

**CITY OF FIRCREST  
ORDINANCE NO. 1562**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE 1527 SECTION 1 AND FMC 22.05.003; ORDINANCE 1512 SECTION 3 AND FMC 22.19.003; ORDINANCE 1311 SECTION 1 AND FMC 22.30.001; ORDINANCE 1349 SECTION 1 AND FMC 22.30.002; ORDINANCE 1246 SECTION 2 (PART) AND FMC 22.32.002; ORDINANCE 1311 SECTION 2 AND FMC 22.32.005; ORDINANCE 1461 SECTION 2 AND FMC 22.34.002; ORDINANCE 1481 SECTION 1 AND FMC 22.34.005; ORDINANCE 1246 SECTION 4 (PART) AND FMC 22.36.002; ORDINANCE 1311 SECTION 4 AND FMC 22.36.005; ORDINANCE 1246 SECTION 5 (PART) AND FMC 22.38.002; ORDINANCE 1311 SECTION 5 AND FMC 22.38.005; ORDINANCE 1246 SECTION 6 (PART) AND FMC 22.40.002; ORDINANCE 1246 SECTION 7 (PART) AND FMC 22.42.002; ORDINANCE 1509 SECTION 6 AND FMC 22.42.003; ORDINANCE 1311 SECTION 7 AND FMC 22.42.005; ADDING A NEW CHAPTER FMC 22.43; AMENDING ORDINANCE 1246 SECTION 8 (PART) AND FMC 22.44.002; ORDINANCE 1311 SECTION 8 AND FMC 22.44.006; ORDINANCE 1246 SECTION 9 (PART) AND FMC 22.46.001; ORDINANCE 1246 SECTION 9 (PART) AND FMC 22.46.002; ORDINANCE 1311 SECTION 9 AND FMC 22.46.008; REPEALING ORDINANCE 1246 SECTION 10 AND FMC 22.48; ORDINANCE 1509 SECTION 9 AND FMC 22.48.003; ORDINANCE 1311 SECTION 10 AND FMC 22.48.007; AMENDING ORDINANCE 1246 SECTION 11 (PART) AND FMC 22.50; ORDINANCE 1311 SECTION 11 AND FMC 22.50.001; ORDINANCE 1325 SECTION 2 AND FMC 22.50.002; ORDINANCE 1509 SECTION 10 AND FMC 22.50.003; ORDINANCE 1311 SECTION 14 AND FMC 22.50.004; REPEALING ORDINANCE 1518 SECTION 1 AND FMC 22.50.005; AMENDING ORDINANCE 1311 SECTION 16 AND FMC 22.50.006; ORDINANCE 1518 SECTION 2 AND FMC 22.50.007; ORDINANCE 1536 SECTION 1 AND FMC 22.50.008; ORDINANCE 1246 SECTION 14 (PART) AND FMC 22.56.002; ORDINANCE 1246 SECTION 15 (PART) AND FMC 22.58.002; ORDINANCE 1311 SECTION 26 AND FMC 22.58.003; ORDINANCE 1469 SECTION 1 AND FMC 22.58.004; ORDINANCE 1311 SECTION 28 AND FMC 22.58.008; ORDINANCE 1246 SECTION 15 (PART) AND FMC 22.58.014; ORDINANCE 1322 SECTION 3 AND FMC 22.58.018; ORDINANCE 1509 SECTION 13 AND FMC 22.58.025; ADDING NEW SECTIONS FMC 22.58.026; FMC 22.58.027; AND FMC 22.58.028; AMENDING ORDINANCE 1506 SECTION 1 AND FMC 22.60.003; ORDINANCE 1246 SECTION 16 (PART) AND FMC 22.60.006; ORDINANCE 1487 SECTION 1 AND FMC 22.62.002; ORDINANCE 1487 SECTION 2 AND FMC 22.62.004; ORDINANCE 1283 SECTION 3 AND FMC 22.62.009; ADDING A NEW SECTION 22.63; AMENDING ORDINANCE 1272 SECTION 8 (PART) AND FMC 22.64.016; ORDINANCE 1272 SECTION 8 (PART) AND FMC 22.64.020; ORDINANCE 1246 SECTION 27 (PART) AND FMC 22.98.132; ADDING NEW SECTIONS FMC 22.98.185.1; FMC 22.98.197.1; AMENDING ORDINANCE 1246 SECTION 27 (PART) AND FMC**

**22.98.198; ORDINANCE 1246 SECTION 27 (PART) AND FMC 22.98.627;  
AND ORDINANCE 1375 SECTION 44 AND FMC 22.98.697.**

**WHEREAS**, the City is required to periodically review and update its development regulations, as needed, to ensure consistency with the Growth Management Act, Puget Sound Regional Council’s VISION 2040, and the Pierce County Countywide Planning Policies; and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on July 29, 2015, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70; and

**WHEREAS**, a *SEPA Determination of Non-significance/Adoption of Existing Document, and a SEPA Addendum*, was issued on August 5, 2015 with a 14-day comment period ending August 18, 2015, and no adverse comments were received; and

**WHEREAS**, a public hearing was conducted by the Planning Commission on August 18, 2015 and continued to September 1, 2015 to consider public testimony and comment on the proposed amendments; and

**WHEREAS**, after consideration of public testimony and state, regional and county policy directives, the Planning Commission adopted Resolution No. 15-05 recommending approval of amendments to Title 22; and

