

# Ordinance No. 00525

## CITY COUNCIL MEETING MINUTES DECEMBER 6, 2010

### ORDINANCE NO. 525

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the Comprehensive Plan and Zoning Maps of the City and Title 18A of the Lakewood Municipal Code

**WHEREAS**, the Washington State Legislature, through the state Growth Management Act (GMA), intends that local planning be a continuous and ongoing process; and

**WHEREAS**, following abundant public outreach and involvement, the Lakewood City Council adopted the City of Lakewood Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

**WHEREAS**, following public meetings and discussions, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code via Ordinance No. 264 on August 20, 2001; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood Planning Advisory Board (PAB) that incorporated public input, has subsequently amended Lakewood's comprehensive plan annually, including a periodic review required by law in 2004; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood PAB following public input, has subsequently amended Title 18A of the Lakewood Municipal Code periodically, either in conjunction with comprehensive plan amendments or on a standalone basis; and

**WHEREAS**, it is appropriate for local governments to adopt needed amendments to ensure that the plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

**WHEREAS**, the Lakewood PAB, acting as the City's designated planning agency, has reviewed a series of proposed amendments to both the comprehensive plan and development regulations, including the Comprehensive Plan Future Land-Use Map and Zoning Map as well as code amendments, for the current year; and

**WHEREAS**, public participation opportunities, as required by RCW 36.70A.130(2)(a), appropriate to the level of the amendments being reviewed, have been afforded to interested parties via numerous open public meetings, mailings and site postings, and a public comment/hearing period, and public input received through these channels has been duly considered by the Lakewood PAB; and

**WHEREAS**, environmental review as required under the Washington State Environmental Policy Act has resulted in the issuance of a determination of environmental non-significance; and

**WHEREAS**, a 60-day notice has been provided to state agencies prior to the adoption of this Ordinance, and state agencies have been afforded the opportunity to comment, per RCW 36.70A.106(1); and

**WHEREAS**, following public hearing, the Lakewood PAB forwarded a set of recommendations relative to the 2010 amendments package to the Lakewood City Council via PAB Resolution No. 2010-02; and

**WHEREAS**, the Lakewood City Council has reviewed materials relevant to public input and staff and PAB recommendations leading up to the proposed 2010 amendments package; and

**WHEREAS**, in accordance with the issues and concerns considered by the Lakewood PAB as reflected in its recommendations, the Lakewood City Council has considered the recommendations of the Lakewood PAB and has determined that it is appropriate to provide for the amendment of certain portions of the Comprehensive Plan Future Land-Use Map, Zoning Map, and Title 18A of the Lakewood Municipal Code as herein specified; and

**WHEREAS**, the Lakewood City Council has considered the required findings in LMC 18A.02.415 as related to each independent zoning map amendment, and hereby finds that the requirements of LMC 18A.02.415 are satisfied; and

**WHEREAS**, after review of the record and recommendations of the Lakewood PAB, the Lakewood City Council finds that the amendments to the City's comprehensive plan as identified within this Ordinance comply with the requirements of the state Growth Management Act;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The official Future Land-Use Map and Zoning Maps of the City for the below-referenced properties are hereby amended as follows, as shown in Exhibit A hereto:

A. CPA-2010-01 – MAP AMENDMENT (PORTION)

1. Amend the comprehensive plan land-use map to designate the subject property Corridor Commercial; and
2. Amend the zoning map to zone the subject property Commercial 3 (C3).

Subject Property:

Location: 7001 Bridgeport Way SW

Assessor's tax parcel no: 0220262051

B. CPA-2010-03 – MAP AMENDMENT

1. Amend the comprehensive plan land-use map to designate the subject property Neighborhood Business District; and
2. Amend the zoning map to zone the subject property Neighborhood Commercial 2 (NC2).

Subject Property:

Location: 5516 – 75th Street W.

Assessor's tax parcels no: 3905000051 and 3905000071

**Section 2.** Section 18A.02.030 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.02.130- Rules of Construction**

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

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

E. The word “lot” includes the words “plot” and “parcel.”

F. The word “building” and “structure” refers to all other structures or parts thereof.

G. Words importing the masculine gender shall also include the feminine and neuter.

H. When any provision of this title refers to or cites a section of federal law, the Revised Code of Washington (RCW), Washington Administrative Code (WAC), or Lakewood Municipal Code (LMC), and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.

I. When any provision of this title refers to or cites a section heading within this title, that reference or cite refers to all applicable subsections of the entire section text under that heading.

J. Where the responsibility or authority is indicated in this title to lie with the Community Development Director, City Engineer, Building Official or other authorized agent of the City, responsibility or authority shall lie equally with that individual’s duly authorized designee.

K. The phrase “residential zones” shall refer to the R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF3 zoning districts. The phrase “single family residential zones” shall refer to the R1, R2, R3, R4, MR1, and MR2 zoning districts. The phrase “multi-family residential zones” shall refer to the MF1, MF2, and MF3 zoning districts. The phrase “commercial zones” shall refer to the NC1, NC2, ARC, CBD, TOC, C1, ~~and C2~~, and C3 zoning districts. The phrase “industrial zones” shall refer to the IBP, I1 and I2 zoning districts.

L. When any provision of this title refers to “the City”, the phrase refers to the government entity of the City of Lakewood. When any provision of this title refers to “the city”, the phrase refers to the city of Lakewood as a location or place. (Ord. 264 § 1 (part), 2001.)

**Section 3.** Section 18A.02.300 of the Lakewood Municipal Code is hereby amended as follows:

## 18A.02.300- Establishment of Zones

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

**TABLE 1: COMPREHENSIVE PLAN/ZONING DISTRICT MATRIX**

<b>Comprehensive Plan Designation</b>	<b>Zoning District Classification</b>
Residential Estate	Residential 1 (R1); Residential 2 (R2)
Single Family	Residential 3 (R3); Residential 4 (R4)
Mixed Residential	Mixed Residential 1 (MR1) Mixed Residential 2 (MR2)
Multi Family	Multi Family 1 (MF1)
High-Density Multi Family	Multi Family 2 (MF2) Multi Family 3 (MF3)
Corridor Commercial	Commercial 1 (C1); Commercial 2 (C2); <del>Commercial 3 (C3)</del>
Central Business District	Central Business District (CBD)

Arterial Corridor	Arterial Residential Commercial (ARC)
Neighborhood Business District	Neighborhood Commercial 1 (NC1); Neighborhood Commercial 2 (NC2); Multi Family 2 (MF2); Multi Family 3 (MF3);
Industrial	Industrial Business Park (IBP) Industrial 1 (I1); Industrial 2 (I2)
Air Corridor 1	Clear Zone (CZ); Air Corridor 1 (AC1)
Air Corridor 2	Air Corridor 2 (AC2)
Public & Semi-Public Institutional	Public Institutional (PI)
Military Lands	Military Lands (ML)
Open Space & Recreation	Open Space Recreation 1 (OSR1) Open Space Recreation 2 (OSR2)
Lakewood Station District	Transit-Oriented Commercial (TOC); Public Institutional (PI); Commercial 1 (C1); Neighborhood Commercial 2 (NC2); Multi Family 2 (MF2); Multi Family 3 (MF3); Open Space Recreation 2 (OSR2)

(Ord. 264 § 1 (part), 2001.)

**Section 4.** Section 18A.20.600 of the Lakewood Municipal Code is hereby amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Buy-Back Recycling Center. Any small-scale business without industrial activity which collects, receives or buys recyclable materials (typically recyclable consumer goods and containers) from household, commercial or industrial sources for the purpose of sorting, grading or packaging recyclables for subsequent shipment and marketing, as distinguished from Recycling Processor Industrial use types, which use heavy equipment for processing and may provide for outdoor storage of recyclable materials. Examples of commercial buy-back recycling centers include small scale glass or aluminum container and paper buy-back centers. Facilities which process vehicle parts, building materials, or industrial scrap material are classified under the Recycling Processor Industrial use type. All materials stored outdoors must be containerized.

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

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

Level 2: Structure of up to 10,000 gross square feet, with up to six (6) two-sided gas pumps.

Level 3: Structure of up to twenty thousand (20,000) gross square feet, with up to nine (9) two-sided gas pumps.

Level 4: Structure of over twenty thousand (20,000) gross square feet, with more than nine (9) two-sided gas pumps. Level 4 shall include levels 1, 2 and 3.

G. Drive-Through Facilities. Facilities which are standalone or provided in conjunction with and accessory to a collocated allowed use for the purposes of allowing a customer or patron to transact business from a motor vehicle. Examples include fast food, coffee kiosks, financial institutions or unstaffed automatic teller machines, and pharmacy prescription drop-off/pick-up. Does not include drive-through car washes or other forms of automobile service, which shall instead be treated as Motor Vehicle Service and Repair Commercial use types. Drive-Through Facilities shall not be comprised of a mobile unit such as a trailer or other vehicle with chassis which has been parked and/or converted to a permanent installation by virtue of removal of wheels or addition of blocking and skirting.

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

Level 1: Mobile vending occurring from motorized or non-motorized outdoor carts or vehicles which go from place to place

selling pre-prepared or made-to-order products, where no seating is provided. Examples include lunch wagons, coffee or hot dog carts, popcorn vendors, and ice cream trucks.

Level 2: Mobile vending as described in Level 1, but occurring from a fixed, identifiable location to which the vendor returns each business day, serving pre-prepared or made-to-order products intended to be consumed off the premises. Examples include taco trucks.

Level 3: Establishments selling pre-prepared or made-to-order products intended to be consumed on the premises or which may, at the customer's option, be taken away, where a Drive-Through Facilities Commercial use type may or may not be collocated. Examples include coffee shops; juice bars; fast food, fast casual, and family style restaurants; and fine dining establishments.

Level 4: Establishments primarily involved in alcohol sales, or which include a specific bar/lounge area, serving made-to-order products intended to be consumed solely on the premises, which may, from time to time, feature entertainment such as video sports events, comedy shows, or dancing to recorded or live music, or low-intensity entertainment such as video games, pool tables, darts, television, and/or jukebox music. A Level 4 Eating and Drinking Establishment shall not be collocated with a Drive-Through Facilities Commercial use type. Examples include sports bars, restaurants with bars/lounges, taverns and brewpubs. Distinguished from establishments primarily involved in alcohol sales, where pre-prepared or made-to-order food may also be available, which routinely offer entertainment such as dancing to live or recorded music, which shall instead be treated as Amusement and Recreation Commercial use types. Examples include dance or karaoke bars and "nightclubs."

I. Food Stores. Stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, which may include a variety of non-food products as well. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, grocery stores, and specialty food and beverage stores; provided, that gasoline sales shall not be located on the same lot and as distinguished from Convenience Commercial use types.

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

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

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

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

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

Level 2: Crematories, including affiliated funeral chapels and offices, subject to state air quality standards and intensity limits when situated within the military-related zoning districts.

Level 3: Cemeteries, including affiliated mausoleums, funeral chapels, and offices which may include Level 1 and Level 2 uses.

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

Level 1: Bed and breakfast, subject to the requirements of LMC 18A.70.900.

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

Level 3: Hotels and motels, or other transient lodging facilities not listed herein, containing a single building or a group of detached or semi-detached buildings containing guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers.

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

M. Motor Vehicle Sales and Rental. Establishments or places of business engaged in the sales or leasing of motor vehicles, utility trailers, recreational and/or sporting vehicles, commercial vehicles, construction equipment, and heavy equipment subject to compliance with all applicable federal, state, and/or local licensing requirements. Service of vehicles may be permitted as an incidental, and clearly secondary, accessory use.

Level 1: New and used motor, recreational, and sporting vehicle sales and rental of up to two (2) acres in size.

Level 2: New and used motor, recreational, and sporting vehicle sales and rental of more than two (2) and up to five (5) acres in size.

Level 3: New and used motor, recreational, and sporting vehicle sales and rental of larger than five (5) acres.

Level 4: Commercial truck-trailer and heavy equipment sales and rental.

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

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

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

Level 3: Minor service and repair of motor vehicles with up to two thousand (2,000) gross square feet of outdoor storage of vehicles under repair. Level 3 shall include Level 1 uses.

Level 4: Major service and repair of motor vehicles including transmission and engine rebuild shops; towing services; vehicle customization and fabrication; motor vehicle rebuilds; motor vehicle and vehicle trailer manufacturing/assembly; installation and/or testing of audio or alarm systems; body work and vehicle painting, subject to state air quality standards, including outdoor storage of vehicle body parts and vehicles under repair; and minor service and repair uses with more than two thousand (2,000) gross square feet of outdoor storage. Level 4 shall include Level 3 and Level 1 uses.

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

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

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

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

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

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

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

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

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

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

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

Level 2: Establishments of between five thousand (5,000) and ten thousand (10,000) gross square feet and/or which utilize

more than one thousand (1,000) square feet of outdoor area for instructional purposes or for parking of vehicles or storage of materials utilized in the instructional program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Level 3: Pawnshops, subject to the provisions of LMC 5.12. Businesses which are engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property; or which publicly display, at or



near their place of business, any sign or symbol generally used by pawnbrokers or indicating that the business loans money on personal property on deposit or pledge.

V. Sexually Oriented Business. A business that includes as a primary use any one or more of the following: an adult entertainment facility; adult-oriented merchandise; adult retail use; panoram; or similar facility, merchandise, or entertainment as defined in LMC 18A.40.400, subject to specific standards, including siting criteria, set forth therein.

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

Level 1: Indoor mini-warehouse/storage facility.

Level 2: Indoor/outdoor mini-warehouse/storage facility, including the storage of motor, recreational, and sporting vehicles not otherwise regulated as a Level 1 Salvage/Vehicle Storage Facilities Industrial use type.

Level 3: Outdoor storage, including the storage of shipping containers, which is not accessory to a primary permitted use on the site, including the storage of motor, recreational, and sporting vehicles not otherwise regulated as a Level 1 Salvage/Vehicle Storage Facilities Industrial use type.

(Ord 508 (failed) 2010; Ord. 472 § 4, 2008; Ord. 397 § 4, 2005; Ord. 358 § 5, 2004; Ord. 317 § 2, 2003; Ord. 307 § 13, 2003; Ord. 264 § 1 (part), 2001.)

**Section 5.** Section 18A.30.510 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.30.510- Purpose - Commercial Zoning Districts**

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

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

The Commercial 1 (C1), ~~and Commercial 2 (C2), and Commercial 3 (C3)~~ zoning districts promote employment, services, retail, and business uses serving and linking neighborhoods to Lakewood's major transportation networks. The geographic relationship of the corridors to major road networks and their limited integration with adjacent neighborhoods promote employment, services, retail, and business/light industrial uses linked to access the major transportation networks. The C3 zoning district is distinguished by its arterial location and focus on "big-box" type uses which form an anchor for a large-scale commercial development.

(Ord. 264 § 1 (part), 2001.)

**Section 6.** Section 18A.30.520 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.30.520- Applicability - Commercial Zoning Districts**

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

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

The C1, ~~and C2, and C3~~ zoning districts are applicable to lands designated Corridor Commercial in the comprehensive plan.

(Ord. 264 § 1 (part), 2001.)

**Section 7.** Section 18A.30.530 of the Lakewood Municipal Code is hereby amended as follows:

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

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

### A. TOC Zoning District

1. Multifamily Dwelling (Level 2/3)
2. Assisted Living Facilities
3. Nursing Home
4. Community and Cultural Services (Level 1/2/3)
5. Daycare Facilities (Level 1/2)
6. Health Services
7. Outdoor Recreation (Level 1/2)
8. Postal Services (Level 1/2)
9. Public Maintenance Facilities (Level 1/2)
10. Religious Assembly (Level 1/2/3)
11. Social Services (Level 1/2)
12. Transportation (Level 1/2/3)
13. Communication Facilities (Level 1/2)
14. Electrical Facilities (Level 1)
15. Natural Gas Facilities (Level 1)
16. Sewage Collection Facilities
17. Stormwater Facilities (Level 1)
18. Waste Transfer Facilities (Level 1)
19. Water Supply Facilities (Level 1)
20. Amusement and Recreation (Level 1/2/3/4)
21. Business Services
22. Convenience Commercial (Level 1)
23. Eating and Drinking Establishment (Level 1/2/3/4)
24. Food Stores (Level 1/2)
25. Lodging (Level 3)
26. Motor Vehicle Services and Repair (Level 1/2)
27. Personal Services (Level 1/2)
28. Professional Offices (Level 1/2/3)
29. Sales of General Merchandise (Level 1/2/3)
30. Civic Accessory Uses
31. Commercial Accessory Uses

### B. CBD Zoning District

1. Multifamily Dwelling (Level 2/3)
2. Co-Housing
3. Assisted Living Facilities

#### 4. Continuing Care Retirement Community

#### 5. Nursing Home

6. Community and Cultural Services (Level 1/2/3)
7. Daycare Facilities (Level 1/2)
8. Government Administration Facilities (Level 1/2/3)
9. Health Services
10. Outdoor Recreation (Level 1/2)
11. Postal Services (Level 1/2)
12. Public Maintenance Facilities (Level 1)
13. Religious Assembly (Level 1/2/3)
14. Social Services (Level 1/2)
15. Transportation (Level 1/2/3)
16. Communication Facilities (Level 1/2/3/4)
17. Electrical Facilities (Level 1)
18. Natural Gas Facilities (Level 1)
19. Sewage Collection Facilities
20. Stormwater Facilities (Level 1)
21. Waste Transfer Facilities (Level 1)
22. Water Supply Facilities (Level 1/2)
23. Amusement and Recreation (Level 1/2/3)
24. Building/Garden Supply and Nurseries (Level 1/2/3)
25. Business Services
26. Convenience Commercial (Level 1/2)
27. Eating and Drinking Establishment (Level 1/2/3/4)
28. Food Stores (Level 1/2)
29. Funeral Services (Level 1)
30. Lodging (Level 3)
31. Motor Vehicle Service and Repair (Level 1/2)
32. Personal Services (Level 1/2)
33. Pet Sales and Services (Level 1/2)
34. Private Training School
35. Professional Offices (Level 1/2/3)
36. Rental and Repair Services (Level 1/2/3)
37. Sales of General Merchandise (Level 1/2/3/4)
38. Sales of Secondhand Property (Level 1/2)
39. Limited Manufacturing/Assembly (Level 1)
40. Printing and Publishing (Level 1/2)
41. Civic Accessory Uses
42. Commercial Accessory Uses

#### C. C1 Zoning District

1. Community and Cultural Services (Level 1/2/3)
2. Daycare Facilities (Level 2)
3. Government Administration Facilities (Level 1/2)
4. Health Services
5. Outdoor Recreation (Level 1/2)
6. Postal Services (Level 1)
7. Public Maintenance Facilities (Level 1/2)
8. Religious Assembly (Level 1/2/3)
9. Social Services (Level 1/2/3)
10. Transportation (Level 1/2)
11. Communication Facilities (Level 1/2/3/4)
12. Electrical Facilities (Level 1/2)
13. Natural Gas Facilities (Level 1)
14. Sewage Collection Facilities
15. Stormwater Facilities (Level 1)
16. Waste Transfer Facilities (Level 1)
17. Water Supply Facilities (Level 1/2)

18. Amusement and Recreation (Level 1/2/3/4)
19. Building/Garden Supply and Nurseries (Level 1/2/3)
20. Business Services
21. Convenience Commercial (Level 1/2/3)
  
22. Drive-Through Facilities
23. Eating and Drinking Establishment (Level 1/2/3/4)
24. Food Stores (Level 1/2)
25. Funeral Services (Level 1)
26. Lodging (Level 3)
27. Manufactured and Modular Homes Sales
28. Motor Vehicle Service and Repair (Level 1/2/3)
29. Motor Vehicle Sales and Rental (Level 1)
30. Personal Services (Level 1/2)
31. Pet Sales and Services (Level 1/2)
32. Private Training School (Level 1/2)
33. Professional Offices (Level 1)
34. Rental and Repair Services (Level 1/2/3)
35. Sales of General Merchandise (Level 1/2)
36. Sales of Secondhand Property (Level 1/2/3)
37. Storage (Level 1)
38. Limited Manufacturing/Assembly (Level 1)
39. Contractor Yards (Level 1)
40. Flex Space (Level 1/2)
41. Motion Picture Production Studios
42. Printing and Publishing (Level 1/2)
43. Warehousing, Distribution and Freight Movement (Level 1/2)
44. Civic Accessory Uses
45. Commercial Accessory Uses
46. Industrial Accessory Uses

#### D. C2 Zoning District

1. Community and Cultural Services (Level 1/2/3)
2. Daycare Facilities (Level 2)
  
3. Government Administration Facilities (Level 1/2)
4. Health Services
5. Outdoor Recreation (Level 1/2)
6. Postal Services (Level 1/2)
7. Public Maintenance Facilities (Level 1/2)
8. Religious Assembly (Level 1/2/3)
9. Social Services (Level 1/2/3)
10. Transportation (Level 1/2)
11. Communication Facilities (Level 1/2/3/4)
12. Electrical Facilities (Level 1/2)
13. Natural Gas Facilities (Level 1)
14. Sewage Collection Facilities
15. Stormwater Facilities (Levels 1)
16. Waste Transfer Facilities (Level 1)
17. Water Supply Facilities (Level 1/2)
18. Amusement and Recreation (Level 1/2/3/4)
19. Building/Garden Supply and Nurseries (Level 1/2/3/4)
20. Business Services
21. Buy-Back Recycling Center
22. Convenience Commercial (Level 1/2/3)
  
23. Drive-Through Facilities
24. Eating and Drinking Establishment (Level 1/2/3/4)
25. Food Stores (Level 1/2)

- 26. Funeral Services (Level 1)
- 27. Lodging (Level 3)
- 28. Manufactured and Modular Homes Sales
- 29. Motor Vehicle Sales and Rental (Level 1/2)
- 30. Motor Vehicle Service and Repair (Level 1/2/3/4/5)
- 31. Personal Services (Level 1/2)
- 32. Pet Sales and Services (Level 1/2)
- 33. Private Training School
- 34. Professional Offices (Level 1/2/3)
- 35. Rental and Repair Services (Level 1/2/3)
- 36. Sales of General Merchandise (Level 1/2/3/4)
- 37. Sales of Secondhand Property (Level 1/2/3)
- 38. Storage (Level 1/2)
- 39. Limited Manufacturing/Assembly (Level 1/2)
- 40. Contractor Yards (Level 1)
- 41. Flex Space (Level 1/2)
- 42. Motion Picture Production Studios
- 43. Printing and Publishing (Level 1/2)
- 44. Warehousing, Distribution and Freight Movement (Level 1/2)
- 45. Civic Accessory Uses
- 46. Commercial Accessory Uses
- 47. Industrial Accessory Uses

E. C3 Zoning District

1. Large-Scale Commercial Facilities anchored by one or more Sales of General Merchandise (Level 4) and/or Building/Garden Supply and Nurseries (Level 3) uses, which may be collocated or otherwise integrated with one or more of the following uses either within the same structure or upon the same site:

a. Multifamily Dwelling (Level 3)

\_\_\_\_\_ b. Assisted Living Facilities

\_\_\_\_\_ c. Community and Cultural Services (Level 3)

\_\_\_\_\_ d. Daycare Facilities (Level 2)

\_\_\_\_\_ e. Health Services

\_\_\_\_\_ f. Amusement and Recreation (Level 4)

\_\_\_\_\_ g. Business Services

\_\_\_\_\_ h. Convenience Commercial (Level 3)

\_\_\_\_\_ i. Eating and Drinking Establishment (Level 3/4)

\_\_\_\_\_ j. Food Stores (Level 1/2/3)

\_\_\_\_\_ k. Personal Services (Level 1/2)

\_\_\_\_\_ l. Pet Sales and Services (Level 1/2/3)

\_\_\_\_\_ m. Professional Offices (Level 3)

-

\_\_\_\_\_ 2. Transportation (Level 2)

\_\_\_\_\_ 3. Communication Facilities (Level 1/2)

\_\_\_\_\_ 4. Electrical Facilities (Level 1/2)

5. Natural Gas Facilities (Level 1)

6. Sewage Collection Facilities

7. Stormwater Facilities (Level 1/2)

8. Waste Transfer Facilities (Level 1)

9. Water Supply Facilities (Level 1)

-

10. Civic Accessory Uses

11. Commercial Accessory Uses

(Ord. 483 § 19, 2008; Ord. 462 § 7, 2007; Ord. 397 § 9, 2005; Ord. 317 § 4, 2003; Ord. 307 § 16, 2003; Ord. 277 § 1(part), 2002; Ord. 264 § 1 (part), 2001.)

**Section 8.** Section 18A.30.540 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.30.540- Administrative Uses - Commercial Zoning Districts**

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

### A. TOC Zoning District

1. Type 2 Group Home (Level 3)
2. Drive-Through Facilities, limited to coffee kiosks
3. Motor Vehicle Sales and Rental (Level 1/2/3)

### B. CBD Zoning District

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

### C. C1 Zoning District

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

13. Professional Offices (Level 3)
14. Rental and Repair Services (Level 3/4)
15. Sales of General Merchandise (Level 3/4)
16. Research, Development, and Laboratories (Level 1)

#### D. C2 Zoning District

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

#### E. C3 Zoning District

1. Postal Services (Level 2)
2. Religious Assembly (Level 3)
3. Motor Vehicle Services and Repair (Level 1/2)

(Ord. 397 § 10, 2005; Ord. 392 § 2, 2005; Ord. 264 § 1 (part), 2001.)

**Section 9.** Section 18A.30.550 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.30.550- Conditional Uses - Commercial Zoning Districts**

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

#### A. TOC Zoning District

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

## B. CBD Zoning District

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

## C. C1 Zoning District

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

## D. C2 Zoning District

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

## E. C3 Zoning District

1. Large-Scale Commercial Facilities exceeding 150,000 square feet in cumulative gross floor area.

(Ord. 423 § 1 (part), 2006; Ord. 397 § 11, 2005; Ord. 392 § 3, 2005; Ord. 358 § 2, 2004, Sections 18A.30.550C(7) and 18A.30.550D(7) that were in Ord. 264 were repealed and replaced with Ord. 358; Ord. 264 § 1 (part), 2001.)

**Section 10.** Section 18A.30.560 of the Lakewood Municipal Code is hereby amended as follows:



## 18A.30.560- Development Standards - Commercial Zoning Districts

Unless otherwise specifically modified by an adopted development agreement, in addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Commercial zoning districts:

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

1. TOC/CBD/C3 zoning districts: 54 dua
2. C1/C2 zoning districts: 35 dua

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

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

1. TOC/CBD/C1/C2/C3 zoning districts:
  - a. Building coverage: 100%
  - b. Impervious surface: 100%

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

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

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

1. TOC/CBD/C1/C2 zoning districts: 90 feet

F. Large-Scale Commercial Facilities. Large-Scale Commercial Facilities shall meet the additional development and design requirements specified in LMC 18A.50.241.L.

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

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

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

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

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

(Ord. 483 § 19, 2008; Ord. 264 § 1 (part), 2001.)

**Section 11.** Section 18A.50.241 of the Lakewood Municipal Code is hereby amended as follows:

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

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

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

1. Upper story setback. To reduce the perception of bulk, one (1) or more upper stories shall be set back from the ground floor at least ten (10) feet.
2. Horizontal building modulation. The stepping back or projecting forward of portions of a building facade within specified intervals of a building width and depth lessens the apparent bulk of the exterior wall of the structure. Buildings within four hundred (400) feet of a public right-of-way or park and visible from that right-of-way or park shall meet the following design standards:
  - a. The maximum width, as measured horizontally along the building exterior, without building modulation shall be one hundred (100) feet for commercial buildings.
  - b. The facade modulation shall have a minimum depth of ten (10) feet and a minimum width of twenty (20) feet.
  - c. Balconies may be considered to contribute to building modulation if each individual balcony has a floor area of one hundred (100) square feet and a projection of at least five (5) feet from the building wall.
  - d. Alternative methods to shape a building such as angled or curved facade elements, offset planes, wing walls and terracing, will be considered, provided the intent of this section is met.
  - e. Enhance building articulation with a change in materials or colors with each change in building plane. Emphasize trim details with compatible contrasting colors.
  - f. Canopies or arcades may be used along a facade as modulation only if the facade is visible from a right-of-way and the length of the canopy or arcade is at least fifty (50) percent of the length of the facade on which it will be located.

3. Modulated roofline. Rooflines shall be modulated by one (1) or more of the following standards:

- a. Provide gable, hipped or shed roofs with a slope of at least three (3) feet vertical to twelve (12) feet horizontal. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
- b. Other roof forms such as arched, vaulted, dormer or saw-toothed may satisfy this regulation if the individual segments of the roof without a change in slope or discontinuity are less than one hundred (100) feet in width.
- c. For flat roofs or facades with a horizontal eave, fascia, or parapet, change the roofline so that no unmodulated segment of roof exceeds one hundred (100) feet, measured horizontally for commercial buildings.

4. Building articulation with design elements such as the following, providing the interval does not exceed sixty (60) feet:

- a. Repeat distinctive window patterns at intervals equal to the articulation interval.
- b. Provide a porch, patio, deck, or covered entry for each interval.
- c. Provide a balcony or bay window for each interval.
- d. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or

articulation interval.

- e. Change materials or colors with a change in building plane.
- f. Provide a lighting fixture, trellis, tree or other landscape feature within each interval.
- g. Clustering of smaller uses and activities around entrances on street-facing facades.
- h. Massing of substantial landscaping and/or pedestrian oriented open spaces along the building facade.
- i. A pedestrian pass-through that would access the rear of the lot through buildings over two hundred (200) feet in length.

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

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

1. Locate incompatible uses and intrusive site elements away from neighboring properties to reduce conflicts with adjacent uses. Service yards and loading areas shall be designed and located for easy access by service vehicles and tenants and shall not displace required landscaping, impede other site uses, or create a nuisance for adjacent property owners.
2. Landscape buffers or another form of screening shall be provided along property lines adjacent to incompatible uses. If changes in topography between the properties are sufficient to reduce impacts, then modification to some of the screening/buffer options may be allowed.
3. When visible from public streets or adjacent residential uses, chain link fencing may only be used if the chain link fencing posts, gates, couplings and fasteners are coated with a colored plastic, vinyl or decorative finish, other than paint. Barbed wire may be utilized on the top of a fence, for security purposes only. Concertina or razor wire shall not be used.
4. Integrate outdoor storage areas and loading facilities into the site design to reduce visual impact and obstruction of pedestrian and vehicular movement. Commercial services relating to loading, storage, trash and recycling should be located in such a manner as to optimize public circulation and minimize visibility into such facilities. Trash and recycling receptacles shall be located within enclosures and shall include covers to prevent odor and wind blown litter.
5. Service yard walls, enclosures, and similar accessory site elements shall be consistent with the primary building(s) relative to architecture, materials and colors.
6. Locate and/or screen utility meters, electrical conduit, and other public and private utilities equipment and apparatus, including transformers, fire standpipes and engineered retention ponds, except biofiltration swales, so as not to be visible from the street or adjacent properties. Building utility equipment such as electrical panels and junction boxes should be located in an interior utility room. If site utilities must be located in a front yard, they shall be either underground or screened by walls and/or landscaping, and shall not obstruct views of tenant common spaces, public open spaces, monument signs, and/or driveways.
7. Locate and/or screen roof-mounted mechanical equipment so that it blends with the architecture of the building and is not visible from the street or adjacent properties.

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

1. At each primary building entry, provide weather protection in the form of an awning, canopy, marquee, building overhang or other feature that creates a covered pedestrian space that extends at least four (4) feet on either side of the entrance doors of the building and at least four (4) feet from the building wall.
2. Canopies or awnings should not extend higher than fifteen (15) feet above ground level or lower than eight and one-half (8 1/2) feet at the lowest point. Vertical height of the overhead clearance for the bottom of an awning should not be more than ten (10) feet.
3. The material and configuration of the pedestrian covering shall be reviewed by the City. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric, plastic and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings shall conform to the City's sign regulations as set forth in LMC 18A.50.600.

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

**E. Design Treatment of Blank Walls.** Reduce the apparent size and visual impact of large plain walls through the use of

various architectural and landscaping treatments.

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

- a. Install a vertical trellis in front of the wall with climbing vines or similar plant materials.
- b. Provide a planting bed at least five (5) feet wide or raised planter at least two (2) feet high and three (3) feet wide in front of the wall. Landscape with plant materials that obscure or screen at least fifty (50) percent of the wall surface within three (3) years.
- c. Provide artwork such as mosaic, mural, decorative masonry, metal patterns or grillwork, sculpture, relief or other art, on at least fifty (50) percent of the blank wall surface.
- d. Showcase, display, recessed windows.
- e. Architectural features such as setbacks, indentations, overhangs, projections, articulated cornices, bays, reveals, canopies, and awnings.
- f. Material variations such as colors, brick or metal banding, or textural changes;
- g. Landscaped public plaza(s) with space for vendor carts, concerts and other pedestrian activities.
- h. Other methods subject to City approval of architectural plans and elevations of the proposed treatments.

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

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

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

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

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

- a. Encouraging the use of shared parking facilities whenever feasible.
- b. Encouraging the inclusion of underground and/or rooftop parking facilities in multi-story buildings.
- c. Encouraging the development and use of parking structures and facilities; and
- d. Encouraging the use of transit and ride share programs whenever possible.

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

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

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

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

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

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

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

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

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

- i. When curtain wall glass and steel systems are used to enclose a building, the glazing panels shall be transparent on fifty (50) percent of the ground floor facade fronting a right-of-way or pedestrian area.
- j. Transparent glazing panels shall be utilized in the construction of all elevators and enclosed stairways. Elevators and stairways shall be sited so as to maximize the visual surveillance from the surrounding streets as well from within the parking structure.
- k. The parking structure shall be designed and lighted in accordance with crime prevention concepts so that personal safety risks are minimized.

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

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

H. Drive-Through Facilities. These standards are intended to allow for drive-through facilities while reducing the negative impacts they may create. The specific purposes of these standards are to reduce noise, lighting, exhaust, and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-site vehicular and pedestrian circulation; and minimize conflicts between queued vehicles and traffic on adjacent streets. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC and shall apply to not only new development but also the addition of drive-through facilities to existing developments and the relocation or redevelopment of existing drive-through facilities. Drive-through facilities are not a right; conditions such as size or configuration of the site or the size and location of existing structures may make it impossible to meet these standards. If that is the case, a drive-through facility may be denied even if it is otherwise allowed under the area's zoning. The inability of a proposed drive-through location to meet these standards shall not form cause for a variance of these standards.

1. Drive-through points of customer service and queuing lanes should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.
2. Queuing lanes shall be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation. Painted lanes are not sufficient to separate pedestrians from vehicles.
3. Drive-through speakers or amplified music shall not be audible off-site.
4. Operation of drive-through facilities shall be restricted to between the hours of 7:00 a.m. and 10:00 p.m. when the site is contiguous to properties zoned R1, R2, R3, R4, MR1, MR2, and ARC, with the specific exception of coffee kiosks, which may be open as early as 5:00 a.m.; or may be limited otherwise as determined necessary by the City to achieve compatibility with surrounding land uses.
5. A bypass lane to escape the queuing lane is required for all drive-through facilities.
6. Queuing lanes shall provide space for at least three (3) vehicles awaiting service, which shall encompass a minimum distance of sixty (60) linear feet as measured from each point of customer service to the end of the lane. For uses having multiple drive-through service lanes, each lane shall provide this minimum.
7. Queuing lanes shall not be located so as to interfere with pedestrian circulation routes. Unless the use is a standalone drive-through whose primary orientation is to vehicles, primary pedestrian access to the business from the parking lot shall not cross the queuing lane or drive-through ingress/egress.
8. Vehicular entrances and exits shall not be located so as to cause congestion on any public street or right-of-way. The queuing lane shall be situated so that any overflow shall not spill out onto public streets or major circulation routes of any

parking lot. Drive-through uses shall not be approved with ingress or egress driveways within 300 feet of a signalized intersection operating with a Level of Service D, E, or F unless a traffic analysis acceptable to the Public Works Department demonstrates that vehicles entering or leaving the site will not impair the efficiency or operation of the intersection.

9. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient queuing space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

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

1. The stand or cart shall be constructed of good quality, permanent materials. Tarps, bare plywood, cardboard, plastic sheeting, corrugated fiberglass or metal, or similar materials are not permitted.
2. The design, materials, and colors shall be compatible with existing features in the proposed location.
3. Awning quality shall be equal to that required for permanent buildings.
4. The size of the stand or cart shall be adequate for storage, trash containers, and other facilities. No outside storage is permitted.
5. Wiring and plumbing shall be hidden from view.

6. One (1) sign, maximum area six (6) square feet, two (2) sided, is permitted. Menus and price lists two (2) square feet and less, are not signs for the purpose of this guideline.

7. No music or drive-up speakers shall be audible off-site.

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

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

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

1. Development designs, including site design, architecture, and landscaping, should pay careful attention to the project's presentation to the highway. Designs should strive to present a positive visual presentation to the highway through architectural design elements and building orientation which acknowledge the presence of the highway.
2. Signage should be sufficient for way-finding purposes, without being overly demanding of the viewer's attention. The scale and design of signage should be comparable to other signs in the vicinity. Businesses shall not try to out-compete each other for visual attention.
3. To permit other businesses to have visual access to the highway, signage should be located within the first half of the highway frontage as encountered by oncoming highway traffic.
4. Landscaping should frame views of the site, accentuating positive visual focal points and screening unsightly or visually distracting elements. If visual access to the freeway is not critical, then landscaping shall be installed that provides visual continuity and effective screening of the site as seen from the highway.
5. Avoid the placement of service and utility areas toward the highway. Use the primary structure to screen such areas from the vision of oncoming traffic on the highway.

6. Outdoor display of merchandise should be focused toward a limited, specially designated and designed area of the site. Landscaping should frame the display area, screening other areas of the site and focusing the viewer's attention to the display. Merchandise and equipment placed for display along the highway shall not exceed 20 feet in height.
7. Work with WSDOT to provide complementary landscaping within the highway right-of-way.
8. In order to establish visual continuity along the highway, fencing should be limited to vinyl coated galvanized chain link fencing for developments providing visual access to the highway, and grey colored split-face block walls for projects that do not require visual access. Fencing along the freeway shall be installed in accordance with design guidelines issued by the Washington State Department of Transportation. A coating to help allow clean-up of spray paint graffiti shall be applied to the face of the block wall.

L. Large-Scale Commercial Facilities. Large-Scale Commercial Facilities shall be designed in such a manner as to be adaptable for reuse/compartimentalization. The building design shall include specific elements that facilitates the structure's adaptation for multi-tenant reuse should the initial use cease. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for all of the following:

1. Division of the interior of the structure into separate tenancies. The design for interior division shall accommodate multiple potential tenancies, each no larger than fifty (50) percent of the size of the original structure.
2. Facades that readily adapt to multiple entrances without compromising the structural integrity of the building, and adapt to entrances on at least two sides of the building or, if the building is designed to have only one front façade, all potential tenancies shall be designed for access from the front façade.
3. Parking lot designs that are shared by establishments or that are linked by safe and functional driving and bicycle/pedestrian connections.
4. Landscaping schemes that complement a multiple entry redesign.
5. Design and placement of loading docks/bays to accommodate potential multiple tenancies.
6. Other elements of design which facilitate multi-tenant reuse of the building and site.

(Ord. 483 § 26, 2008; Ord. 397 § 14, 2005; Ord. 392 § 4, 2005; Ord. 277 § 1(part), 2002.)

**Section 12.** Section 18A.70.625 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.70.625- Priority of Locations - Wireless Telecommunications Facilities**

A. The City's priorities for the location of new WTFs are listed below in order of preference, with the most preferred site listed first and the least preferred site listed last. The applicant must show that use of preferred site locations are not feasible in order to request a less preferred location. The applicant shall demonstrate, using engineering evidence satisfactory to the City, that all possible preferred locations and other WTF technology options have been exhausted before a less preferred site may be approved.

1. Mount antennae on utility poles within the right-of-way, public water towers, existing WTF towers or other public and/or non-residential buildings in commercial and industrial zoning districts.
2. Mount antennae on utility poles within the right-of-way, public water towers, existing WTF towers or other public or non-residential buildings in all zoning districts.
3. Locate antennae and new towers in the IBP, I1, and I2 zoning districts.
4. Locate antennae and new towers in the C1 and C2 zoning districts.
5. Locate antennae and new towers on non-residential property in the CBD, TOC, and PI zoning districts.
6. Locate antennae and new towers on non-residential property in the NC1 and NC2 zoning districts.
7. Locate antennae and new towers in the C3 zoning district.

78. Locate antennae and new towers on non-residential property in the OSR1 and OSR2 zoning districts.
89. Locate antennae and new towers on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
910. Locate antennae and new towers on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
110. Locate antennae and new towers on residential property in MF1, MF2, and MF3 zoning districts.
127. Antennae and new towers shall not be located in single-family residential zoning districts, except as allowed above, unless the applicant demonstrates that all other possible locations, collocations and wireless technologies cannot be modified to function within their grid system.

(Ord. 264 § 1 (part), 2001.)

**Section 13.** Section 18A.70.655 of the Lakewood Municipal Code is hereby amended as follows:

## **18A.70.655- Administratively Approved WTFs**

The Community Development Director may administratively approve the WTF uses listed in this subsection, after an applicant has submitted a complete administrative use permit application and provided all information required by the City.

A. Administratively approved uses. The following uses may be approved after conducting an administrative review:

1. Industrial/commercial zones. Locating WTFs, including the placement of additional buildings or other supporting equipment used in connection with WTFs, that meet the required separation distances and that do not exceed one hundred (100) feet in height for a single user and one hundred (130) feet in height for two (2) or more users in the C1, C2, C3, NC1, NC2, and PI zoning districts.
2. Antennae on existing structures. Locating a WTF, other than a tower, as an accessory use by attachment to any non-residential building or structure in any zoning district, provided that:
  - a. The WTF does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if other than a whip antenna.
  - b. The WTF complies with all applicable building codes.
  - c. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.
3. Facilities within allowable building height. Locating WTFs, including placement of additional buildings or other supporting equipment used in connection with the WTF, in the MF1, MF2, MF3, TOC, CBD zoning districts, so long as the WTF does not exceed the allowable building height for that district.
4. A mobile transmission facility or other temporary WTF for more than thirty (30) days. Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTF clearly and legitimately cannot be completed within 30 days), locating a mobile transmission facility at a single location for more than thirty (30) calendar days shall be allowed; however, purely economic convenience shall not be considered a viable factor in making this determination.

B. Authority to waive certain requirements. In connection with the administrative use permit approval, the Community Development Director may, in order to encourage camouflaging and collocation of WTFs, administratively reduce separation distance requirements between WTFs by up to thirty (30) percent in Commercial and Industrial zones if the provider demonstrates that the purposes and goals of this section would be better served in so doing.

C. Additionally, in order to encourage the use of the least obtrusive type of WTF, the Community Development Director may administratively permit the reconstruction of any existing WTF to a less obstructive form.

D. Appeal. An appeal to a final decision of the Community Development Director issued hereunder shall be heard by the Hearing Examiner in accordance with the requirements of LMC 18A.02, Administration.

(Ord. 264 § 1 (part), 2001.)



**Section 14.** Section 18A.90.200 of the Lakewood Municipal Code is hereby amended 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 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 onsite for industrial processes, space or water heating, or production steam. The electric power may be used onsite 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 gateway 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.

**LARGE-SCALE COMMERCIAL FACILITIES.** Principal, anchoring retail use integrated with other commercial or services uses under common ownership or use exceeding 100,000 square feet of cumulative gross floor area. For this purpose, "under common ownership or use" shall mean a single establishment which shares checkstands, management, a controlling ownership interest, or storage areas, e.g., a hardware/nursery, pharmacy, and/or grocery component associated with a general merchandise store.

**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. 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.

(see next Section for Additional Definitions)

**Section 15. Remainder Unchanged.** The rest and remainder of Title 18A of the Lakewood Municipal Code and the Comprehensive Plan Future Land-Use and Zoning Maps shall be unchanged and shall remain in full force and effect.

**Section 16. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

**Section 17. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the city council of the City of Lakewood this 6th day of December, 2010.

CITY OF LAKEWOOD

---

Douglas G. Richardson, Mayor

Attest:

---

Alice M. Bush, MMC, City Clerk

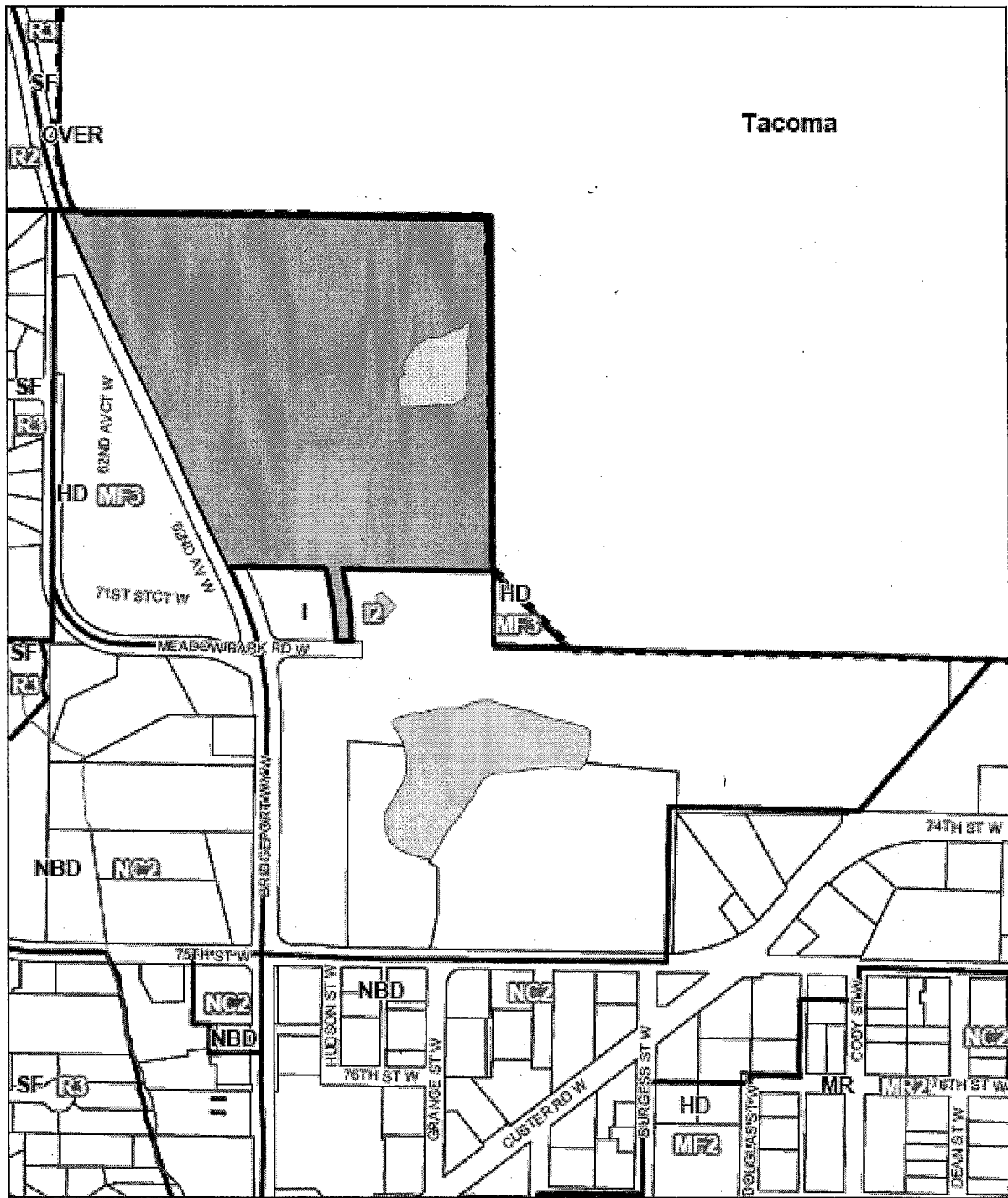
Approved as to Form:

---

Heidi Ann Wachter, City Attorney

**EXHIBIT A**

EXHIBIT A



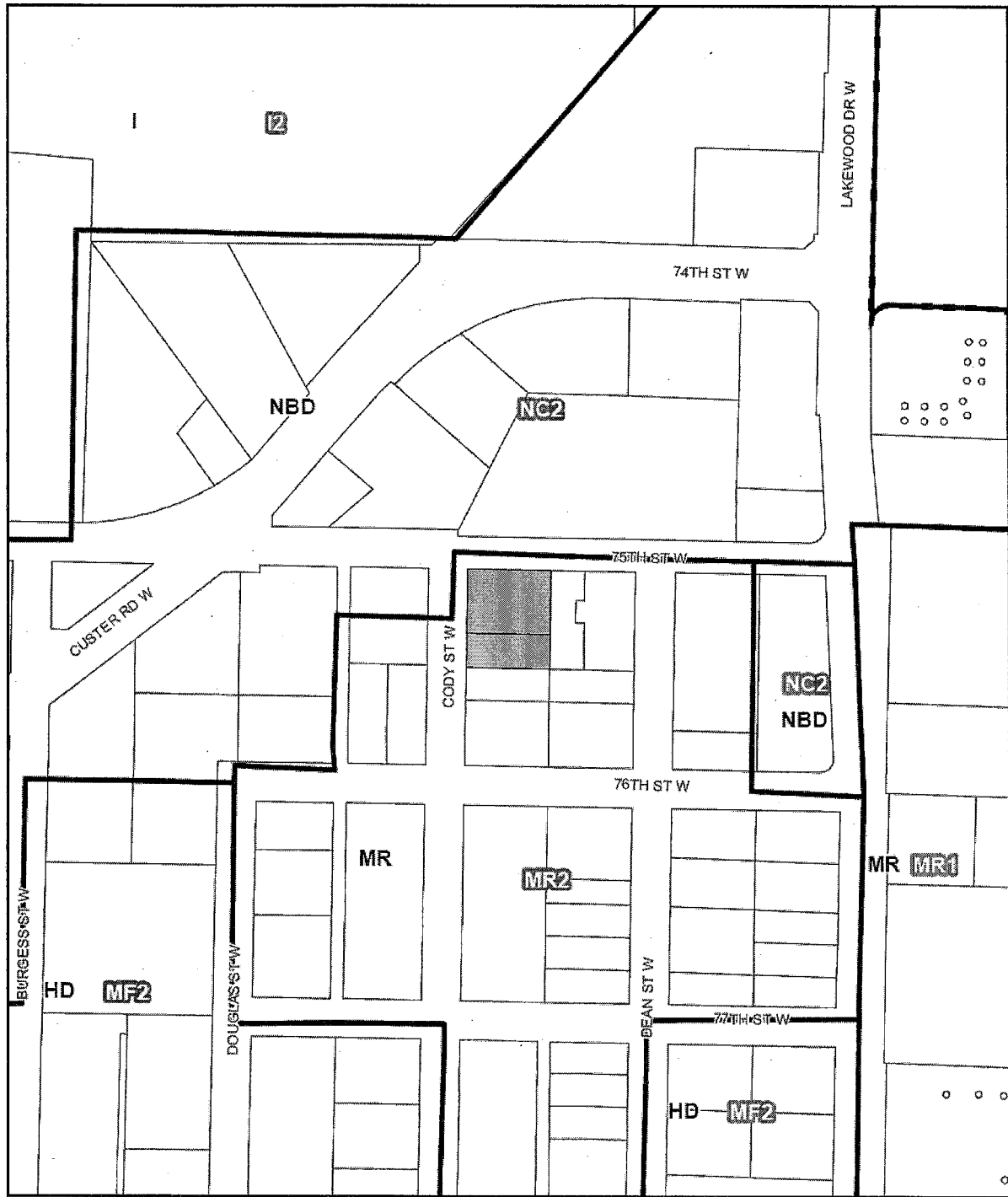
Tacoma

- Creeks
- City Limits
- Parcel
- Zoning Design: Min
- Zoning Design: Max
- CP Designation
- Zoning Design: Parcel

CPA-2G1-01  
 Map Arnaud:men-  
 from I to CC  
 (rezone from I2 to C3)  
 11mo - 4EL is si




This map was prepared and issued by the City of Tacoma. It is not intended to be used for any other purpose. The City of Tacoma is not responsible for any errors or omissions. This map is not a warranty. Call 252.8111 for more information.



I City Limit		CP Designation
Tax Parcel		Zoning Designation
- Creeks		Subject Parcel

CPA-2010-03  
 Map Amendment  
 from MR to INU3D  
 (rezone from MR2 to = 7C2)

1 inch = 200 feet



71% put= w.ispEparechOImet,Cri,,,CEp3rt: -1,  
 inktr,ndan Systems G.  
 ts racmcaaastram pew, Nsay..  
 my CM3546.2^2011.13.111E.FE3,M.H.:  
 Gd 251542-2E3 ,ratherITavr,f.  
 Vrelen opangomi, VAM,ISA-11.1.7A