

ORDINANCE NO. 738

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON ADOPTING AMENDMENTS TO TITLES 1, 12, 14, 15, 17, AND 18A OF THE LAKEWOOD MUNICIPAL CODE (LMC) AND REPLACING LMC CHAPTER 3.64 WITH A NEW CHAPTER 3.64, TITLED PROPERTY TAX EXEMPTIONS FOR MULTIFAMILY HOUSING.

FINDINGS

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

WHEREAS, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

WHEREAS, it is appropriate for a local government to adopt needed amendments to its development regulations to ensure that the Comprehensive Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on June 2, 2020 under SEPA #202002903; and

WHEREAS, notice was provided to state agencies on June 2, 2020 per City of Lakewood--2020-S-1437--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, on May 20, 2020, acting as the City's designated planning agency, the Lakewood Planning Commission held a duly noticed public hearing on the proposed 2020 Annual Development Regulation Amendments to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, and 18A; and

WHEREAS, on June 3, 2020, the Lakewood Planning Commission adopted Resolution 2020-02 recommending approval of the 2020 Annual Development Regulation Amendments to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, and 18A to provide needed revisions, clarifications and updates, and requesting that the City Council review proposed new LMC Chapter 17.17 to verify its content; and

WHEREAS, on June 15, 2020 the Lakewood City Council held a duly noticed public hearing on the proposed 2020 Annual Development Regulation amendments and a proposed replacement of LMC Chapter 3.64 related to the City's MultiFamily Tax Exemption Program with a new LMC Chapter 3.64 to be titled "Property Tax Exemptions for MultiFamily Housing"; and

WHEREAS, on June 15, 2020, the City Council completed review;

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

Section 1. Adoption of City Council Findings.

The Findings of the City Council are adopted as part of this Ordinance.

Section 2. Adoption of Annual Development Regulation Amendments.

Amendments to the City's land use and development regulations are adopted as summarized below and included in full in Exhibit A, attached hereto:

Amendments to Title 1 (General Provision):

- 1.36.020 and .265 related to Hearing Examiner appeals

Amendments to Title 12 (Public Works):

- Addition of definition of "unopened city street"

Amendments to Title 14 (Environmental Protection):

- Updated references to WAC chapters in LMC Chapter 14.02

Amendments to Title 15 (Buildings and Construction):

- Statement added to Chapter 15.05 related to use of IEBC in relation to other codes

Amendments to Title 17 (Subdivisions):

- Updated reference to LMC Title 12 in Chapter 17.02
- Addition of new Chapter 17.17 regarding Plat Alterations

Amendments to Title 18 (Land use and Development Code):

- Correcting scrivener errors
- New definitions added to Section 18A.10.180
- Table at 18A.20.080 replaced with updated table
- Removal of section 18A.20.320
- Update of SEPA appeal deadline in 18A.20.400
- Update of PDD application requirements at 18A.30.540
- Update to density range and minimum lot size in R1 zone at 18A.30.600
- Remove section 18A.30.640
- Addition of section 18A.40.025 re: "dangerous and objectional elements"
- Amending allowed uses and related footnotes within LMC Sections 18A.40.040, .060, .080, .110 and .120 use tables, regarding accessory dwelling units, boarding houses, special needs housing and group homes
- Addition of text to section 18A.60.090 (B) regulating electric fences
- Amend section 18A.40.110 (B)(1) (d) and (j) regarding allowed size of ADUs
- Amending section 18A.40.110 (B)(9)(e) related to use of modified shipping containers in residential construction
- Deletion of section 18A.40.110 (B)(1)(m) and (n)
- Amending 18A.70.040 (A) and (C) re access to trash enclosures and sidewalks
- Amending parking standards for alleys in Chapter 18A.30

Section 3. Adoption of New Property Tax Exemption for MultiFamily Properties Program.

A new LMC Chapter 3.64, is adopted and included in full in Exhibit B, attached hereto.

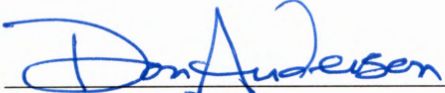
Section 3. Remainder Unchanged. The rest and remainder of the Lakewood Comprehensive Plan, including the unaffected sections of the Future Land-Use Map and Zoning Map, and the unaffected sections of the Lakewood Municipal Code, shall be unchanged and shall remain in full force and effect.

Section 4. 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 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after final passage.


ADOPTED by the City Council of the City of Lakewood this 6th day of July, 2020.

CITY OF LAKEWOOD



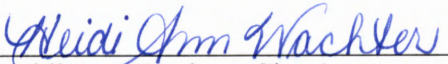
Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi Ann Wachter, City Attorney

EXHIBIT A
2020 ANNUAL DEVELOPMENT REGULATION AMENDMENTS

Where portions of Lakewood Municipal Code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.

Title 1

LMC 1.36.020 Office created.

The office of Hearing Examiner is hereby created to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The Examiner shall also be authorized to act in a decision-making role involving administrative matters and such other quasi-judicial matters as may be granted by ordinance or referred to the Hearing Examiner by the City Manager, including appeals contesting administrative orders which direct a property owner to abate nuisances and/or dangerous conditions.

LMC 1.36.265 Decision on appeals.

- A. In considering appeals, the Hearing Examiner shall do one of the following:
1. Affirm the decision;
 2. Reverse the decision;
 3. Affirm the decision with modifications; or
 4. Remand the decision to the appropriate department director for further consideration.
- The Hearing Examiner shall include in the order the issues to be reviewed on remand.
- B. Conditions. The Hearing Examiner may include conditions as part of a decision granting, or granting with modifications, an appeal to ensure conformance with this code, the City's comprehensive plan or any other applicable laws or regulations. Conditions included may not direct or burden City resources.

Title 12

12.14 Definitions and Abbreviations.

Except for chapters with identified definition sections or specific definitions provided, the following definitions apply to this title:

* * *

“Unopened city street” means any street or alley dedicated to public use upon which no public funding or in kind support has been expended for purchase or improvement and which has never been systematically used as a public passage afoot, mounted or by vehicle traffic. The street or ally must also not have been recorded as such in the rolls of the Office of the County Engineer, nor identified in the historic minutes of the City Council or its subordinate organizations.

Title 14

14.02.030 Adoption by reference.

The following sections of Chapter ~~173-806~~ 173-802 WAC, together with the sections of Chapter 197-11 WAC adopted by reference therein, as presently existing and as may subsequently be amended, are hereby adopted by reference, as if fully set forth herein:

173-806-010	Authority.
173-806-020	Purpose of this part and adoption by reference.
173-806-030	Additional definitions.
173-806-040	Designation of responsible official.
173-806-050	Lead agency determination and responsibilities.
173-806-053	Transfer of lead agency status to a state agency.
173-806-055	Additional considerations in time limits applicable to the SEPA process.
173-806-058	Additional timing considerations.
173-806-065	Purpose of this part and adoption by reference.
173-806-070	Flexible thresholds for categorical exemptions.
173-806-080	Use of exemptions.
173-806-090	Environmental checklist.
173-806-100	Mitigated DNS.
173-806-110	Purpose of this part and adoption by reference.
173-806-120	Preparation of EIS— Additional considerations.
173-806-125	Additional elements to be covered in an EIS.
173-806-128	Adoption by reference.
173-806-132	Public notice.
173-806-140	Designation of official to perform consulted agency responsibilities for the City.
173-806-150	Purpose of this part and adoption by reference.
173-806-155	Purpose of this part and adoption by reference.
173-806-160	Substantive authority.
173-806-170	Appeals.
173-806-173	Notice/statute of limitations.
173-806-175	Purpose of this part and adoption by reference.
173-806-180	Adoption by reference.
173-806-185	Purpose of this part and adoption by reference.
173-806-205	Effective date.
173-806-220	Severability.
173-806-230	Adoption by reference.

<u>173-802-010</u>	<u>Authority.</u>
<u>173-802-020</u>	<u>Adoption by reference.</u>
<u>173-802-030</u>	<u>Purpose.</u>
<u>173-802-040</u>	<u>Additional definitions.</u>
<u>173-802-050</u>	<u>Designation of responsible official.</u>
<u>173-802-060</u>	<u>Additional timing considerations.</u>
<u>173-802-070</u>	<u>Threshold determination process—Additional considerations.</u>

<u>173-802-080</u>	<u>Mitigated DNS.</u>
<u>173-802-090</u>	<u>EIS preparation.</u>
<u>173-802-100</u>	<u>Public notice requirements.</u>
<u>173-802-110</u>	<u>Policies and procedures for conditioning or denying permits or other approvals.</u>
<u>173-802-120</u>	<u>Environmentally sensitive areas.</u>
<u>173-802-130</u>	<u>Threshold levels adopted by cities/counties.</u>
<u>173-802-140</u>	<u>Responsibilities of individuals and work units within the department.</u>
<u>173-802-150</u>	<u>Coordination on combined department—Federal action.</u>
<u>173-802-190</u>	<u>Severability.</u>

14.02.035 Options and additions to provisions adopted by reference.

In addition to the WAC provisions adopted by reference herein, the following options are adopted and incorporated herein by this reference:

A. WAC [173-806-050](#) 173-02-050 Lead agency determination and responsibilities. (4) If the City of Lakewood or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-253](#) or [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City/county must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the 15-day time period. Any such petition on behalf of the City/county may be initiated by the City's SEPA responsible official.

B. WAC [173-806-058](#) 173-802-060 Additional timing considerations. (1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's/county's staff recommendation to any appropriate advisory body, such as the Planning Commission.

C. WAC [173-806-100](#) 173-802-080 Mitigated DNS. (1) As provided in this section and in WAC [197-11-350](#), the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

3. The responsible official should respond to the request for early notice within 15 working days. The response shall:
 - a. Be written;
 - b. State whether the City/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City/county to consider a DS; and
 - c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

6. (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a 14-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application.

14.02.060 Timing of Environmental Review.

* * *

B. At the latest, the City shall begin the environmental review process when a completed application for City approval of a nonexempt action has been received. The official responsible shall make a threshold determination on a completed application within ~~90~~120 days after the application and supporting documentation are complete and received, with the determination being made on the direct and indirect cumulative effects on the elements of the environment set forth in WAC 197-11-444. The applicant may request an additional 30 days for the threshold determination.

Title 15

15.05.020 Codes adopted by reference. The following codes, as herein adopted and further amended, shall be collectively known as the Lakewood Building Code.

A. The 2015 Edition of the International Building Code (IBC), including Appendix Chapters E, G, J and I, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

B. The 2015 Edition of the International Residential Code (IRC) excluding Sections R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, but including Appendices F, Q and V, as published by the International Code Council and as adopted and amended by the Washington State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference and as subsequently amended by this chapter. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

C. The 2015 Edition of the International Mechanical Code (IMC) published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-21 WAC; including the 2015 International Fuel Gas Code, the 2011 Edition of NFPA 58 and the

2012 Edition of ANSI Z223.1/NFPA 54 as amended by the Washington State Building Code Council, are hereby adopted by reference and as subsequently amended by this chapter.

D. The 2015 Edition of the International Fire Code (IFC), including Appendix Chapters B, C, D (Sections 105 and 106), E, F and G, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-54A WAC, is hereby adopted by reference and as subsequently amended by this chapter.

E. The 2015 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials and amended by the Washington State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

F. The 2015 Edition of the International Energy Conservation Code, as amended by the Washington State Building Code Council in Chapters 51-11C and 51-11R WAC and known as the Washington State Energy Code, is hereby adopted.

G. The 2015 Edition of the International Existing Buildings Code, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

H. The 2015 Edition of the International Performance Code, published by the International Code Council, is hereby adopted.

I. The 2015 Edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted.

J. The current edition of the National Electrical Code, published by the National Fire Protection Association, as adopted in Chapter 296-46B WAC and Chapter 19.28 RCW, except that “Department” shall mean either the State Department of Labor and Industries or Tacoma Public Utilities, depending on geographic service area located within Lakewood’s city limits.

Title 17

17.02.030 Division of land by streets or rights-of-way.

The City declares that the following shall not, of themselves, result in the division of a parcel:

- A. A state or federal road or highway; or
- B. A City street that has been adopted as part of the City street system; or
- C. A City street right-of-way that has been acquired or accepted by the City but is an unopened City street as defined in LMC Section 2.00 in Chapter 12.14 of the City Site Development Regulations, or as amended.

New Chapter 17.17
PLAT ALTERATIONS

17.17.010 Filing.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the City of Lakewood.

17.17.020. Application Submittal.

- A. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- B. A complete application as provided by the Community and Economic Development Department.
- C. A copy of the plat proposed to be altered and all affiliated codes, covenants and restrictions.
- D. A detailed plan of the proposed alteration drawn to the scale of one inch equals 50 feet. The detailed plan shall clearly show the following information:
 - 1. North arrow;
 - 2. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;
 - 3. The location, names and right-of-way widths of all proposed streets and their proposed paved width;

4. Lot layout with lot line dimensions, the area in square feet contained in each lot;
5. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;
6. The use and approximate location of all buildings within 150 feet of the boundaries of the proposed subdivision;
7. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;
8. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision to include any existing easements;
9. Location and disposition of any wells, creeks, drainage courses, drainage ways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;
10. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one acre or less, elevations at each existing and proposed property corner. One-foot or two-foot contours may be required, at the Community Development Director's discretion;
11. Topography and at least 10-foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (USGS), or other survey approved by the Community Development Director;
12. The location of all significant trees (as defined in the Lakewood Zoning Code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets. (Individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown.) For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the Community Development Director, and which do not require the applicant to trespass on adjacent property;
13. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;
14. The location of identified hazards or development limitation areas identified by the City of Lakewood critical areas map;

15. The location of any state shorelines and associated wetlands within the subdivision, as defined by state law and the City of Lakewood Shoreline Master Program.

E. Such additional information as the Community Development Director deems necessary.

17.17.030 Plat Alteration Procedure.

A. Plat alterations are type III permits and shall be processed as outlined in 18A.20.080 and RCW 58.17.215.

B. Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

C. The Hearing Examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. After approval of the alteration, the City of Lakewood shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the City of Lakewood Community and Economic Development Director, shall be filed with the county auditor to become the lawful plat of the property.

Title 18A

18A.10.180 Definitions.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than ~~six~~ eight adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.010 and Chapter 220, Laws of 2020.) Adult family homes shall serve those with functional limitations and are not intended to serve those with a history of violence, including sex offenses. See also “Group home.”

“Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than thirty percent (30%) of a given monthly household income, adjusted for household size, as follows:

1. Moderate Income. For owner-occupied housing, eighty percent (80%) of the area median income, and for renter-occupied housing, sixty percent (60%) of the area median income.

2. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of affordable housing in this title, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the City.

3. For LMC Chapter 3.64, “Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

"Attached accessory dwelling unit" means an accessory dwelling unit (ADU) located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Cargo containers”, also known as intermodal freight containers or shipping containers, means standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship. When such containers are used as a building or structure, they are subject to the provisions of the building code as adopted and modified by the City of Lakewood. Accordingly, a building permit is required to locate and use such structures. (See 2015 Internal Building Code Sect. 105.1- Permit Required). The site and building construction plans shall be adequate to demonstrate compliance with building, fire and site regulatory standards. Structural calculations are required for altered or structurally connected containers. As with other prefabricated structures such as portables or manufactured homes, building code approval of cargo containers may be obtained through the Washington State, Department of Labor and Industries (L&I), Manufactured Homes & Other Mobile Structures.

“Condominium” means 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 interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter 64.34 (RCW). (RCW 64.34.020 (10).)

