

Title 18

PLANNING AND LAND USE REGULATION

Chapters:

- 18.01 Comprehensive Plan and Amendments**
- 18.04 General Provisions**
- 18.08 Definitions**
- 18.12 Zoning Map**
- 18.14 Rezoning**
- 18.16 RS-20 Single-Family Residential, Low**
- 18.18 RS-15 Single-Family Residential, Moderate**
- 18.20 RS-10 Single-Family Residential, Moderate/High**
- 18.21 RS-9.6 Single-Family Residential, Moderate/High**
- 18.22 RS-7.2 Single-Family Residential, High**
- 18.24 RM-3600 Residential Multifamily**
- 18.26 RM-2400 Residential Multifamily**
- 18.28 RM-1800 Residential Multifamily**
- 18.30 RM-900 Residential Multifamily**
- 18.34 BN Neighborhood Business**
- 18.38 CC Corridor Commercial**
- 18.42 Town Center**
- 18.44A Gateway Senior Housing Overlay Zone**
- 18.50 Development Standards**
- 18.52 Signage**
- 18.54 Conditional Uses**
- 18.58 Off-Street Parking**
- 18.62 Screening and Landscaping**
- 18.66 Nonconforming Buildings and Uses**
- 18.68 Siting of Wireless Communication Service Facilities**
- 18.70 Variances**
- 18.71 Code Enforcement**

Chapter 18.01

**COMPREHENSIVE PLAN
AND AMENDMENTS**

Sections:

- 18.01.010 Purpose.
- 18.01.020 Comprehensive plan – Annual amendment – Exceptions.
- 18.01.030 Types of comprehensive plan amendments.
- 18.01.040 Application and criteria.
- 18.01.050 Amendments – Initiation.
- 18.01.060 Docket process.
- 18.01.070 Plan amendment process.
- 18.01.080 Public notification.

18.01.010 Purpose.

This chapter provides for a unified process for amending the city of Lake Forest Park’s comprehensive plan (“comprehensive plan”) on an annual basis as required by law. (Ord. 946 § 1, 2006)

18.01.020 Comprehensive plan – Annual amendment – Exceptions.

A. The comprehensive plan of the city of Lake Forest Park is the current or any future plan adopted pursuant to Chapter 36.70A RCW (the “Growth Management Act”). The comprehensive plan includes all subsequent annual amendments.

B. Proposed amendments to the comprehensive plan shall be processed pursuant to this chapter and Chapter 16.26 LFPMC.

C. RCW 36.70A.130 allows annual amendment of the comprehensive plan; except that amendments to the comprehensive plan may be considered more frequently to address the following:

1. Resolution of an emergency condition or a situation that involves public health, safety or welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare;
2. Initial adoption of an identified subarea plan designed to comply with the Growth Management Act and to be consistent with the city’s comprehensive plan;
3. An appeal of the plan filed with the Growth Management Hearings Board or with the court;
4. The adoption or amendment of a shoreline master program under Chapter 90.58 RCW;
5. An amendment of the capital facilities element of the comprehensive plan that occurs in conjunction with the adoption of the city budget;

6. Adoption of comprehensive plan designation(s) associated with an annexation and intended to take effect upon annexation, or another date specified; or

7. Resolution of decision by an administrative agency, or court of competent jurisdiction.

D. Determination of an exception to the annual amendment process shall be made by the city council after recommendation by the planning commission. (Ord. 946 § 1, 2006)

18.01.030 Types of comprehensive plan amendments.

A. Site-Specific or Project-Specific Comprehensive Plan Amendments. Proponents of land development projects and/or property owner(s) or their authorized representative(s) may file an application for a proposed amendment to the comprehensive plan relating to a site-specific or project-specific proposal affecting the official map of comprehensive plan land use designations. Site-specific proposals must be filed concurrently with an application for a rezone for the subject site. Site-specific and project-specific comprehensive plan amendments are Type IV legislative decisions of the city council.

B. City-Wide Comprehensive Plan Amendments. Proposals that broadly apply to the goals, policies and implementation strategies of the comprehensive plan, rather than amendments designed to address site-specific issues of limited applicability. These are typically suggestions for changes to the comprehensive plan text. City-wide comprehensive plan amendments are Type IV legislative nonproject decisions of the city council. (Ord. 946 § 1, 2006)

18.01.040 Application and criteria.

A. Applications for comprehensive plan amendments will be made to the department of planning and building on a form provided by the city. Each application for a comprehensive plan amendment shall require the following:

1. A detailed description of the proposed amendment in nontechnical terms.
2. An official, complete Lake Forest Park comprehensive plan amendment application that includes:
 - a. Name and address of applicant;
 - b. Description of proposed plan amendment and associated development proposals (if applicable). Project-related amendments shall include plans, information and/or studies that accurately depict existing and proposed use(s) and

18.01.050

improvements. Proposed plan amendments that do not specify proposed use(s) and potential impacts will be assumed to have maximum impact to the environment, and public facilities and services;

c. Map (if appropriate) showing area(s) affected by proposed plan amendment; and

d. Application and public notice fee as determined by the city’s fee schedule.

3. If requesting an amendment to the future land use map, a site plan that is accurate, legible and drawn to scale that provides the following:

a. The existing dimensions and lot size, proposed dimensions and lot size;

b. Identify adjacent streets, existing and proposed access;

c. Identify existing and proposed structures and distances to property lines;

d. Location of proposed alterations or improvements;

e. Location of any sensitive areas and their buffers on or near the site;

f. Location of any open space or preservation areas;

g. Location of any significant trees;

h. If possible, locate drainage channels, sewer and water lines;

i. Identify existing and proposed easements; and

j. Elevation plans, if applicable.

B. Before an amendment to the comprehensive plan is approved, the following minimum requirements must be met:

1. All proposed comprehensive plan amendments:

a. Shall be consistent with the overall goals and intent of the comprehensive plan; and

b. Shall be consistent with the Growth Management Act and other applicable law; and

c. Must be weighed in light of cumulative effects of other amendments being considered.

2. City-wide comprehensive plan amendments:

a. Shall not adversely affect public health, safety, or welfare in any significant way; and

b. Shall address needs or changing circumstances of the city as a whole or resolve inconsistencies between the city of Lake Forest Park comprehensive plan and other city or other jurisdictions’ plans or ordinances; and

c. All known environmental impacts must be disclosed and/or measures must be included that reduce possible adverse impacts.

3. Site-specific or project-specific comprehensive plan amendments:

a. Shall be consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations; and

b. Shall be compatible with neighboring land uses and surrounding neighborhoods; and

c. Shall not cause adverse impacts to public services or facilities, or, if applicable, other properties in the vicinity, unless such impacts are reasonably mitigated; and

d. Any proposed rezone must meet the criteria of LFPMC 18.14.060. (Ord. 946 § 1, 2006)

18.01.050 Amendments – Initiation.

A. The city council, the mayor, or the planning commission may direct the planning director to prepare an application for a comprehensive plan amendment. The director of planning and building (“planning director”) is authorized to initiate the process for annual amendments to the comprehensive plan. The planning director may initiate the process for annual amendments to the comprehensive plan on behalf of a private party that has filed a completed application consistent with the criteria established in LFPMC 18.01.040.

B. The planning director may prepare implementing development regulations to accompany any proposed comprehensive plan amendments.

C. The planning director shall docket and process each application as provided herein. (Ord. 946 § 1, 2006)

18.01.060 Docket process.

The planning director shall prepare and administer a preliminary docket listing each application and containing written comments on proposed comprehensive plan amendments. Any interested party, including applicants, citizens and government agencies, may submit items to the docket.

A. All comprehensive plan amendment applications must be completed and submitted to the department of planning and building by 5:00 p.m. on February 1st of any year in order to be considered during that year’s amendment process; provided, that for 2006 such submittal must be received by 5:00 p.m. on June 30, 2006. Completed applications that are received after the submission date will be placed on the docket for the following calendar year. Applications that are incomplete will be returned to the applicant.

B. By March 15th of each year, except in 2006, the planning director shall compile and maintain

for public review a recommended final docket for project- or site-specific amendments and for city-wide amendments, including any proposed development regulations necessary to implement such amendments. The director shall base these docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the planning department staff and budget availability to accommodate the public review process

C. The planning director shall provide notice of the recommended final dockets as provided in LFPMC 16.26.040(D).

D. The planning director shall provide the recommended final docket of site- or project-specific amendments and city-wide comprehensive plan amendments, along with a brief description of each suggested plan amendment to the city council for review and consideration. The city council, after considering the planning director's recommended final dockets, shall adopt the final docket for the current year plan amendment cycle no later than June 1st of each year, except in 2006. (Ord. 946 § 1, 2006)

18.01.070 Plan amendment process.

Upon adoption of the final docket, the annual plan amendment process shall be consistent with the general process and schedule described in Chapter 16.26 LFPMC. The planning commission shall make its recommendation to the city council prior to September 15th of the current year, except in 2006. The city council shall make a final decision on each proposed amendment by December 15th of the current year. (Ord. 946 § 1, 2006)

18.01.080 Public notification.

A. Upon receipt of each application for a comprehensive plan amendment, the planning director will provide public notice as provided in LFPMC 16.26.040(D) and (E) to encourage maximum citizen participation. Additionally, general public notice shall be given at least 60 days prior to the comprehensive plan amendment application deadline to inform the public of the annual plan amendment process, the deadline for plan amendment suggestions and applications and how to obtain additional information. In 2006, 30 days' notice will be given before the deadline.

B. When the council considers a change to an amendment to the comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comments has concluded, an additional opportunity for review and

comment on the proposed change shall be provided before the council votes on the proposed change.

C. An additional opportunity for public review and comment is not required if:

1. An environmental impact statement has been prepared under Chapter 43.21C RCW for the pending ordinance, and the proposed change is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment;

3. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

4. The proposed change is to an ordinance making a capital budget decision as provided in RCW 36.70A.120; or

5. The proposed change is to an ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390. (Ord. 946 § 1, 2006)

Chapter 18.04

GENERAL PROVISIONS

Sections:

- 18.04.010 Title of ordinance.
- 18.04.020 Authority and purpose.
- 18.04.030 Conformance of buildings and uses.

18.04.010 Title of ordinance.

The ordinance codified in this title shall be known and may be cited as “The Lake Forest Park Land Use Ordinance.” (Ord. 773 § 3, 1999)

18.04.020 Authority and purpose.

This title establishes comprehensive land use zoning regulations for the city in accordance with the provisions of Chapter 35.63 RCW. It is the declared purpose of the city council in adopting the ordinance codified in this title, as recommended by the planning commission in accordance with the comprehensive plan, to serve the public health, safety and general welfare, to provide the economic and social advantages resulting from an orderly planned use of land resources, and to conserve and restore natural beauty and other natural resources. (Ord. 773 § 3, 1999)

18.04.030 Conformance of buildings and uses.

After the effective date of the ordinance codified in this title, no structure shall be erected, reconstructed, altered, enlarged or relocated, and no building, structure or premises shall be used in any zone except in compliance with the provisions of this title and then only if securing all required permits. (Ord. 773 § 3, 1999)

Chapter 18.08

DEFINITIONS

Sections:

- 18.08.010 Applicability.
- 18.08.020 Accessory use or accessory building.
- 18.08.030 Accessory dwelling unit.
- 18.08.040 Adult family home.
- 18.08.050 Adult use establishment.
- 18.08.060 Alley.
- 18.08.070 Alteration.
- 18.08.080 Amendment.
- 18.08.090 Animal, small.
- 18.08.100 Apartment.
- 18.08.110 Automobile, boat and trailer sales area.
- 18.08.120 Automobile rental.
- 18.08.130 Automobile service station.
- 18.08.140 Building.
- 18.08.150 Building envelope.
- 18.08.160 Building (or structure) height.
- 18.08.170 Building, main.
- 18.08.180 Building setback line.
- 18.08.190 Building site.
- 18.08.200 Cemetery.
- 18.08.210 Church.
- 18.08.220 Commission.
- 18.08.230 Communication facility.
- 18.08.240 Conditional use.
- 18.08.250 Conditional use permit.
- 18.08.260 Council.
- 18.08.270 Day care.
- 18.08.280 Dwelling, multifamily.
- 18.08.290 Dwelling, single-family.
- 18.08.300 Dwelling unit.
- 18.08.310 Family.
- 18.08.320 Floor area.
- 18.08.330 Grade.
- 18.08.340 Health club.
- 18.08.350 Home occupation.
- 18.08.360 Impervious surface.
- 18.08.370 Instructional institution.
- 18.08.380 Kennel.
- 18.08.390 Loading zone.
- 18.08.400 Lot.
- 18.08.410 Lot area.
- 18.08.420 Lot width.
- 18.08.430 Lot lines.
- 18.08.440 Lot, panhandle.
- 18.08.450 Medical-dental clinic.
- 18.08.460 Mitigation.
- 18.08.470 Manufactured housing.
- 18.08.480 Motel.

- 18.08.490 Nonconforming building.
- 18.08.500 Nonconforming lot.
- 18.08.510 Nonconforming use.
- 18.08.520 Open space, required.
- 18.08.530 Person.
- 18.08.540 Principal use.
- 18.08.550 Professional offices.
- 18.08.560 Public agency.
- 18.08.570 Public utility.
- 18.08.580 Recreational area or community club house, noncommercial.
- 18.08.590 Recreational area, commercial.
- 18.08.600 Retirement home.
- 18.08.610 Signs.
- 18.08.620 Street.
- 18.08.630 Structural alterations.
- 18.08.640 Substandard lot.
- 18.08.650 Transit park and ride lot.
- 18.08.660 Use.
- 18.08.670 Variance.
- 18.08.680 Veterinary clinic or small animal hospital.
- 18.08.690 Yard.
- 18.08.700 Yard, front.
- 18.08.710 Yard, side.
- 18.08.720 Yard, rear.
- 18.08.730 Zone.

18.08.010 Applicability.

For the purpose of the chapter, the definition of words and terms used in this title shall be as provided in this chapter and as defined in the Uniform Building Code, current edition, as adopted by the state of Washington. (Ord. 773 § 3, 1999)

18.08.020 Accessory use or accessory building.

“Accessory use” or “accessory building” means a subordinate use, structure, building or portion of a building located on the same lot as the main use or building to which it is accessory. (Ord. 773 § 3, 1999)

18.08.030 Accessory dwelling unit.

“Accessory dwelling unit” means a dwelling unit subordinate to a single-family dwelling unit which:

- A. Is located within the single-family dwelling unit; or
 - B. Is located within an accessory building.
- (Ord. 773 § 3, 1999)

18.08.040 Adult family home.

“Adult family home” means the regular family abode of a person or persons who are providing

personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and provider are capable of meeting the standards provided for by law. (Ord. 773 § 3, 1999)

18.08.050 Adult use establishment.

“Adult use establishment” means an enterprise predominantly involved in the selling, renting or presenting for commercial purposes books, magazines, motion pictures, films, video cassettes, cable television, adult entertainment as defined by LFPMC 5.30.010(B), performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to “specified sexual activities.” Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panorams, peep shows, or topless or nude dancing.

“Specified sexual activities” means:

- A. Human genitalia in a state of sexual arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Erotic fondling, touching or display of human genitalia or pubic region. (Ord. 773 § 3, 1999)

18.08.060 Alley.

“Alley” means a public thoroughfare or way which affords only a secondary means of access to abutting property. (Ord. 773 § 3, 1999)

18.08.070 Alteration.

“Alteration” means any human-induced action which impacts the existing condition of a site. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants excepting stormwater; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities. (Ord. 773 § 3, 1999)

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18.08.080 Amendment.

“Amendment” means a city council approved change in the wording, context or substance of this title, change in the zone boundaries or change upon zoning maps adopted hereunder, or change in an approved site plan. (Ord. 773 § 3, 1999)

18.08.090 Animal, small.

“Small animal” means any animal other than livestock or animals considered to be predatory or wild. Small animal includes, but is not limited to, fowl of all kinds, furbearing animals, bees, pets, or any other similar animal which is kept outside the owner’s residence all or part of the time. Animals normally considered to be livestock, predatory or wild, shall be considered small animals when they are taken into captivity for the purpose of breeding, domestication, training, hunting, or exhibition and which weigh less than 100 pounds. (Ord. 773 § 3, 1999)

18.08.100 Apartment.

“Apartment” means a room, or a suite of two or more rooms in a multiple dwelling or in any other building not a single-family dwelling or a two-family dwelling occupied or suitable for occupancy as a dwelling unit for one family. (Ord. 773 § 3, 1999)

18.08.110 Automobile, boat and trailer sales area.

“Automobile, boat and trailer sales area” means an open area, other than a street, used for the display and sale of new or used automobiles or the sale of boats or trailers, and where no repair work is done except minor incidental repair of automobiles, boats or trailers to be displayed, sold or rented on the premises. (Ord. 773 § 3, 1999)

18.08.120 Automobile rental.

“Automobile rental” means an open area, or building, used for the parking and rental of automobiles, and where no repair work is done except minor incidental repair of automobiles to be rented on the premises. (Ord. 773 § 3, 1999)

18.08.130 Automobile service station.

“Automobile service station” means an occupancy which provides for:

A. The servicing of motor vehicles, including watercraft, and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automobile washing by hand (except as otherwise provided herein); waxing and polishing of automobiles; tire changing and

repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories;

B. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring. (Ord. 773 § 3, 1999)

18.08.140 Building.

“Building” means any covered structure used or intended for supporting or sheltering any use or occupancy. (Ord. 773 § 3, 1999)

18.08.150 Building envelope.

“Building envelope” means the area of a lot that delineates the limits of where a building may be placed on the lot. (Ord. 773 § 3, 1999)

18.08.160 Building (or structure) height.

“Building height” means the vertical distance, from the average level of the undisturbed soil of the site covered by a structure, measured to the highest point of the structure, except as provided for in LFPMC 18.50.085.

“Average level” shall be determined by averaging elevations of the downward projections of the four corners of the smallest rectangle which will enclose all of the building, excluding a maximum of 30 inches of eaves. If a corner falls off the site, its elevation shall be the average elevation of the two points projected downward where the two sides of the rectangle cross the property line. (Ord. 773 § 3, 1999)

18.08.170 Building, main.

“Main building” means the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group homes, each such permissible building or other structure on a lot or building site as defined by this title shall be construed as comprising a main building or structure. (Ord. 773 § 3, 1999)

18.08.180

18.08.180 Building setback line.

“Building setback line” means a line which establishes a definite point beyond which the foundation and adjoining wall of a building shall not extend. (Ord. 773 § 3, 1999)

18.08.190 Building site.

“Building site” means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this title, whether the area so devoted is comprised of one lot, a fraction of a lot, a combination of lots, or combination of lots and fractions of lots. (Ord. 773 § 3, 1999)

18.08.200 Cemetery.

“Cemetery” means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Ord. 773 § 3, 1999)

18.08.210 Church.

“Church” means a building, together with its accessory buildings, wherein persons regularly assemble for religious worship and which building, together with its accessory buildings, is maintained and controlled by a religious body, organized to sustain public worship. A church may include day care nurseries, but excludes rest homes, convalescent homes, homes for the aged, guest homes and religious nursing homes. (Ord. 773 § 3, 1999)

18.08.220 Commission.

“Commission” means the planning commission of the city. (Ord. 773 § 3, 1999)

18.08.230 Communication facility.

“Communication facility” means a site developed primarily for the transfer of voice or data through radio transmissions. Such sites typically require the construction of transmission structures to which transmission equipment is attached or in which such equipment is housed. (Ord. 773 § 3, 1999)

18.08.240 Conditional use.

“Conditional use” means a use similar to the allowed uses in a given zone but permitted only after review by the hearing examiner, and the granting of a conditional use permit imposing such performance standards as are necessary to make the use compatible with other allowed uses in the

same vicinity and zone. (Ord. 924 § 5, 2005; Ord. 773 § 3, 1999)

18.08.250 Conditional use permit.

“Conditional use permit” means the documented evidence of authority granted by the city to locate a conditional use at a particular location. (Ord. 773 § 3, 1999)

18.08.260 Council.

“Council” means the city council of the city. (Ord. 773 § 3, 1999)

18.08.270 Day care.

“Day care,” “family day care,” and “adult day care” mean a facility used for providing the regularly scheduled on-premises care of children or adults for less than a 24-hour period. A Type I day care facility is a single-family residence used for the care of 12 or fewer children or adults. A Type II day care is a facility providing care for more than 12 children or adults. (Ord. 773 § 3, 1999)

18.08.280 Dwelling, multifamily.

“Multifamily dwelling” means a residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided. (Ord. 773 § 3, 1999)

18.08.290 Dwelling, single-family.

“Single-family dwelling” means a detached residential dwelling unit, designed for and occupied by one family. (Ord. 773 § 3, 1999)

18.08.300 Dwelling unit.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation. (Ord. 773 § 3, 1999)

18.08.310 Family.

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than eight persons including children who are not related by blood or marriage, excluding employees, living together in a dwelling as a single housekeeping unit. (Ord. 773 § 3, 1999)

18.08.320 Floor area.

“Floor area” means a total floor area within the walls of all buildings on a lot or building site,

except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles. (Ord. 773 § 3, 1999)