**WHEREAS**, the City Council of the City of Fircrest has reviewed and approves of the findings of Planning Commission Resolution No. 15-05; and

**WHEREAS**, a public hearing was conducted by the City Council on September 22, 2015 to consider public testimony and comment on the proposed amendment, Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** Ordinance 1527 §1 and FMC 22.05.003 are hereby amended to read as follows:

**22.05.003 Project permit application framework.**

**Table A – Classifications**

Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Permitted uses not requiring site plan or design review alterations	Minor variances, minor site plans	Short plats, short plat vacations	Major preliminary site plans	Preliminary plats	Final plats	Comprehensive plan amendments
Boundary line adjustments	Administrative use permits	Final site plans and final development plans	Conditional use permits, major variances	Plat vacations and alterations		Development regulation amendments

**Table A – Classifications**

Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Minor amendments to development plans and site plans		Design review	Major amendments to site plans and conditional use permits	Preliminary development plans and major amendments to preliminary development plans		Annexations
Temporary accessory structures and uses		Land clearing/grading permits	Home occupations requiring CUP approval	Zoning map amendments		Area-wide rezones
Home occupation permits		Administrative interpretation	Critical areas reasonable use exceptions			
Accessory dwelling units		Critical areas determinations	Detached accessory dwelling units; critical areas public agency and utility exceptions			

**Table B – Procedures**

Action	Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission	Planning Commission	Planning Commission
Final decision made by:	Director	Director	Director	Planning Commission	City Council	City Council	City Council
Notice of complete application/comment period:	Not required	Not required; see FMC 22.07.004	Not required	Required	Required	Required	Not required
Open record public hearing/public review	Not required	Not required; see FMC 22.07.005	Hearing required only if director decision appealed, then hearing before	Hearing required before the planning commission, which will render final decision unless	Hearing required before planning commission, which will forward recommenda	Public review required before planning commission, which will forward recommenda	Hearing required before planning commission and council

			planning commission	appealed to council.	tion to council	tion to council	
	Not required	Not required	Not required	Closed record appeal hearing required before council only upon appeal	Closed record review required before council, which will render final decision	Closed record review required before council, which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

**Section 2.** Ordinance 1512 §3 and FMC 22.19.003 are hereby amended to read as follows:

**22.19.003 Time frame for submission of final plat.**

A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within five years of the date of preliminary plat approval.

**Section 3.** Ordinance 1311 §1 and FMC 22.30.001 are hereby amended to read as follows:

**22.30.001 Establishment of zoning districts.**

In order to carry out the purpose of this title in the interest of public health, safety and general welfare, the following zoning districts are established:

- Residential-4 R-4
- Residential-4-Conservation R-4-C
- Residential-6 R-6
- Residential-8 R-8
- Residential-10-Traditional
- Community Design R-10-TCD
- Residential-20 R-20
- Residential-30 R-30
- Neighborhood Office NO
- Neighborhood Commercial NC
- Commercial Mixed Use CMU
- Park, Recreation and Open Space PROS
- Golf Course GC

1 **Section 4.** Ordinance 1349 §1 and FMC 22.30.002 are hereby amended to read as  
2 follows:

3 **22.30.002 Official zoning map.**

4 The boundaries of the zoning districts are established and delineated on the official  
5 zoning map entitled “City of Fircrest Zoning Map,” effective date October 13, 2015. The  
6 map is incorporated as a part of this title. The official zoning map may consist of more  
than one map sheet for ease of use.

7 **Section 5.** Ordinance 1246 §2 (part) and FMC 22.32.002 are hereby amended to read as  
8 follows:

9 **22.32.002 Permitted uses.**

10 Uses permitted subject to administrative design review approval, when applicable, in  
11 accordance with Chapter 22.66 FMC:

- 12 (a) Single-family dwelling.
- 13 (b) Family group home, including adult family home.
- 14 (c) Nonmotorized recreational trail or passive recreational park with no permanent on-  
site staff.
- 15 (d) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
16 and less than or equal to five hundred square feet in gross floor area (subject to  
compliance with landscape standards in Chapter 22.62 of this code). Excludes  
17 substation.

18 **Section 6.** Ordinance 1311 §2 and FMC 22.32.005 are hereby amended to read as  
19 follows:

20 **22.32.005 Development standards.**

21 Maximum density	4 dwelling units per gross acre.
22 Minimum lot area	8,000 square feet.
23 Maximum height	30 feet. See Section 22.58.007 for exceptions.
24 Maximum floor area ratio	0.40. See Section 22.58.026 for FAR standards.
25 Minimum front yard setback	25 feet. See Section 22.58.002 for setback reduction and allowable encroachments.
26 Minimum interior side yard setback	8 feet. See Section 22.58.002 for allowable encroachments.
27 Minimum side street side yard setback	15 feet. See Section 22.58.002 for allowable encroachments.
28 Minimum rear yard setback	20 feet. See Section 22.58.002 for allowable encroachments.
29 Exterior wall modulation	Building elevations greater than 40 feet in length, 30 measured horizontally, shall incorporate wall plane projections or recesses having a depth of at

	least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the façade. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See Section 22.64.009 for an illustration of this requirement.
Articulation	Building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.
Accessory building standards	See Section 22.58.003.
Maximum lot coverage for structures	40% for all structures combined.
Maximum impervious surface coverage	50% for structures and other impervious surfaces combined.
Minimum lot width	60 feet.
Minimum frontage on a public street	60 feet. 45 feet if located on a cul-de-sac or facing the inside curve of a street.
Additional specific use and structure regulations	See Chapter 22.58.
Parking and circulation	See Chapter 22.60.
Landscape regulations	See Chapter 22.62.
Design standards	See Chapter 22.64
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 7.** Ordinance 1461 §2 and FMC 22.34.002 are hereby amended to read as follows:

**22.34.002 Permitted uses.**

Uses permitted subject to administrative design review approval in accordance with Chapter 22.66 FMC:

- (a) Small lot development (subject to compliance with small lot design standards and guidelines adopted by reference in Chapter 22.63 of this code.
- (b) Family group home, including adult family home.
- (c) Cottage housing (subject to compliance with cottage housing standards in Section 22.58.027 of this code).

