

Ordinance No. 00075

[Council Minutes 96/05/20](#)

ORDINANCE NO. 75

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AN ORDINANCE of the City Council of the City of Lakewood, Washington creating a new Chapter 1.40 of the Lakewood Municipal Code relating to City Manager Code Responsibilities

WHEREAS, the current language of the Lakewood Municipal Code provides for various options and alternatives in connection with responsibilities and requirements of the City Code, including, but not limited to, requests for variance before the City's Hearings Examiner; and,

WHEREAS, there are occasions when the requested variation from the provisions of the City Code are minor and not necessarily deserving of a full "variance" procedure; and,

WHEREAS, in order to address those instances where the variation from the City Code is minimal, it would be appropriate to delegate the responsibility to the City Manager or to the City Manager's designee to consider the minor variations of City Code requirements rather than requiring the person requesting such a variation go through the variance procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

1. That a new Chapter 1.40 of the Lakewood Municipal Code be, and the same hereby is created to read as follows:

Chapter 1.40

City Manager Code Responsibilities

1.40.010 City Manager Code Discretion

A. As an alternative to the variance procedures identified in Section 18.75.040 of this code, a person may request that the City Manager or designee vary the requirements of the City Code under the following conditions:

(1) The requested requirements change does not exceed ten percent (10%) of the distance, area or other physical measure of the requirement of the City Code;

(2) The requested requirements change does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity; and,

(3) The person or entity requesting the requirements change shall agree to waive his/her/its right to pursue a variance or other process to seek an alternative to the requirements of the City Code, provided that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure, in the normal course.

B. The City Manager or the City Manager's designee is vested with and authorized to exercise the discretion to decide all such

requests for changes in the requirements of the City Code pursuant to the provisions of paragraph A of this section, and in keeping with the criteria identified in paragraph D of Section 18.75.040 of the City Code.

C. The fee for an application for a variance provided under this Chapter shall be \$90.00.

2. That if any portion of this Ordinance or its application to any persons or circumstances is held invalid by a court of competent jurisdiction, the rest and remainder of the Ordinance or its application to other persons or circumstances shall not be affected.

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

ADOPTED by the City Council this 20th day of May, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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