18.08.330 Grade.

“Grade” means the average of the ground level at the centers of all walls of a building. (Ord. 773 § 3, 1999)

18.08.340 Health club.

“Health club” means an enterprise providing recreation, including but not limited to physical fitness centers, spas, and sports and recreation clubs. (Ord. 773 § 3, 1999)

18.08.350 Home occupation.

“Home occupation” means any occupation or activity undertaken for gain or profit and carried on in a dwelling or building which is clearly secondary to the main use of the premises as a dwelling place, does not represent any exterior evidence of such secondary use, does not change the residential character of the dwelling or neighborhood, and in no way infringes upon the rights of the neighboring residences to enjoy a peaceful occupancy of their homes. (Ord. 773 § 3, 1999)

18.08.360 Impervious surface.

“Impervious surface” means a hard or compacted surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or a hard or compacted surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, compacted gravel, driveways, parking lots and storage areas, and oiled, macadam, or other surfaces which similarly impeded the natural infiltration of surface water. (Ord. 773 § 3, 1999)

18.08.370 Instructional institution.

“Instructional institution” means elementary, junior high, high schools, junior colleges, colleges or universities or other schools, public or private, giving academic or technical education, training or instruction. (Ord. 773 § 3, 1999)

18.08.380 Kennel.

“Kennel” means a place where four or more adult dogs or cats or any combination thereof are kept by persons providing facilities and care for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months. (Ord. 773 § 3, 1999)

18.08.390 Loading zone.

“Loading zone” means an on-site space or berth on the same lot or site with the buildings or use served, such space to serve for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers. (Ord. 773 § 3, 1999)

18.08.400 Lot.

“Lot” means a recorded plot, parcel or tract of land. If one or more lots are built upon as a unit of property, they shall be considered as a single lot. (Ord. 773 § 3, 1999)

18.08.410 Lot area.

“Lot area” means the horizontal surface area within the recorded boundary lines of a platted lot, excluding those areas wholly or in part covered by water. (Ord. 773 § 3, 1999)

18.08.420 Lot width.

“Lot width” means the average of the distance between the side lot lines measured at and along the front and rear setback lines. (Ord. 773 § 3, 1999)

18.08.430 Lot lines.

A. Lot Front Line. “Lot front line” means that lot line at which vehicular access is off of a public right-of-way, private street, access easement or tract;

B. Lot Rear Line. “Lot rear line” means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular- or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;

2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front line, the lot rear line shall be deemed to be a line at right angles

18.08.440

to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;

C. Lot Side Line. "Lot side line" means any lot boundary line not a lot front line or a lot rear line. (Ord. 773 § 3, 1999)

18.08.440 Lot, panhandle.

"Panhandle lot" or "flag lot" means a lot that is to the rear of another lot or lots and that has access via a narrow portion of the lot that extends to a public right-of-way or access tract. (Ord. 773 § 3, 1999)

18.08.450 Medical-dental clinic.

"Medical-dental clinic" means a building or group of buildings designed for the use of, and occupied and used by, physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state of Washington, including medical clinics; and including the installation and use of therapeutic equipment, X-ray equipment or laboratories, chemical, biochemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories including facilities for the making of dentures on prescription; pharmacies limited to the retail dispensing of pharmaceuticals and sick room supplies (but not room or orthopedic equipment or furniture); provided, there shall be no exterior display windows or signs pertaining to such accessory uses other than a directory sign. (Ord. 773 § 3, 1999)

18.08.460 Mitigation.

"Mitigation" means the use of any or all of the following actions that are listed in descending order of preference:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area;

D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;

E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments;

F. Monitoring the impact and taking appropriate corrective measures. (Ord. 773 § 3, 1999)

18.08.470 Manufactured housing.

"Manufactured housing" means a single-family dwelling constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance. Manufactured housing is prefabricated or assembled at a place other than a building site and is located and installed in the same manner as conventional housing, except to the extent that construction standards are regulated by the Washington State Department of Labor and Industries (Chapter 43.22 RCW). (Ord. 773 § 3, 1999)

18.08.480 Motel.

"Motel" means one or more buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located next to each unit, all for the temporary use by automobile tourists or transients, and the word includes tourist courts, motor courts, automobile courts, automobile camps and motor lodges. A unit in a motel having kitchen facilities constitutes a dwelling unit and shall be subject to all of the provisions and requirements of this title governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone. (Ord. 773 § 3, 1999)

18.08.490 Nonconforming building.

"Nonconforming building" means a legally established building or structure which does not conform in its construction, area, yard requirements or height to the restrictions of the land use zone in which it is classified in this title. (Ord. 773 § 3, 1999)

18.08.500 Nonconforming lot.

"Nonconforming lot" means a legally established lot or parcel of land which does not conform to the regulations of the land use zone in which it is classified by this title. (Ord. 773 § 3, 1999)

18.08.510 Nonconforming use.

"Nonconforming use" means a legally established use which does not conform to the regulations of the land use zone in which it is classified by this title. (Ord. 773 § 3, 1999)

18.08.520 Open space, required.

“Required open space” means a portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different classifications contained herein, to be maintained between buildings, between wings of a building as common area to be available for use by the persons specified in a multiple-lot subdivision, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky, except for specific permitted uses and structures. (Ord. 773 § 3, 1999)

18.08.530 Person.

“Person” means and includes an individual, firm, partnership, association or corporation, governmental agency or political subdivision. (Ord. 773 § 3, 1999)

18.08.540 Principal use.

“Principal use” means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. (Ord. 773 § 3, 1999)

18.08.550 Professional offices.

“Professional offices” means an office maintained and used as a place of business by individuals in licensed professions and other generally recognized professions which utilize training or knowledge in the mental disciplines as distinguished from occupations primarily oriented to manual skills or the handling of commodities. (Ord. 773 § 3, 1999)

18.08.560 Public agency.

“Public agency” means any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, and local service districts; any agency of the state of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the federal government. (Ord. 773 § 3, 1999)

18.08.570 Public utility.

“Public utility” means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the ser-

vices by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight. (Ord. 773 § 3, 1999)

18.08.580 Recreational area or community club house, noncommercial.

“Recreational area or community club house, noncommercial” means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within the area. (Ord. 773 § 3, 1999)

18.08.590 Recreational area, commercial.

“Commercial recreational area” means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee. (Ord. 773 § 3, 1999)

18.08.600 Retirement home.

“Retirement home” means a building or group of buildings designed for the occupancy of three or more families, living semi-independently from each other, and containing only sleeping units with common kitchen, dining, and recreation facilities; provided, a retirement home may contain one or more dwelling units for resident staff only. (Ord. 773 § 3, 1999)

18.08.610 Signs.

The term “signs” shall be defined as it is in Chapter 18.52 LFPMC. (Ord. 905 § 2, 2004; Ord. 773 § 3, 1999)

18.08.620 Street.

“Street” means a public or recorded private thoroughfare which affords primary means of access to abutting property. (Ord. 773 § 3, 1999)

18.08.630 Structural alterations.

“Structural alterations” means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the interior dimensions of the building

18.08.640

or structure, or increase in floor space. (Ord. 773 § 3, 1999)

18.08.640 Substandard lot.

“Substandard lot” means a lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title. (Ord. 773 § 3, 1999)

18.08.650 Transit park and ride lot.

“Transit park and ride lot” means a parking lot, whether publicly or privately owned, providing vehicle parking and passenger and vehicular circulation specifically for the purpose of access to a metropolitan public transportation system as defined in RCW 35.58.020(14). (Ord. 773 § 3, 1999)

18.08.660 Use.

“Use” means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted. (Ord. 773 § 3, 1999)

18.08.670 Variance.

“Variance” means a modification or exception to specific regulations but in accordance with the intent and purpose of such regulations, including the comprehensive plan, zoning code, or other applicable land use requirement. Variances shall be allowed upon meeting the variance criteria contained in Chapter 18.70 LFPMC. (Ord. 773 § 3, 1999)

18.08.680 Veterinary clinic or small animal hospital.

“Veterinary clinic or small animal hospital” means an establishment in which veterinary medical services, clipping, bathing and similar services are rendered to dogs, cats and other small animals and domestic pets, not including kennels. (Ord. 773 § 3, 1999)

18.08.690 Yard.

“Yard” means those open spaces on a lot other than a court, that are unoccupied and unobstructed by buildings, except as otherwise provided in this title. (Ord. 773 § 3, 1999)

18.08.700 Yard, front.

“Front yard” means that yard adjacent to the front lot line and which is measured across the full width of the lot. (Ord. 773 § 3, 1999)

18.08.710 Yard, side.

“Side yard” means those yards extending along both side lot lines from the front yard to the rear yard. (Ord. 773 § 3, 1999)

18.08.720 Yard, rear.

“Rear yard” means that yard adjacent to the rear lot line and which is measured across the full width of the lot. (Ord. 773 § 3, 1999)

18.08.730 Zone.

“Zone” means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title. (Ord. 773 § 3, 1999)

Chapter 18.12

ZONING MAP

Sections:

- 18.12.010 Zones established.
- 18.12.020 Boundary questions.
- 18.12.030 Changes.
- 18.12.040 Annexed land.
- 18.12.050 Reference to zones.

18.12.010 Zones established.

The following zones are hereby established: RS-20, RS-15, RS-10, RS-9.6, RS-7.2, RM-3600, RM-2400, RM-1800, RM-900, BN, CC and TC. The location and boundaries of the various zones are such as are shown on the map titled "City of Lake Forest Park Zoning Map" codified in this title and made a part of this title. (Ord. 773 § 3, 1999)

18.12.020 Boundary questions.

Where uncertainty exists as to the boundaries of any zone on the zoning map, the following rules of construction shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines, the actual line shall be the centerline of such street or alley.

B. Where such boundaries are indicated as following lot lines, the actual line shall be the established lot line. (Ord. 773 § 3, 1999)

18.12.030 Changes.

No change shall be made to a zoning map except by authority of an amending ordinance. Any changes made otherwise shall be in violation of this title. (Ord. 773 § 3, 1999)

18.12.040 Annexed land.

A. All land annexed to the city after the effective date of the ordinance codified in this title shall continue to have the land use classification such land enjoyed while in the county, pending study, public hearing and specific reclassification.

B. Any lot subdivided under authority of the county and recognized by the county as a buildable lot, will, upon annexation to the city, be considered a buildable lot, even though it may be smaller than the city zoning requires for that vicinity and zone. (Ord. 773 § 3, 1999)

18.12.050 Reference to zones.

Whenever the terms "RS" and "RM" are used in this title, they refer to all zones containing these letters in their titles. (Ord. 773 § 3, 1999)

Chapter 18.14

REZONING

Sections:

- 18.14.010 Purpose.
- 18.14.020 Who may apply.
- 18.14.030 Reclassification – Initiation.
- 18.14.040 Procedure.
- 18.14.050 Application.
- 18.14.060 Decision criteria.
- 18.14.070 Map change.
- 18.14.080 Development agreement.
- 18.14.090 Time limitation.

18.14.010 Purpose.

This chapter establishes the procedure and criteria that the city will use in making a decision upon an application for a reclassification of property from one land use zone to another land use zone or for any change in the conditions imposed or in the terms of a concomitant agreement executed as part of a reclassification. (Ord. 946 § 2, 2006)

18.14.020 Who may apply.

The property owner or the city may apply for a reclassification of property. (Ord. 946 § 2, 2006)

18.14.030 Reclassification – Initiation.

A. The city council, the mayor, or the planning commission may direct the planning director to prepare an application for a reclassification. The planning director is authorized to initiate an application for a reclassification. The planning director may initiate the process for annual amendments to the comprehensive plan on behalf of a private party that has filed a completed application consistent with the criteria established in LFPMC 18.14.060.

B. The planning director shall docket and process each application as provided herein. (Ord. 946 § 2, 2006)

18.14.040 Procedure.

The city will process an application for a reclassification of property under Chapter 16.26 LFPMC. (Ord. 946 § 2, 2006)

18.14.050 Application.

Application for a reclassification of property(ies) shall be made on forms prescribed by the city, and shall be accompanied by the following information; provided, that the planning director may waive any of these items upon request by the

applicant and a finding that the item is not necessary to analyze the application:

A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site and any sensitive areas and their buffers; this information may be shown on several sheets if needed for readability;

B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

C. A summary table of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with city regulations;

D. A written statement addressing the decision criteria;

E. A legal description of the property, including parcel number;

F. A statement to the effect that the applicant or applicants are the sole owners of the property;

G. Photographs of the site;

H. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from SEPA review;

I. A list of other permits that are or may be required for development of the property (issued by the city or by other government agencies), insofar as they are known to the applicant;

J. A list of other city permits that are to be processed concurrently with this permit;

K. Payment of a fee as required by resolution of the city council. (Ord. 946 § 2, 2006)

18.14.060 Decision criteria.

The city may approve or approve with modifications an application for a reclassification of property if:

A. The reclassification is substantially related to the public health, safety, or welfare; and

B. The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed land use zone classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

C. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and

D. The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property or incompatible with such uses; and

E. The reclassification has merit and value for the community as a whole; and

F. The reclassification is in accord with the comprehensive plan; and

G. The reclassification complies with all other applicable criteria and standards of the Lake Forest Park Municipal Code. (Ord. 946 § 2, 2006)

18.14.070 Map change.

Following approval of a reclassification of property, the city shall amend the zoning map of the city to reflect the change in land use zone. The city shall also indicate on the zoning map the number of the ordinance adopting the change. (Ord. 946 § 2, 2006)

18.14.080 Development agreement.

The city may require that the applicant enter into a development agreement as authorized by RCW 36.70B.170 with the city as a condition of the reclassification, and may through that agreement impose development conditions designed to mitigate potential impacts of the reclassification and development pursuant thereto. (Ord. 946 § 2, 2006)

18.14.090 Time limitation.

The city may, in the ordinance approving the reclassification, establish a reasonable time within which development of the subject property must begin. If the city has established such a time limitation, the reclassification may be revoked upon application of the city for reclassification if the applicant has not applied for a building permit or other necessary development permit and completed substantial construction by the specified date. (Ord. 946 § 2, 2006)

Chapter 18.16

RS-20 SINGLE-FAMILY RESIDENTIAL, LOW

Sections:

- 18.16.010 Permitted uses.
- 18.16.020 Conditional uses.
- 18.16.030 Lot area.
- 18.16.040 Street frontage.
- 18.16.050 Lot coverage.
- 18.16.060 Yards.
- 18.16.070 Building height limit.
- 18.16.080 Impervious surface.

18.16.010 Permitted uses.

The following are permitted uses in an RS-20 zone:

- A. A single-family dwelling of a permanent character, placed in a permanent location.
- B. Home occupations, provided they meet the criteria in LFPMC 18.50.040.
- C. Accessory buildings and structures in accordance with the provisions in LFPMC 18.50.060.
- D. Manufactured housing bearing the certification of the State of Washington Department of Labor and Industries.
- E. Accessory dwelling units in accordance with the provisions in LFPMC 18.50.050.
- F. Signs in accordance with the provisions in Chapter 18.52 LFPMC.
- G. Type I day care facility in accordance with the provisions in LFPMC 18.50.045. (Ord. 773 § 3, 1999)

18.16.020 Conditional uses.

Conditional uses and associated development standards, if any, for an RS-20 zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.16.030 Lot area.

The minimum required area of a lot in an RS-20 zone shall be 20,000 square feet. (Ord. 773 § 3, 1999)

18.16.040 Street frontage.

The minimum street frontage in an RS-20 zone shall be 75 feet along a public street right-of-way. (Ord. 773 § 3, 1999)

18.16.050 Lot coverage.

No building or combination of buildings, including accessory buildings, shall occupy or

18.16.060

cover more than 25 percent of the net lot area in an RS-20 zone. (Ord. 773 § 3, 1999)

18.16.060 Yards.

The following setbacks shall apply in an RS-20 zone:

A. Front yard: Not less than 20 feet measured at a right angle to the front line;

B. Side yards: Not less than five feet on either side, with a minimum combined width of 15 feet, measured from the property line to the nearest point of the building;

C. Rear yard: Not less than 20 feet. (Ord. 773 § 3, 1999)

18.16.070 Building height limit.

The building height limit in an RS-20 zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.16.080 Impervious surface.

The maximum impervious surface allowed in an RS-20 zone shall be 35 percent of the lot area. (Ord. 773 § 3, 1999)

Chapter 18.18

**RS-15 SINGLE-FAMILY
RESIDENTIAL, MODERATE**

Sections:

- 18.18.010 Permitted uses.
- 18.18.020 Conditional uses.
- 18.18.030 Lot area.
- 18.18.040 Street frontage.
- 18.18.050 Lot coverage.
- 18.18.060 Yards.
- 18.18.070 Building height limit.
- 18.18.080 Impervious surface.

18.18.010 Permitted uses.

The following are permitted uses in an RS-15 zone:

- A. A single-family dwelling of a permanent character, placed in a permanent location.
- B. Home occupations, provided they meet the criteria in LFPMC 18.50.040.
- C. Accessory buildings and structures in accordance with the provisions in LFPMC 18.50.060.
- D. Manufactured housing bearing the certification of the State of Washington Department of Labor and Industries.
- E. Accessory dwelling units in accordance with the provisions in LFPMC 18.50.050.
- F. Signs in accordance with the provisions in Chapter 18.52 LFPMC.
- G. Type I day care facility in accordance with the provisions in LFPMC 18.50.045. (Ord. 773 § 3, 1999)

18.18.020 Conditional uses.

Conditional uses and associated development standards, if any, for an RS-15 zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.18.030 Lot area.

The minimum required area of a lot in an RS-15 zone shall be 15,000 square feet. (Ord. 773 § 3, 1999)

18.18.040 Street frontage.

The minimum street frontage in an RS-15 zone shall be 75 feet along a public street right-of-way. (Ord. 773 § 3, 1999)

18.18.050 Lot coverage.

No building or combination of buildings, including accessory buildings, shall occupy or

cover more than 27 1/2 percent of the net lot area in an RS-15 zone. (Ord. 773 § 3, 1999)

18.18.060 Yards.

The following setbacks shall apply in an RS-15 zone:

- A. Front yard: Not less than 20 feet measured at a right angle to the front line;
- B. Side yards: Not less than five feet on either side, with a minimum combined width of 15 feet, measured from the property line to the nearest point of the building;
- C. Rear yard: Not less than 20 feet. (Ord. 773 § 3, 1999)

18.18.070 Building height limit.

The building height limit in an RS-15 zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.18.080 Impervious surface.

The maximum impervious surface allowed in an RS-15 zone shall be 40 percent of the lot area. (Ord. 773 § 3, 1999)

18.20.010

Chapter 18.20

**RS-10 SINGLE-FAMILY RESIDENTIAL,
MODERATE/HIGH**

Sections:

- 18.20.010 Permitted uses.
- 18.20.020 Conditional uses.
- 18.20.030 Lot area.
- 18.20.040 Street frontage.
- 18.20.050 Lot coverage.
- 18.20.060 Yards.
- 18.20.070 Building height limit.
- 18.20.080 Impervious surface.

18.20.010 Permitted uses.

The following are permitted uses in an RS-10 zone:

- A. A single-family dwelling of a permanent character, placed in a permanent location.
- B. Home occupations, provided they meet the criteria in LFPMC 18.50.040.
- C. Accessory buildings and structures in accordance with the provisions of LFPMC 18.50.060.
- D. Manufactured housing bearing the certification of the State of Washington Department of Labor and Industries.
- E. Accessory dwelling units in accordance with the provisions in LFPMC 18.50.050.
- F. Signs in accordance with the provisions in Chapter 18.52 LFPMC.
- G. Type I day care facility in accordance with the provisions in LFPMC 18.50.045. (Ord. 773 § 3, 1999)

18.20.020 Conditional uses.

Conditional uses and associated development standards, if any, for an RS-10 zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.20.030 Lot area.

The minimum required area of a lot in an RS-10 zone shall be 10,000 square feet. (Ord. 773 § 3, 1999)

18.20.040 Street frontage.

The minimum street frontage in an RS-10 zone shall be 75 feet along a public street right-of-way. (Ord. 773 § 3, 1999)

18.20.050 Lot coverage.

No building or combination of buildings, including accessory buildings, shall occupy or

cover more than 30 percent of the net lot area in an RS-10 zone. (Ord. 773 § 3, 1999)

18.20.060 Yards.

The following setbacks shall apply in an RS-10 zone:

- A. Front yard: Not less than 20 feet measured at a right angle to the front line;
- B. Side yards: Not less than five feet on either side, with a minimum combined width of 15 feet measured from the property line to the nearest point of the building;
- C. Rear yard: Not less than 15 feet; except as provided in LFPMC 18.50.060. (Ord. 773 § 3, 1999)

18.20.070 Building height limit.

The building height limit in an RS-10 zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.20.080 Impervious surface.

The maximum impervious surface allowed in an RS-10 zone shall be 45 percent of the lot area. (Ord. 773 § 3, 1999)

Chapter 18.21

**RS-9.6 SINGLE-FAMILY RESIDENTIAL,
MODERATE/HIGH**

Sections:

- 18.21.010 Permitted uses.
- 18.21.020 Conditional uses.
- 18.21.030 Lot area.
- 18.21.040 Lot width.
- 18.21.050 Lot coverage.
- 18.21.060 Yards.
- 18.21.070 Building height limit.
- 18.21.080 Impervious surface.