1 (d) Nonmotorized recreational trail or passive recreational park with no permanent on-site staff.

2 (e) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
3 and less than or equal to 500 square feet in gross floor area (subject to compliance with  
4 landscape standards in Chapter 22.62 FMC). Excludes substation.

5 **Section 8.** Ordinance 1481 §1 and FMC 22.34.005 are hereby amended to read as follows:

6 **22.34.005 Development Standards.**

7 8 9 10 11 12 13 14 15 16 17 18 19 20	Maximum density	4 dwelling units per gross acre for small lot development; 8 dwelling units per gross acre for cottage housing.
21 22 23 24 25 26 27 28	Density bonus	The following density bonuses, not to exceed 30% combined, may be permitted for small lot development: a. A 5% increase in density if $\geq 30\%$ of the development site is retained as common open space, and which must be contiguous or larger than one acre in area. b. A 10% increase in density if a pedestrian trail system is provided within the common open space area, consistent with a trails plan. c. A 10% percent increase in density if a minimum 35% of the required common open space is improved as an active recreational area. Active recreational areas include, but are not limited to: i. Clearly defined athletic fields and/or activity courts. ii. Recreation centers or community facilities. d. A 1% increase in density for each 5% additional increase in common open space provided beyond the minimum percentage required.
29 30 31	Minimum and maximum lot area	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027.
32	Maximum height	Family group home and public or quasi-public building: 35 feet. Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. Exceptions may be authorized per Section 22.58.007.
	Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. Family group home and public or quasi-public building -- to be determined through the administrative design review process. If not specified, Section 22.58.002 encroachment standards will apply.
	Exterior wall modulation	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building, elevations greater than 40 feet in length, measured horizontally, shall

	incorporate wall plane projections or recesses having a depth of at least 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC 22.64.009 for an illustration of this requirement.
Articulation	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building, building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.
Accessory building standards	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. If not specified, Section 22.58.003 standards will apply.
Maximum impervious surface coverage	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building, 50% for all structures and other impervious surfaces combined.
Maximum developable slope	Subject to the requirements of Chapter 22.100 FMC.
Additional specific use and structure regulations	See Chapter 22.58.
Parking and circulation	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building, see Chapter 22.60.
Landscape regulations	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building -- see Chapter 22.62.
Design standards	Small lot development – see Chapter 22.63. Cottage housing – see Section 22.58.027. For family group home and public or quasi-public building -- see Chapter 22.64.
Critical areas	See Chapter 22.92.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 9.** Ordinance 1246 §4 (part) and FMC 22.36.002 are hereby amended to read as follows:

**22.36.002 Permitted Uses.**

1 Uses permitted subject to administrative design review approval, when applicable, in  
2 accordance with Chapter 22.66:

- 3 (a) Single-family dwelling.  
4 (b) Family group home, including adult family home.  
5 (c) Nonmotorized recreational trail or passive recreational park with no permanent on-  
6 site staff.  
7 (d) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
8 and less than or equal to five hundred square feet in gross floor area (subject to  
9 compliance with landscape standards in Chapter 22.62 of this code). Excludes  
10 substation.

11 **Section 10.** Ordinance 1311 §4 and FMC 22.36.005 are hereby amended to read as  
12 follows:

13 **22.36.005 Development Standards**

14	Maximum density	6 dwelling units per gross acre.
15	Minimum lot area	5,000 square feet.
16	Maximum height	27 feet (where minimum roof slope of 6:12 for all parts 17 of the roof above 18 feet is provided). Otherwise, 18 18 feet. See Section 22.58.007 for exceptions.
19	Maximum floor area 20 ratio	0.35. See Section 22.58.026 for FAR standards.
21	Minimum front yard 22 setback	20 feet. See Section 22.58.002 for setback reduction and 23 allowable encroachments.
24	Minimum interior yard 25 setback	5 feet for first story. 8 feet for side second story. See 26 Section 22.58.002 for allowable encroachments.
27	Minimum side street side 28 yard setback	15 feet. See Section 22.58.002 for allowable 29 encroachments
30	Exterior wall modulation	Building elevations greater than 40 feet in length, 31 measured horizontally, shall incorporate wall plane 32 projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single- family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See Section 22.64.009 for an illustration of this requirement.
	Articulation	Building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.

