

SUBSTITUTE ORDINANCE NO. 689

AN ORDINANCE of the City Council of the City of Lakewood, Washington, relating to establishing interim land use and development regulations related to Motor Vehicle Sales and Rental, and establishing an effective date.

WHEREAS, the City of Lakewood is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, since the adoption of the Land Use and Development Code, the City has received an increase in number of motor vehicle sales and rental business license and permit approval applications, and

WHEREAS, the city has identified areas where amendments to the Land Use and Development Code would be appropriate; and

WHEREAS, under Lakewood Municipal Code Title 18A, motor vehicle sales and rental businesses are currently allowed as primary permitted, conditional, or administrative uses within the City's: Neighborhood Commercial (NC) 1 and 2; Transit Oriented Commercial (TOC); Commercial (C) 1 and 2; Industrial (I) 1 and 2; and Air Corridor Zone (ACZ) 1 and 2 zoning districts; and

WHEREAS, within the first quarter of 2018, there has been a significant increase in the number of motor vehicle sales and rental businesses applying for licenses, permits or approvals in the City of Lakewood; and,

WHEREAS, the City of Lakewood already has a large number of motor vehicle sales and rental businesses; there are approximately forty-four (44) motor vehicle sales and rental businesses operating in the City of Lakewood; and

WHEREAS, a review of land use and zoning regulations for motor vehicle sales and rental businesses in other communities shows a variety of different development standards,

WHEREAS, a number of existing motor vehicle sales and rental businesses are located immediately adjacent to residentially zoned properties; this pattern of development often creates compatibility problems between dissimilar uses; and,

WHEREAS, the placement of motor vehicle sales and rental businesses in the NC2 zone runs contrary with the underlying purpose of the NC2 zone, which is to allow, in part, a concentrated mix of activities, including residential, retail, office, and local services; and,

WHEREAS, the City Council would like to enact a limited number of zoning regulations on an interim basis while it considers revised land use and development code regulations; and,

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

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

Section 1. Amendment of Lakewood Municipal Code Title 18A, Land Use and Development Code. The City of Lakewood's Municipal Code Title 18A is amended to define Motor Vehicle Sales and Rental and regulate the location of motor vehicle sales and rental businesses as shown in **Exhibit A**, attached hereto.

Section 2. Findings of Fact. The recitals set forth above are hereby adopted as findings of fact.

Section 3. Term. The interim regulations adopted by this Ordinance shall continue in effect for one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council. The Council may adopt extensions of this

Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Public Hearing. That a public hearing on the proposal to establish interim regulations on the filing with the City or the Courts or any other jurisdiction of any applications for licenses, permits or approvals for Motor Vehicle Sales and Rental businesses within the City of Lakewood is hereby set for 7:00 p.m, or as soon thereafter, as the matter may be heard, at the regular meeting of the Lakewood City Council on the 16th of July, 2018, at the Lakewood City Council Chambers, 6000 Main Street SW, Lakewood, Washington 98499.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 6. Effective Date. That this Ordinance and interim regulations contained herein shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 2nd day of July, 2018.

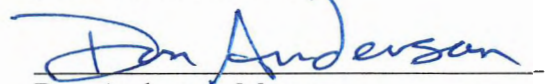
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CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Briana Schumacher, City Clerk *Designee*
Erika Sullivan

Approved as to Form:



Heidi Ann Wachter, City Attorney

EXHIBIT A

Exhibit A – Amendments to Lakewood Municipal Code Title 18A.

Exhibit A

Section 1. 18A.20.600 Commercial Use Category - Land Use Types and Levels.

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 no less than one-half (1/2) acre and 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.

Section 2. 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:

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. Food Stores (Level 2)
9. ~~Motor Vehicles Sales and Rental (Level 1)~~
10. Motor Vehicles Service and Repair (Level 2)
(Ord. 567 § 2 (part), 2013; Ord. 483 § 16, 2008; Ord. 397 § 8, 2005; Ord. 264 § 1 (part), 2001.)

Section 3. 18A.30.530 Primary Permitted Uses – Commercial Zoning Districts.

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 (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 1/2/3/4)
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 New and 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

(Ord. 678 § 1, 2018; Ord. 651 § 39 (part), 2016; Ord. 525 § 7, 2010; 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.)