18.21.010 Permitted uses.

The following are permitted uses in an RS-9.6 zone:

- A. A single-family dwelling of a permanent character, placed in a permanent location.
- B. Home occupations, provided they meet the criteria in LFPMC 18.50.040.
- C. Accessory buildings and structures in accordance with the provisions of LFPMC 18.50.060.
- D. Manufactured housing bearing the certification of the State of Washington Department of Labor and Industries.
- E. Accessory dwelling units in accordance with the provisions of LFPMC 18.50.050.
- F. Signs in accordance with the provisions in Chapter 18.52 LFPMC.
- G. Type I day care facility in accordance with the provisions in LFPMC 18.50.045. (Ord. 773 § 3, 1999)

18.21.020 Conditional uses.

Conditional uses and associated development standards, if any, for an RS-9.6 zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.21.030 Lot area.

The minimum required area of a lot in an RS-9.6 zone shall be 9,600 square feet. (Ord. 773 § 3, 1999)

18.21.040 Lot width.

The minimum required width of a lot in an RS-9.6 zone shall be 70 feet. (Ord. 773 § 3, 1999)

18.21.050 Lot coverage.

No building or combination of buildings, including accessory buildings, shall occupy or

cover more than 30 percent of the net lot area in an RS-9.6 zone. (Ord. 773 § 3, 1999)

18.21.060 Yards.

The following setbacks shall apply in an RS-9.6 zone:

- A. Front yard: Not less than 20 feet measured at a right angle to the front lot line;
- B. Side yards: Not less than five feet on either side, with a minimum combined width of 15 feet measured from the property line to the nearest point of the building;
- C. Rear yard: Not less than 15 feet; except as provided in LFPMC 18.50.060. (Ord. 773 § 3, 1999)

18.21.070 Building height limit.

The building height limit in an RS-9.6 zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.21.080 Impervious surface.

The maximum impervious surface allowed in an RS-9.6 zone shall be 45 percent of the lot area. (Ord. 773 § 3, 1999)

18.22.010

Chapter 18.22

**RS-7.2 SINGLE-FAMILY
RESIDENTIAL, HIGH**

Sections:

- 18.22.010 Permitted uses.
- 18.22.020 Conditional uses.
- 18.22.030 Lot area.
- 18.22.040 Lot width.
- 18.22.050 Lot coverage.
- 18.22.060 Yards.
- 18.22.070 Building height limit.
- 18.22.080 Impervious surface.

18.22.010 Permitted uses.

The following are permitted uses in an RS-7.2 zone:

- A. A single-family dwelling of a permanent character, placed in a permanent location.
- B. Home occupations, provided they meet the criteria in LFPMC 18.50.040.
- C. Accessory buildings and structures in accordance with the provisions in LFPMC 18.50.060.
- D. Manufactured housing bearing the certification of the State of Washington Department of Labor and Industries.
- E. Accessory dwelling units in accordance with the provisions in LFPMC 18.50.050.
- F. Signs in accordance with the provisions in Chapter 18.52 LFPMC.
- G. Type I day care facility in accordance with the provisions in LFPMC 18.50.045. (Ord. 773 § 3, 1999)

18.22.020 Conditional uses.

Conditional uses and associated development standards, if any, for an RS-7.2 zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.22.030 Lot area.

The minimum required area of a lot in an RS-7.2 zone shall be 7,200 square feet. (Ord. 773 § 3, 1999)

18.22.040 Lot width.

The minimum required width of a lot in an RS-7.2 zone shall be 60 feet. (Ord. 773 § 3, 1999)

18.22.050 Lot coverage.

No building or combination of buildings, including accessory buildings, shall occupy or

cover more than 35 percent of the net lot area in an RS-7.2 zone. (Ord. 773 § 3, 1999)

18.22.060 Yards.

The following setbacks shall apply in an RS-7.2 zone:

- A. Front yard: Not less than 20 feet measured at a right angle to the front line;
- B. Side yards: Not less than five feet on either side, with a minimum combined width of 15 feet measured from the property line to the nearest point of the building;
- C. Rear yard: Not less than 15 feet except as provided in LFPMC 18.50.060. (Ord. 773 § 3, 1999)

18.22.070 Building height limit.

The building height limit in an RS-7.2 zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.22.080 Impervious surface.

The maximum impervious surface allowed in an RS-7.2 zone shall be 45 percent of the lot area. (Ord. 773 § 3, 1999)

Chapter 18.24**RM-3600 RESIDENTIAL MULTIFAMILY**

Sections:

- 18.24.010 Purpose.
- 18.24.020 Permitted uses.
- 18.24.030 Conditional uses.
- 18.24.040 Lot area.
- 18.24.050 Lot area per dwelling unit.
- 18.24.060 Lot width.
- 18.24.070 Land coverage.
- 18.24.080 Yards.
- 18.24.090 Building height.
- 18.24.100 Parking.
- 18.24.110 Screening and landscaping.
- 18.24.120 Signs.

18.24.010 Purpose.

The principle objective and purpose to be served by this classification and its application is to permit a limited increase in population density in those areas to which this classification applies by permitting low density multiple dwellings and duplexes, while, at the same time, by means of the standards and requirements set forth herein, maintaining a desirable family living environment by establishing a minimum lot area and yards and open spaces. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet the needs resulting from a defined intensity of land use. (Ord. 773 § 3, 1999)

18.24.020 Permitted uses.

The following uses are permitted in the RM-3600 multifamily zone:

- A. Those uses permitted in the RS-7.2 zoning district;
- B. A two-family dwelling (duplex);
- C. A multifamily dwelling, townhouse, apartment, cooperative, condominium, each dwelling unit having one or more bedrooms. No such dwelling unit shall be occupied by more than one family;
- D. Senior citizen apartments;
- E. Accessory buildings and structures in accordance with LFPMC 18.50.050. (Ord. 773 § 3, 1999)

18.24.030 Conditional uses.

Conditional uses and associated development standards, if any, for the RM-3600 multifamily

zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.24.040 Lot area.

The minimum required area of a lot in an RM-3600 zone shall be 7,200 square feet. (Ord. 773 § 3, 1999)

18.24.050 Lot area per dwelling unit.

In an RM-3600 zone, the lot area per dwelling unit shall be not less than 3,600 square feet. (Ord. 773 § 3, 1999)

18.24.060 Lot width.

Every lot in the RM-3600 zone shall have a width of not less than 60 feet. (Ord. 773 § 3, 1999)

18.24.070 Land coverage.

Maximum land coverage of buildings in the RM-3600 multifamily zone shall be:

- A. Interior lot, 35 percent;
 - B. Corner lot, 40 percent;
 - C. Building with swimming pool, 40 percent.
- (Ord. 773 § 3, 1999)

18.24.080 Yards.

Setbacks for the RM-3600 multifamily zone shall be as follows:

- A. Front yard, 20 feet;
- B. Side yards, 10 feet;
- C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.24.090 Building height.

Maximum building height in the RM-3600 multifamily zone shall be 35 feet. (Ord. 773 § 3, 1999)

18.24.100 Parking.

Off-street parking shall be provided in the RM-3600 multifamily zone subject to regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.24.110 Screening and landscaping.

All sites in the RM-3600 multifamily zone shall have adequate screening and landscaping, subject to regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.24.120 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

Chapter 18.26

RM-2400 RESIDENTIAL MULTIFAMILY

Sections:

- 18.26.010 Purpose.
- 18.26.020 Permitted uses.
- 18.26.030 Conditional uses.
- 18.26.040 Lot area.
- 18.26.050 Lot area per dwelling unit.
- 18.26.060 Lot width.
- 18.26.070 Land coverage.
- 18.26.080 Yards.
- 18.26.090 Building height.
- 18.26.100 Parking.
- 18.26.110 Screening and landscaping.
- 18.26.120 Signs.

18.26.010 Purpose.

The principal objective and purpose to be served by this classification and its application is to establish areas permitting a greater population density than is allowed in more restrictive classifications and at the same time maintain a residential environment consistent with such greater population density. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Ord. 773 § 3, 1999)

18.26.020 Permitted uses.

The following uses are permitted in the RM-2400 multifamily zone:

- A. Those uses permitted in the RM-3600 zoning district;
- B. Day care facility, provided:
 - 1. The play area shall be completely enclosed to a minimum height of six feet with a solid fence or wall; and
- C. Retirement home, provided:
 - 1. The use shall be within one-quarter mile of public transportation, including van pools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway; and
 - 2. The lot area per each sleeping unit and each dwelling unit shall not be less than 1,200 square feet. (Ord. 773 § 3, 1999)

18.26.030 Conditional uses.

Conditional uses and associated development standards for the RM-2400 multifamily zone are

those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.26.040 Lot area.

The minimum required area of a lot in an RM-2400 zone shall be 7,200 square feet. (Ord. 773 § 3, 1999)

18.26.050 Lot area per dwelling unit.

In an RM-2400 zone, the lot area per dwelling unit shall be not less than 2,400 square feet, except as provided for in LFPMC 18.26.020(C). (Ord. 773 § 3, 1999)

18.26.060 Lot width.

Every lot in the RM-2400 zone shall have a width of not less than 60 feet. (Ord. 773 § 3, 1999)

18.26.070 Land coverage.

Maximum land coverage of buildings in the RM-2400 multifamily zone shall be:

- A. Interior lot, 45 percent;
 - B. Corner lot, 50 percent;
 - C. Building with swimming pool, 50 percent.
- (Ord. 773 § 3, 1999)

18.26.080 Yards.

Setbacks for the RM-2400 multifamily zone shall be as follows:

- A. Front yard, 20 feet;
- B. Side yards, 10 feet;
- C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.26.090 Building height.

Maximum building height in the RM-2400 multifamily zone shall be 35 feet. (Ord. 773 § 3, 1999)

18.26.100 Parking.

Off-street parking shall be provided in the RM-2400 multifamily zone subject to regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.26.110 Screening and landscaping.

All sites in the RM-2400 multifamily zone shall have adequate screening and landscaping, subject to regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.26.120 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

Chapter 18.28

RM-1800 RESIDENTIAL MULTIFAMILY

Sections:

- 18.28.010 Purpose.
- 18.28.020 Permitted uses.
- 18.28.030 Conditional uses.
- 18.28.040 Lot area.
- 18.28.050 Lot area per dwelling unit.
- 18.28.060 Lot width.
- 18.28.070 Land coverage.
- 18.28.080 Yards.
- 18.28.090 Building height.
- 18.28.100 Parking.
- 18.28.110 Screening and landscaping.
- 18.28.120 Signs.

18.28.010 Purpose.

The principal objective and purpose to be served by this classification and its application is to establish areas permitting a greater population density than is allowed in more restrictive classifications and to permit the providing of accommodations for those who desire to live in a residential atmosphere without the necessity to individually maintain a dwelling unit. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Ord. 773 § 3, 1999)

18.28.020 Permitted uses.

The following uses are permitted in the RM-1800 multifamily zone:

- A. Those uses permitted in the RM-2400 zoning district.
- B. Rest homes, nursing and convalescent homes, provided:
 1. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto; and
 2. That the health department shall have approved all applicable provisions.
- C. A retirement home, provided:
 1. The use shall be within one-quarter mile of public transportation, including van pools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway; and
 2. The lot area per each sleeping unit and each dwelling unit shall not be less than 900 square feet. (Ord. 773 § 3, 1999)

18.28.030 Conditional uses.

Conditional uses and associated development standards, if any, for the RM-1800 multifamily zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.28.040 Lot area.

The minimum required area of a lot in an RM-1800 zone shall be 7,200 square feet. (Ord. 773 § 3, 1999)

18.28.050 Lot area per dwelling unit.

In an RM-1800 zone, the lot area per dwelling unit shall be not less than 1,800 square feet, except as provided for in LFPMC 18.28.020(C). (Ord. 773 § 3, 1999)

18.28.060 Lot width.

In the RM-1800 zone, every lot shall have a width of not less than 60 feet. (Ord. 773 § 3, 1999)

18.28.070 Land coverage.

Maximum land coverage of buildings in the RM-1800 multifamily zone shall be:

- A. Interior lot, 45 percent;
 - B. Corner lot, 50 percent;
 - C. Building with swimming pool, 50 percent.
- (Ord. 773 § 3, 1999)

18.28.080 Yards.

Setbacks for the RM-1800 multifamily zone shall be as follows:

- A. Front yard, 20 feet;
- B. Side yards, 15 feet;
- C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.28.090 Building height.

Maximum building height in the RM-1800 multifamily zone shall be 35 feet. (Ord. 773 § 3, 1999)

18.28.100 Parking.

Off-street parking shall be provided in the RM-1800 multifamily zone subject to regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.28.110 Screening and landscaping.

All sites in the RM-1800 multifamily zone shall have adequate screening and landscaping, subject to regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.28.120 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

18.30.010

Chapter 18.30

RM-900 RESIDENTIAL MULTIFAMILY

Sections:

- 18.30.010 Purpose.
- 18.30.020 Permitted uses.
- 18.30.030 Conditional uses.
- 18.30.040 Lot area.
- 18.30.050 Lot area per dwelling unit.
- 18.30.060 Lot width.
- 18.30.070 Land coverage.
- 18.30.080 Yards.
- 18.30.090 Building height.
- 18.30.100 Parking.
- 18.30.110 Screening and landscaping.
- 18.30.120 Signs.

18.30.010 Purpose.

The principal objective and purpose to be served by this classification and its application is to establish areas permitting the maximum population density and which also permits uses other than residential, such as medical, dental and social services and shelter, all for human beings. The uses permitted in this classification relate conveniently and consistently in terms of traffic generated, demands upon public service facilities and impact upon each other. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Ord. 773 § 3, 1999)

18.30.020 Permitted uses.

The following uses are permitted in the RM-900 multifamily zone:

- A. Those uses permitted in the RM-1800 zoning district.
- B. Retirement home, provided:
 - 1. The use shall be within one-quarter mile of public transportation, including vanpools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway; and
 - 2. The lot area per each sleeping unit and each dwelling unit shall not be less than 450 square feet. (Ord. 773 § 3, 1999)

18.30.030 Conditional uses.

Conditional uses and associated development standards, if any, for the RM-900 multifamily zone

are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.30.040 Lot area.

The minimum required area of a lot in an RM-900 zone shall be 7,200 square feet. (Ord. 773 § 3, 1999)

18.30.050 Lot area per dwelling unit.

In an RM-900 zone, the lot area per dwelling unit shall not be less than 900 square feet except as provided for in LFPMC 18.30.020(B). (Ord. 773 § 3, 1999)

18.30.060 Lot width.

In the RM-900 zone, every lot shall have a width of not less than 60 feet. (Ord. 773 § 3, 1999)

18.30.070 Land coverage.

Maximum land coverage of buildings in the RM-900 multifamily zone shall be:

- A. Interior lot, 55 percent;
 - B. Corner lot, 55 percent;
 - C. Building with swimming pool, 60 percent.
- (Ord. 773 § 3, 1999)

18.30.080 Yards.

Setbacks for the RM-900 multifamily zone shall be as follows:

- A. Front yard, 20 feet;
- B. Side yards, 20 feet;
- C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.30.090 Building height.

Maximum building height in the RM-900 multifamily zone shall be 35 feet. (Ord. 773 § 3, 1999)

18.30.100 Parking.

Off-street parking shall be provided in the RM-900 multifamily zone subject to regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.30.110 Screening and landscaping.

All sites in the RM-900 multifamily zone shall have adequate screening and landscaping, subject to regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.30.120 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

Chapter 18.34**BN NEIGHBORHOOD BUSINESS**

Sections:

- 18.34.010 Purpose.
- 18.34.020 Permitted uses.
- 18.34.030 Conditional uses.
- 18.34.040 Building height.
- 18.34.050 Setbacks.
- 18.34.060 Land coverage.
- 18.34.070 Site area.
- 18.34.080 Retail and storage area.
- 18.34.090 Off-street parking.
- 18.34.100 Screening and landscaping.
- 18.34.110 Signs.

18.34.010 Purpose.

A. Consistent with the legislative intent expressed in this title, it is the purpose of this chapter to permit the establishment of business facilities for a neighborhood which will adhere to the concept, controls and intent noted in this chapter. The neighborhood business zone shall include only facilities designed to serve the everyday needs of the immediate neighborhood and shall not include features designed to attract excessive traffic from beyond that neighborhood.

B. It shall be the obligation of the developer, owner, operator or tenant to prove to the satisfaction of the planning department that the intended or petitioned use, including those not listed in this chapter, will be of a character that does not create a nuisance. (Ord. 773 § 3, 1999)

18.34.020 Permitted uses.

The following uses are permitted in the BN zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:

A. Neighborhood scale businesses involving the retail sales of small merchandise and convenience foods, general household items or services, specialty shops, auto service stations limited to two pump islands with two pumps per island; and

B. Small business offices and uses rendering professional and personal services, such as real estate or insurance brokerages, professional offices, medical or dental clinics, day care, and barber or beauty shops;

C. Public utilities. (Ord. 773 § 3, 1999)

18.34.030 Conditional uses.

Conditional uses and associated development standards, if any, for the BN zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.34.040 Building height.

The building height limit in the BN zone shall not exceed 30 feet. (Ord. 773 § 3, 1999)

18.34.050 Setbacks.

Minimum setback requirements in the BN zone shall be:

- A. Front yard, 20 feet;
- B. Side yards, 20 feet;
- C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.34.060 Land coverage.

Maximum land coverage by all structures in the BN zone shall be no more than 35 percent of the total lot area. (Ord. 773 § 3, 1999)

18.34.070 Site area.

The maximum square footage allowed in a single neighborhood business site is 60,000 square feet, not to exceed 200-foot frontage on any public access. (Ord. 773 § 3, 1999)

18.34.080 Retail and storage area.

Under this chapter, the maximum allowable service, retail sales and display area shall be 4,000 square feet, exclusive of storage and toilet facilities, and the maximum storage and toilet areas shall not exceed 50 percent of the retail sales, display or service area. (Ord. 773 § 3, 1999)

18.34.090 Off-street parking.

Off-street parking shall be required subject to the regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.34.100 Screening and landscaping.

All sites in the BN zone must have adequate screening and landscaping, subject to regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.34.110 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

Chapter 18.38

CC CORRIDOR COMMERCIAL

Sections:

- 18.38.010 Purpose.
- 18.38.020 Permitted uses.
- 18.38.030 Conditional uses.
- 18.38.040 Building height.
- 18.38.050 Setbacks.
- 18.38.060 Land coverage.
- 18.38.070 Site area.
- 18.38.080 Retail and storage area.
- 18.38.090 Off-street parking.
- 18.38.100 Screening and landscaping.
- 18.38.110 Signs.
- 18.38.120 Special conditions.

18.38.010 Purpose.

The purpose of the CC zone is to provide regulations covering a mix of compatible commercial uses along the Bothell Way corridor. Development in this zone shall strive for a clustered retail and pedestrian-friendly design as opposed to strip of linear development. (Ord. 773 § 3, 1999)

18.38.020 Permitted uses.

The following uses are permitted in the CC zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:

- A. Retail sales of food and commodities, auto oriented services and sales, repair or sale of boats, motor vehicles, sale of food and alcohol for on-premises consumption, sale of gasoline or other fuels;
- B. Business offices and uses rendering professional, personal, and instructional services, such as real estate or insurance brokerages, consultants, medical or dental clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing, household appliances and tools, or other such similar uses, vehicle or tool rentals, pet sales and veterinary clinics;
- C. Government buildings and uses, including but not limited to City Hall, police stations, libraries, administrative offices, and other public service uses that are compatible with the intent of the CC zone;
- D. Hotels and motels;
- E. Public utilities;
- F. Adult use establishments; provided, however, that the operation of an adult use establishment shall be prohibited within 660 feet of any

residential zone; and provided further, that adult use establishments shall not be operated concurrently within 660 feet of, nor within the same structure as, the operation of any other adult use establishment; and provided further, that no adult use establishment shall be located within 660 feet of schools, licensed day care centers, public parks, community centers or public libraries or churches which conduct religious or educational classes for minors. (Ord. 773 § 3, 1999)

18.38.030 Conditional uses.

Conditional uses and associated development standards, if any, for the CC zone are those identified in Chapter 18.54 LFPMC. (Ord. 773 § 3, 1999)

18.38.040 Building height.

The building height limit in the CC zone shall not exceed 35 feet. (Ord. 773 § 3, 1999)

18.38.050 Setbacks.

There are no minimum setbacks in the CC zone; except that projects adjacent to an RS or RM zoned property shall have a minimum setback of 20 feet from any common property lines. (Ord. 773 § 3, 1999)

18.38.060 Land coverage.

Maximum land coverage by all structures shall be no more than 50 percent of the total lot area. (Ord. 773 § 3, 1999)

18.38.070 Site area.

The maximum square footage allowed in a single commercial business site is 100,000 square feet, not to exceed 500-foot frontage on a public access. (Ord. 773 § 3, 1999)

18.38.080 Retail and storage area.

Under this chapter, the maximum allowable retail sales and display area shall be 50,000 square feet, exclusive of storage and toilet facilities, and the maximum storage and toilet areas shall not exceed 50 percent of the retail sales, display or service area. (Ord. 773 § 3, 1999)

18.38.090 Off-street parking.

Off-street parking shall be required subject to the regulations of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.38.100 Screening and landscaping.

