

## ORDINANCE NO. 697

AN ORDINANCE of the City Council of the City of Lakewood, Washington, repealing Substitute Ordinance No. 689 and amending Title 18A, the Land Use and Development Code, modifying regulation of motor vehicle sales and rental establishments.

**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 City's Land Use and Development Code, Title 18A, the City has experienced an increase in number of motor vehicle sales and rental business license and permit approval applications; and

**WHEREAS**, in many situations, 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**, on July 2, 2018, the Lakewood City Council adopted Substitute Ordinance No. 689 establishing interim regulations for motor vehicle sales and rentals; and

**WHEREAS**, the interim regulations adopted by Substitute Ordinance No. 689 shall continue in effect for one hundred eighty (180) days from the effective date of the Ordinance, unless repealed, extended, or modified by the City Council; and

**WHEREAS**, the Lakewood City Council conducted a Public Hearing on Substitute Ordinance No. 689 on July 16, 2018; and

**WHEREAS**, the Lakewood Community & Economic Development Department prepared formal applications, LU-18-000161 (ZOA text amendment) & LU-17-000162 (SEPA Checklist) regarding revised regulations for motor vehicle sales and rentals; and

**WHEREAS**, pursuant to Lakewood Municipal Code (LMC) 18A.02.565, Case No. LU-18-00161 (text amendment), is a Process V Permit; and

**WHEREAS**, under LMC 18A.02.565, a Public Hearing is required; and

**WHEREAS**, the notice of the Public Hearing was published in *The News Tribune* on July 20, 2018; and

**WHEREAS**, the notice of the Public Hearing was also placed on the City's website; and

**WHEREAS**, copies of the proposed regulations were transmitted to state and local agencies; and

**WHEREAS**, a State Environmental Policy Act (SEPA) Checklist was prepared; and

**WHEREAS**, the Responsible Official on behalf of the City of Lakewood has made a determination that this project does not have a probable significant adverse impact on the environment; and

**WHEREAS**, a Preliminary Determination of Nonsignificance (DNS) was issued under WAC 197-11-340(2); and

**WHEREAS**, the DNS was published on the Washington State SEPA Register; and

**WHEREAS**, on July 26, 2018, the DNS was published in *The News Tribune*; and

**WHEREAS**, on July 18, 2018, the City of Lakewood Planning Commission conducted a Study Session to amend motor vehicle sales and rental regulations; and

**WHEREAS**, on August 15, 2018, the City of Lakewood Planning Commission conducted an advertised Public Hearing; and

**WHEREAS**, no persons spoke at the Public Hearing; no correspondence or emails were received regarding the proposed action; and

**WHEREAS**, the City of Lakewood Planning Commission closed the Public Hearing on August 15, 2018; and

**WHEREAS**, also on August 15, 2018, the city of Lakewood Planning Commission adopted Resolution No. 2018-06 making recommendations amending motor vehicle sales and rental regulations to the city of Lakewood City Council; and

**WHEREAS**, on September 10, 2018, the city of Lakewood City Council conducted a Study Session reviewing the city of Lakewood Planning Commission's recommendations; and

**WHEREAS**, the city of Lakewood City Council noticed a Public Hearing, which was advertised in *The News Tribune* on August 28, 2018; and

**WHEREAS**, the notice of the Public Hearing was also placed on the City's website; and

**WHEREAS**, on September 17, 2018, the city of Lakewood City Council, conducted a Public Hearing; and

**WHEREAS**, one person spoke at the Public Hearing; no correspondence or emails were received regarding the proposed action; and

**WHEREAS**, the city of Lakewood City Council closed the Public Hearing.

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

**Section 1.** Substitute Ordinance No. 689, establishing interim zoning regulations, adopted July 2, 2018, is hereby repealed.

**Section 2.** The Lakewood City Council adopts the recitals and findings of fact as outlined in Attachment A justifying the adoption of this Ordinance.

**Section 3. Title 18A of the Lakewood Municipal Code is hereby amended and reads 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.

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 20,000 square feet 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.

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)

**Title 18A.70 – Use-Specific Standards.**

18A.70.1000 Motor Vehicle Sales and Rental

18A.70.1010 Purpose – Motor Vehicle Sales and Rental

The purpose of this section is to provide development standards for auto sales and vehicle rental establishments consistent with the Lakewood Comprehensive Plan. The intent of this chapter is to encourage business activity, but also to promote public safety, maintain attractive streetscapes, and improve property values.

18A.70.1020 Applicability – Motor Vehicle Sales and Rental

These regulations are applicable to motor vehicle sales and rental land use types, levels 1, 2, 3, and 4, located in the TOC, C1, C2, I1, I2, AC1 and AC2 zoning districts.

18A.70.1030 Development Standards – Motor Vehicle Sales and Rental

Proposed motor vehicle sales and rental land use types are subject to the following requirements:

A. The use of trailers, temporary modular homes, and/or manufactured or modular buildings for sales offices or other related activity is prohibited.

B. All vehicle sales and rental areas will provide supplemental customer parking onsite, at a ratio of at least one space for every 2,000 square feet of motor vehicle sales and rental area.

C. Any arrangement of motor vehicle sales and rentals is allowed as long as adequate fire access is provided per Fire Marshal.

D. All loading and unloading of motor vehicles sales and rentals shall occur onsite.

E. The public right-of-way shall not be used to display motor vehicles sales and rental land use types.

F. No test-drives shall occur on local residential streets found in or adjacent to R1, R2, R3, and R4 zoning districts.

G. Automobile wrecking or motor vehicle wrecking as defined in LMC 18A.90.200 shall not be conducted.

H. Spray booths and spray rooms shall not be permitted.

I. Car washes/detailing shall be located at least 50 feet from any residential zone, use, or structure.

J. Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Such systems shall not be used while service bay or exterior walls entrances or exits are open.


K. The site where the motor vehicle sales or rental land use type is located shall be kept clear of weeds, rubbish, and all types of litter and combustible materials at all times, and consistent with LMC, Chapter 8.40.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance

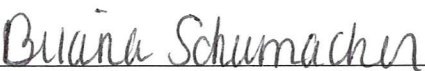
**Section 5. Effective Date.** This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

**ADOPTED** by the Lakewood City Council this 1<sup>st</sup> day of October, 2018.


CITY OF LAKEWOOD

  
Don Anderson, Mayor

Attest:

  
Briana Schumacher, City Clerk

Approved as to Form:

  
Heidi Ann Wachter, City Attorney

## **ATTACHMENT A – FINDINGS OF FACT**

The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

The procedural requirements of RCW 36.70A have been complied with.

The proposed amendment is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

The proposed amendment is consistent with the City of Lakewood Comprehensive Plan.

All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

All required and necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

The Lakewood City Council finds and determines that approval of regulations for motor vehicle sales and rental establishments is in the best interests of the residents of Lakewood, and will promote the general health, safety and welfare.

The Lakewood City Council finds and determines that the regulation of motor vehicle sales and rental establishments is subject to the authority and general police power of the City to develop specific and appropriate land use controls regarding such uses in accordance with applicable law.