1	Minimum rear yard setback	20 feet. See Section 22.58.002 for allowable encroachments.
2	Accessory building standards	See Section 22.58.003.
3	Maximum lot coverage for structures	40% for all structures combined, except that up to 200 square feet of a covered, unenclosed front porch having a 6-foot minimum depth may be excluded from total.
4	Maximum impervious surface coverage	50% for all structures and other impervious surfaces combined, except that porches excluded above, and driveway strips less than or equal to 2 feet wide leading to a detached garage in rear 50% of a lot, may be excluded from total.
5	Minimum lot width	50 feet.
6	Minimum frontage on a public street	50 feet. 35 feet if located on a cul-de-sac or facing the inside curve of a street.
7	Additional specific use and structure regulations	See Chapter 22.58.
8	Parking and circulation	See Chapter 22.60.
9	Landscaping regulations	See Chapter 22.62.
10	Design standards	See Chapter 22.64.
11	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

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16 **Section 11.** Ordinance 1246 §5 (part) and FMC 22.38.002 are hereby amended to read as follows:

17 **22.38.002 Permitted Uses.**

18 Uses permitted subject to planned development approval in accordance with Chapter  
19 22.76 of this code and administrative design review approval in accordance with Chapter  
20 22.66 of this code:

- 21 (a) Family group home, including adult family home.
- 22 (b) Duplex dwelling.
- 23 (c) Multifamily dwelling within a structure containing no more than four dwelling units,  
24 when clustered to avoid critical areas or to retain significant open space.
- 25 (d) Manager's office, recreation facilities, laundry facilities, and other structures and  
26 facilities intended for use by residents of a residential complex.
- 27 (e) Nonmotorized recreational trail or passive recreational park with no permanent on-  
28 site staff.
- 29 (f) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
30 and less than or equal to five hundred square feet in gross floor area (subject to compliance  
31 with landscape standards in Chapter 22.62 of this code). Excludes substation.

32 **Section 12.** Ordinance 1311 §5 and FMC 22.38.005 are hereby amended to read as follows:

**22.38.005 Development Standards.**

Maximum density	8 dwelling units per gross acre.
Minimum lot area	To be determined through the PD review process – see Chapter 22.76.
Maximum height	35 feet. Exceptions may be authorized per Section 22.58.007 and through the PD review process – see Chapter 22.76.
Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Setbacks and allowable encroachments to be determined through the PD review process – see Chapter 22.76. If not specified, Section 22.58.002 encroachment standards will apply.
Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See Section 22.64.009 for an illustration of this requirement.
Articulation	Building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.
Accessory building standards	To be determined through the PD process – see Chapter 22.76. If not specified, Section 22.58.003 standards will apply.
Maximum lot coverage for structures	To be determined through the PD review process – see Chapter 22.76.
Maximum impervious surface coverage	65% of the developable site area, for all structures and other impervious surfaces combined.
Development not subject to planned development approval.	For development that is not subject to planned development approval, or for modifications to existing development constructed prior to adoption of planned development requirements, lot size, setbacks, lot coverage and impervious surface area coverage shall comply with the development standards in Section 22.36.005 (R-6 zone).

1	Additional specific use and structure regulations	See Chapter 22.58.
2	Parking and circulation	See Chapter 22.60.
3	Landscaping regulations	See Chapter 22.62.
4	Design standards	See Chapter 22.64. Site-specific design guidelines may be required as part of planned development approval.
5	Critical areas	See Chapter 22.92.
6	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

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8 **Section 13.** Ordinance 1246 §6 (part) and FMC 22.40.002 are hereby amended to read as follows:

9 **22.40.002 Permitted Uses.**

10 Uses permitted subject to planned development approval in accordance with Chapter  
11 22.76 of this code and administrative design review approval in accordance with  
12 Chapter 22.66 of this code:

- 13 (a) Single-family dwelling.
- 14 (b) Family group home, including adult family home.
- 15 (c) Duplex dwelling.
- 16 (d) Multifamily dwelling within a structure containing no more than eight dwelling  
17 units, when clustered to avoid critical areas or to retain significant open space.
- 18 (e) Assisted living facility, including congregate care facility, convalescent home,  
19 hospice care center, residential care facility, and residential treatment facility.
- 20 (f) Manager's office, recreation facilities, laundry facilities, and other structures and  
21 facilities intended for use by residents of a residential complex.
- 22 (g) Nonmotorized recreational trail or passive recreational park with no permanent on-  
23 site staff.
- 24 (h) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
25 and less than or equal to five hundred square feet in gross floor area (subject to  
26 compliance with landscape standards in Chapter 22.62 of this code). Excludes  
27 substation.

28 **Section 14.** Ordinance 1246 §7 (part) and FMC 22.42.002 are hereby amended to read as follows:

29 **22.42.002 Permitted Uses.**

30 Uses permitted subject to site plan approval in accordance with Chapter 22.72 of this code  
31 and administrative design review approval in accordance with Chapter 22.66 of this code:

- 32 (a) Family group home, including adult family home.
- (b) Duplex dwelling.
- (c) Multifamily dwelling.
- (d) Assisted living facility, including congregate care facility, convalescent home,  
hospice care center, residential care facility, and residential treatment facility.

- (e) Manager’s office, recreation facilities, laundry facilities, and other structures and facilities intended for use by residents of a residential complex.
- (f) Nonmotorized recreational trail or passive recreational park with no permanent on-site staff.
- (g) Necessary public or quasi-public utility building, structure or equipment, unstaffed and less than or equal to five hundred square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 of this code). Excludes substation.