All sites in the CC zone must have adequate screening and landscaping, subject to the regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.38.110 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

18.38.120 Special conditions.

All businesses, services, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

- A. Off-street parking or loading;
- B. Storage and sale of plants in connection with a nursery or garden supply store;
- C. Servicing of vehicles at automobile service stations;
- D. Merchandise displays which are located in planned shopping centers where proper provision has been made for screening and safe pedestrian and vehicular passage. (Ord. 773 § 3, 1999)

Chapter 18.42

TOWN CENTER

Sections:

- 18.42.010 Purpose.
- 18.42.020 Permitted uses – Commercial and nonresidential.
- 18.42.030 Permitted uses – Primary and accessory residential.
- 18.42.040 Limitations on use.
- 18.42.050 Conditional uses.
- 18.42.060 Building height.
- 18.42.070 Setbacks.
- 18.42.080 Land coverage.
- 18.42.090 Screening and landscaping.
- 18.42.100 Signs.
- 18.42.110 Parking.
- 18.42.120 Site plan review required – Exceptions.
- 18.42.130 Site plan review – Criteria.
- 18.42.140 Town center framework design guidelines – Adopted – Rules of interpretation.
- 18.42.150 Town center framework design guidelines – Application – Effect.
- 18.42.160 Administration.
- 18.42.170 Development agreement.
- 18.42.180 Design departure.
- 18.42.190 Bonds or other financial security.

18.42.010 Purpose.

The intent of the TC zone is to encourage neighborhood and community scale developments and uses which create interesting and vital places for residents of the city and the nearby community. The TC zone should provide for increased diversity for desirable business, commercial, civic, recreation, employment, and housing opportunities, and to enable imaginative site and building design that will encourage pedestrian access to employment opportunities, goods and services. Uses in the TC zone should be developed in a manner that is compatible with the residential character and scale of the city. The TC zone allows and encourages residential uses, but does not require such uses. (Ord. 773 § 3, 1999)

18.42.020 Permitted uses – Commercial and nonresidential.

The following commercial and nonresidential uses are permitted in the TC zone, subject to the off-street parking and landscaping requirements

18.42.030

and other general provisions as set forth in this title, except where modified by this chapter:

A. Retail sales of food and commodities, which involve only incidental and limited fabrication and assembly. Uses excluded from this zone would include auto service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, sale of alcohol for on-premises consumption except in a restaurant with a license from the Washington State Liquor Board;

B. Business offices and uses rendering professional, personal, and instructional services, such as real estate or insurance brokerages, consultants, medical or dental clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing, household appliances and tools, or other such similar uses; excluding vehicle or tool rentals, pet sales and veterinary clinics;

C. Government buildings and uses, including but not limited to City Hall, police stations, libraries, administrative offices, and other public service uses that are compatible with the intent of the TC zone;

D. Day care facilities;

E. Public utilities. (Ord. 773 § 3, 1999)

18.42.030 Permitted uses – Primary and accessory residential.

The following residential uses are permitted in the TC zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:

A. Multiple dwelling units;

B. Senior citizen apartments;

C. Convalescent, nursing and retirement homes. (Ord. 773 § 3, 1999)

18.42.040 Limitations on use.

Every use locating in the TC zone shall be subject to the following further conditions and limitations:

A. Residential uses are not permitted as separate projects; they must be developed in combination with commercial or nonresidential uses as part of a single site development plan. Residential uses may not be developed at a density of greater than seven dwelling units per acre;

B. Commercial and nonresidential uses shall occupy the floor(s) below the residential portion of a mixed use building in order to enhance the quiet and privacy for the residents above when both res-

idential and nonresidential uses occupy the same structure;

C. Individual commercial and nonresidential uses shall contain a maximum of no more than 60,000 square feet per use. Uses greater than 60,000 square feet and not more than 100,000 are only permitted after obtaining a conditional use permit (LFPMC 18.42.050);

D. Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances;

E. All businesses, services, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;

2. Storage and sale of goods in connection with an established use under the provisions of a temporary use permit or special event; and

3. Merchandise displays which are located in the TC zone where proper provision has been made for screening and safe pedestrian and vehicular passage. (Ord. 773 § 3, 1999)

18.42.050 Conditional uses.

Conditional uses and associated development standards, if any, for the TC zone are those identified in Chapter 18.54 LFPMC, including permitted uses exceeding 60,000 square feet, but not more than 100,000 square feet, and drive-through window services. (Ord. 773 § 3, 1999)

18.42.060 Building height.

The maximum building height limit in the TC zone is not to exceed 30 feet; except that a mixed-use building including residential units may be constructed to a height of no more than 40 feet. (Ord. 773 § 3, 1999)

18.42.070 Setbacks.

Minimum setback requirements in the TC zone shall be:

A. Front yard, 20 feet;

B. Side yards, 20 feet; and

C. Rear yard, 20 feet. (Ord. 773 § 3, 1999)

18.42.080 Land coverage.

The maximum land coverage by all structures, excluding driveways, private walkways and similar impervious surfaces, shall be no more than 45 percent of the total lot area. (Ord. 773 § 3, 1999)

18.42.090 Screening and landscaping.

All sites in the TC zone must have adequate screening and landscaping, subject to the regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.42.100 Signs.

Signs are limited to those provided for in Chapter 18.52 LFPMC. (Ord. 773 § 3, 1999)

18.42.110 Parking.

All parking in the town center shall be provided in accordance with the provisions of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

18.42.120 Site plan review required – Exceptions.

Except for wireless communications proposed in accordance with Chapter 18.68 LFPMC, all new development and/or significant exterior modifications of existing development within the TC zone shall require a site plan review according to criteria and procedures of LFPMC 18.42.130, unless the applicant chooses to proceed under the optional town center framework design guidelines process established by LFPMC 18.42.140 through 18.42.180. (Ord. 944 § 1, 2006; Ord. 773 § 3, 1999)

18.42.130 Site plan review – Criteria.

Site plan review shall be processed as a Type II decision under Chapter 16.26 LFPMC; provided, that the city planning commission shall replace the hearing examiner and perform the responsibilities required of that official by LFPMC 16.26.140 and 16.26.150. The city shall use the following criteria in the evaluation and/or conditioning of applications under the town center site plan review process:

A. Building Facade Articulation. Projects within the TC zone shall provide building facade articulation with the use of windows, entries, balconies, and/or bays on facades. The following standards shall apply to the articulation:

1. Windows shall be frequent and coordinate with the articulation of entries, bays and balconies;
2. Display windows must line facades facing public streets and sidewalks, with no more than 10 feet of blank nonwindow wall space for every 25 feet of store front;
3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);

4. Reflective glass curtain walls are prohibited;

5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connected walkway.

B. Entries. To ensure development in the TC zone is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines shall apply:

1. Primary entries shall be located adjacent to a public street or pedestrian walkway and must be visible from that street or walkway;

2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet.

C. Landscaping.

1. A landscape plan that provides for extensive landscaping of large parking areas or other open areas which can be seen from the street or other pedestrian-oriented areas.

2. A landscaped buffer shall be provided between projects in the TC zone and any abutting RS or RM zoned properties. A combination of landscaping and screening may be used to buffer visual and audible impacts.

3. Landscaped areas shall consist of a combination and variety of deciduous and evergreen vegetation. Native plant species are encouraged.

D. Buildings. The size, shape, texture, and color of buildings may be reviewed to ensure that the purpose and proposed character of the TC zone is preserved.

E. Pedestrian Amenities. Projects in the TC zone are encouraged to incorporate pedestrian amenities into the design and layout of interior and exterior spaces. Pedestrian amenities may include, but are not limited to, benches and low walls or planters at sitting height, alcoves or other small meeting areas, water features and art, covered walkways, and clear pedestrian connections.

F. Height.

1. That the overall aesthetic qualities of the town center as reflected in this section are not diminished.

2. That increased height of existing buildings or the height of new buildings does not have an unreasonable potential to negatively impact use and benefit of natural light within the town center or adjoining areas.

3. That the proposal demonstrates those views from the town center or vicinity properties have been preserved to the extent possible.

4. In the event that the proposal is requesting a height which exceeds 30 feet and no more than 40 feet to provide housing, the proposal shall

18.42.140

demonstrate how the increased height results in an overall benefit to the town center through preservation enhancement of public places or environmental resources and furthers the goals and policies of the town center comprehensive plan designation. (Ord. 944 § 2, 2006)

18.42.140 Town center framework design guidelines – Adopted – Rules of interpretation.

A. The guidelines contained on pages 14 through 15, 24 through 41 and Appendix 2 of the City of Lake Forest Park “Town Center Framework Design Guidelines,” dated September 26, 2005, are adopted as alternate guidelines applicable to applications filed under the optional town center design guideline process and incorporated by reference herein.

B. Those portions of the “Town Center Framework Design Guidelines” not specifically adopted contain expressions of intent, goals, history and philosophy which form specific guidelines that may be used to interpret the adopted guidelines, in addition to the ordinary rules of statutory interpretation. (Ord. 944 § 2, 2006)

18.42.150 Town center framework design guidelines – Application – Effect.

A. Except as otherwise provided, any person who plans to develop or redevelop within the town center zone may apply to have the proposed project processed and reviewed according to LFPMC 18.42.140. An accepted application shall be reviewed under the town center framework design guidelines, which shall take precedence over and supersede any conflicting provision of Chapter 18.42 LFPMC, including provisions incorporated by reference into Chapter 18.42 LFPMC.

B. The city shall not accept an application submitted for review under LFPMC 18.42.140 that does not propose to develop or redevelop all property in the town center zone owned or controlled by the applicant. (Ord. 944 § 2, 2006)

18.42.160 Administration.

The town center framework design guidelines shall be administered as follows:

A. The application shall not be processed according to Chapter 16.26 LFPMC, except that LFPMC 16.26.020, Definitions; 16.26.040, Applications; 16.26.240, Rules; and 16.26.250, Hold harmless and indemnification, shall be applicable to the application.

B. Upon determination by the administration that an application is complete, the application shall be forwarded to the city council which by resolution shall refer the application to the local government committee of the council. The resolution shall appoint the citizen members of the committee, set a schedule for concluding review, provide for extension of the schedule, and reserve to the council the right to assume committee responsibilities if the committee is unable to complete its mandate within the prescribed time.

C. The local government committee shall review the application, with the assistance of the city administration, for compliance with the town center framework design guidelines, other applicable ordinances, and laws; negotiate the development agreement authorized by LFPMC 18.42.170; and refer the application, the draft development agreement, and the recommendation of the local government committee to the city council for final decision.

D. Upon receiving the application, draft development agreement and a recommendation from the local government committee, the city council shall direct that the application be placed on a council agenda for public hearing and subsequent final action. (Ord. 944 § 2, 2006)

18.42.170 Development agreement.

A. The applicant and the city shall enter into a development agreement as provided in RCW 36.70B.170 incorporating the town center framework design guidelines, the decision of the city council, and other provisions not inconsistent with the town center design guidelines or other provision of this code.

B. The development agreement may provide for subdivision of the applicant’s property to facilitate orderly, economic development of the property. In case of a conflict with any provision of the city’s subdivision regulations, LFPMC Title 17, the town center framework design guidelines shall control. (Ord. 944 § 2, 2006)

18.42.180 Design departure.

A. An applicant may propose an alternative project design that does not strictly comply with the town center framework design guidelines, but is consistent with the intent of the design guidelines. Such a proposal shall be processed as provided in LFPMC 18.42.160. In evaluating the project, the city council shall determine whether the alternative design provides equivalent or superior results when compared with strict compliance

with applicable guidelines according to one or more of the following criteria:

1. The alternate enhances multiple uses in the town center;
2. The alternate enhances the pedestrian scale of the town center;
3. The alternate enhances the perimeter of the town center; or
4. The alternate enhances the environmental quality of the town center.

B. The city council may also review, as provided in LFPMC 18.42.160, an alternative project design on the basis of physical constraints of the project site, provided the alternate provides equivalent or superior results when compared with strict compliance with applicable guidelines according to the foregoing criteria.

C. An approved alternate design shall be implemented by a development agreement as provided for in LFPMC 18.42.170 that shall include the reasons for concluding that alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines. (Ord. 944 § 2, 2006)

18.42.190 Bonds or other financial security.

The city may require a bond or other financial security to ensure compliance with any aspect of a permit or approval under this chapter. (Ord. 944 § 2, 2006)

Chapter 18.44A

GATEWAY SENIOR HOUSING OVERLAY ZONE

Sections:

- 18.44A.010 Purpose.
- 18.44A.020 Area designation.
- 18.44A.030 Uses.
- 18.44A.040 Development regulation.
- 18.44A.050 Site plan and design review.
- 18.44A.060 Density.
- 18.44A.070 Access and pedestrian facilities.
- 18.44A.080 Parking.
- 18.44A.090 Building setbacks.
- 18.44A.100 Building height.
- 18.44A.110 Landscaping.
- 18.44A.120 Design standards.
- 18.44A.130 Common areas.
- 18.44A.140 Council review.
- 18.44A.150 Severability.

18.44A.010 Purpose.

The gateway senior housing overlay zone implements the city’s comprehensive plan policies to increase the availability of a range of housing options and to increase availability of housing options for seniors by providing incentives for and mitigation of senior housing projects. (Ord. 893 § 1, 2003)

18.44A.020 Area designation.

There is hereby established in the city of Lake Forest Park a senior housing overlay zone to be known as the “gateway senior housing overlay zone.”

A. Zoning Map. The gateway senior housing overlay zone shall be incorporated into and designated on the city’s official zoning map.

B. Description.

Lots 1 through 5, Block 4, Seattle Suburban Home Tracts together with a portion of the vacated street adjacent together with the south 432 feet of a portion of the SE quarter of the SE quarter of STR 16-26-04 lying east of Bothell Way NE less the west 120 feet of the north 112 feet of the south 142 feet thereof less the county road together with Lot B of Lake Forest Park Boundary Line Adjustment #L98-146, recording # 9806179013 & 9806171093 Lot B being the east 60 feet of Lot 2, Block 4 and the west 60 feet of Lot 2, Block 3 of

18.44A.030

said plat; and the west 75 feet of Lot 5, Block 3, Seattle Suburban Home Tracts; and the west 60 feet of Lot 1, Block 3, Seattle Suburban Home Tracts; and the east 60 feet of the west 120 feet of Lots 1 and 2, Block 3, Seattle Suburban Home Tracts; and the east 65 feet of the west 185 feet of Lots 1 and 2, Block 3, Seattle Suburban Home Tracts.

(Ord. 893 § 1, 2003)

18.44A.030 Uses.

In addition to the uses permitted by the underlying zoning applicable to the designated area, the following additional uses are permitted in the gateway senior housing overlay zone:

- A. Senior apartments; and
- B. Retirement homes. (Ord. 893 § 1, 2003)

18.44A.040 Development regulation.

Except as otherwise permitted herein, all development authorized by this chapter shall be permitted in accordance with applicable city development regulations. (Ord. 893 § 1, 2003)

18.44A.050 Site plan and design review.

A decision on application for a development authorized by this chapter is a Type I decision under Chapter 16.26 LFPMC and reviewed according to the requirements of that chapter and the following:

A. The applicant shall submit a site plan application on a form provided by the city planning department, along with supporting documents required by the city planning department.

B. When the application is complete, the city planning department shall conduct a review and forward the application to the city hearing examiner with a recommendation.

C. The city hearing examiner shall review the application as provided in Chapter 16.26 LFPMC assuring compliance with all development regulations of the city, including the regulations contained in this chapter. If a provision of this chapter conflicts with or modifies another city development regulation, this chapter shall control. (Ord. 893 § 1, 2003)

18.44A.060 Density.

Within the gateway senior housing overlay zone:

A. Density shall not exceed that of the total underlying zoned properties; provided, that the

number of units within the zone shall not exceed 242 dwelling units.

B. Senior apartment dwelling units and each individual sleeping quarter or bed within a retirement home shall be counted at 100 percent of a dwelling unit.

C. The square footage of nonresidential buildings, including nonresidential spaces that are not limited and accessory to a residential building, shall count against the limit in subsection A of this section; provided, that each 1,000 square feet of nonresidential building or applicable nonresidential space in a residential building equals one dwelling unit. (Ord. 893 § 1, 2003)

18.44A.070 Access and pedestrian facilities.

Development authorized by the gateway senior housing overlay zone designation must provide for:

A. Primary vehicular access from NE 145th Street, with a secondary vehicular access allowed from NE 147th Street or Bothell Way NE; provided, that any access to NE 147th Street shall be designed to restrict cut-through traffic. Any access point on NE 147th Street shall be located at the west end of the overlay zone;

B. Pedestrian linkage to Bothell Way NE and either NE 147th or NE 145th Streets;

C. Designated common areas and recreational areas accessible by pedestrian linkages within the development and from at least one public right-of-way; and

D. Sidewalks adjacent to and along the entire length of the development site whenever the development abuts the public right-of-way. (Ord. 893 § 1, 2003)

18.44A.080 Parking.

Development authorized by the gateway senior housing overlay zone designation must provide for:

A. Underground parking, if possible, or parking that is screened where feasible; provided, that shared parking may be permitted pursuant to LFPMC 18.58.040; and provided further, that parking shall not be permitted within designated building setbacks adjacent to public rights-of-way and adjacent to single-family zoned properties not within the overlay zone.

B. One parking space per senior housing unit. The amount of off-street parking required may be reduced to 0.5 spaces per unit plus other appropriate reductions where a shared parking arrangement

for common facilities is approved by the city pursuant to LFPMC 18.58.040. (Ord. 893 § 1, 2003)

18.44A.090 Building setbacks.

Permitting of development authorized by the gateway senior housing overlay zone designation must provide for:

A. An average building setback from the property lines abutting single-family zoned properties not within the overlay and public rights-of-way of 40 feet; provided, that the following minimum setbacks shall be required:

1. No less than 35 feet at any point.

B. A minimum building setback of 15 feet from all other property lines or the perimeter of the designated development site. (Ord. 893 § 1, 2003)

18.44A.100 Building height.

Permitting of development authorized by the gateway senior housing overlay zone designation must provide for a maximum building height of 35 feet. (Ord. 893 § 1, 2003)

18.44A.110 Landscaping.

Permitting of development authorized by the gateway senior housing overlay zone designation must provide for:

A. Landscaping of all areas not allocated to buildings, parking, pedestrian and vehicle access and recreation pursuant to a city approved landscaping plan, which shall encourage combining native evergreen and deciduous species and encourage keeping any significant trees already so situated.

B. Screening at a minimum 50 percent of building setback areas abutting residential properties and rights-of-way with a vegetated screen as provided in Chapter 18.62 LFPMC. A landscaped berm of 5:1 slopes or equivalent shall be incorporated into the required vegetated screening for those setback areas abutting a public right-of-way, as may be deemed necessary by the city planning department. (Ord. 893 § 1, 2003)

18.44A.120 Design standards.

Permitting of development authorized by the gateway senior housing overlay zone designation must provide for buildings that are residential in character, incorporating features such as, but not limited to, exterior patios, balconies/decks, arbors and trellises and:

A. Pitched roofs or rooflines;

B. Facade modulation that incorporates breaks at least five feet in depth and 10 feet in length for

18.44A.130

every 40 horizontal linear feet and such that any unmodulated facade shall not exceed 40 horizontal feet and with modulations that avoid a saw-tooth effect;

C. Color modulation, at a minimum to accentuate or complement facade modulation. (Ord. 893 § 1, 2003)

18.44A.130 Common areas.

Permitting of development authorized by the gateway senior housing overlay zone designation must provide for outdoor common areas, comprising a minimum of 20 percent of the land area within the development and consisting of landscaped, park-like setting, with pedestrian linkages between, common areas and the public right-of-way. Common areas shall be designed for suitable passive recreation that includes pedestrian features and may be incorporated into the required screening but may not reduce the screening standard or effect. Common areas shall be free of yard waste, municipal solid waste, construction materials and other encumbrances to use. (Ord. 893 § 1, 2003)

18.44A.140 Council review.

The creation of the gateway senior housing overlay zone shall be reviewed by the council two years after the effective date of the ordinance codified in this chapter. (Ord. 893 § 1, 2003)

18.44A.150 Severability.

If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or application of the provisions to other persons or circumstances shall not be affected. (Ord. 893 § 1, 2003)

Chapter 18.50

DEVELOPMENT STANDARDS

Sections:

- 18.50.010 Walls and fences.
- 18.50.020 Yards.
- 18.50.030 Boat moorage.
- 18.50.040 Home occupations.
- 18.50.045 Day care/adult day care – Type I.
- 18.50.050 Accessory dwelling units.
- 18.50.060 Accessory structures and buildings.
- 18.50.070 Vision clearance.
- 18.50.080 Permitted intrusions into required yards.
- 18.50.085 Permitted height exclusions.
- 18.50.090 Location of swimming pools.
- 18.50.100 Lighting.
- 18.50.110 Temporary use permits.
- 18.50.120 Keeping household pets.