“Condominium, detached” means a condominium pursuant to Chapter 64.34 RCW comprising one dwelling unit within one structure that is surrounded by a yard area and has an outward appearance of a detached single-family residence. All legal features of a condominium, including common ownership, declarations, and other provisions, shall be consistent with Chapter 64.34 RCW.

"Detached accessory dwelling unit" means an accessory dwelling unit (ADU) that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Detached single family" means a dwelling unit surrounded on all sides by open space.
"Dwelling unit, one unit per structure, detached" means the same thing as "single-family dwelling unit" and "single-family residence."

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Efficiency dwelling unit" means a small one-room unit, which includes all living and cooking areas with a separate bathroom.

"Lot, or corner" means a lot at the junction of and having frontage on two or more intersecting streets.

"Major transit stop" means: a stop on certain high capacity transportation systems; commuter rail stops; stops on rail or fixed guideway systems, including transitways; stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing fixed route service at intervals of at least 15 minutes during the peak hours of operation.

"Motion picture studio" means film or video production uses including onsite production facilities and associated non-permanent structures, and/or temporary sets.

"*Multifamily*" means four (4) or more residential units in one (1) building. "Multi-family housing" or "multifamily" means building(s) having four (4) or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

"Permanent residential occupancy" means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing

with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Rapid re-housing” means housing search and relocation services and short- and medium-term rental assistance to move homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.

“Rehabilitation improvements” means modifications to existing structures that are vacant for twelve (12) months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multi-family housing units.

“Residential target area” (“RTA”) means an area that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public. See LMC Chapter 3.64.

“Residential use” means the occupancy of permanent living quarters, as opposed to temporary accommodations for travelers, and certain accessory uses to such living quarters.

“Shipping containers”: See “Cargo containers”

“Senior and/or disabled family or household” means one or more persons 62 years of age or older and/or disabled persons, and their domestic partners and/or live-in caregivers who need not be 62 years of age or older and/or disabled, who are domiciled together; provided, that the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, as calculated under the city’s adopted building code.

“Space, loading” means a marked off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

“Space, parking” means an off-street space used temporarily to park a motor vehicle and having access to a public street or alley. This does not include entrance alleyways or access space to a parking lot. This space does not include area for required circulation.

“Specialized senior housing dwelling unit” means a room or rooms located within a senior housing development designed, arranged, occupied or intended to be occupied by not more than one senior and/or disabled family or household as living accommodations separate from other households, except that specialized senior housing dwelling units need not contain food preparation facilities and areas within the room or rooms.

“Stacked duplex” means a small- to medium-sized structure that consists of two stacked dwelling units, one on top of the other, both of which face and are entered from the street.

“Three family residential, attached or detached dwelling units” means three dwelling units located on one property. The term means the same thing as “triplex.”

“Townhouse” means a type of attached multifamily dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“Trailer” means every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle.

“Transit shelter” means a small roofed structure which provides partial protection from the elements for persons waiting for buses, trains or other transit vehicles.

“Transit station” means more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, and which may or may not incorporate accessory convenience retail and service establishments.

“Transitional housing” means housing that provides homeless individuals and families with the interim stability and support to successfully move to and maintain permanent housing. Transitional housing may be used to cover the costs of up to 24 months of housing with accompanying supportive services. Program participants must have a lease (or sublease) or occupancy agreement in place when residing in transitional housing.

“Two family residential structure, attached or detached dwelling units” means two dwelling units located on one property. The term means the same thing as “duplex” or “stacked duplex units.” A single-family dwelling containing an accessory dwelling unit shall not be interpreted as a duplex.

18A.20.080

Replace existing table with table below

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE I ADMINISTRATIVE					
Accessory building	N	D	O/Appeal	N	N
Accessory dwelling unit	N	D	O/Appeal	N	N
Administrative nonconforming determination	N	D	O/Appeal	N	N
Boundary line adjustment	N	D	O/Appeal	N	N
Business license	N	D	O/Appeal	N	N
Certificate of occupancy	N	D	O/Appeal	N	N

Commercial addition/remodel	N	D	O/Appeal	N	N
Demolition permit	N	D	O/Appeal	N	N
Design review	N	D	O/Appeal	N	N
Final subdivision plat (10 or more lots)	Y	D	O/Appeal	N	N
Home occupation permit			O/Appeal		
Land use permit – minor modification	N	D	O/Appeal	N	N
Manufactured/mobile home permit	N	D	O/Appeal	N	N
New commercial building permit	N	D	O/Appeal	N	N
New single-family building permit	N	D	O/Appeal	N	N
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/Appeal	N	N
Reasonable accommodation request	N	D	O/Appeal	N	N
Residential addition/remodel	N	D	O/Appeal	N	N
Shoreline exemption	N	D	O/Appeal	N	N
Sign permit	N	D	O/Appeal	N	N
Site development permit	N	D	O/Appeal	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/Appeal	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/Appeal	N	N
Tree removal permit	N	D	O/Appeal	N	N
Zoning certification	N	D	O/Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/Appeal	N	N
Cottage housing	Y	D	O/Appeal	N	N
Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/Appeal	N	N
Shoreline conditional use permit	Y	D	O/Appeal	N	N
Shoreline substantial development permit	Y	D	O/Appeal	N	N

Shoreline <u>variance</u> permit	Y	D	O/ <u>Appeal</u>	N	N
Time extension or minor modification to a Type II permit	Y	D	O/ <u>Appeal</u>	N	N
<u>Transitory accommodation</u> permit	Y	D	O/ <u>Appeal</u>	N	N
TYPE III DISCRETIONARY					
<u>Conditional use</u> permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N
<u>Public facilities</u> master plan	Y	R	D	N	N
Shoreline <u>conditional use</u> permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline <u>variance</u> when referred by the Shoreline Administrator	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual <u>use(s)</u> permit	Y	R	D	N	N
<u>Variance</u>	Y	R	D	N	N
<u>Zoning</u> Map <u>amendment</u> , site specific	Y	R	D	N	CC/ <u>Appeal</u>
TYPE IV OTHER					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
TYPE V LEGISLATIVE					
<u>Annexation</u>	Y	R	N	R	D
<u>Comprehensive Plan</u> Map only <u>amendment</u> , Area Wide	Y	R	N	R	D
<u>Comprehensive Plan</u> Map only <u>amendment</u> , site specific	Y	R	N	R	D
<u>Comprehensive Plan</u> text only <u>amendment</u>	Y	R	N	R	D
Development agreement	Y	R	N	R	D
Shoreline Master Program <u>amendment</u>	Y	R	N	R	D
<u>Zoning</u> <u>amendment</u> Text only	Y	R	N	R	D

18A.20.320

~~18A.20.320 Use of Pierce County Assessor's Office taxpayer data.~~

~~The available records of the Pierce County Assessor's Office shall be used for determining the property taxpayer of record. Addresses for mailed notice shall be obtained from the County's real property tax records. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.~~

18A.20.400 Specific Appeal Procedures

* * *

C. *SEPA*.

1. Environmental appeals are subject to the requirements of LMC 14.02.200, in addition to the requirements found in this subsection.
2. The City establishes the following administrative appeal procedures under RCW 43.21.C.075 and WAC 197-11-680:
 - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to Chapter 197-11 WAC. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
 - b. The following threshold decisions or actions are subject to timely appeal:
 - i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that ten (10) ~~fourteen (14)~~ day period immediately following issuance of such initial determination.

Article VI. Planned Development

* * *

18A.30.540 Application.

* * *

C. All PDD Applications. An applicant for a PDD shall submit the following items to the City, unless the Director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

1. Narrative. A detailed narrative that includes:

- a. Improvement. A description detailing how the proposed development will provide a net benefit to the City ~~be superior to or more innovative than conventional development methods as allowed under the City's land use regulations and how the approval criteria set forth in LMC 18A.30.560 have been satisfied;~~
- b. Public Benefit. A description of how the proposed PDD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
- c. Density Table. A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
- d. Uses. A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
- e. Open Space and Recreation. A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
- f. Landscaping. Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;
- g. Modifications. A description of the specific City standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with Chapter 18A.20 LMC; and
- h. Impacts. A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening buffering and other methods.