**Section 15.** Ordinance 1509 §6 and FMC 22.42.003 are hereby amended to read as follows:

**22.42.003 Accessory uses.**

Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC 22.42.002:

- (a) Family day-care facility (subject to compliance with FMC 22.58.010).
- (b) Home occupation – Type I (subject to compliance with FMC 22.58.013).
- (c) Amateur and citizen band transmitter, support structure and antenna array (subject to compliance with FMC 22.58.002(h)).
- (d) Residential accessory use or structure which is subordinate and incidental to a permitted residential dwelling unit (subject to compliance with Chapter 22.58 FMC). Residential accessory uses and structures may include, but are not limited to: garage, carport, storage shed, noncommercial greenhouse, patio, swimming pool, sport court, gazebo, pergola, trellis, fence, and similar uses or structures.
- (e) Temporary accessory use or structure (subject to compliance with FMC 22.58.015).
- (f) Other accessory use or structure which is subordinate and incidental to a principally permitted use, as determined by the director.
- (g) Electric vehicle charging station (subject to compliance with FMC 22.58.025).

**Section 16.** Ordinance 1311 §7 and FMC 22.42.005 are hereby amended to read as follows:

**22.42.005 Development Standards.**

Maximum density	20 dwelling units per gross acre.
Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapters 22.68 or 22.72.
Maximum height	35 feet. A maximum 45-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint.. For other exceptions, see Section 2.58.007.
Minimum front yard setback	25 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Minimum interior side yard setback	8 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an

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	additional 10 feet from the underlying story wall plane.
Minimum side street side yard setback	15 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Minimum rear yard setback	20 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Minimum dwelling structure separation	10 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of duplexes, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See Section 22.64.009 for an illustration of this requirement.
Articulation	Building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.
Maximum lot coverage for structures	55% for all structures combined. 65% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
Maximum impervious surface coverage	75% for all structures and other impervious surfaces combined.
Additional specific use and structure regulations.	See Chapter 22.58.
Parking and circulation	See Chapter 22.60.
Landscaping regulations	See Chapter 22.62.
Design standards and guidelines	See Chapter 22.64. See also multifamily design standards and guidelines adopted by reference.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

1 **Section 17.** A new section is hereby adopted to read as follows:  
2

3 **Chapter 22.43**  
4 **RESIDENTIAL-30 DISTRICT (R-30)**

5 Sections:

- 6 22.43.001 Purpose.  
7 22.43.002 Permitted uses.  
8 22.43.003 Accessory uses.  
9 22.43.004 Conditional uses.  
10 22.43.005 Development standards.

11 **22.43.001 Purpose.**

12 The R-30 zoning district is intended to implement the Comprehensive Plan's High  
13 Density Residential land use designation. The district provides for predominantly  
14 multifamily housing and supportive uses. Development standards encourage  
15 neighborhood designs that have a density and configuration that support mass transit  
16 service along collector and arterial streets. Potential impacts associated with higher  
17 density housing are ameliorated through high quality design that is consistent with the  
18 city's multifamily design standards and guidelines. Generally, developments within this  
19 district provide relatively affordable housing near community-serving mixed use office,  
20 retail and service uses.

21 **22.43.002 Permitted uses.**

22 Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC and  
23 administrative design review approval in accordance with Chapter 22.66 FMC:

- 24 (a) Family group home, including adult family home.  
25 (b) Multifamily dwelling.  
26 (c) Assisted living facility, including congregate care facility, convalescent home,  
27 hospice care center, residential care facility, and residential treatment facility.  
28 (d) Manager's office, recreation facilities, laundry facilities, and other structures and  
29 facilities intended for use by residents of a residential complex.  
30 (e) Nonmotorized recreational trail or passive recreational park with no permanent on-  
31 site staff.  
32 (f) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
and less than or equal to 500 square feet in gross floor area (subject to compliance with  
landscape standards in Chapter 22.62 FMC). Excludes substation.

23 **22.43.003 Accessory uses.**

24 Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC  
25 22.43.002:

- 26 (a) Family day-care facility (subject to compliance with FMC 22.58.010).  
27 (b) Home occupation – Type I (subject to compliance with FMC 22.58.013).  
28 (c) Amateur and citizen band transmitter, support structure and antenna array (subject  
29 to compliance with FMC 22.58.002(h)).  
30 (d) Residential accessory use or structure which is subordinate and incidental to a  
31 permitted residential dwelling unit (subject to compliance with Chapter 22.58 FMC).  
32 Residential accessory uses and structures may include, but are not limited to: garage,

- carport, storage shed, noncommercial greenhouse, patio, swimming pool, sport court, gazebo, pergola, trellis, fence, and similar uses or structures.
- (e) Temporary accessory use or structure (subject to compliance with FMC 22.58.015).
- (f) Other accessory use or structure which is subordinate and incidental to a principally permitted use, as determined by the director.
- (g) Electric vehicle charging station (subject to compliance with FMC 22.58.025).

**22.43.004 Conditional uses.**

Uses permitted subject to conditional use permit approval in accordance with Chapter 22.68 FMC and administrative design review approval in accordance with Chapter 22.66 FMC:

- (a) Child day-care center.
- (b) Home occupation – Type II (subject to compliance with FMC 22.58.013).
- (c) Preschool, accredited, public or private.
- (d) Religious institution.
- (e) Necessary public or quasi-public structure or equipment, greater than 500 square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 FMC). Excludes substation.
- (f) Personal wireless telecommunications facility (subject to compliance with Chapter 22.24 FMC).
- (g) A use not listed above which: is not listed in another zoning district as a permitted or conditional use; is similar in nature to the above list of permitted and conditional uses; is consistent with the purpose and intent of this zoning district; and is compatible with the uses on adjoining properties.