18.50.010 Walls and fences.

A. Fences not more than four feet in height may be constructed across the front of a lot and on the sides back as far as the building line in an RS or RM zone. Back of the building line, fences constructed along the side and rear property lines may be six feet in height. Fences higher than as set out in this subsection may be constructed provided they are located behind the building setback lines.

B. Barbed and razor wire fences and electrified fences are prohibited.

C. Where a fence is located directly on the ground, the height of the fence shall be the vertical distance from the top board, rail or wire to the ground directly below the fence; where a masonry wall is used as a fence, the height shall be the vertical distance from the top surface of the wall to the ground on the high side of the wall.

D. Fences may be placed on a retaining wall; provided that the fence meets the height restriction of this section. For purposes of measuring the allowed height of the fence, the low point shall correspond to the average height of the retaining wall.

E. Any fence exceeding a height of six feet, and any retaining wall exceeding a height of 48 inches shall require a building permit; the provisions and conditions of this section shall not apply to fences required by state law to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds. (Ord. 773 § 3, 1999)

18.50.020 Yards.

All front and side yard setback areas must be maintained clear of all buildings. All yards must be free of objectionable litter and refuse and municipal waste. (Ord. 773 § 3, 1999)

18.50.030 Boat moorage.

Private boat moorage or wharfs shall be allowed for the moorage of private pleasure boats of the owner of the property on which the moorage is located in waterfront areas of R zones; provided, that such moorage is in compliance with the city's shoreline management master program and with the regulations of this title. (Ord. 773 § 3, 1999)

18.50.040 Home occupations.

A. Home occupations shall be carried on entirely within the main residence and shall not exceed 500 square feet of the floor space of the residence.

B. All activities of the occupation must be conducted indoors, with the exception of those occupations related to plants and those uses specified under Chapter 18.54 LFPMC (day care).

C. No more than two persons other than members of the immediate family residing on the premises may operate or be employed in the home occupation.

D. Home occupations shall not be conducted as a retail outlet for tangible goods. Goods shall not be sold or rented on the premises. Display or storage of goods outside of the premises or in a window is prohibited. Uses providing on-site services to customers shall do so by appointment only.

E. Home occupations shall not create traffic, noise, smoke, dust, vapor, odors, vibration, glare, electrical interference, fire hazard or any other hazard or nuisance which is greater or more frequent than that commonly associated with permitted uses within the zoning district.

F. One off-street parking space in addition to that required in LFPMC 18.58.030(4) shall be required for each employee not residing on-site and sufficient off-street parking spaces for uses which provide on-site services and services by appointment to avoid any on-street parking by customers;

G. The occupation may use or store a vehicle used by the occupation provided:

1. No more than one such vehicle is allowed;

2. An off-street parking space shall be provided for the vehicle in addition to those required under subsection F of this section and LFPMC 18.58.030(4);

3. Such vehicle must not exceed a gross vehicle weight of 10,000 pounds.

H. Any use which changes the residential character of the home, including modifications of the site which would suggest a use other than residential, shall not be permitted.

I. Signs advertising home occupations shall not be permitted.

J. A business license for the home occupation issued by the city is required. This business license may not be assigned to another person nor may it be transferred to any other site. (Ord. 962 § 1, 2007; Ord. 773 § 3, 1999)

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18.50.045 Day care/adult day care – Type I.

Type I day care nurseries and adult day care facilities are allowed when no more than 12 children or adults are to be cared for at one time, subject to the following provisions:

A. A minimum of one off-street parking space in addition to those required under LFPMC 18.58.030, plus one for each employee on duty.

B. Buildings, structures and landscaping shall be of a character which is appropriate for the area.

C. For day care nurseries, outdoor play areas shall be provided with a minimum of 75 square feet in area for each child using the area at one time, and shall be completely enclosed by a solid barrier such as a berm, wall or fence, with no openings except for gates, and having a minimum height of six feet, to minimize visual and noise impacts and prevent trespassing on adjacent residentially classified properties.

D. The hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 773 § 3, 1999)

18.50.050 Accessory dwelling units.

Accessory dwelling units, as defined by this title, may be permitted on lots of at least 7,200 square feet, and provided they meet the following development criteria:

A. Only one accessory dwelling unit will be permitted per residential lot;

B. The accessory dwelling unit floor area must be at least 300 square feet, but may not exceed 50 percent of the total area of the principal residence or 1,000 square feet, whichever is less;

C. Accessory dwelling units on lots less than 15,000 square feet in area must be developed within the existing primary residence;

D. Accessory dwelling units on lots of 15,000 square feet or greater may be developed as an accessory structure; provided, however, that the accessory dwelling unit shall meet the requirements of LFPMC 18.50.060;

E. Either the primary residence or the accessory dwelling unit must be owner-occupied;

F. Garage space may be converted only if the same number of off-street parking spaces are provided elsewhere on the property;

G. One off-street parking space in addition to that required for a single-family dwelling shall be provided;

H. The total number of people who may occupy principal residence and the accessory unit, together, shall not exceed the number of people who may occupy a one-family dwelling. (Ord. 773 § 3, 1999)

18.50.060 Accessory structures and buildings.

Accessory buildings and structures are permitted uses in single-family dwelling zones, provided:

A. The total combined floor area of all accessory buildings shall not occupy more than 10 percent of the total area of the lot up to a maximum of 1,000 square feet;

B. Accessory buildings may only be placed in a rear yard;

C. Accessory buildings shall be 10 feet or more from the principal buildings;

D. Accessory buildings may be placed no closer than five feet to the rear lot line, excluding accessory dwelling units, which may be placed no closer than 15 feet to the rear property line;

E. Accessory building height shall not exceed 15 feet. (Ord. 773 § 3, 1999)

18.50.070 Vision clearance.

A. All corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the lot front line and the side line separating the lot from the street, and the sides of the triangle forming the corner angle shall each be 15 feet in length measured from the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points which are distant 15 feet from the intersection of the lot front and side lines. Within the area comprising the triangle, no tree, fence, shrub or other physical obstruction higher than 42 inches above the established street grade shall be permitted.

B. On lots abutting fully developed urban streets, the city may require modification or removal of structures or landscaping located in required front, rear or side yards, if such improvements prevent adequate driveway entering sight distance to roadways from an adjoining lot or lots, and if no reasonable driveway relocation alternative is feasible. (Ord. 773 § 3, 1999)

18.50.080 Permitted intrusions into required yards.

The following may project into required yards:

A. Eaves, not exceeding 18 inches;

B. Fireplace structures, bay windows, garden windows, enclosed stair landings, closets, framed fireplace shafts, eaves or similar projections not exceeding 18 inches and no more than a total of eight feet measured parallel to the wall of which it is a part;

C. Uncovered porches and platforms which do not extend above the floor level of the first floor –

18.50.085

18 inches into side yards and six feet into the front yard;

D. Planting boxes or masonry planters not exceeding 42 inches in height in any required front yard. (Ord. 773 § 3, 1999)

18.50.085 Permitted height exclusions.

Height is measured to the highest point of the structure, excluding the following:

A. Church steeples;

B. Elevator penthouses, not to exceed 72 square feet in horizontal section, or three feet in height, for that portion above the height limit;

C. Chimneys, not to exceed nine square feet in horizontal section or more than three feet in height, for that portion above the height limit. No multiple-flue chimney shall exceed 39 square feet in horizontal section. The first chimney shall not exceed nine square feet in horizontal section, and other chimneys shall not exceed six square feet in horizontal section;

D. Vent pipes not to exceed 18 inches in height above the height limit. (Ord. 773 § 3, 1999)

18.50.090 Location of swimming pools.

In any zone, a swimming pool may not be located in any required front yard, nor closer than five feet to any property line or to any building on the same premises. (Ord. 773 § 3, 1999)

18.50.100 Lighting.

All floodlighting provided in this chapter to illuminate any exterior area or building shall be so arranged as to direct light away from adjoining premises and public thoroughfares. (Ord. 773 § 3, 1999)

18.50.110 Temporary use permits.

Temporary use permits shall be required for the following activities:

A. Outdoor Promotions and Fundraising Events. No outdoor promotional activities intended to attract customers to a business or shopping center shall be permitted within the limits of the city except by permit issued by the city. The city may limit the hours and duration of the temporary use and terminate such activity if it proves to be:

1. Detrimental to public safety or traffic upon a public way; or

2. Disturbing to the community by reason of noise, lighting or lighting effects; or offensive conduct; or

3. Different from activity described in the permit application.

B. Christmas tree lots, temporary fruit or flower stands, car washes.

C. Promotions of seasonal merchandise.

D. Similar temporary uses that will not exceed a duration of 30 days. (Ord. 773 § 3, 1999)

18.50.120 Keeping household pets.

Keeping household pets is permitted as an accessory use, pursuant to LFPMC Title 6. (Ord. 820 § 4, 2000)

Chapter 18.52**SIGNAGE**

Sections:

- 18.52.010 Purpose.
- 18.52.020 Definitions.
- 18.52.030 Illegal signs and removal.
- 18.52.040 Exemptions.
- 18.52.050 Signs in RM and RS zones.
- 18.52.060 Signs permitted in CC and BN zones.
- 18.52.070 Signs permitted in TC zones.
- 18.52.080 Signs in the public right-of-way.
- 18.52.090 Permit application and fees.
- 18.52.100 Violations.

18.52.010 Purpose.

The purpose of this chapter is to provide regulation of all signage in Lake Forest Park in order to promote and protect the public health, welfare and safety, to protect and promote property values, to protect and promote an aesthetically pleasing physical appearance of the city, to provide for more open space, to protect and promote an attractive business climate in the city and to provide uniformity of appearance in signage and in regulation of signage where appropriate. It is further intended to reduce sign and advertising obstructions and distractions that may contribute to traffic accidents, to reduce visual clutter and to curb the deterioration of natural beauty and community environment. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 773 § 3, 1999)

18.52.020 Definitions.*

For purposes of this chapter, the definitions of words and terms shall be as provided in this title, this chapter and as defined in the International Building Code, current edition, as adopted by the state of Washington.

A. "Celebration displays" are temporary signs, banners, posters, fluttering devices, balloons, and pennants used solely for the purpose of announcing the opening of a new business, celebration of business anniversaries or announcing major sales. No balloon may exceed three cubic feet. No celebration shall commence prior to the start of the celebration. The notice shall specify the first and last days of the celebration.

B. "Changing message signs" are signs in which a change of message is made by means of moving or digitally changing letters or numbers or combinations thereof, such as clocks and electronic signs indicating time, date and temperature. No

messages other than date, time and/or temperature are permitted on changing message signs.

C. "Construction signs" are nonilluminated signs which identify the architects, engineers, planners, contractors or other professional individuals or firms involved with a construction or remodel project or which announce the character or purpose of a project but which do not advertise any product.

D. "Freestanding sign" means a sign standing directly on the ground or having one or more supports standing directly on the ground, and being detached from any building or fence.

E. "Incidental signs" are signs of a noncommercial nature, without advertising, intended primarily for the convenience of the public, that do not exceed a maximum area of two square feet. Incidental signs include:

1. Nonflashing signs designating street addresses, restrooms, hours of operation, entrances and exits to buildings and parking lots, help wanted signs, bus stop and bus route signs, public telephones and the like;

2. Property control signs such as "no trespassing" signs, "no soliciting" signs, towing signs, "no dumping" signs and the like;

3. Plaques, tablets or inscriptions of an historical character which are an integral part of a building or are attached flat to the face of a building, walkway or street;

4. Newspaper boxes attached to mailbox posts which include the name of the newspaper; and

5. Temporary signs in RM and RS zones identifying noncommercial events such as private picnics, birthdays and the like.

A maximum of two incidental signs per business can include the names and/or logo of the business. Political signs and commercial signs such as yard sale signs, real estate signs and the like are subject to the specific provisions of this chapter relating to them.

F. "Land use notice action signs" are signs notifying the public of proposed site alterations and which are required to be posted.

G. "Noncommercial identity signs" are signs which identify the city, parks, public utility or service districts, places of worship, schools, community recreational clubs and areas and residential communities within the city or provide public service, location or educational information. Identity signs may not be directly illuminated but may have indirect illumination on them. A noncommercial identity sign may not exceed 32 square feet per side or have balloons, flags, festoons, pennants or the like attached. Such signs must be placed upon the

property which they identify except as provided in LFPMC 18.52.040(A).

H. "Off-premises signs" are any sign, such as a billboard, which displays a message which is not incidental to the current use of the property on which it is located.

I. "Open house signs" are signs of an A-frame or sandwich-type construction, which may include a real estate company's name and logo and the words "open house" and having a directional symbol, not exceeding six square feet in size.

J. "Political signs" are signs which advertise or promote a political candidate(s) for public elective office, promote a political party, or promote a position on a public issue or ballot issue. A sign which advertises or promotes a negative position of a political candidate, political party or public issue or ballot issue is a political sign.

K. "Real estate signs" are temporary signs not to exceed six square feet per side, which may be one- or two-sided, advertising the real estate upon which it is located, or a portion thereof, for sale, lease or rent.

L. "Sandwich board signs" are advertising signs constructed of two boards or other flat-surfaced materials hinged or otherwise connected at one end (i.e., A-frame) which may not exceed 12 square feet per side. Balloons, flags, festoons, pennants, and the like may not be attached to any sandwich board sign. Sandwich board signs must be placed on the ground; they cannot be elevated or suspended above the ground.

M. "Seasonal signs" means reasonable seasonal decorations of a noncommercial nature within an appropriate holiday season or during a festival as long as such seasonal signs are removed promptly at the end of the holiday season or festival.

N. "Sign area" for letters or symbols painted or mounted directly on walls and awnings shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols. Sign area for freestanding signs and signs contained entirely within a cabinet and mounted on a wall, roof or monument shall be calculated by measuring the entire area of the cabinet. When calculating sign square footage, the measurement of a sign's dimension shall be only with respect to its physical dimensions and not include the distance it hangs from the ground or the size of its supports.

O. "Sign height" means the vertical distance, from the average level of the undisturbed soil at the base of the sign, measured to the highest point of the sign.

P. "Signs" are any visible communication device, structure or fixture, stationary or mobile, including supporting and component parts, which are visible from any right-of-way, using graphics, letters, figures, symbols, trademarks, pennants, moving or fluttering devices, including balloons, or written copy. Painted wall designs or patterns which do not represent a product, commodity, service or registered trademark, and which do not identify the user, are not signs. Official notices and informational materials erected and maintained in the discharge of a governmental function are not considered signs for the purposes of this chapter. When calculating sign square footage, the measurement of a sign's dimension shall be only with respect to its physical dimensions and not include the distance it hangs from the ground or the size of its supports.

Q. "Special event signs" are signs advertising the occurrence of a community event such as a school bazaar, fundraising car wash, community picnic, etc. There are no size limitations on special event signs. Yard sale signs are not special event signs.

R. "Street light banner" is a sign that is made of nonrigid material secured in a rigid frame on all four corners which is placed upon or attached to a street light pole or utility pole in a manner that does not create a traffic or other safety hazard.

S. "Yard sale signs" are any signs which may not exceed six square feet on each of two sides of a temporary nature advertising a garage or yard sale of personal belongings. Home occupations permitted by this title may not utilize yard sale signs to advertise, promote or sell their goods or services. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 810 § 1, 2000; Ord. 773 § 3, 1999)

*Code reviser's note: Section 2 of Ord. 935 provides as follows: "Sections 18.52.020(R), 18.52.070(K) and 18.52.070(L) shall be repealed effective midnight, December 31, 2007."

18.52.030 Illegal signs and removal.

Any sign not expressly provided for in this chapter shall be illegal. All illegal signs must be removed by the person placing them or by the person, business or entity benefited by the illegal sign. However, the city of Lake Forest Park may remove any illegal sign within its jurisdiction. Signs so removed may be released to the sign owner or other responsible person upon payment of a \$25.00 removal fee. Removed signs which are unclaimed after 30 days may be destroyed by the city.

Removal of an illegal sign by the city does not relieve the person responsible for paying accrued fines therefor. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 773 § 3, 1999)

18.52.040 Exemptions.

The following signs are, except as set forth in LFPMC 18.52.050, and except for signs in the right-of-way, exempt from regulation:

A. Incidental signs and noncommercial identity signs; provided, that noncommercial identity signs which identify the city or its public parks may be placed in the public right-of-way.

B. Political signs in all zones except public rights-of-way; provided, that all political signs must be removed within five days of the election in which the political candidate or public issue or ballot issue is decided; and provided further, that political signs advertising or promoting a political party must be removed within five days after each general election.

C. Seasonal signs.

D. Construction signs; provided, that there may not be more than one construction sign on each public right-of-way upon which the project fronts and not more than two construction signs in total; and provided further, that no construction sign shall exceed 12 square feet in area per side and not more than six feet in height. All construction signs must be removed within one day of initial occupancy or one day of completion of the project; whichever is the last to occur.

E. Land use action notice signs.

F. Exterior and interior signs or displays not intended to be visible from streets or public rights-of-way, signs in the interior of a building not facing a window, window displays and point of purchase advertising displays such as vending machines.

G. Sculptures, fountains, benches, lighting, mosaics, landscaping and other street furniture which do not incorporate advertising or identification.

H. Poles erected for the purpose of displaying patriotic flags and such flags.

I. Real estate and open house signs on private property; provided, that there may not be more than one real estate sign and one open house sign on each public right-of-way upon which the property fronts and not more than two real estate signs and two open house signs on such property in total; and provided further, that no real estate sign or open house sign shall exceed six square feet in area per side and not more than six feet in height in RM and RS zones and 16 square feet in area per side and not

more than six feet in height in CC, BN and TC zones; and provided further, that all real estate signs must be removed within five days of the property being closed, leased or rented, as the case may be, and all open house signs must be removed by 7:00 p.m. of the last day that the property is being shown.

J. Traffic and pedestrian signs and signals, signs required by law, street and governmental directional signs, official public notices and governmental flags. Other than as set forth, signs of governmental agencies and facilities, including the city of Lake Forest Park, shall comply with this chapter.

K. Service, fraternal, religious and similar organizations located in the city may erect signs at their cost at the entrances to the city as follows: there shall be one standard jointly shared by all such subject organizations no higher than 10 feet that shall carry all the signs for each subject organization at each principal arterial entrance, and each subject organization's sign, emblem or symbol shall be no more than two square feet per side in sign area. Placement of such standards must be approved in advance by the city's engineer and by the planning director. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 810 § 2, 2000; Ord. 773 § 3, 1999)

18.52.050 Signs in RM and RS zones.

A. All residences shall display the postal address of that property. The display may be lighted but not flashing and shall be clearly visible from the public right-of-way. If the display is to be placed upon the residence, the numbers must be no less than four inches in height and of a contrasting color to the residence.

B. Yard sale signs on private property; provided, that yard sale signs may only be erected one day prior to the first day of the sale and must be removed within 24 hours of the end of the last day of the sale; and provided further, that yard sale signs to be held on any property may not be posted for more than a total of six days per month.

C. No home occupation otherwise permitted by this title may erect or post any sign advertising or promoting that home occupation.

D. The following additional signs are permitted in RM zoned properties:

1. One sign, lighted or unlighted, nonflashing, on the outside wall of the main building, which shall be flat against the wall and have an area of not greater than 40 square feet.

18.52.060

2. A detached sign, lighted or unlighted, nonflashing, having an area not greater than 30 square feet per side and a sign height of not more than six feet on which both faces may be utilized. Such signs must be securely mounted on the ground on which they rest. On corner lots, one such sign may be placed facing each street.

E. Fluttering signs, including balloons, festoons, pennants and flags (other than official flags of political entities and a single flag identifying the project or owner), and off-premises signs are prohibited; provided, that such fluttering signs are permitted on temporary incidental signs in RM and RS zones identifying noncommercial events such as private picnics, birthdays and the like.

F. Churches are permitted to attach readerboard signs to their outside walls and to place sandwich-board-type signs on their property on days of service.

G. For any zone, the city shall determine the square footage of a sign that is painted on or attached directly to a wall, roof, monument, or support column by its sign area as defined herein. Where a sign is limited to square feet, on one or both sides, square footage shall be determined by sign area. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 773 § 3, 1999)

18.52.060 Signs permitted in CC and BN zones.

A. In BN zones, two single-faced or one double-faced sign is permitted, not to exceed a total of 60 square feet per side, attached to the building wall and advertising the business conducted therein, or the goods and services available therein.

B. In the CC zone, for each street or parking lot on which a business fronts, a single-faced sign on the exterior wall, gable or awning fronting of that business is permitted. If the exterior sign is on the exterior wall, its size must be the lesser of: (1) 150 square feet per side; or (2) the greater of that amount in square footage which is a factor of eight tenths (0.8) of that business' linear street or parking lot frontage or 75 square feet per side; provided, that stand-alone buildings in the CC zone are entitled to signs of not more than 75 square feet per side irrespective of linear frontage; and provided further, that businesses which occupy in excess of 20,000 square feet of space may have a single exterior sign of not more than 250 square feet per side on each street or parking lot frontage. If the exterior sign is on a gable or awning, its size must be less than 40 square feet. Signage entitlements under the foregoing sentence for any frontage may

not be counted for entitlement on any other frontage. Businesses that share space must share signage entitlements under this provision.