2. Site Plan. A site plan with the heading "Planned Development District Site Plan" that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

~~3. Drawings. Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;~~

34. Landscape Plan/Map. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PDD site plan and narrative;

~~45~~. Phases. A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

~~56~~. Development Agreement. A draft development agreement, if proposed by the applicant or as required by the City; and

~~67~~. Conditions. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.

D. An applicant shall provide sufficient facts and evidence to enable the Hearing Examiner to make a decision. The established fee shall be submitted at time of application.

E. Notice of application shall be provided pursuant to LMC 18A.30.330.

18A.30.600 Permitted residential density and lot sizes.

A. The number of dwelling units permitted in a planned development district may exceed the development standards found in LMC 18A.60.030. The permitted density shall be the maximum number of dwelling units allowed per gross acre (DUA) and shall be as follows:

1. R1 zoning district: ~~2~~ DUA ~~4~~ DUA;
2. R2 zoning district: 4 DUA;
3. R3 zoning district: 7 DUA;
4. R4 zoning district: 9 DUA.

B. The minimum lot sizes in gross square feet (GSF) for the residential zoning districts subject to the planned development district overlay shall be as follows:

1. R1 zoning district: 10,000 ~~20,000~~ GSF;
2. R2 zoning district: 10,000 GSF;
3. R3 zoning district: 6,000 GSF;
4. R4 zoning district: 4,800 GSF.

C. The residential density and lot size standards of all other zoning districts are not subject to change.

~~18A.30.640 Required Certificates and Approvals.~~

Binding site plans shall include all the required certificates of a final plat. PDDs shall be subject to design review in accordance with LMC 18A.60.010 through 18A.60.050.

CHAPTER 18A.40 - LAND USES AND INTERPRETATION TABLES

Sections

18A.40.005	Definitions
18A.40.010	Purpose.
18A.40.020	Interpretation of Land Use Tables.
18A.40.025	<u>Restrictions on Dangerous and Objectional Elements.</u>
18A.40.030	Agricultural Uses.
18A.40.040	Commercial and Industrial Uses.
18A.40.050	Eating and Drinking Establishments.
18A.40.060	Essential Public Facilities.
18A.40.070	Government Services, General.
18A.40.080	Health and Social Services.
18A.40.090	Lodging.
18A.40.100	Open Space.
18A.40.110	Residential Uses.
18A.40.120	Special Needs Housing.
18A.40.130	Special Regulations in AICUZ Zoning Districts.
18A.40.140	Transportation.
18A.40.150	Utilities.
18A.40.160	Marijuana.

18A.40.025

Restrictions on Dangerous and Objectional Elements.

A. Noise. The provisions of LMC 8.36, Noise Control, shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility, other than transportation facilities or temporary construction work shall not exceed seventy-five (75) decibels at the property lines. If the Community Development Director determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.

B. Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

C. Odors. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

D. Glare. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted. This restriction shall not apply to signs or lighting of buildings for security protection purposes as permitted by this title.

E. Radioactivity or Electrical Disturbance. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. Fire and Explosion Hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

G. Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.

H. Liquid or Solid Wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.

I. Hazardous substances or wastes. No release of hazardous substances or wastes which could contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

1. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW.

2. Hazardous substance land use facilities shall be located at least:

a. Two hundred (200) feet from unstable soils or slopes which are delineated in a geo-technical report or on a critical areas hazard area map.

b. Two hundred (200) feet from the ordinary high-water mark of major or minor streams or lakes which are delineated in a wetland report or on a critical areas wetlands area map, and from shorelines of statewide significance or shorelines of the state.

c. One-quarter (1/4) mile from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges; provided, that for

purposes of this section public recreation areas does not include public trails.

d. Fifty (50) feet from any property line to create and serve as an onsite hazardous substance land use facility buffer zone. The buffer zone setback line for any hazardous substance land use facility shall apply to all such facilities in all zoning districts.

e. Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively.

f. Five hundred (500) feet from a public assembly use or location.

3. Hazardous substance land use facilities shall not be located in the one hundred (100) year floodplain.

4. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a Type V solid screen landscaping buffer in the hazardous substance facility buffer zone as required by LMC 18A.50.400, Landscaping.

5. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements.

6. Underground hazardous substance land use facilities shall meet federal, state and local design and construction requirements.

7. Hazardous substance land uses shall comply with the 1997 Uniform Fire Code and as revised thereafter.

8. Hazardous substance land uses shall provide a Hazardous Materials Inventory Statement for review and approval by the Fire Marshal. A Hazardous Materials Management Plan shall also be provided, if required by the Fire Marshal.

9. Hazardous substance land uses should use traffic routes which do not go through residential zones.

10. Without limiting the application of the Uniform Fire Code, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment, such as electrical power generator systems, in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use by essential governmental facilities for stationary, on-site, oil burning equipment, such as electrical power generator systems, in residential zones shall be exempt from the hazardous substance regulations of this section. However, all above-ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are

required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community Development Director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

11. Residential uses are limited to a two hundred (200) gallon tank limit for household fuels that are classified as hazardous substances.

12. The hazardous substance zoning code regulations, except as specifically exempted in this section, shall apply to all hazardous substances as defined in this title.

13. In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

18A.40.040 Commercial and Industrial Uses

A. Commercial and Industrial Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F 3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Accessory commercial B(5)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	-
Accessory Industrial B(6)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Accessory retail or services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	P
Artisan shop	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
Auto and vehicle sales/rental B(8)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	P	P	-	-	-	-	-
Auto parts sales	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	-
Bank, financial services	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	P	-	-	-	-	-
Brewery – production B(1)*	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	P	C	-	P	-	-	-
Building and landscape materials sales	-	-	-	-	-	-	-	-	C	-	-	P	P	-	P	P	P	-	-	-	-	-
Building contractor, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Building contractor, heavy	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	C	C	C	-
Business support service	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	-	-	-
Catering service	-	-	-	-	-	-	-	-	-	P	C	P	P	P	P	C	P	-	-	-	-	-
Cemetery, mausoleum, columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Club, lodge, private meeting hall	-	-	C	-	-	-	-	-	C	C	C	P	P	P	P	-	C	-	-	-	-	-
Commercial recreation facility	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	C	C	-	C

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F 3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
– indoor																						
Commercial recreation facility – outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Community center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	C
Construction/heavy equipment sales and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	C	-
Convenience store	-	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P	-	-	-	-	-
Equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	P	-	-
Flex Space B(7)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	P	P	-	-
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Furniture, furnishings, appliance/ equipment store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-
Gas station	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
General retail	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	-	P	-	-	-
Golf course, country club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery store, large	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Grocery store, small	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Handcraft industries, small-scale manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	-	P	P	-	-
Health/fitness facility, commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	P	C	-	-	-
Health/fitness facility, quasi-public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	P
Kennel, animal boarding B(3)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	C	-	C	P	-	-
Laboratory – Medical/Analytical	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	P	-	P
Laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-
Library, museum	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	C	-	-	-	-	-
Live/work and work/live units	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	C	C	-	-
Maintenance service, client site services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-
Manufacturing, Assembling and Packaging - Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Manufacturing, Assembling and Packaging - Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P	-
Manufacturing, Assembling and Packaging - Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-
Metal Products Fabrication, Machine and Welding – American Direct	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Medical Services - Lab													P	P	P	P	P		P			P
Mixed use	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Mobile home, RV, and boat sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Mortuary, funeral homes and	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	P	-	-	-	-	-