**22.43.005 Development standards.**

Maximum density	30 dwelling units per gross acre.
Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapter 22.68 or 22.72 FMC.
Maximum height	40 feet. A maximum 50-foot height may be authorized if one or more level of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC 22.58.007.
Minimum front yard setback	25 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Minimum interior side yard setback	8 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Minimum side street side yard setback	15 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.

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Minimum setback abutting an R-6 or R-8 district	30 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Additional setbacks	Per International Building Code.
Minimum dwelling structure separation	10 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet for all building elevations. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC 22.64.009 for an illustration of this requirement.
Articulation	Building elevations greater than 20 feet in length, measured horizontally, shall incorporate a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, shall incorporate a minimum of three articulation components.
Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
Maximum impervious surface coverage	85% for all structures and other impervious surfaces combined.
Additional specific use and structure regulations.	See Chapter 22.58 FMC.
Parking and circulation	See Chapter 22.60 FMC.
Landscaping regulations	See Chapter 22.62 FMC.
Design standards and guidelines	See Chapter 22.64 FMC. See also multifamily design standards and guidelines adopted by reference.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

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**Section 18.** Ordinance 1246 §8 (part) and FMC 22.44.002 are hereby amended to read as follows:

**22.44.002 Permitted Uses.**

Uses permitted subject to site plan approval in accordance with Chapter 22.72 of this code and administrative design review approval in accordance with Chapter 22.66 of this code:

- (a) Commercial office serving primarily a local clientele, including, but not limited to, medical, dental, optometric, business and professional office.
- (b) Pharmacy solely incidental to a medical office.
- (c) Residential dwelling units, including family group homes and adult family homes, located above the ground floor of a commercial office establishment, not to exceed a maximum density of six units per gross acre of site area.
- (d) Necessary public or quasi-public utility building, structure or equipment, unstaffed and less than or equal to five hundred square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 of this code). Excludes substation.

**Section 19.** Ordinance 1311 §8 and FMC 22.44.006 are hereby amended to read as follows:

**22.44.006 Development standards.**

Maximum height	30 feet. See FMC 22.58.007 for exceptions.
Front yard and side street side yard setback	Zero feet minimum / 20 feet maximum.
Minimum interior side yard setback	10 feet when abutting any "R" district; otherwise zero feet.
Minimum rear yard setback	20 feet when abutting any "R" district; otherwise zero feet.
Exterior wall modulation	Facades greater than 60 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 60 horizontal feet. See FMC 22.64.009 for an illustration of this requirement. Alternative designs that: incorporate recessed or projecting balconies; use base, middle and top treatments with different forms; include roof modulation; and/or provide strong articulation of the façade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors -- in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.

1	Maximum lot coverage for structures	50% for all structures combined. 65% if at least 50% of required parking is provided below grade or at grade level within the building footprint.
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3	Maximum impervious surface coverage	75% for structures and other impervious surfaces combined.
4	Business hours	6:00 a.m. through 10:00 p.m., unless further restricted through the conditional use permit or site plan review processes – see Chapters 22.68 and 22.72 FMC.
5		
6	Additional specific use and structure regulations, including performance standards	See Chapter 22.58 FMC.
7		
8	Parking and circulation	See Chapter 22.60 FMC.
9	Landscaping regulations	See Chapter 22.62 FMC.
10	Design standards	See Chapter 22.64 FMC.
11	Sign regulations	See Chapter 22.26 FMC.
	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

12 **Section 20.** Ordinance 1246 §9 (part) and FMC 22.46.001 are hereby amended to read as  
13 follows:

14 **22.46.001 Purpose.**

15 The NC zoning district is intended to implement the Comprehensive Plan’s  
16 Neighborhood Commercial land use designation. This district provides for small-scale  
17 shopping areas that offer retail convenience goods and personal services primarily for  
18 the daily needs of nearby neighborhoods. This zoning district is designed to reduce  
19 vehicle trips by providing convenient shopping for nearby residents. NC zones are  
20 located on transit routes, and site and building design also encourage pedestrian, bicycle  
21 and transit use. A pedestrian orientation is required for new development and new  
22 automobile-oriented uses are prohibited. Neighborhood commercial sites are limited in  
23 size to keep them in scale with the neighborhoods they serve and nearby uses. In  
24 addition, high quality landscaping is used to make the area attractive and functional and  
25 to minimize negative impacts on nearby uses. Other measures, such as buffering  
26 requirements and limits on hours of operation, may be used to reduce impacts to nearby  
27 residences. Limited residential uses above the ground floor level of mixed-use buildings  
28 are encouraged. Master plans are required for substantial redevelopment or substantial  
29 new development within areas designated “Special Planning Areas” on the  
30 Comprehensive Plan’s land use designation map.

31 **Section 21.** Ordinance 1246 §9 (part) and FMC 22.46.002 are hereby amended to read as  
32 follows:

33 **22.46.002 Permitted Uses.**

34 Uses permitted subject to site plan approval in accordance with Chapter 22.72 of this  
35 code and administrative design review approval in accordance with Chapter 22.66 of  
36 this code:

- 1 (a) Retail sales store including, but not limited to: the sale or rental of the following  
 2 items: antiques, appliances (small), art and art supplies, bicycles, books, clothing,  
 3 fabrics, flowers, gifts, groceries, hardware, hobby and craft supplies, home furnishings,  
 4 lawn and garden equipment and supplies, paint and wallpaper, music, pets,  
 5 pharmaceuticals, photography supplies and processing, sporting goods, stationary, and  
 6 videos.  
 7 (b) Commercial service including, but not limited to: beauty and hair care, consulting,  
 8 copying, fitness/health studios, laundry and cleaning (self-service), locksmithing, office  
 9 equipment repair, optical, paging, pet grooming, post office or postal substation, studio  
 10 photography, real estate sales, shoe repair, tailoring, telecommunication sales, and travel  
 11 agency service.  
 12 (c) Food-serving establishment including, but not limited to: bakery, cafeteria, coffee  
 13 shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant  
 14 and other sit-down, self-service or take-out establishments.  
 15 (d) Commercial office serving primarily a local clientele including, but not limited to:  
 16 medical, dental, optometric, business and professional office.  
 17 (e) Culturally-enriching use including, but not limited to: art gallery, dance studio,  
 18 library, museum, live theater venue and senior center.  
 19 (f) Residential dwelling units, including family group homes and adult family homes,  
 20 located above the ground floor of a commercial establishment, not to exceed a maximum  
 21 density of six units per gross acre of site area.  
 22 (g) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
 23 and less than or equal to five hundred square feet in gross floor area (subject to  
 24 compliance with landscape standards in Chapter 22.62 of this code). Excludes  
 25 substation.

26 **Section 22.** Ordinance 1311 §9 and FMC 22.46.008 are hereby amended to read as  
 27 follows:

28 **22.46.008 Development standards.**

Maximum height	30 feet. A maximum 40-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC 22.58.007.
Front yard and side street side yard setback	Zero feet minimum / 20 feet maximum for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane of the first two stories. On street blocks where a historic main street development pattern is represented by buildings constructed to or near the front property line, new construction shall be built with a comparable setback that places the storefront abutting the sidewalk or in line with other buildings at or near the property line. On other street blocks where this historic pattern is not well established, new construction shall reinforce or establish a historic main street pattern. The maximum setback in such cases shall be 20 feet,

1		unless the building is separated from a street by another principal building on the same lot. At least 75% of the length of the ground floor street-facing façade of a building shall be within the maximum setback.
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3	Minimum interior side yard setback	10 feet when abutting any “R” district; otherwise zero feet.
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5	Minimum rear yard setback	20 feet when abutting any “R” district; otherwise zero feet.
6	Minimum alley setback	12 feet from an alley lot line; provided, that a structure may project over the required rear yard alley setback if a 14-foot clear vertical distance between the structure and ground level is maintained.
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9	Maximum floor area for a single commercial use	15,000 square feet.
10	Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
11		
12	Maximum impervious surface coverage	85% for structures and other impervious surfaces combined.
13	Ground floor use of a commercial or mixed use building	See FMC 22.64.016(a).
14		
15	Continuous storefront requirement for parking structures	See FMC 22.64.016(b).
16		
17	Minimum floor to ceiling height for ground floor commercial space	See FMC 22.64.016(c).
18		
19	Minimum storefront window area for ground floor commercial space	See FMC 22.64.020(a).
20		
21	Exterior wall modulation	Building elevations greater than 60 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any building elevation shall exceed 60 horizontal feet. See FMC 22.64.009 for an illustration of this requirement. Alternative designs that: incorporate recessed or projecting balconies; use base, middle and top treatments with different forms; include roof modulation; and/or provide strong articulation of the façade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors -- in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.
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29	Pedestrian plaza requirements	See FMC 22.58.016.
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1 2 3	Business hours	6:00 a.m. through 12:00 midnight, unless further restricted through the site plan review or conditional use permit review processes – see Chapters 22.68 and 22.72 FMC.
4 5	Additional specific use and structure regulations, including performance standards	See Chapter 22.58 FMC.
6	Parking, circulation, and transit improvements	See Chapter 22.60 FMC.
7	Landscaping regulations	See Chapter 22.62 FMC.
8	Design standards	See Chapter 22.64 FMC.
9	Sign regulations	See Chapter 22.26 FMC.
10	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

11 **Section 23.** Ordinance 1246 §10 and FMC 22.48 are hereby repealed.

12 **Section 24.** Ordinance 1509 §9 and FMC 22.48.003 are hereby repealed.

13 **Section 25.** Ordinance 1311 §10 and FMC 22.48.007 are hereby repealed.

14 **Section 26.** Ordinance 1246 §11 (part) and FMC 22.50 is hereby amended to read as follows:

16 **Chapter 22.50**

17 **COMMERCIAL MIXED USE DISTRICT (CMU)**

18 Sections:

- 19 22.50.001 Purpose.
- 20 22.50.002 Permitted uses.
- 21 22.50.003 Accessory uses.
- 22 22.50.004 Conditional uses.
- 23 22.50.006 Administrative uses.
- 24 22.50.007 Prohibited uses.
- 25 22.50.008 Development standards.

