an eight (8) acre or greater area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. Surface mining shall not include excavations and grading for the purpose of public safety or restoring the land following a natural disaster.

SURVEY AND MONUMENT. To locate and monument the boundaries of a partition parcel, road right-of-way or road easement.

TELECOMMUNICATIONS SERVICE. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

TEMPORARY USE. A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and which is intended to exist or operate for a limited period of time.

TOWER ~~[FOR THE PURPOSES OF~~ [WIRELESS TELECOMMUNICATIONS FACILITIES \(WTF\)](#)~~]~~. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, including, but not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and other similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

TOWNHOUSE. A two-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling units. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

TOXIC MATERIALS. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRACT. Any parcel of land, lot, building site, or contiguous combination thereof devoted to or

intended to be devoted to a principal use and any other uses customarily accessory thereto.

TRAILER, AUTOMOBILE COMMERCIAL. A vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

TRANSFER STATION, DROP-BOX. A solid waste facility requiring a state solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from offsite.

TRANSFER STATION. A solid waste facility requiring a state solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from offsite into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

TRANSITIONAL HOUSING. A facility operated publicly or privately to provide housing for individuals or families who might otherwise be homeless and generally have no other immediate living options available to them. Transitional housing shall not exceed a two (2) year period per individual or family.

TRANSIT-ORIENTED DEVELOPMENT. Development that is centered around and coordinated in its use and design with a transit station or other transit facility. Transit-oriented development includes a variety of different planning and development projects, but is typically compact, medium to high density, mixed-use development within walking distance of transit with a focus on pedestrian orientation and creating neighborhood centers, places and/or gathering spots.

TRANSPARENT GLASS. Windows that are transparent enough to permit the view of activities within a building from nearby streets, sidewalks and public spaces. Tinting or some coloration is permitted, provided a reasonable level of visibility is achieved. Reflective or very dark tinted glass does not accomplish this objective.

TREE REMOVAL PERMIT. An approval granted by the Community Development Department to remove a significant tree(s) within the city.

TREE. Any living woody plant characterized by one (1) main trunk and many branches.

UNIFORM BUILDING CODE (UBC). The current version of the Uniform Building Code, published by the International Conference of Building Officials.

UNIQUE AND FRAGILE AREA. An area of special environmental significance for wildlife habitat, threatened plant communities or natural scenic quality.

UNLICENSED WIRELESS SERVICES. Commercial mobile services that operate on public frequencies and are not required to have a FCC license to operate.

USE CATEGORY. A group of similar use types that are associated with each other to such an extent that they represent a general land use function.

USE TYPE. A group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

USE, PERMITTED. Any use allowed in a zoning district and subject to the restrictions applicable to the specific use.

USE, PRINCIPAL. The primary or predominant use of any lot or parcel.

USE. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied, maintained, rented, or leased, and includes any manner of performance of such activity with respect to the performance standards of this zoning code. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

UTILITIES. Public facilities including electrical substation, electrical generation facilities, electrical transmission, telephone or communication lines, pipelines, sewer lines, water lines, natural gas lines, or similar transmission facilities, natural gas gate valve and storage facilities, sewage collection and treatment facilities, waste disposal facilities, waste transfer facilities, and water supply facilities.

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

VARIANCE. A modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

VEGETATIVE GROUNDCOVER. Low growing vegetation that does not usually exceed one (1) foot in height and eventually grows together to form a continuous mass.

VETERINARY CLINIC. Any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment, care, observation or treatment of any illness or injury to domestic or exotic animals.

WAREHOUSE. A structure, or part of a structure, for storing goods, wares, and merchandise, whether for the owner of the structure or for others.

WASTE-TO-ENERGY FACILITY, MUNICIPAL SOLID WASTE. A combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.

WASTE-TO-ENERGY FACILITY, SPECIAL. A combustion plant designed to burn more than twelve (12) tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

WASTE-TO-ENERGY FACILITY. Any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a useable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste which requires a state solid waste permit under RCW 70.95.

WASTEWATER TRANSFER FACILITY. Equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

WASTEWATER. Water that carries waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

WATER PURIFICATION FACILITY. Treatment plants or facilities for disinfecting water.

WATER SUPPLY, POTABLE. A water source that complies with appropriate state agency regulations as to quality and quantity for use as a drinking source.

WESTERN STATE HOSPITAL CAMPUS. A hospital and surrounding buildings, wards, and related and/or accessory structures, operated and maintained by the state of Washington for the care and treatment of patients affected with acute or chronic mental illness. The campus also includes the operation of an existing child study and treatment center and forensic center, both of which are located on the grounds of the Western State Hospital campus. Mental health facilities, the child study and treatment center, and the forensic center are subject to the public facilities master plan development standards listed in LMC 18A.30.850 as hereafter may be amended. The mental health facilities located at Western State Hospital are considered to constitute an Essential Public Facilities Civic use type.

WETLAND CREATION. Alteration, by excavation or other means, of upland areas to allow local hydrologic conditions to convert soils and vegetation to hydric character.

WETLAND ENHANCEMENT. An action which results in a long term improvement of existing wetland functional characteristics and processes that is not the result of a creation of restoration action.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHIP ANTENNA. An omnidirectional dipole antenna of cylindrical shape that is no more than six inches in average diameter.

WHOLESALE. Establishments primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies; and professional and commercial equipment suppliers.

WIRELESS TELECOMMUNICATIONS FACILITIES (WTF), INCLUDING PERSONAL WIRELESS SERVICE. Personal wireless service facilities, and facilities as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, any other services licensed by the FCC, and any other unlicensed wireless services.

YARD. An open area on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied land unobstructed from the ground upward.

YARD SALE. All temporary and intermittent sales which may be variously referred to as “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” or any similar casual sale of tangible personal property from a residence or community use which is advertised by any means whereby the public at large is or can be made aware of the sale, and which is clearly secondary to the primary use of the site.

YARD, FRONT. An open space on the same lot with the building, between the front wall line of the building, exclusive of steps, and the front property line, including the full width of the lot to its side line.

YARD, REAR. An open space on the same lot with the building between the rear wall line of the building, exclusive of steps and accessory buildings, and the rear line of the lot, including the full width of the lot to its side lines.

YARD, SIDE. An open, unoccupied space on a lot, between the side wall line of the main building, exclusive of steps, and the side property line of the lot.

ZONING CERTIFICATION. A certificate, issued prior to a project permit, stating that the proposed use is in accordance with the requirements and standards of this title

ZONING DISTRICT. An area accurately defined as to boundaries and location, and classified by the Zoning Code as available for certain types of uses and within which other types of uses are excluded.

ZONING. The regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and ~~district~~distinct zoning districts, and the specific use and development standards that regulate development. Such regulation shall also govern those public and quasi-public land use and buildings that provide for government activities and proprietary type services for the community benefit, except as prohibited by law. State and federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious city development.

(Ord. 462 § 9, 2007; Ord. 423 § 1 (part), 2006; Ord. 397 § 17, 2005; Ord. 277 § 1(part), 2002; Ord. 264 § 1(part), 2001.)

Section 18. 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 affected.

Section 19. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED by the City Council this 21st day of September, 2009.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney