

Ordinance No. 00567

[CITY COUNCIL MEETING MINUTES SEPTEMBER 3, 2013](#)

ORDINANCE NO. 567

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 18A.30.440, 18A.30.450, 18A.30.540 and 18A.50.241(H) of the Lakewood Municipal Code relative to drive through regulations.

WHEREAS, the Planning Advisory Board (PAB) promulgated Resolution 2013-01 wherein it concluded of note:

- the Community Development Director has received specific suggestions to provide more flexibility with regard to drive-through facilities, and to allow drive-throughs in the NC2 and TOC zoning districts with the issuance of an administrative use permit; and
- the Planning Advisory Board held a duly-noticed public hearing on July 24, 2013, to receive and consider public testimony on said proposed code changes; and,
- the Planning Advisory Board has found that the proposed changes to the Land Use and Development Code are consistent with the adopted Lakewood Comprehensive Plan and will not adversely affect the public health, safety and general welfare of the citizens of the city; and,
- the Planning Advisory Board has found affirmatively that the proposed amendments satisfy the applicable findings of Lakewood Municipal Code (LMC) 18A.02.415; and

WHEREAS, the City Council concurs with these conclusions made by the PAB.

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

Section 1. Section 18A.30.440 LMC, entitled, "Administrative Uses - Neighborhood Business Zoning Districts" shall be amended to read as follows:

18A.30.440- Administrative Uses - Neighborhood Business Zoning Districts

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

A. ARC Zoning District

1. Type 2 Group Home (Level 3)
2. Lodging (Level 3)
3. Limited Manufacturing/Assembly (Level 1)

B. NC1 Zoning District

1. Type 2 Group Home (Level 3)
2. Public Maintenance Facilities (Level 2)
3. Drive-Through Facilities, limited to coffee kiosks
4. Professional Offices (Level 2)
5. Sales of General Merchandise (Level 2)
6. Printing and Publishing (Level 1)

C. NC2 Zoning District

1. Multifamily Residential (Level 2), limited solely to sites that do not front onto a classified principal arterial street and whose dimensions are such that the average length of side property lines is twenty (20) percent or greater than the length of the property line at the street frontage; provided, that the resulting housing shall be limited in perpetuity to persons fifty-five (55) or more years of age.
2. Type 2 Group Home (Level 3)
3. Public Maintenance Facilities (Level 2)
4. Convenience Commercial (Level 3)
5. Drive-Through Facilities

Section 2. Section 18A.30.450 LMC, entitled, "Conditional Uses - Neighborhood Business Zoning Districts" shall be amended to read as follows:

18A.30.450- Conditional Uses - Neighborhood Business Zoning Districts

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

A. ARC Zoning District

1. Single-Family Detached Dwelling (Level 3)
2. Type 3 Group Home (Level 1/2)
3. Public Maintenance Facilities (Level 2)
4. Public Safety Services (Level 1)
5. Communication Facilities (Level 2)
6. Electrical Facilities (Level 2)
7. Pipelines
8. Stormwater Facilities (Level 2/3)
9. Water Supply Facilities (Level 2/3)
10. Printing and Publishing (Level 1)

B. NC1 Zoning District

1. Type 3 Group Home (Level 1/2)
2. Public Safety Services (Level 1)
3. Communication Facilities (Level 2)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 2/3)
7. Water Supply Facilities (Level 2/3)
8. Eating and Drinking Establishments (Level 3)

C. NC2 Zoning District

1. Type 3 Group Home (Level 1/2)
2. Public Safety Services (Level 1)
3. Communication Facilities (Level 2)
4. Electrical Facilities (Level 2)
5. Pipelines
6. Stormwater Facilities (Level 2/3)
7. Water Supply Facilities (Level 2/3)
- ~~8. Drive-Through Facilities~~
89. Food Stores (Level 2)
- 9+0. Motor Vehicles Sales and Rental (Level 1)
- 10+1. Motor Vehicles Service and Repair (Level 2)

Section 3. Section 18A.30.540 LMC, entitled, "Administrative Uses - Commercial Zoning Districts" shall be amended to read as follows:

18A.30.540- Administrative Uses - Commercial Zoning Districts

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

A. TOC Zoning District

1. Type 2 Group Home (Level 3)
2. 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. Drive-Through Facilities

43. Motor Vehicle Services and Repair (Level 1/2)

Section 4. Section 18A.50.241(H) LMC, entitled, "General and Special Uses Design Standards" shall be amended to read as follows:

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, or location of the site or the size and location of existing structures may make it impossible to meet these standards inappropriate to establish a drive-through on a specific property. If that is the case, a drive-through facility may be denied even if it is otherwise allowed under the area's in the zoning district. 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~~ should 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 Hours of operation 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~~ suggested for all drive-through facilities, especially high-volume 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~~ should be located so as to ~~interfere~~ minimize interference 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~~ should 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.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this 3rd day of September, 2013.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Matthew S. Kaser, Acting City Attorney