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F 3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
parlors																						
Motion Picture Production Studios	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Office – business services	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	P	-	P	-	-	-
Office – processing	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	P	-	-	-
Office – professional	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	P	-	P	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-
Pawn Brokers and Second Hand Dealers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	-	-
Personal services – restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Petroleum product storage and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Places of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	p
Printing and publishing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	-	-
Produce stand	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Recycling facility – processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-
Repair service - equipment, large appliances	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	C	P	P	-
Research and development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facility - Scrap and dismantling yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Second hand store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Shelter, animal B(3), B(4)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	C	-	-	P	-	C
Shopping center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	-	-	-	-	-
Social service organization	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C	-	-	-	-	-
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	C	P	P	-
Small craft distillery (2)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-
Sports and active recreation facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	C
Storage - personal storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	-	-
Studio - art, dance, martial arts, music, etc.	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	P	-	-	-	-	-
Swap meet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theater, auditorium	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-
Veterinary clinic B(3)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	C
Vehicle services – major repair/body work	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	C	-	C	P	P	-
Vehicle services – minor maintenance/repair	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	P	-
Vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	-
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-	-
Warehouse retail	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	P	-	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-	-
Wildlife preserve or sanctuary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P

		Zoning Classifications																					
		R1	R2	R3	R4	M1	M2	M1	M2	M3	M3	A1	N1	N2	T1	C1	C2	C3	I1	I2	I3	P1	
Wine production facility B(2)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed																							
*Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																							

B. Operating and development conditions

* * *

8. Auto and Vehicle Sales/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. 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 on site, 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 the Fire Marshal.

d. All loading and unloading of motor vehicles sales and rentals shall occur on site.

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.

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
corridors B(1), B(2)																							
Group Home	<i>See Section 18A.40.120 Special needs housing</i>																						
In-Patient Facility Including but not Limited to Substance Abuse Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C	-	-	-	C	-	-
Intercity High-Speed Ground Transportation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Intercity Passenger Rail Service B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C
Interstate Highway "I-5" B(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P
Mental Health Facility B(1), B(2), B(4) through B(11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Military Installation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum Security Institution B(1), B(2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
Secure Community Transition Facility (SCTFs) B(1), B(2), B(3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
Solid Waste Transfer Station B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit Railroad Right-of-Way B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit Bus, Train, or Other High Capacity Vehicle Bases B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-

	Zoning Classifications																				
	R1	R2	R3	R4	M R1	M R2	M F1	M F2	M F3	A R C	N C1	N C2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
or detached dwelling units																					
Multifamily, four or more residential units	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Mixed use	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-
Family daycare B(6)	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Home agriculture	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Home occupation B(7)	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home parks B(8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/ manufactured home parks B(8)	-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-
Residential accessory building B(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small craft distillery B(6), (12)	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-
Specialized senior housing B(10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses B(11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																					

B. Operating and Development Conditions

1. Accessory Dwelling Units (ADUs) are permitted when added to, created within, or detached from a principle dwelling unit subject to the following restrictions:

a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing unit. ADUs shall not be included in the density calculations. A lot single-family residence shall contain no more than one ADU.

b. An ADU may be established by creating the unit within or in addition to the new or existing principle principal dwelling, or as a detached unit from the principal dwelling.

c. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

d. The size of an ADU contained within or attached to an existing single family structure shall be limited by the existing structure’s applicable zoning requirements. An attached ADU incorporated into a single-family house shall be

limited to ~~forty (40) percent of the living space of the principal unit~~ one thousand (1000) square feet, excluding garage area.

The size of a living space of a detached ADU shall be a maximum of one thousand (1,000) square feet ~~or forty (40) percent of the size of the living space of the principal unit, excluding garage, , whichever is smaller.~~

e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

f. ~~The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.~~ Wherever practicable, a principal dwelling shall have one entrance on the front, with additional entrances permitted on the side and rear. On corner lots, it is permissible to locate the entry door to the accessory dwelling unit on a street side of the structure other than the street side with the entry door for the principal dwelling unit. The entrance to an attached accessory dwelling unit may be on the front of the house only if (a) it is located in such a manner as to be clearly secondary to the main entrance to the principal dwelling unit; or (b) it is screened from the street.

g. The design of an attached ADU, including the facade, roof pitch and siding, shall be complementary to the principal dwelling unit, so as not to be obvious from the outside appearance that it is a separate unit from the principal dwelling unit.

h. A minimum of one (1) off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal dwelling, pursuant to LMC Section 18A.80.030 (F). Such parking shall consist of a driveway, carport, garage, or a combination thereof, located on the lot they are intended to serve.

i. For lots located within one-quarter mile of a Pierce Transit bus route, the Sound Transit Lakewood Station, or other major transit stop, and also zoned R1, R2, R3, R4, MR1, MR2, MF1, and MF2, or TOC, off-street parking may not be required provided there is adequate street capacity, and there is curb, gutter, and sidewalk, constructed to city standards, adjoining the lot where an ADU is proposed. Parking may be required if the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons to support that on-street parking is infeasible for the ADU.

j. Any legally constructed accessory building existing prior to the effective date of this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed one-thousand (1,000) square feet, ~~forty (40) percent of the size of the living area of the principal unit~~, excluding garage area.

k. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet.

l. If a structure containing an ADU was created without a building permit that was finalized, the city shall require a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and meets the requirements of this section and building code. The ADU application fee will cover the building inspection of the ADU.

~~m. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:~~

~~1. One (1) of the dwelling units shall be owner occupied as the owner's principal residence for at least six (6) months a year, and at no time shall the owner occupied unit be leased or rented.~~

~~2. No building permit or zoning certification for an ADU shall be issued until the owner files and records with the Pierce County Auditor a covenant evidencing this use limitation against the property. The covenant shall acknowledge the existence of the ADU and document the owner's agreement to all the ADU requirements as provided in this section.~~

~~The covenant shall be in a form specified by the Community Development Director, and shall include at a minimum: the legal description of the property which has been approved for an ADU; the applicability of the restrictions and limitations contained in this subsection; a copy of the floor/site plan approved by the City; and the notarized signature of all property owners.~~

~~n. Discontinuation of an ADU:~~

~~1. An ADU shall be converted to another permitted use or shall be removed if one (1) of the two (2) dwellings is not owner occupied, pursuant to the requirements of this section.~~

~~2. If either the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU shall cease immediately, and the ADU shall be removed or converted to a permitted use.~~

2. Standards – Boarding House

- a. Parking requirements. At a minimum, there must be one (1) off-street parking stall per occupant. An owner may reduce the off-street parking requirement if an affidavit is signed that an occupant does not own a vehicle.

- b. Solid waste management regulations.
 - 1. All occupied units shall have minimum garbage service as prescribed by the City pursuant to LMC Title 13.

 - 2. The owner is responsible to provide each occupant with the solid waste connection schedule and that schedule is to be posted within the unit as approved by the City.

- c. International Property Maintenance Code. Pursuant to Title 15 LMC, International Property Maintenance Code occupancy requirements are applicable to a boarding house regardless of the number of individuals living in the residence.

- d. Amortization Schedule. Existing boarding houses have until December 31, 2015 to become compliant with the regulations outlined in this Title and Title 5 as it pertains to boarding house.

- e. Additional Standards. The following additional standards are required to be met for any boarding house housing over four (4) unrelated individuals excluding Types 1, 2, 3, 4, and 5 Group Homes in LMC 18A.10.040; hotels and motels as defined in LMC 18A.10.040; and excluding state-licensed foster homes, in addition to the criteria for a conditional use permit under LMC 18A.30, Part II.
 - 1. Adequate living space based on the International Residential Code standards will be taken into account when a request for more than four (4) unrelated individuals is requested.

 - 2. A designated property manager that is available twenty-hour (24) hours a day, seven (7) days a week is required.

 - 3. The request for more than four (4) unrelated individuals will not adversely impact the surrounding community.

 - 4. General Business License Required. A boarding house falling under this subsection is deemed a business activity and is subject to the requirements of LMC Chapter 5.02.

 - 5. The applicant must adhere to the provisions of the City's noise control regulations found in LMC Chapter 8.36.