C. In both CC and BN zones, one freestanding, single-faced or one double-faced sign not exceeding 30 square feet in area per side and a sign height not exceeding 20 feet, securely fastened to the ground.

D. In both CC and BN zones, one changing message.

E. In both CC and BN zones, one sandwich board sign may be placed on the business' property advertising special sale commodities or services and displayed only when the advertised business is open for business.

F. In both CC and BN zones, signs of any kind in windows viewable from any public right-of-way may not cover more than 50 percent of the window area except for celebration displays.

G. For automobile service stations, a single freestanding fuel price and fuel brand identification sign, which may be lighted but nonflashing, securely anchored to the ground. Additional advertising of car wash services and other fuels sold may be added to the fuel price and fuel brand identification sign but no other message or device may be attached to the fuel price and fuel brand identification sign.

H. All signs permitted by this section shall be nonflashing, with no movement or simulated movement, except for changing message signs, and shall be located as not to produce glare on neighboring residential properties or interfere with traffic, traffic signals or traffic signs.

I. Fluttering signs, including balloons, festoons, pennants and flags (other than official flags of political entities and a single flag identifying the project or owner) of a permanent nature are prohibited. However, in CC zones, celebration displays are permitted for periods of no more than 14 consecutive days and a total of four times a year. Celebration displays must be used at the site of the business and must be removed at the end of the event or 14-consecutive-day period, whichever is shorter.

J. Off-premises signs are prohibited. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 810 § 3, 2000; Ord. 773 § 3, 1999)

18.52.070 Signs permitted in TC zones.

The planned shopping center in the TC zone is a unique and visible community resource and structure. It is the city's desire that signs in the planned shopping center in the TC zone be aesthetically

pleasing, architecturally cohesive with the planned shopping center in the TC zone and with signs of other tenants in the planned shopping center in the TC zone, of superior construction, safe for both pedestrian and vehicular traffic and commercially reasonable.

A. In the TC zone, for each street or parking lot on which a business fronts, a single-faced sign on the exterior wall, gable or awning fronting of that business is permitted. If the exterior sign is on the exterior wall, its size must be the less of (1) 150 square feet per side or (2) the greater of that amount in square footage which is a factor of eight tenths (0.8) of that business' linear street or parking lot frontage or 75 square feet per side; provided, that stand-alone buildings in the TC are entitled to signs of not more than 75 square feet per side irrespective of linear frontage; and provided further, that businesses which occupy in excess of 20,000 square feet of space may have a single exterior sign or not more than 250 square feet per side on each street or parking lot frontage. If the exterior sign is on a gable or awning, its size must be less than 40 square feet. Signage entitlements under the foregoing sentence for any frontage may not be counted for entitlement on any other frontage. Businesses that share space must share signage entitlements under this provision.

B. Each business in the TC zone may have non-illuminated projecting signs hanging from the soffits but each such sign must provide a minimum of seven feet of clearance from the underlying walkway to the bottom of the sign and no such sign may exceed five square feet per side.

C. Each business in the TC zone may have a nonilluminated awning on which may be placed signs for that business so long as the total area of those signs does not exceed 45 percent of the facing of the awning.

D. Signs of any kind in windows viewable from any public right-of-way may not cover more than 50 percent of the window area except for celebration displays.

E. A planned shopping center in the TC zone may display up to two freestanding ground signs, not in excess of 25 square feet in area per side, identifying the name of the shopping center but not the businesses located therein at Northeast 175th and Ballinger Way Northeast, plus one nonilluminated freestanding ground sign at or near Northeast 175th and Ballinger Way Northeast, not to exceed a sign height of 10 feet and 60 square feet in area per side identifying the businesses located therein, plus a single illuminated or nonilluminated free-

standing sign at the main entrance off Bothell Way Northeast, not to exceed a sign height of 30 feet and not more than 300 square feet in area per side, which may include identities of one or more of the businesses located in the shopping center. Any nonilluminated sign permitted in this subsection may, notwithstanding the foregoing, be illuminated by one or more separate light(s) cast on it from the ground below. The ground signs shall be of a style, material and design as are compatible with the associated buildings. All ground signs and support elements are to be integrated into a single design.

F. Entrances to buildings in the planned shopping center in the TC zone may have readerboard signs placed on the walls adjacent to the entrance wall or support columns not to exceed 13.5 square feet identifying only the businesses in that building. Readerboard signs shall be limited to two per major public entrance.

G. For automobile service stations, a single freestanding fuel price and fuel brand identification sign, which may be lighted but nonflashing, securely anchored to the ground. Additional advertising of car wash services and other fuels sold may be added to the fuel price and fuel brand identification sign but no other message or device may be attached to the fuel price and fuel brand identification sign.

H. All signs permitted by this section shall be nonflashing, with no movement or simulated movement, except for changing message signs, and shall be located as not to produce glare on neighboring residential properties or interfere with traffic, traffic signals or traffic signs.

I. Fluttering signs, including balloons, festoons, pennants and flags (other than official flags of political entities of a permanent nature) are prohibited. However, celebration displays are permitted for periods of no more than 14 consecutive days and a total of four times a year. Celebration displays must be used at the site of the shopping center and must be removed at the end of the event or 14-consecutive-day period, whichever is shorter.

J. Off-premises signs are prohibited.

K. Temporary sandwich board signs relating to a farmer's market may be permitted for a period not to exceed the operation of the farmer's market, subject to the following requirements:

1. Signs shall only be displayed during the hours the farmer's market is open to the general public, but in any event no earlier than 8:00 a.m. or later than 7:00 p.m. on the day of the market;

2. A maximum of two signs are allowed at each vehicular entrance of the town center zone, not to exceed a total of seven; and one sign is allowed at the pedestrian entrance at the perimeter of the parking lot adjacent to Bothell Way Northeast and Ballinger Way Northeast;

3. Signs shall not be directly or indirectly illuminated;

4. Signs may not block sidewalks or driveways, impede pedestrian or vehicular traffic, or create a hazard to traffic, such as, but not limited to, impeding visibility of oncoming traffic.

L. Streetlight banners may be permitted upon the private light poles within the town center zone. Such streetlight banners may not be used to advertise individual businesses, but may be used year-round to highlight seasonal events such a farmer's market, holiday seasons or other special events within the town center zone subject to compliance with the following requirements:

1. Banners may be mounted on a total of 25 streetlight poles;

2. Two banners may be mounted on each pole and each banner must not exceed the dimensions of two feet by four feet;

3. All banners must be the same size, thematically consistent, and mounted in identical configurations;

4. Banners shall be installed with the bottom of the banner a minimum of 10 feet above the ground;

5. A banner permit may remain valid as long as the locations and the specifications of the banners and the mounting systems do not change, and so long as the banners are maintained in good condition;

6. Application requirements for a banner permit include:

a. Information on the design and construction of the mounting system including any engineering calculations demonstrating the mounting system will support the banner;

b. Identification of the location of the private light poles on which the banners will be placed; and

c. A schedule that indicates when banners will be installed and changed, which gives preference to farmers' market banners during the farmers' market season. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 810 § 4, 2000; Ord. 773 § 3, 1999)

18.52.080 Signs in the public right-of-way.

A. The following signs are permitted in the public right-of-way in Lake Forest Park upon making application for a permit to the planning director; provided, that no sign in a public right-of-way shall create a traffic or other safety hazard; and upon the following conditions:

1. Special Event Signs. A maximum of four special event signs may be posted for a maximum of seven days prior to the event's commencement and upon such other conditions as may be imposed by the planning director. Special event signs must be removed within 24 hours of the termination of the special event.

B. The following signs are permitted in the public right-of-way in Lake Forest Park without a permit being required:

1. Yard Sale Signs. A maximum of two yard sale signs may be posted for a maximum of two days prior to the event's commencement and upon such other conditions as may be imposed by the planning director. Yard sale signs shall be removed within 24 hours of the termination of the yard sale.

2. Real Estate Open House Signs. A maximum of four open house signs per property advertised for a period not to exceed two consecutive days in a calendar month. Such open house signs shall be placed at least three feet from the traveled portion of the right-of-way, shall not be placed on an island, median strip or sidewalk, and shall not create a hazard to traffic. Open house signs shall be permitted to be in place only between the hours of 8:00 a.m. and 7:00 p.m.

3. Political Signs. Political signs; provided, that all political signs must be removed within five days of the election in which the political candidate or public issue or ballot issue is decided.

4. Churches may place sandwich-type signs concerning their service on sidewalks on the days of their service.

C. Signs shall not be located in the right-of-way or placed upon or in any way attached to any street or traffic control sign or utility pole in such a manner as to create a traffic or other safety hazard.

D. Signs are not permitted on city-owned property or property leased by the city for public purposes without the permission of the city. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 916, 2004; Ord. 905 § 1, 2004; Ord. 877 § 1, 2002; Ord. 810 § 5, 2000; Ord. 773 § 3, 1999)

18.52.090 Permit application and fees.

All applications for issuance of permits required by this chapter shall be made to the planning direc-

tor on forms furnished for that purpose and shall be accompanied by the required fee. The applicable fee shall be as provided in the city’s fee schedule. The application shall include the applicant’s full name, address, signature, location of the signs, types of goods proposed to be sold if applicable, duration of sale if applicable, together with such other information as the planning director deems appropriate. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005; Ord. 905 § 1, 2004; Ord. 773 § 3, 1999)

18.52.100 Violations.

A. A violation of LFPMC 18.52.080 shall be an infraction subject to a fine of \$100.00 a day or portion thereof.

B. A violation of any other section of this chapter shall be an infraction subject to a fine of \$25.00 a day or portion thereof. (Ord. 935 § 1, 2005; Ord. 923 § 1, 2005)

Chapter 18.54

CONDITIONAL USES

Sections:

- 18.54.010 Application.
- 18.54.020 Fee.
- 18.54.021 Site plan required.
- 18.54.030 Conditional uses in general.
- 18.54.043 Day care/adult day care – Type II.
- 18.54.045 Off-site parking facilities.
- 18.54.047 Multi-use or multipurpose trails.
- 18.54.048 Public and private community facilities.
- 18.54.049 Kennels.
- 18.54.050 Building height.
- 18.54.060 Land coverage.
- 18.54.070 Screening and landscaping.
- 18.54.080 Lighting.
- 18.54.090 Parking.

18.54.010 Application.

It will be necessary to obtain the approval of the hearing examiner for each conditional use. Application for each conditional use, together with a complete plot plan showing the location, height of a building, parking facilities, signage and screening will be made to the hearing examiner. The hearing examiner’s decision will be based on a consideration of the guidance provided by this chapter and special circumstances pertinent to the petition and the results of a public hearing held by the hearing examiner. (Ord. 924 § 6, 2005; Ord. 773 § 3, 1999)

18.54.020 Fee.

The application fee for a conditional use shall be established in the city fee schedule. (Ord. 773 § 3, 1999)

18.54.021 Site plan required.

For purposes of determining conformance with the criteria, conditions, and requirements contained herein, a site plan showing ultimate location and use of all buildings, location of signs, location and amount of off-street parking areas, location and adequacy of ingress to and egress from parking areas, any traffic and pedestrian improvements, existing and proposed landscaping, environmentally sensitive areas, location of any proposed drainage facilities, exterior lighting plans, and sketches to scale showing the building elevations, shall be filed with the application for conditional use permit. (Ord. 773 § 3, 1999)

18.54.030 Conditional uses in general.

The conditional uses contained in this chapter, or other such uses as may be compatible with the intent of this title, may be authorized by the hearing examiner, following a public hearing, and procedures established for conditional use permits. Conditional uses existing at the time of adoption of the ordinance codified in this title will not require approval after adoption of that ordinance. A conditional use may be authorized upon a finding that the proposal conforms to specific development criteria established for that use, if any, and that it meets the following minimum criteria:

- A. The proposed use is consistent with the policies and goals of the comprehensive plan;
- B. The proposed use is not materially detrimental to other property in the neighborhood;
- C. The proposed use will supply goods or services that will satisfy a need of the community;
- D. The proposed use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
- E. The proposed use is designed in a manner that is compatible with the physical characteristics of the subject property;
- F. Any requested modifications to the standards of the underlying zoning shall require a variance and be subject to mitigation to minimize or remove any impacts from the modification;
- G. The proposed use is not in conflict with the health and safety of the community;
- H. The proposed use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- I. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;
- J. The applicant's past performance regarding compliance with permit requirements and conditions of any previously issued land use permit including building permits, conditional uses or variances, shall be considered before approving any new permit. (Ord. 924 § 7, 2005; Ord. 773 § 3, 1999)

18.54.043 Day care/adult day care – Type II.

Day care nurseries and adult day care are allowed by conditional use when more than 12 children or adults are to be cared for at one time, subject to the following provisions:

A. A minimum site area of 7,200 square feet is required for 13 children or adults, and an additional 400 square feet of site area is required for each additional child or adult to be cared for.

B. Direct access to a designated and developed arterial street shall be required.

C. A minimum of one off-street parking space for each 10 children or adults cared for plus one for each employee on duty shall be required, provided no parking shall be located within required yards.

D. Buildings, structures and landscaping shall be of a character which is appropriate for the area.

E. For day care nurseries, outdoor play areas shall be provided with a minimum of 75 square feet in area for each child using the area at one time, and shall be completely enclosed by a solid barrier such as a berm, wall or fence, with no openings except for gates, and having a minimum height of six feet, to minimize visual and noise impacts and prevent trespassing on adjacent residentially classified properties.

F. The hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 773 § 3, 1999)

18.54.045 Off-site parking facilities.

Off-site parking facilities for establishments located in a BN or CC zone, or a transit park and ride lot, may be allowed as a conditional use in a residential zoning district. Such uses must meet the following criteria and the hearing examiner may attach such conditions as, but not limited to, limitation of size, location on property and screening.

A. The parking facilities are accessory and adjacent to a legally established use or to serve a public transportation system.

B. No more than 50 parking spaces are provided.

C. Safe ingress and egress to a public street is provided by maintaining minimum requirements established by the city of Lake Forest Park.

D. The parking area must comply with the requirements of Chapter 18.62 LFPMP and shall be screened with fencing, landscaping, or a combination thereof, to reduce potential aesthetic, light, glare and noise impacts on adjacent properties.

E. No such area shall be used for an automobile, trailer or boat sales area or for the accessory storage of such vehicles. (Ord. 924 § 8, 2005; Ord. 773 § 3, 1999)

18.54.047 Multi-use or multipurpose trails.

A multi-use or multipurpose trail facility may be allowed, added to or altered as a conditional use in

any land use zone of the city. In granting such conditional use, the hearing examiner is instructed to attach appropriate conditions such as, but not limited to, the following: limitation of size, location on property and screening and to only issue conditional use permits conditioned upon compliance with any requirements provided under this chapter. (Ord. 909 § 2, 2005)

18.54.048 Public and private community facilities.

The following public and private facilities may be allowed as a conditional use in a residential zoning district. In granting such conditional use, the hearing examiner is instructed to attach appropriate conditions such as, but not limited to, the following: limitation of size, location on property and screening and to only issue conditional use permits conditioned upon compliance with any requirements provided under this chapter.

A. Recreational facilities, and community non-commercial facilities, including clubhouse facilities, provided:

1. Any building or structure on the site shall maintain a distance not less than 25 feet from any abutting RS or RM classified property;

2. The site shall be located upon, or have adequate access to a public thoroughfare;

B. Private clubs and fraternal societies, except those the chief activity of which is a service customarily carried on as a business, provided all buildings and structures shall maintain a distance not less than 20 feet from any lot in an R zone;

C. Churches.

1. All buildings and structures on the site shall not cover more than 40 percent of the area of the site;

2. Buildings and structures on the site shall not be closer than 30 feet to any property line, except that a detached one-family dwelling on such site need conform only to the yard requirements and required distance between buildings as prescribed for residences by this chapter;

3. The height limits of the RS classification shall apply, except that the height shall be measured to the mean height of the roof;

4. On interior lots, the required side yards may be used to provide off-street parking areas, and on corner lots the interior side yards may be similarly used. Under no circumstances may the required front yard or the side yard on the side street be used for off-street parking;

5. Church sites shall abut and be accessible from at least one public street having two moving

traffic lanes and a dedicated width that will permit not less than a 36-foot roadway;

D. Government and municipal buildings and uses, including courts and police stations, fire stations, and utilities;

E. Libraries;

F. Instructional Institution.

1. No less than the following minimum site areas shall be provided:

a. For elementary schools, five acres;

b. For junior high schools, 10 acres;

c. For senior high schools, 15 acres;

2. All buildings and structures shall maintain a distance not less than 30 feet from any property line;

3. All buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of the site;

G. Cemeteries.

1. No building shall be located closer than 100 feet from any boundary line;

2. A protective fence and a landscaped strip of evergreen trees and shrubs at least 10 feet in width shall be installed on all common boundary lines with an RS or RM zoned property;

3. Columbariums, crematories, and mausoleums are specifically excluded from all RS and RM zones unless they are located inside a cemetery. (Ord. 909 § 1, 2005; Ord. 924 § 9, 2005; Ord. 773 § 3, 1999)

18.54.049 Kennels.

Animal kennels are only allowed when located in a BN or CC zone.

A. Kennels located adjacent to any RS or RM zoned properties shall be located indoors.

B. Animals shall be kept in suitable, clean structures. Structures and animal runs shall be located at least 15 feet from any property line. (Ord. 773 § 3, 1999)

18.54.050 Building height.

Church spires and other architectural features of a building in conditional use may exceed the height requirements of the zone in which located after consideration and approval by the hearing examiner. (Ord. 924 § 10, 2005; Ord. 773 § 3, 1999)

18.54.060 Land coverage.

Maximum land coverage by all conditional use structures shall be no more than 35 percent of the lot area, unless otherwise specified. (Ord. 773 § 3, 1999)

18.54.070

18.54.070 Screening and landscaping.

All conditional use sites must have adequate screening and landscaping, subject to the regulations of Chapter 18.62 LFPMC. (Ord. 773 § 3, 1999)

18.54.080 Lighting.

All lighting provided to illuminate any exterior area or building shall be so arranged as to direct light away from adjoining premises and public thoroughfares. (Ord. 773 § 3, 1999)

18.54.090 Parking.

Parking requirements for conditional uses shall be subject to the requirements of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)

Chapter 18.58

OFF-STREET PARKING

Sections:

- 18.58.010 Required off-street parking.
- 18.58.020 Parking plan.
- 18.58.030 Parking spaces required.
- 18.58.040 Parking requirements for common facilities.
- 18.58.050 General requirements on size of parking spaces.
- 18.58.060 Surfacing.
- 18.58.070 Access.
- 18.58.080 Screening.
- 18.58.090 Drainage.

18.58.010 Required off-street parking.

Every building or use hereafter developed shall be provided with parking spaces as required in this chapter, and such parking space shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommo-

date the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds. (Ord. 773 § 3, 1999)

18.58.020 Parking plan.

Prior to the issuing of a building permit for any new building or structure, or for the enlargement of the floor area of an existing building or structure, the use of either of which requires off-street parking facilities to be provided as set forth in this title, or if a parking area is to be jointly used, a site plan of the parking area clearly indicating the number of parking spaces being provided and the proposed development of such area including location of the spaces, the size, shape, design, relationship to buildings to be served, curbcuts, lighting, landscaping and other features and appurtenances of the proposed parking facility shall be approved by the planning department. (Ord. 773 § 3, 1999)

18.58.030 Parking spaces required.

The amount of off-street parking required shall be no less than as set forth in this section.

The following uses, wherever located, shall provide off-street parking facilities as follows:

1. Churches	One parking stall for each three seats in the principal place of worship.
2. Community clubs and community recreational centers	One parking space for each employee and one parking space for each 40 square feet of gross floor area used for assembly purposes.
3. Day care	One parking space per 10 children or adults cared for, plus one parking space for each employee in addition to any other required parking.
4. Single-family dwellings Multifamily dwellings	Two parking spaces. One and one-half parking spaces per dwelling unit. Where the total quota results in a fraction, the next highest full unit shall be provided.
5. Health clubs	One parking space for each employee, plus one parking space for each 200 square feet of floor area.
6. Hotels	One parking space for each bedroom.
7. Hospitals	One parking space for each bed.
8. Libraries, government buildings, fire stations and police stations, courts	One parking space for each employee, plus one parking space for each 250 square feet of total floor area.
9. Mortuaries	One parking space for each 40 square feet of floor area.
10. Motels	One parking space for each sleeping unit or dwelling unit.
11. Museums	One parking space for each 250 square feet of gross floor area.
12. Offices	One parking space for each 250 square feet of gross floor area.
13. Recreational facilities	One parking space for each employee and one parking stall for each 40 square feet of total floor area used for assembly purposes.

18.58.040

14. Rest homes, nursing and convalescent homes; homes for retired and children’s institutions	One parking space for each four beds.
15. Retail	One parking space for each 200 square feet of gross floor area.
16. Roominghouses and boarding houses	One parking space for each two sleeping rooms or one parking space for each four beds, whichever is greater.
17. Self-service storage	One parking space for every 3,500 square feet of storage area provided and two additional spaces adjacent to resident manager’s quarters.
18. Senior citizen apartments	One parking space for each dwelling unit.
19. Schools, elementary and junior high; public, private or parochial	One parking space for each employee and each faculty member.
20. School, high; public, private or parochial	One parking space for each 10 students and one parking space for each employee and each faculty member. Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.
21. School, specialized instruction	One parking space for each instructor who does not reside on the site and one parking space for every two students and/or spectators in attendance during an instructional session.
22. Arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches) and lodges	One parking space for each five fixed seats, in all parking generating areas used simultaneously for assembly purposes. If there are no fixed seats, one parking space shall be provided for each 40 square feet of gross floor area used for assembly purposes.
23. Storage and warehousing, comprising only activity on premises	One parking space for each two employees on maximum working shift.
24. Theaters	One parking space for each three seats.

The parking requirements for a use not provided for in this section shall be determined by the city planning department and such determination shall be based upon the requirements for the most comparable use specified herein. (Ord. 773 § 3, 1999)

18.58.040 Parking requirements for common facilities.

The amount of off-street parking required in LFPMC 18.58.030 may be reduced, by an amount to be determined by the planning department, when common parking facilities for two or more buildings or uses are designed and developed as one parking facility, provided;

A. The total parking area exceeds 5,000 square feet.

B. The amount of the reduction shall not exceed 10 percent for each use, except that the reduction may exceed 10 percent when:

1. The reduction is based on cooperative use of parking facilities when the time during which the cooperative uses operate are not conflicting;

2. The normal hours of operation are separated by at least one hour;

3. The total number of off-street parking spaces in the common facility is not less than the sum of the required parking spaces for the various uses computed separately for which the hours of operation overlap.

C. A covenant or other acceptable contract between the cooperating property owners is approved by the planning department which cannot be amended without the consent of the department.

D. If the conditions under which the reduction in parking requirements was approved are violated, the affected property owners must provide a remedy satisfactory to the planning department or provide the full amount of required off-street parking, in accordance with the provisions of this chapter, within 90 days of notice of the violation by the director or his designee. (Ord. 773 § 3, 1999)

18.58.050 General requirements on size of parking spaces.

A. Standard Parking Spaces. Standard parking space dimensions shall be as follows:

1. Parallel parking: width, 12 feet; length, 23 feet;

2. Angle parking: width, nine feet; length, 18 feet;

3. Parking aisle width for one-way traffic in relation to parking angle shall be:

0 to 50 degrees	12 feet
55 degrees	14 feet
60 degrees	16 feet
65 degrees	18 feet
70 degrees	20 feet
90 degrees	24 feet

4. The minimum aisle width to accommodate two-way traffic shall be 20 feet, except where a greater width is required for the parking angle used.

B. Compact Parking Spaces. Within any off-street parking facility which includes more than 20 parking spaces, up to 50 percent of the total may be sized to accommodate compact cars, subject to the following:

1. Each space shall have an area of not less than 120 square feet exclusive of drives and aisles, and a width of not less than seven feet, six inches.

2. Each space shall be adequately identified as a compact or small car space.

3. Aisle widths shall conform to the standards set forth by LFPMC 18.58.050(A)(3) for standard size cars.

4. Compact car spaces shall be reasonably distributed throughout the facility. (Ord. 773 § 3, 1999)

18.58.060 Surfacing.

All of the parking areas and driveways mentioned in this chapter, excluding those for single-family residential uses, shall be surfaced with an asphaltic or better material so as to provide a surface that is durable for the purpose and dust-free. Parking will not be permitted in entrances and exits. (Ord. 773 § 3, 1999)

18.58.070 Access.

Where the side street is available, access to the parking area must be made from that side street or lower classified street. Access to arterial and collector streets should only be done when no other reasonable access alternative exists. Where access must be made from an arterial right-of-way, the location of the parking access must comply with city standards and every effort shall be made to reduce traffic congestion and hazards. (Ord. 773 § 3, 1999)

18.58.080 Screening.

The parking area shall be screened from adjoining properties by solid fencing, or by plantings of evergreen material that will constitute a solid planting of not less than four feet in height within two years. Vision clearance standards must be maintained pursuant to LFPMC 18.50.070. (Ord. 773 § 3, 1999)

18.58.090 Drainage.

Drainage shall be in conformance with the city of Lake Forest Park standards. (Ord. 773 § 3, 1999)

Chapter 18.62

SCREENING AND LANDSCAPING

Sections:

- 18.62.010 Applicability.
- 18.62.020 Site plan.
- 18.62.030 Landscaping of perimeter of lot.
- 18.62.040 Landscaping of street frontages.
- 18.62.041 Minimum requirements.
- 18.62.050 Fencing.
- 18.62.060 Traffic visibility.
- 18.62.070 Maintenance.

18.62.010 Applicability.

The regulations of this chapter apply to RM, BN, TC, CC zones and uses. (Ord. 773 § 3, 1999)

18.62.020 Site plan.

A site plan of the proposed landscaping and screening shall be submitted and approved by the planning department prior to the approval of development permit. (Ord. 773 § 3, 1999)

18.62.030 Landscaping of perimeter of lot.

The perimeter of a lot, or development site, shall be landscaped to a depth of six feet from the property line or the perimeter of the development site and be maintained as a sight screen in accordance with this chapter, except as provided for in LFPMC 18.62.050. (Ord. 773 § 3, 1999)

18.62.040 Landscaping of street frontages.

Street frontages, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or a combination of lawn, evergreen or deciduous shrubs and trees, and perennial or annual flowers to create and maintain a maximum residential character. (Ord. 773 § 3, 1999)

18.62.041 Minimum requirements.

Landscaped areas shall consist of a variety of trees, shrubs and plants that shall cover at least 75 percent of the ground contained in the landscape areas. At least one tree shall be required for every 250 square feet of landscaped area. A minimum of 30 percent of the landscaping and trees shall consist of evergreen/conifer species. Use of native and drought tolerant species are encouraged. (Ord. 773 § 3, 1999)

18.62.050 Fencing.

There shall be allowed a decorative solid fencing on the perimeter with planting of three feet in depth on the public right-of-way sides of the fencing. (Ord. 773 § 3, 1999)

18.62.060 Traffic visibility.

Sight screening at all intersections between streets, between streets and alleys, and between streets and driveways shall not obstruct sight within 15 feet of the intersection. However, a perimeter screen shall be required to a height of no more than 40 inches within the 15-foot setback from the intersection. (Ord. 773 § 3, 1999)

18.62.070 Maintenance.

Shrubs and trees in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced immediately and the planting area shall be maintained reasonably free of weeds and trash. (Ord. 773 § 3, 1999)

Chapter 18.66

NONCONFORMING BUILDINGS AND USES

Sections:

- 18.66.010 Purpose.
- 18.66.020 Permitted nonconforming uses, buildings and structures.
- 18.66.030 Discontinuance.
- 18.66.040 Change of ownership.
- 18.66.050 Alterations and maintenance.
- 18.66.060 Exemptions – Residential/group care facilities.
- 18.66.070 Restoration of buildings.
- 18.66.080 Accidental causes defined.
- 18.66.090 Change, expansion or intensification of nonconforming use.
- 18.66.100 Continuance of conditional uses.
- 18.66.110 Nonconforming lots.
- 18.66.120 Abatement.
- 18.66.125 Nonconforming signs.

18.66.010 Purpose.

The purpose of this chapter is to provide for those circumstances, uses and lots which would not be consistent with regulations of this title but which enjoy rights of privilege based on their previous legal existence. The objective of this title and this chapter is to set the terms by which all nonconforming uses and lots will ultimately be brought into compliance with the terms of this title as it is adopted and amended. (Ord. 773 § 3, 1999)

18.66.020 Permitted nonconforming uses, buildings and structures.

All uses, buildings or lots which do not conform to the provisions of this title are considered nonconforming. Any such use, building or lot legally existing prior to the adoption of this law shall be allowed to continue as is provided by the regulations of this chapter. For purposes of this chapter, nonconforming fences, decks and similar structures shall be treated in the same manner as provided for nonconforming buildings. (Ord. 773 § 3, 1999)

18.66.030 Discontinuance.

Any nonconforming use of the land or a building which is idle, unoccupied or vacant for 180 days or more is conclusively deemed discontinued, abandoned and terminated, and shall lose its nonconforming rights. Any future uses or occupation shall

be in compliance with the use regulations of the zone in which it exists. (Ord. 773 § 3, 1999)

18.66.040 Change of ownership.

Ownership, tenancy, or management of an existing nonconforming use may be changed as long as the use is not altered. Change of character is allowed when a use is changed from nonconforming to conforming. (Ord. 773 § 3, 1999)

18.66.050 Alterations and maintenance.

Nonconforming buildings may be altered, repaired, enlarged, added to or moved only as regulated by this section.

A. Alterations and repairs may be performed on a building as long as the repairs are necessary and incidental to meet requirements of law regarding unsafe buildings and is not expanded and all requirements of the zone in which it is located are met.

B. A building that is nonconforming solely by reason of substandard yard, height, area or open space regulations or similar dimensional standards and not occupied by a nonconforming use may be enlarged provided the enlargement conforms to the zoning regulations in which the building is located.

C. Nonconforming buildings which are moved to another location either within the same district or in another district must conform to all the rules and regulations of the district to which it is moved.

D. If alterations, repairs, enlargements or additions to a building over any three-year period have a value exceeding 50 percent of the fair market value of the building as determined by the building's assessed valuation or an appraisal prior to commencement of such repairs, alterations, enlargements or additions, under the terms of this subsection, with the exception of buildings destroyed by accidental causes, then the entire building must be renovated to meet applicable building codes, including, but not by way of limitation, all applicable wiring, plumbing, parking, setbacks and construction requirements. (Ord. 773 § 3, 1999)

18.66.060 Exemptions – Residential/group care facilities.

The conversion of an existing residential structure to housing for people with functional disabilities shall not be deemed a change of use or an abandonment of discontinuity of the prior use of the structure, if such structure constituted a prior legal nonconforming use. (Ord. 773 § 3, 1999)

18.66.070

18.66.070 Restoration of buildings.

Any nonconforming building which is damaged or destroyed by any cause, except by destruction by accidental causes, to an extent where the value of such restoration, within any three-year period, exceeds 50 percent of the assessed or appraised value of the building, shall meet all of the regulations of the use district in which it is located and, if the structure was occupied by a nonconforming use, shall only be occupied by a permitted use after restoration. Nonconforming buildings, when destroyed by accidental causes, may be rebuilt to the original building footprint and height, and may be occupied by the same use after reconstruction only if the restoration has commenced or the appropriate complete permit application has been submitted to the city within 60 days. (Ord. 773 § 3, 1999)

18.66.080 Accidental causes defined.

For purposes of LFPMC 18.66.050 and 18.66.070, "accidental causes" means earthquakes, landslides, floods, storms, wind and other acts of nature, accidental fires, or other accidental causes, such as explosion or acts of war, beyond the control of the owner. (Ord. 773 § 3, 1999)

18.66.090 Change, expansion or intensification of nonconforming use.

Change of an existing nonconforming use to another nonconforming use, expansion of an existing nonconforming use, or intensification of an existing nonconforming use within the confines of an existing structure or lot may only occur subject to the following conditions:

A. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of adoption or a conditional use permit is approved by the city.

B. No nonconforming use shall be changed to another nonconforming use, or be intensified, unless a conditional use permit is approved by the hearing examiner. (Ord. 924 § 11, 2005; Ord. 773 § 3, 1999)

18.66.100 Continuance of conditional uses.

A use (including the building and land it occupies) which existed prior to the adoption of the ordinance codified in this title which would be permitted under the terms of this law as a conditional use is considered a conforming permitted conditional use and requires no further action. If such a

conditional use is expanded or altered such that potential impacts need to be examined, a new conditional use must be approved prior to such alteration or enlargement. (Ord. 773 § 3, 1999)

18.66.110 Nonconforming lots.

Legally established lots in existence prior to the effective date of this title which do not meet the requirements set forth in this title are considered nonconforming lots of record and are legally buildable subject to the following conditions:

A. That all lots to be legally buildable must be in compliance with the rules and regulations of the county health district. Where there is a conflict between the provisions of this section and those rules of the county health district, the more restrictive rules shall apply.

B. That structures on any lot must meet all setback, height and other construction requirements for the zone in which the property is located.

C. That a lot line adjustment shall be required when a nonconforming and conforming lot are adjacent, owned by the same person and will result in legal lots and building setbacks.

D. Legal nonconforming lots may be altered or changed, provided such change does not increase the degree of nonconformity. (Ord. 773 § 3, 1999)

18.66.120 Abatement.

Whenever the owner of a nonconforming use, building or lot fails to discontinue or remove a nonconforming use consistent with the provisions of this title, the city shall take such action as may be necessary to abate the use. (Ord. 773 § 3, 1999)

18.66.125 Nonconforming signs.*

A. Definitions.

1. "Illegal sign" means a sign which is not authorized by Chapter 18.52 LFPMC; or a sign which either was not authorized by city ordinance or which was not a nonconforming sign as of the date LFPMC Title 18 was adopted, or a sign which loses its nonconforming permit as provided in this section.

2. A "legal nonconforming sign" is a sign that on the date of its installation complied with all requirements of applicable laws and regulations, but that is not a legal sign under LFPMC Title 18.

3. "Sign owner" means the licensee of the business associated with the sign, or the owner of the sign, or the owner of the property on which the sign is located.

B. Notification of Nonconformity or Illegality.

1. The code administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to notify the sign owner, either personally or in writing, that:

a. The sign is nonconforming and that it is or is not eligible for a nonconforming sign permit; or

b. The sign is illegal.

2. If, after reasonable inquiry, the identity of the sign owner cannot be determined, the notice shall be affixed conspicuously on the sign or on the premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

C. Nonconforming Sign Permit. Any sign which, on the effective date of the ordinance codified in this code, does not conform with the provisions of this code, but which, on the day before the effective date of this code was a legal or nonconforming sign, may be granted a nonconforming sign permit upon proper application; provided, that temporary or special event signs shall not be permitted as nonconforming signs.

D. Permit for Nonconforming Signs.

1. A nonconforming sign permit is required for each nonconforming sign allowed. The permit shall be obtained by the sign owner within 60 days of notification by the city. Unless it terminates earlier as provided in this section, a permit shall expire at the end of the applicable amortization period prescribed herein.

2. Applications for a nonconforming sign permit shall contain the name and address of the sign owner, identification of the sign(s) to be permitted as nonconforming, the date of installation of the sign(s), and such other pertinent information as the administrator may require to ensure compliance with this code. The application shall be accompanied by a fee as established by the city council from time to time.

3. Any sign owner who fails to apply for a nonconforming sign permit within the 60-day period of notification by the city shall within six months bring the sign into compliance with this code or have it removed.

E. Illegal Signs – Abatement. An illegal sign is declared to be a public nuisance and may be removed as provided in RCW 47.42.080 as follows:

1. Any sign erected or maintained contrary to the provisions of Chapter 18.52 LFPMP is a public nuisance, and the chief of police shall notify the owner of the property on which the sign is located, by certified mail at his or her last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

2. An owner who fails to comply with the chapter or remove any such sign within 15 days after being notified to remove the sign is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

3. If the owner of the property upon which it is located is not found or refuses receipt of the notice, the chief of police shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within 15 days after such posting, the chief of police shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

4. Any sign erected or maintained on city property or public rights-of-way contrary to city ordinance is a public nuisance, and the chief of police is authorized to remove any such sign without notice.

F. Loss of Nonconforming Status.

1. A nonconforming sign may remain and be used; provided, that the sign must be removed or brought into compliance with all requirements of this code if any of the following occur:

a. There is any change in land use, or in occupancy, or a change in business name, with respect to the business or premises for which the sign was installed;

b. The sign is replaced or it is altered in any manner that is not in compliance with the standards of Chapter 18.52 LFPMP; provided, that a change in copy, panel, or lettering, unrelated to a change regulated in subsection (F)(1)(a) of this section shall not be considered an alteration or replacement;

c. The sign is relocated in a manner that is not in compliance with the standards of Chapter 18.52 LFPMP;

d. A new sign, in addition to the nonconforming sign, is installed on the premises on which the nonconforming sign is located; or

18.66.125

e. The owner of the sign refuses to obtain a permit for the nonconforming sign in accordance with procedures established herein.

2. Upon the occurrence of any of the foregoing, a nonconforming sign permit shall terminate immediately and the sign shall be an illegal sign. The administrator shall notify the sign owner that the sign either must be removed or brought into compliance with this code immediately and a new permit secured.

G. Amortization Period for Nonconforming Signs.

1. Any nonconforming sign permitted under this section may remain permitted and in place for the amortization period authorized by subsection (G)(2) of this section; provided, that such sign does not otherwise lose its nonconforming sign permit. At the expiration of the amortization period, a sign shall be removed or brought into compliance with this code.

2. A nonconforming sign permitted under this section shall be brought into compliance with this code or removed within three years of the date the sign became nonconforming; provided, that the city administrator may upon application extend the compliance period no more than an additional six years upon finding that:

a. The intent and purpose of this section and Chapter 18.52 LFPMC will not be detrimentally affected; and

b. The sign owner has a substantial unamortized investment (excluding cost of maintenance and repair) in the sign.

3. An application for an extension of the amortization period shall be submitted to the city administrator and shall contain the date the sign was installed, records substantiating capital investment in the sign, records establishing amortization of such investment, and such other information as the city administrator may require. Absent records concerning amortization, the city administrator may establish a schedule for unamortized investment, if any, in any commercially reasonable manner. The application shall be accompanied by a fee as established by the city council from time to time.

H. Appeals.

1. A decision with regard to an application for a permit for a nonconforming sign, an application for an extended amortization period, or loss of nonconforming status may be appealed to the city council.

2. The notice of appeal must be filed with the city clerk within 15 days of the effective date of the decision, and it must state with specificity the

error or errors claimed. Upon receipt of a complete and timely notice of appeal, the city clerk shall schedule a hearing before the city council no later than 30 days from the date the notice of appeal is received.

3. The appellant shall have the burden of proof and the council shall affirm the city's decision unless it finds that the decision is based upon a clear error of law or that it is not supported by substantial evidence. The city council's decision is the final decision of the city, which may be appealed as provided in Chapter 36.70C RCW.

4. Enforcement action shall be stayed during the appeal period and pending final decision on an appeal.

I. Nonconforming Sign Maintenance and Repair. Nothing in this section shall relieve the sign owner from the obligation to maintain any sign in a safe, presentable condition or to make any repairs necessary to achieve such conditions; provided, that such maintenance and repair shall not modify the sign or structure in any way which is not in compliance with the requirements of this code. (Ord. 906 § 1, 2005; Ord. 850 § 1, 2001; Ord. 788 § 1, 2000)

*Code reviser's note: Ordinance No. 788 adds these provisions as Section 18.66.120. The section has been editorially renumbered to prevent duplication of numbering.

Chapter 18.68**SITING OF WIRELESS
COMMUNICATION SERVICE
FACILITIES**

Sections:

- 18.68.010 Purpose.
- 18.68.020 Definitions.
- 18.68.030 Permit required.
- 18.68.040 Application requirements.
- 18.68.050 Permit conditions.
- 18.68.060 Permit enforcement.
- 18.68.070 Prioritized locations.
- 18.68.080 Development standards.
- 18.68.090 Electromagnetic field (EMF) standards compliance.
- 18.68.100 Facility removal.

18.68.010 Purpose.

This chapter addresses the issues of location and appearance associated with wireless communication facilities (WCFs). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, collocation of several providers' facilities on a single support structure, and visual mitigation measures are encouraged to maintain neighborhood appearance and reduce visual clutter in the city. (Ord. 773 § 3, 1999)

18.68.020 Definitions.

A. "Antenna(s)" means any system of electromagnetically tuned wired, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or "whip") antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;
2. Directional (or "panel") antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;
3. Parabolic antenna(s) (or "dish") antenna(s), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern;
4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless com-

munications services, such as a global positioning satellite (GPS) antenna.

B. "Collocation" means placing and arranging multiple providers' antennas and equipment on a single support structure or equipment pad area.

C. "Electromagnetic field (EMF)" means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. "Equipment facility" means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. "Microcell" means a wireless communication facility consisting of an antenna that is either: (1) four feet in height and with an area of not more than 580 square inches; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. "Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

G. "Support structure" means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

H. "Wireless communication facility (WCF)" means a wireless communication facility, including a microcell, that is a facility for the transmission and/or reception of radio frequency signals, including antennas, equipment shelter or cabinet, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

I. "Wireless communication services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations. (Ord. 773 § 3, 1999)

18.68.030 Permit required.

A wireless communication facility (WCF) permit shall be required for the location, installation or construction of any WCF or modification to an existing WCF.

18.68.040

A. The city planning department may grant permit approval for:

1. A microcell, minor facility or collocation located in a nonresidential zone that does not exceed the maximum height of the zone; or

2. A collocation in a nonresidential zone on an existing building or support structure that does not increase the height or visual impact of the existing building or structure; or

3. A microcell or minor facility in a multi-family, business, commercial, or town center zone on an existing building or structure; provided, that the microcell or minor facility is no higher than 12 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

4. A microcell or minor facility in a residential zone on a nonresidential building or structure; provided that the microcell or minor facility is no higher than 12 feet above the permitted height in the zone.