32. Cottage housing is permitted subject to the LMC 18A.20, Part III.
43. Dormitories, fraternities and sororities shall be permitted as accessory uses to public or private educational institutions or churches.
54. Detached primary dwelling units, or single-family dwelling units, include site-built homes, manufactured homes and modular homes.
- a. All detached single-family dwellings (including manufactured homes) located in residential zones shall meet all of the following criteria:
1. May not have previously had a title granted to a retail purchaser and may not be a used mobile home as defined by RCW 82.45.032(2), now or hereafter amended.
 2. Be built to meet or exceed the standards established by 42 U.S. Code Chapter 70 – Manufactured Home Construction and Safety Standards, now or hereafter amended.
 3. Be thermally equivalent or better to that required by the state energy code for new residential structures, now or hereafter amended.
 4. Be set on and securely attached to a permanent foundation as specified by the manufacturer.
 5. Proof of title elimination per the Pierce County Auditor identified process is required prior to manufactured housing building occupancy.
 6. Be connected to required utilities that include plumbing, heating and electrical systems.
- b. All single-family dwellings (including manufactured homes) shall comply with the following siting and design standards unless sited within manufactured/mobile home parks:
1. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended.
 2. The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the building official, which may or may not be load-bearing.

3. Modular homes on individual lots shall incorporate design features of typical site-built homes including but not limited to modulation, articulation, sloped roofs, and wood siding or siding of a material which imitates wood.

65. Family day care is a permitted use, subject to obtaining a state license in accordance with Chapter 74.15 RCW and the following:

- a. Compliance with all building, fire, safety, health code, and city licensing requirements;
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located;
- c. Certification by the office of child care policy licensor that a safe passenger loading area, if necessary, is provided.

76. Home occupations are permitted subject to the following:

- a. The home occupation shall be subordinate to the primary use of the premises as a dwelling unit.
- b. All activities of the home occupation shall be conducted indoors.
- c. The business shall be conducted by a member of the family residing within the primary residential premises plus no more than one additional person not residing in the dwelling unit.
- d. Home occupations may have on-site client contact subject to the following limitations:
 1. All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
 2. The home occupation shall generate no more than two vehicle trips per hour to the licensed residence; and
 3. The home occupation shall not create a public nuisance.
- e. The following activities shall be prohibited:
 1. Automobile, truck, boat and heavy equipment repair;
 2. Auto or truck body work or boat hull and deck work;

3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Painting or detailing of autos, trucks, boats, or other items;
6. The outside storage of equipment, materials or more than one vehicle related to the business;
7. Vehicles larger than 10,000 pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
8. Taxicab, van shuttle, limousine or other transportation services, except for office activities; provided all other requirements of this subsection concerning home occupations are met.

f. Home occupations shall not be allowed in accessory buildings within the rear yard setback.

g. Home occupations in accessory buildings shall not permit noise to intrude into another residential property at a level at or above 45 decibels outside the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday.

h. Home occupations are required to obtain a city business license.

~~7. Households of more than six persons in which any one person is unrelated to any or all of the others are not permitted, except that the Director may allow larger numbers of unrelated persons to live together through a grant of special of reasonable accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35.63.220.~~

~~a. When necessary to comply with the provisions of the Federal Fair Housing Act amendments, RCW 49.60.222, or RCW 35.63.220, the Director may grant reasonable accommodation to individuals in order for them to live in a household of more than six persons, subject to the following:~~

~~1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.~~

~~2. The Director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed~~

~~accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.~~

~~3.— The Director shall consider the applicant’s need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.~~

~~4.— A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant’s proposal and the Director’s decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.~~

~~5.— A decision to grant reasonable accommodation is a Type I action. The decision shall be recorded with the Pierce County auditor.~~

~~6.— Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.~~

8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with LMC 18A.40.110(C).

9. Residential accessory building:

a. The maximum height for residential accessory building shall be twenty-four (24) feet.

b. Detached residential accessory structures which are less than one hundred twenty (120) square feet in size and not higher than ten (10) feet, including garden sheds or greenhouses or combination of both; children’s play equipment; arbors; and gazebos, when placed in a rear half of the lot shall have a minimum three (3) foot setback.

Attached accessory structures shall meet the same setbacks as the main building.

c. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.

d. Vehicle covers and other storage structures that are composed of pipes or poles with a fabric, plastic or other type of cover on the top of the framework are required to meet the development standards for the applicable zoning district, including lot coverage limitations and setback requirements. If the covering on such a structure is metal, wood, hard plastic or other rigid material and the structure exceeds 120 square feet in size, a building permit is required for the structure. If the structure is used for recreational, sporting or utility vehicle storage, the storage requirements of LMC 18A.60.160, including a parking pad and screening must be met. Fabric, vinyl, flexible plastic or other membrane material may be utilized to enclose the sides of the structure only if the structure is specifically designed and used for vehicle storage. Such enclosed structures are not exempt from the screening requirements of LMC 18A.60.150. Except as noted above, general storage is prohibited in tents, yurts or other tent-like structures.

e. Railroad cars, shipping containers, and semi-truck trailers shall not be placed or maintained in any single-family residential, mixed residential, or multi-family residential zoning district. Modified shipping containers or cargo containers approved for use as part of residential construction shall comply with criteria included in 18A.10.180 under "Cargo containers."

10. See LMC Section 18A.40.120.

11. Residential accessory uses are secondary, subordinate permitted uses and include the following:

a. Private docks and mooring facilities as regulated by applicable shoreline management regulations.

b. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.

c. Detached carports or garages are allowed in conjunction with an approved access and driveway.

d. Other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed.

e. Outdoor storage of one (1) recreational/sporting/utility vehicles, subject to LMC Section 18A.60.160.

f. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not

performed for pay or the exchange of goods or services, and subject to the provision of LMC Section 18A.50.180.

- g. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis.
- h. “Pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.
- i. On-site underground fuel storage tanks to serve a residential use.
- j. Antennas and satellite dishes for private telecommunication services.
- k. Decks and patios.
- l. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
- m. On-site soil reclamation in accordance with state regulations.
- n. Retaining walls, freestanding walls, and fences.
- o. Yard sales.
- p. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

12. Small craft distilleries may contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer’s licenses and grower’s licenses.

18A.40.120 Special Needs Housing.

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B. Special Needs Housing Table. See 18A.10.120(D) for the Purpose and Applicability of Zoning Districts.

	Zoning Classifications
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Description(s)	Number of residents (size)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
Assisted Living Facility	N/A	-	C	P	P	P	P	-	-	-	-
Confidential Shelter (5)	Max. of 15, plus resident staff	P	P	P	P	P	-	-	-	P	-
Continuing Care Retirement Community	N/A	-	C	P	P	P	P	-	-	-	-
Enhanced Services Facility	Max. of 16, plus resident staff	-	-	-	C	C	C (C2 zone only)	-	-	-	-
Hospice Care Center	N/A	C	C	P	-	-	-	-	-	-	-
Nursing Home	N/A	-	C	P	P	P	P	-	-	-	-
<u>Permanent Supportive Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>-</u>
<u>Rapid Re-Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>-</u>
<u>Transitional Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>-</u>
Type 1 Group Home – Adult Family Home (C)(1)	Max. of 6 or 8 per (C)(1)	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, Level 1	Max. of 7, plus resident staff	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, Level 2	Max. of 10, plus resident staff	C	C	C	-	-	-	-	-	-	-
Type 2 Group Home, Level 3	More than 10, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 1	Max. of 8, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 2	Max. of 12, plus resident staff	-	-	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 3	More than 12, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 4 Group Home	N/A	-	-	-	-	-	C (C1 & C2 zones only)	-	-	-	-
Type 5 Group Home	N/A	-	-	-	C (NC2 zone only)	C	C(C2 zone only)	-	-	-	-

P: Permitted Use C: Conditional Use (2) (3) (4) -: Not allowed

Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.

* * *

C. Operating and development conditions

1. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW and Chapter 220 Laws of 2020 and the following:
 - a. Compliance with all building, fire, safety, health code, and city licensing requirements;
 - b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located.

Section 18A.60.090 General Standards.

* * *

B. Setbacks and Lot Lines.

* * *

12. Fences within the required setbacks or located on the property line. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:
 - a. Do not obstruct the sight distance of a driveway, private street, or public street.
 - b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.
 - c. Do not exceed a maximum height of four (4) feet within the front yard;
 1. Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and
 2. Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.
 3. Except as allowed in conjunction with a design review permit application for commercial/industrial development, the maximum height permitted outright shall be six (6) feet. Any fence exceeding six (6) feet in height shall first obtain a variance and building permit.

d. In residential zoning districts, are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury.

e. Electric Fences. The construction and use of electric fences shall be allowed pursuant to a Director's Determination in the IBP, I1, I2 and P/I zones, subject to the following standards:

1. Permit. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed Director's Determination application for review of such fencing as a building permit review to receive approval for the fence and electrical permits for the project. The application shall include:

a. Site plan showing the location of the protective barrier and the electrified fence on the property in relation to the property lines, walkways, existing buildings, and curb;

b. Fence details showing both the electrified fence and protective barrier, including all gates;

c. All supporting documentation from the electric fence manufacturer, equipment to be used, and certification of service from the monitoring provider.

2. IEC Standard 60335-2-76. Unless otherwise specified herein, electric fences shall be constructed or installed in a conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

3. Electrification.

a. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.

b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

4. Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.
 - a. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.
 - b. Electric fences shall be subject to the screening requirements of LMC 18.70.150 when installed adjacent to, across a street or alley from a non-industrial zone.
 - c. Electric Fences are subject to Street Frontage requirements prescribed in the Lakewood Municipal Code Title 18A or 18B when installed along street frontage that is adjacent to or across the street from a non-industrial zone.
5. Location.
 - a. Electric fences shall be permitted on any non-residential outdoor storage areas.
 - b. Electric fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence.
 - c. Electric fences shall not be installed within five (5) feet of a sidewalk, trail or other pedestrian connection unless the exterior perimeter non-electrified fence is covered with a solid covering.
6. Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.
7. Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.
8. Electric fence burglar alarms shall be governed and permitted under LMC Chapter 9.13.
9. Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.

10. Key Box.
 - a. Electric fences shall have installed a key box system in accordance with the West Pierce Fire & Rescue standards.
 - b. The electric fence controller and emergency key safe for the electric fence must be located in a single accessible location for the entire fence.
11. Fire Department Registration. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the Fire Department using forms provided by the Fire Chief.
12. Indemnification. All applicants issued a permit to install or use an electric fence as provided in this chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Lakewood and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electric fence.
13. Emergency Access. In the event that access by the West Pierce Fire & Rescue and/or Lakewood Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this section is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property.

As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the West Pierce Fire & Rescue and/or its personnel and the City of Lakewood and/or its personnel under such circumstances.
14. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

18A.70.040 Specific Uses Design Standards.

A. Commercial Uses and Zones. These standards are intended to create an attractive and functional environment for commercial uses, improve vehicular and pedestrian circulation, and upgrade the City's visual appearance in commercial zones.

1. Commercial Site Design Objectives.

h. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

~~i. h.~~ Service and loading areas shall be designed in accordance with the general criteria outlined in [LMC 18A.70.050\(B\)](#).

~~j. i.~~ [Grocery stores](#) and large retailers shall provide shopping cart collection areas within the parking areas. The collection areas shall be evenly spaced and shall provide easy [access](#) and safety features.

~~k. j.~~ Weather protection for pedestrians shall be provides as outlined in LMC 18A.70.050(C)

~~l. k.~~ [Blank walls](#) shall be treated as described in [LMC 18A.70.050\(E\)](#).

~~m. l.~~ [Drive through](#) facilities shall be designed in accordance with LMC 18A.40.050 (B)(3).

* * *

C. Multifamily Residential Uses and Zones. These standards are intended to create an attractive and enjoyable environment for [multifamily](#) residential [uses](#), improve vehicular circulation and upgrade the City's visual appearance in high-[density](#) residential areas.

1. Required Multifamily Site Design and Building Design Elements. These standards are in addition to other development standards applicable under this article or other chapters of the code. Exterior lighting shall comply with [LMC 18A.60.095](#).

* * *

q. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

18A.80.040 Development Standards.

A. Parking area design shall include:

1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the City Engineer.

2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so

arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.

3. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

43. Parking Spaces--Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles.

54. Surfacing. All parking areas shall be surfaced with permeable paving surfaces in conformance with the current City of Lakewood Stormwater Design Manual, asphalt, concrete or similar pavement so as to provide a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water.

65. Stormwater management is required and shall comply with the current City of Lakewood Stormwater Design Manual and shall be subject to the city's review and approval.

76. Parking shall be designed and constructed for a minimum of thirty percent and a maximum of fifty percent of the required number of spaces for compact size cars. An applicant must clearly identify all spaces designed and constructed for compact car use. The Director may approve the design and designation of more than fifty percent of the spaces for use by compact cars if the applicant demonstrates that no adverse impact will result.

87. Parking area for land uses located outside the city shall be prohibited.

98. Community design requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part I.

109. Landscaping requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part II.

1140. Marking: The property owner shall identify required parking stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the approving authority. Crosswalk marking shall be provided consistent with the requirements of the public works department. Paint is not permitted as a sole means of marking crosswalks. Display areas which are not required parking areas, such as a car dealership or rental display area, are not required to be marked as individual stalls.

1244. An owner/developer may install parking spaces in phases if a phased schedule has been approved. This schedule must specifically indicate when the parking will be provided. The Director may permit the use of temporary parking areas with appropriate screening as part of a phasing schedule. In addition, the Director may require a performance assurance device to insure conformance with the requirements.

1342. When adequate vehicular access to an approved lot or development is available from a side street, no such access shall be permitted from the front street. Where lots have double frontage, if vehicular access from a side street or a street of lower functional classification is not available, such access shall be from the street anticipated to carry the least amount of traffic or the street that would have the least conflict with pedestrian traffic.

1413. Parking Area and Circulation Design.

a. The city public works and engineering department shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

b. Internal circulation of the lot shall be so designed as to minimize conflicts with pedestrians with priority given to pedestrians considering convenience, comfort, safety and security. In-and-out driving time, idling time and time spent looking for a parking space should be a consideration, but should not influence design parameters that reduce pedestrian functionality.

1514. Parking places for the physically disabled: All parking lots regulated by this chapter shall be modified as necessary to provide parking places for the physically disabled as specified in the building code, including installation of curb ramps, signage and other required improvements.

1615. Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a five percent parking reduction for two uses, ten percent parking reduction for three uses and fifteen percent parking reduction for four or more uses.

1746. All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least five percent of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.

EXHIBIT B

LMC Chapter 3.64 **PROPERTY TAX EXEMPTIONS FOR MULTI-FAMILY HOUSING**

Sections:

3.64.010 Definitions.

3.64.020 Property Tax Exemption – Requirements and Process.

3.64.030 Residential Target Area Designation and Standards.

3.64.040 Tax Exemptions for Multi-Family Housing in Residential Target Areas.

3.64.010 Definitions.

See LMC 18.10.180 for definitions related to this chapter.

3.64.020 Property Tax Exemption – Requirements and Process.

A. Intent. Limited eight (8) or twelve (12)-year exemptions from ad valorem property taxation for multi-family housing are intended to:

1. Encourage increased residential opportunities within mixed-use centers designated by the City Council as residential target areas (RTAs);

2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in residential target areas to increase and improve housing opportunities;

3. Assist in directing future population growth to designated RTAs, thereby reducing development pressure on single-family residential neighborhoods; and

4. Achieve development densities which are more conducive to transit use.

B. Duration of Exemption. The value of improvements qualifying under this chapter will be exempt from ad valorem property taxation for eight (8) or twelve (12) successive years (depending on whether the property includes affordable housing component as described in subsections E and F below) beginning January 1 of the year immediately following the calendar year of issuance of the Final Certificate of Tax Exemption.

C. Limits on Exemption. The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. Rehabilitation Provisions. Per RCW 84.14.030, property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995.

E. Eight (8)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within a residential target area, as designated in Section 3.64.030 (C).

2. Size. The project must include at least four (4) units of multi-family housing within a residential structure or as part of a mixed-use development. A minimum of four (4) new units must be constructed or at least four additional multi-family units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for twelve (12) months or more does not have to provide additional units so long as the project provides at least four (4) units of new, converted, or rehabilitated multi-family housing.

3. Permanent Residential Occupancy. At least fifty percent (50%) of the space designated for multi-family housing must be provided for permanent residential occupancy, as defined in Section 3.64.010.

4. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three (3) years from the date of approval of the application.

5. Compliance with Guidelines and Standards. The project must be designed to comply with the City's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved. Rehabilitation and conversion improvements, and new construction, must comply with LMC Chapter 15.05. The project must also comply with any other standards and guidelines adopted by the City Council for the residential target area (RTA) in which the project will be developed.

6. Vacancy Requirement. Existing dwelling units proposed for rehabilitation must have one or more violations of LMC Chapter 15.05 or 15.25. If the property proposed to be rehabilitated is not vacant or in the case of applications for property to be developed as new construction which currently has residential rental structure on it, an applicant must provide each existing household a ninety (90)-calendar day move notice as well as provide housing of comparable size, quality, and price which meets standards acceptable to the City. If any household being provided a ninety (90)-calendar day move notice is qualified as a low-income household, the applicant will provide the household with moving expenses according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

F. Twelve (12)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a twelve (12) year property tax exemption:

1. All requirements set forth in subsection E above; and

2. The applicant must commit to renting or selling at least twenty percent (20%) of the multifamily housing units as affordable housing units to low and moderate-income households respectively, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the City of Lakewood. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection may be satisfied solely through housing affordable to moderate income households.

G. Application Procedure. A property owner who wishes to propose a project for a tax exemption shall complete the following procedures:

1. File with the Community and Economic Development Department the required application along with the required fees as set in the Lakewood Master Fee Schedule (adopted annually by resolution.) If the application shall result in a denial by the City, the City will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.
2. A complete application shall include:
 - a. A completed City of Lakewood application form setting forth the grounds for the exemption;
 - b. Preliminary floor and site plans of the proposed project;
 - c. A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;
 - d. For rehabilitation projects and for new development on property upon which an occupied residential rental structure previously stood, the applicant shall also submit an affidavit stating that each existing household was sent a ninety (90)-calendar day move notice and that each household was provided housing of comparable size, quality, and price which meets the Uniform Physical Condition Standards or a similar standard acceptable to the City.
 - e. For any household being provided a ninety (90)-calendar day move notice that qualifies as a low-income household, the applicant will also submit an affidavit stating that moving expenses have been or will be provided according to the current Department of Transportation Fixed Residential Moving Costs Schedule.
 - f. In addition, for rehabilitation projects, the applicant shall secure from the City verification of the property's noncompliance with LMC Chapter 15.05.
 - g. Verification by oath or affirmation of the information submitted.

H. Application Review and Issuance of Conditional Certificate. The Director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within ninety (90)-calendar days of receipt of a complete application.

1. Approval. If an application is approved, the applicant shall enter into a contract with the City, subject to approval by resolution of the City Council regarding the terms and conditions of the project. Upon Council approval of the contract, the Director shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three (3) years from the date of approval unless an extension is granted as provided in this chapter.

2. Denial. The Director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within ten (10)-calendar days of the denial. An applicant may appeal a denial to the City Council within fourteen (14)-calendar days of receipt of notice. On appeal, the Director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the Director's decision. The City Council's decision on appeal will be final.

I. Extension of Conditional Certificate. The Conditional Certificate may be extended by the Director for a period not to exceed twenty four (24) consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee, the amount of which is listed in the City's Master Fee Schedule. An extension may be granted if the Director determines that:

1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

3. All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

J. Application for Final Certificate. Upon completion of the improvements agreed upon in the contract between the applicant and the City and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant must file with the Community and Economic Development Department the following:

1. A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;

2. A description of the completed work and a statement of qualification for the exemption;

3. A statement that the work was completed within the required three-year period or any authorized extension; and

4. If applicable, a statement that the project meets the affordable housing requirements as described in subsection F above.

Within thirty (30)-calendar days of receipt of all materials required for a Final Certificate, the Director shall determine which specific improvements satisfy the requirements of this chapter.

K. Issuance of Final Certificate. If the Director determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period, the City shall, within ten (10)-calendar days, file a Final Certificate of Tax Exemption with the Pierce County Assessor.

1. Denial and Appeal. The Director shall notify the applicant in writing that a Final Certificate will not be filed if the Director determines that:

a. The improvements were not completed within the authenticated time period;

b. The improvements were not completed in accordance with the contract between the applicant and the City; or

c. The owner's property is otherwise not qualified under this chapter.

2. Within ten (10)-calendar days of receipt of the Director's denial of a final certificate, the applicant may file an appeal with the City's Hearing Examiner, as provided in Chapter 1.36 LMC. The applicant may appeal the Hearing Examiner's decision in Pierce County Superior Court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty (30)-calendar days of notification by the City to the owner of the decision being challenged.

L. Annual Compliance Review. Within thirty (30)-calendar days after the first anniversary of the date of filing the Final Certificate of Tax Exemption, and each year thereafter, for a period of eight or twelve years, the property owner shall file a notarized declaration with the Director indicating the following:

1. A statement of occupancy and vacancy of the multi-family units during the previous year;

2. A certification that the property continues to be in compliance with the contract with the City; and, if applicable, a certification of affordability based on documentation that the property is in compliance with the affordable housing requirements as described in RCW 84.14 since the date of the certificate approved by the City; and

3. A description of any subsequent improvements or changes to the property.

City staff shall also conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.

M. Cancellation of Tax Exemption. If the Director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multi-family housing to another use, the owner must notify the Director and the Pierce County Assessor within sixty (60) days of the change in use.

1. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the Pierce County Assessor may impose an additional tax on the property, together with interest and penalty, and a priority lien may be placed on the land, pursuant to State legislative provisions.

2. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the Director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the City Clerk within thirty (30)-calendar days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearing Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. An aggrieved party may appeal the Hearing Examiner's decision to the Pierce County Superior Court.

3.64.030 Residential target area designation and standards.

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more residential target areas (RTAs). Each designated RTA must meet the following criteria, as determined by the City Council:

1. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the mixed-use center if desirable, attractive, and livable places were available; and

2. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:

a. Encourage increased residential opportunities within the target area; or

b. Stimulate the construction of new multi-family housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing.

In designating an RTA, the City Council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain a significant increase in the number of permanent residents; whether an increased residential population will

help alleviate detrimental conditions and social liability in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.

The City Council may, by ordinance, amend or rescind the designation of an RTA at any time pursuant to the same procedure as set forth in this chapter for original designation.

B. Target Area Standards and Guidelines. For each designated residential target area (RTA), the City Council shall adopt basic requirements for both new construction and rehabilitation supported by the City's property tax exemption for multi-family housing program, including the application procedures specified in Section 3.64.020 (G). The City Council may also adopt guidelines including the following:

1. Requirements that address demolition of existing structures and site utilization; and
2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Residential Target Areas (RTAs). The boundaries of the RTAs are the RTA boundaries previously established by City Council resolutions at the time of adopting of this Chapter, and as such may be updated by future Council action, as depicted on the Comprehensive Plan Future Land Use and Zoning Maps. The previous RTA resolutions and maps are incorporated herein by reference, and on file in the City's Clerk's office.