B. All other WCFs require conditional use permit review and approval by the city hearing examiner. (Ord. 924 § 12, 2005; Ord. 773 § 3, 1999)

18.68.040 Application requirements.

All application for a WCF shall include:

A. A diagram or map showing the primary viewshed of the proposed facility.

B. A map showing the coverage area of the proposed WCF at the requested height.

C. An explanation of the need for the proposed WCF, including an analysis of alternative sites which supports the selected site over other possible locations, particularly locations in a higher priority zone.

D. An inventory of other WCF sites operated by the applicant that are either in the city or within one mile of its borders, including specific information about location, height and design of each facility.

E. A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees and other significant site features; and indicating type and locations of plant materials used to screen WCF components.

F. Other information as deemed necessary by the city planner.

G. Documentation verifying that the proposed WCF complies with any applicable regulations and specifications in accordance with the Federal Aviation Administration (FAA).

H. Applications for facilities other than micro-cells or minor facilities shall also contain:

1. Photosimulations of the proposed facility from affected properties and public rights-of-way at varying distances.

2. Documentation of efforts to collocate on existing facilities. (Ord. 773 § 3, 1999)

18.68.050 Permit conditions.

Each permit issued by the city shall be conditioned to:

A. Expire 10 years after the effective date of the permit approval, subject to renewal for additional 10-year periods; provided that application for renewal is submitted six months before the permit expires, and that approval of the renewal application is subject to then applicable city ordinances.

B. Require that construction or installation of the WCF must commence within one year from the date of the permit, with opportunity for a one-year extension; otherwise, the permit shall be revoked without further action of the city and the rights and privileges appurtenant to the permit shall be void.

C. Require the permittee to allow collocation of proposed WCFs on the permittees' site, unless the permittee establishes to the city's satisfaction that collocation will impair technically the existing permitted use(s) to a substantial degree.

D. Require the permittee to maintain the WCF in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.

E. Require the permittee to notify the city of any sale, transfer, assignment of a site or WCF within 60 days of such event.

F. Require the permittee to comply with the provisions of this title and all other applicable city ordinances and rules and regulations. (Ord. 773 § 3, 1999)

18.68.060 Permit enforcement.

The director of the planning department, or that officer's designee, may issue a citation to a permittee for failure to comply with the conditions of the permit. A citation issued under this section shall be filed in the city's municipal court and if the permittee is found to have violated a condition of the permit, the court shall impose a fine not to exceed \$250.00; provided, that upon a finding that the permittee has committed a second violation within the term of the permit, the court shall impose a fine not to exceed \$500.00 and revoke the permit. (Ord. 773 § 3, 1999)

18.68.070 Prioritized locations.

The following sites are prioritized in order of preference for locating proposed WCFs and permits shall be issued so that WCFs will be located on the highest priority site feasible:

- A. Collocation.
- B. Public buildings and structures located in nonresidential zones.
- C. Buildings and structures in business and commercial zoned sites used for research and development, commercial and business uses.
- D. Buildings and structures in residential zones not used entirely for residential use; provided, that WCFs will not be sited on vacant residential lots. (Ord. 773 § 3, 1999)

18.68.080 Development standards.

All WCFs shall be constructed or installed according to the following development standards:

- A. Applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state and city regulations and standards.
- B. Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and public rights-of-way.
- C. WCFs shall be screened or camouflaged employing the best available technology, such as compatible materials, location, color, artificial trees and hollow flagpoles, and other tactics to minimize visibility of the facility from public streets and residential properties.

- 1. A freestanding WCF shall not be allowed whenever an existing structure can meet technical and network location requirements.
- 2. Monopoles shall be the only freestanding support structures allowed in the city, and they are the preferred structure where any support structure is necessary.
- 3. A freestanding WCF shall comply with all required setbacks of the zoning district in which it is located.
- 4. A WCF shall be designed and placed or installed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:
 - a. Using existing site features to screen the WCF from prevalent views; and
 - b. Using existing site features as a background in a way that the WCF blends into the background.

5. As a condition of permit approval, the city may require the applicant to supplement existing trees and mature vegetation to screen the facility.

6. A WCF shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its viewshed, and which must be approved by the city.

D. Equipment facilities shall:

- 1. Be placed underground if practicable; or
- 2. If above ground, equipment facilities shall be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and
- 3. They shall not be located within required building setback areas.

E. Security fencing shall:

- 1. Not exceed six feet in height;
- 2. Be screened from view through the use of appropriate landscaping materials; and
- 3. Be camouflaged with appropriate techniques and painted or coated with a nonreflective color, if it is a chain-link fence.

F. The city shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.

G. A WCF shall not be used for mounting signs, billboards or message displays of any kind. (Ord. 773 § 3, 1999)

18.68.090 Electromagnetic field (EMF) standards compliance.

All WCFs shall be operated:

A. In compliance with federal standards for EMF emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency (EMF) power densities of all antennas installed at the subject site. The report shall quantify the EMF emissions and compare the results with established federal standards. Said report shall be subject to review and approval by the city for consistency with the project proposal report and the adopted federal standards. If on review the city finds that the WCF does not meet federal standards, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with

18.68.100

the federal standards. If the permit is revoked, then the facility shall be removed.

B. In a manner that the WCF will not cause localized interference with the reception of area television or radio broadcasts, garage door openers, portable phones and other similar FCC approved devices. If on review of a registered complaint the city finds that the WCF interferes with such reception, the city may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed. (Ord. 773 § 3, 1999)

18.68.100 Facility removal.

A WCF shall be removed:

A. Within 90 days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked; or if the facility falls into disrepair and is not maintained, within 90 days of a notice from the city to effect repairs and maintenance to the satisfaction of the city. The operator of a WCF shall notify the city upon the discontinued use of a particular facility; however,

B. Should the operator fail to remove the WCF as required herein, and the property owner fails to remove the WCF within 90 days of the date the city notifies the property owner to remove the WCF, then the WCF shall be a nuisance and subject to appropriate legal proceeding. (Ord. 773 § 3, 1999)

Chapter 18.70

VARIANCES

Sections:

18.70.010 Application and criteria.

18.70.020 Fee.

18.70.010 Application and criteria.

A variance is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property. A variance application shall be made on forms approved by the planning department and presented to the hearing examiner. The hearing examiner shall, after a public hearing, make a final decision. Variances shall be granted only in cases where the particular property, because of special circumstances applicable to the property, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and where the variance will remedy the disparity in privilege, or to accommodate a solar energy system. Before a variance shall be granted, the following requirements shall be met:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

C. Granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

D. There are special circumstances applicable to a particular lot or tract, such as size, shape, topography, surroundings, trees, ground cover or other physical conditions, installation of a solar energy system or the location or orientation of a building for purposes of gaining or providing solar access; and

E. The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property; and

F. The granting of the variance will not conflict with the general purposes and objectives of the

comprehensive plan and other requirements of this title; and

G. In determining whether to approve an application for a variance, the hearing examiner shall consider the applicant’s record regarding meeting the terms, conditions and limitations of other permits previously issued including building permits, conditional uses or variances; and

H. All variances shall meet any other terms, conditions or limitations of the Lake Forest Park Municipal Code, if any, applicable to the specific action including LFPMC Title 16, Environmental Protection; Title 17, Subdivisions; and Title 18, Zoning. (Ord. 836 § 13, 2000; Ord. 773 § 3, 1999)

18.70.020 Fee.

A fee for an application for variance shall be established within the city fee schedule. (Ord. 773 § 3, 1999)

Chapter 18.71

CODE ENFORCEMENT

Sections:

- 18.71.010 Applicability of chapter.
- 18.71.020 Enforcement of the code – Infractions established.
- 18.71.030 Duty to enforce.
- 18.71.040 Investigation and enforcement.
- 18.71.050 Notice of violation and corrective order.
- 18.71.060 Notice of violation and corrective order – Time to comply.
- 18.71.070 Notice of violation and corrective order – Review by enforcement officer.
- 18.71.080 Notice of violation and corrective order – Failure to comply.
- 18.71.090 Notice of infraction – Contents – Issuance – Service.
- 18.71.100 Notice of infraction – Filing.
- 18.71.110 Notice of infraction – Uncontested – Effect.
- 18.71.120 Notice of infraction – Response.
- 18.71.130 Notice of infraction – Failure to respond or appear – Default judgment.
- 18.71.140 Notice of infraction – Contested hearing.
- 18.71.150 Notice of infraction – Mitigation hearing.
- 18.71.160 Judgment – Fine – Restitution – Restoration – Costs – Attorney’s fees.
- 18.71.170 Enforcement of judgments.
- 18.71.180 Stop work order.
- 18.71.190 Emergency order.
- 18.71.200 Stop work order – Emergency order – Failure to comply.
- 18.71.210 Criminal penalties.
- 18.71.220 Definitions.

18.71.010 Applicability of chapter.

A. The provisions of this chapter, adopted pursuant to the authority of Chapter 7.80 RCW, apply to enforcement of LFPMC Titles 15, 16, 17, and 18 and to enforcement of codes adopted by reference in those titles and chapters. For purposes of this chapter, such titles and chapters are referred to as the “code.” Nothing herein is intended to preclude the city from pursuing any legal or equitable relief necessary to protect the public health, welfare or safety.

B. Infractions established in other chapters of this code, other than traffic infractions, shall be

18.71.020

governed by LFPMC 18.71.090 through 18.71.170, 18.71.210 and 18.71.220. The city administrator shall designate the enforcement officer(s) for such chapters. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.010)

18.71.020 Enforcement of the code – Infractions established.

A. The code shall be enforced as provided in this chapter.

B. The code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. Any person who violates the code shall have committed a civil infraction and shall be proceeded against as provided herein.

D. The Lake Forest Park municipal court shall have jurisdiction to hear and determine civil infractions, to issue process and to enforce its orders and its judgments all as provided in Chapter 7.80 RCW and Chapter 3.50 RCW. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.020)

18.71.030 Duty to enforce.

A. The city planner is designated as the “enforcement officer” responsible for enforcing the code. With the prior approval of the city administrator, the city planner may call upon other city employees and officers to assist in enforcement.

B. Upon presentation of proper credentials, the enforcement officer may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by the code.

C. The obligation of complying with the requirements of the code rests with the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the code.

D. The requirements placed upon the enforcement officer or any city officer by this chapter are not intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.030)

18.71.040 Investigation and enforcement.

A. The enforcement officer shall investigate any structure or use which the enforcement officer believes does not comply with the code.

B. Whenever the enforcement officer deter-

mines that a violation of the code has occurred, there shall be served upon the responsible person either:

1. A notice of violation and corrective order; or

2. A notice of infraction.

C. The enforcement officer shall issue a notice of violation and corrective order, unless the person cited has been served with a prior notice of violation, the person cited has committed prior violations of the code, the person is cited for failing to comply with a stop work order or an emergency order, or the violation creates an immediate threat to public health, safety or welfare. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.040)

18.71.050 Notice of violation and corrective order.

A. Whenever the enforcement officer determines that the code has been violated, a notice of violation and corrective order shall be served upon the person responsible for the condition, unless this chapter requires issuance of a notice of infraction. The notice of violation shall:

1. Separately identify each violation;
2. Identify any necessary corrective action and a time for compliance;
3. Advise of the right of review; and
4. Advise that any subsequent violations shall be prosecuted as a civil infraction and may result in criminal prosecution.

B. The notice shall be served by personal service or by certified mail.

C. Whenever possible, a copy of the notice shall be posted at a conspicuous place on the property.

D. A copy of the notice shall be mailed to all property owners or resident within 300 feet of the property.

E. The enforcement officer may mail or deliver to all residential and/or nonresidential rental units on the property a notice informing each recipient of the notice of violation and corrective order, stop work order or emergency order and the applicable requirements and procedures. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.050)

18.71.060 Notice of violation and corrective order – Time to comply.

A. The time for taking corrective action shall be established, taking into consideration:

1. The violation(s);
2. Permits needed to take corrective action;
3. The difficulty of the corrective action; and

4. Other circumstances, including cost, deemed relevant by the enforcement officer.

B. The notice of violation and corrective order is final, unless a request for review is filed with the enforcement officer within three business days from the date of the notice of violation and corrective order in case of personal service, otherwise within five business days; provided, that the enforcement officer may grant review whenever that officer is satisfied that failure to seek timely review was for good cause. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.060)

18.71.070 Notice of violation and corrective order – Review by enforcement officer.

A. Any person affected by a notice of violation and corrective order may obtain administrative review thereof by filing a timely written request with the enforcement officer. Upon receipt of such request the enforcement officer shall notify the person(s) served with the notice and the complainant, if any, of the date, place, and time of the review, which shall be not less than five days nor more than 10 days after the request is received. Emergency or stop work orders issued in conjunction with a notice of violation and corrective order are not subject to administrative review.

B. The review will be an informal proceeding at which the enforcement officer shall explain the reasons for issuing the notice of violation and corrective order and consider information presented by any affected person. Any person affected by the notice of violation and corrective order may submit written material to the enforcement officer no later than two days before the date scheduled for the review.

C. The enforcement officer may sustain the notice of violation and corrective order; withdraw the notice of violation and corrective order; modify the notice of violation and corrective order; or continue the review to a date certain for presentation of additional information.

D. The enforcement officer shall issue an order containing the decision within five days of the date the review is completed and mail the same to each affected person. The decision of the enforcement officer is final. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.070)

18.71.080 Notice of violation and corrective order – Failure to comply.

A. The enforcement officer shall issue a stop work order in any case where there is a failure to

comply with a notice of violation and corrective order or a notice of violation and corrective order modified after administrative review.

B. A failure to comply with a notice of violation and corrective order or a notice of violation and corrective order modified after administrative review is an infraction subject to a fine of \$250.00 per day from the date set for compliance in the corrective order until compliance with the corrective order is achieved.

C. It is a defense to an infraction filed under subsection B of this section, if the person named in the infraction establishes by a preponderance of the evidence that the violation for which the notice of violation and corrective order was issued did not occur. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.080)

18.71.090 Notice of infraction – Contents – Issuance – Service.

A. Whenever the enforcement officer determines that a violation of the code has occurred and that a notice of infraction should be issued as provided in LFPMC 18.71.040(C), there shall be served upon the owner or other responsible person a notice of infraction that shall:

1. State that the notice of infraction represents a determination that a civil infraction has been committed by the person cited, and that the determination is final unless contested;

2. State that a civil infraction is not a criminal offense and that imprisonment may not be imposed as a sanction;

3. Separately identify each infraction and the fine imposed for each violation, and explain the possible responses to the notice of infraction and how each may be exercised;

4. State that with regard to a contested infraction, the city shall bear the burden of proving by a preponderance of the evidence at a hearing that the violation(s) occurred, and that at such hearing the alleged violator may call witnesses, including the enforcement officer, and present evidence; and that with regard to a request for a hearing on mitigating circumstances, the person cited will be deemed to have committed the infraction and will not be allowed to subpoena witnesses;

5. State that the person must respond within 15 days of the date of the notice and require that the person named in the notice of infraction sign a promise to respond; and

6. State that a failure to respond or appear as promised will result in the entry of a default judgment in the amount of the fine, and that failure to

18.71.100

respond or to appear as promised is a misdemeanor punishable by a fine and/or imprisonment.

B. The notice of infraction may be issued upon certification that there is probable cause to believe the infraction occurred:

1. By the enforcement officer; or
2. By the city prosecutor if the enforcement officer files a written statement that the civil infraction was committed in the officer's presence or a written statement establishing that the officer has reasonable cause to believe the civil infraction was committed.

C. The notice of infraction shall be served upon the person named in the notice:

1. By the enforcement officer at the time of issuance; or
2. By the enforcement officer or the prosecuting attorney filing the notice of infraction with the court, whereupon the court shall have the notice served either personally or by certified mail. If the notice of infraction served by mail is returned to the court as undeliverable, the court shall issue a summons. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.090)

18.71.100 Notice of infraction – Filing.

A notice of infraction shall be filed in the municipal court within 48 hours of the date of the notice, excluding Saturdays, Sundays and holidays. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.100)

18.71.110 Notice of infraction – Uncontested – Effect.

Unless contested as provided herein, the notice of infraction constitutes a determination that the person named in the notice of infraction committed the violation. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.110)

18.71.120 Notice of infraction – Response.

A. A person who receives a notice of infraction shall respond to the court, in person or by mail, within 15 days of the date the notice was served.

B. A person named in a notice of infraction who does not intend to contest the notice shall respond by completing the appropriate section of the notice and returning it to the court by the date required, along with a check or money order in the amount of the prescribed fine. An appropriate order shall be entered into the court records and a copy thereof furnished to the city planner.

C. A person named in the notice of infraction who does intend to contest the notice shall respond

by completing the appropriate section of the notice and returning it to the court by the date required.

D. A person named in a notice of infraction who does not intend to contest the notice, but who wishes to plead mitigating circumstances shall respond by completing the appropriate section of the notice and returning it to the court by the date required.

E. Whenever a notice is contested or mitigating circumstances are pleaded, the court shall schedule a hearing no sooner than 14 days nor more than 120 days from the date of the notice of infraction. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.120)

18.71.130 Notice of infraction – Failure to respond or appear – Default judgment.

The court shall enter an order of default and impose the maximum fine on each violation whenever a person named in the notice of infraction fails either to respond or to appear at a requested hearing. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.130)

18.71.140 Notice of infraction – Contested hearing.

A. A hearing held to contest a notice of infraction shall be without a jury.

B. The court may consider the notice of infraction and any sworn statement submitted by the enforcement officer in lieu of personal appearance and testimony. The person named in the notice of infraction may appear through counsel, subpoena witnesses, including the enforcement officer, present evidence, and examine witnesses.

C. The city shall bear the burden of proving by a preponderance of the evidence that the violation was committed and that the person named in the notice of infraction committed the violation.

D. If the court determines that the city failed to establish that the violation was committed: it shall enter an order dismissing the notice. If the court determines that the violation was committed it shall enter an order as provided herein.

E. The court's decision may be appealed to the superior court according to the rules for appeal of decisions of courts of limited jurisdiction. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.140)

18.71.150 Notice of infraction – Mitigation hearing.

A hearing to present mitigating circumstances shall be an informal proceeding in which the notice

may not be contested and neither party may subpoena witnesses. After considering the information presented, the court shall enter an appropriate order, which may not be appealed. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.150)

18.71.160 Judgment – Fine – Restitution – Restoration – Costs – Attorney’s fees.

A. Upon a finding that the violation occurred, the court shall enter judgment requiring:

1. Payment of a fine of not more than \$250.00 for each violation;
2. Restitution, including restoration of property, in an appropriate case; and
3. Payment of court costs as defined by rule or statute.

B. The court may waive or suspend the monetary penalty for an infraction, and whenever the court determines that person has insufficient funds to pay the penalty, it may impose community service in lieu of the penalty at the rate of state minimum wage per hour.

C. Unless appealed, judgment amounts are payable immediately; provided, that the court may grant an extension of time for good cause shown.

D. In every case the prevailing party shall be awarded its reasonable attorney’s fees. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.160)

18.71.170 Enforcement of judgments.

A. Judgments entered under authority of this chapter shall be enforced in the same manner as other civil judgments.

B. Whenever a judgment is not satisfied, the court shall notify the city prosecutor, who shall proceed to enforce the judgment. The city prosecutor shall notify the enforcement officer of the failure to pay. The enforcement officer shall notify other city department directors and no further city permits shall be issued to the judgment debtor until the judgment is satisfied. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.170)

18.71.180 Stop work order.

Whenever a continuing violation of this code materially impairs the enforcement officer’s ability to secure compliance with this code, or threatens the health or safety of the public, the enforcement officer shall issue a stop work order identifying the violation and prohibiting any work or other activity at the site. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.180)

18.71.190 Emergency order.

Whenever any use or activity is in violation of the code and threatens the health and safety of the occupants of the premises or the public, the enforcement officer shall issue an emergency order directing that the use or activity be discontinued and that the violation be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible.

Any condition described in the emergency order that is not corrected within the time specified is a public nuisance and the enforcement officer shall abate such nuisance as provided by law. The cost of such abatement shall be recovered from the owner or person responsible, or both, in the manner provided by law. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.190)

18.71.200 Stop work order – Emergency order – Failure to comply.

A failure to comply with a stop work order or an emergency order is an infraction subject to a fine of \$250.00 per day from the date of the order until compliance with the order is achieved. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.200)

18.71.210 Criminal penalties.

A. Any person named in a notice of infraction who fails to respond or who willfully violates a signed promise to appear in court is guilty of a misdemeanor.

B. Any person who violates the code and who has been found to have committed two code infractions in the preceding 10 years shall be guilty of a gross misdemeanor.

C. Any person who willfully fails to comply with a court order entered pursuant to this chapter shall be guilty of a gross misdemeanor. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.210)

18.71.220 Definitions.

A. “Certified mail,” whenever used in this chapter, includes “return receipt requested, to the person’s last known address.”

B. “Enforcement officer” means the city employee appointed pursuant to LFPMC 2.08.130 as city planner to perform the duties imposed by LFPMC 2.08.140. The term “enforcement officer” includes any representative designated by the city planner as provided herein.

C. “Person” means any natural person, partnership, L.L.C., corporation, association, public agency, or other legal entity. (Ord. 797 § 1, 1999; Ord. 752 § 1, 1998. Formerly 18.70.220)