26 **Section 27.** Ordinance 1311 §11 and FMC 22.50.001 are hereby amended to read as follows:

27 **22.50.001 Purpose.**

28 The CMU zoning district is intended to implement the Comprehensive Plan’s Commercial Mixed Use land use designation. This district provides opportunities for a broad mix of retail and office uses, personal, professional and business services, institutions, recreational and cultural uses, residential uses, and other facilities that provide services for the needs of nearby residents and businesses and the surrounding community. In addition, the Commercial Mixed Use district provides limited opportunities for light industrial activities that enhance the city’s economic base and

1 provide employment for residents in the area in a manner that is compatible with  
2 neighboring commercial and residential uses. Site and building design encourage  
3 pedestrian, bicycle and transit use while accommodating automobiles. Community  
4 plazas and other publicly-accessible spaces are incorporated into mixed use  
5 developments that include a variety of complementary uses. High quality architecture,  
6 landscaping, hardscape, artwork and other public amenities contribute to making the  
7 area inviting, attractive, functional and vibrant for residents, employees and visitors,  
8 alike.

9 **Section 28.** Ordinance 1325 §2 and FMC 22.50.002 are hereby amended to read as  
10 follows:

11 **22.50.002 Permitted uses.**

12 Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC and  
13 administrative design review approval in accordance with Chapter 22.66 FMC:

14 (a) Retail sales store including, but not limited to, the sale or rental of the following  
15 items: antiques, appliances (new), art and art supplies, bicycles, books, building  
16 materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware,  
17 hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and  
18 supplies, newspapers, office equipment and supplies, paint, music, pets and pet supplies,  
19 pharmaceuticals, photography supplies and processing, sporting goods, stationery, toy,  
20 vehicle parts (new/remanufactured), videos and wallpaper.

21 (b) Commercial service including, but not limited to: beauty and hair care, consulting,  
22 copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning  
23 (self-service), locksmithing, optical, pet grooming, post office or substation, printing,  
24 studio photography, real estate sales, repair of products listed in subsection (a) of this  
25 section, security, signs, tailoring, telecommunication sales, title, travel agency service,  
26 upholstery and vehicle detailing.

27 (c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee  
28 shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant  
29 and other sit-down, self-service, or take-out establishments.

30 (d) Commercial office including, but not limited to: medical, dental, optometric,  
31 business and professional offices.

32 (e) Culturally enriching use including, but not limited to: art gallery, dance studio,  
library, museum, live theater venue and senior center.

(f) Laboratory, including but not limited to: medical, dental and optical.

(g) Civic, labor, social and fraternal organization.

(h) Veterinary clinic, with treatment and storage of animals within an enclosed building.

(i) Entertainment facility, including but not limited to: arcade, bowling alley, indoor  
miniature golf course, indoor movie theater, indoor skating rink, racquetball court and  
tennis court.

(j) Hotel and motel.

(k) Financial institution, including but not limited to: bank, savings and loan, and credit  
union.

- 1 (l) Religious institution.
- 2 (m) Family group home, including adult family home
- 3 (n) Multifamily dwelling.
- 4 (o) Necessary public or quasi-public utility building, structure or equipment, unstaffed
- 5 and less than or equal to 500 square feet in gross floor area (subject to compliance with
- 6 landscape standards in Chapter 22.62 FMC). Excludes substation.

7 **Section 29.** Ordinance 1509 §10 and FMC 22.50.003 are hereby amended to read as

8 follows:

9 **22.50.003 Accessory uses.**

10 Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC

11 22.50.002:

- 12 (a) Temporary accessory use or structure (subject to compliance with FMC 22.58.015).
- 13 (b) Home occupation – Type I (subject to compliance with FMC 22.58.013).
- 14 (c) Employee recreation facility and play area.
- 15 (d) Employee cafe or cafeteria operated in conjunction with a principally permitted use.
- 16 (e) Family day-care facility (subject to compliance with FMC 22.58.010).
- 17 (f) Other accessory use or structure that is subordinate and incidental to a principally
- 18 permitted use, as determined by the director.
- 19 (g) Electric vehicle charging station (subject to compliance with FMC 22.58.025).
- 20 (h) Electric vehicle battery exchange station (subject to compliance with FMC
- 21 22.58.025).

22 **Section 30.** Ordinance 1311 §14 and FMC 22.50.004 are hereby amended to read as

23 follows:

24 **22.50.004 Conditional uses.**

25 Uses permitted subject to conditional use permit approval in accordance with Chapter

26 22.68 FMC and administrative design review in accordance with Chapter 22.66 FMC:

- 27 (a) Child day-care center.
- 28 (b) Preschool, accredited, public or private.
- 29 (c) Home occupation – Type II (subject to compliance with FMC 22.58.013).
- 30 (d) Automobile and boat sales or rental, new or used.
- 31 (e) Vehicle repair established prior to effective date of the ordinance codified in this
- 32 section.
- (f) Mini-storage or mini-warehouse (indoor) facility only when located on a parcel that
- does not have frontage on a public street.

1 (g) Service station established prior to effective date of the ordinance codified in this  
2 section.

3 (h) Entertainment facility, outdoor.

4 (i) Drive-in or drive-through facility (subject to compliance with FMC 22.60.012).

5 (j) Adult entertainment establishments (subject to compliance with FMC 22.58.014).

6 (k) Light industrial uses including: engineering-oriented pursuits such as electronics,  
7 robotics, 3-D printing, and the use of computer numerical control (CNC) tools;  
8 metalworking, woodworking, and traditional arts and crafts; small-scale assembly and  
9 manufacturing of products using processed materials that do not have the potential to  
create a nuisance for adjoining land uses; wholesale sale of products manufactured on  
site; and technological and biotechnological uses, including scientific research, testing  
and experimental development laboratories

10 (l) Essential public facilities, as determined by FMC 22.58.022. Excludes family and  
general group homes and includes correctional group homes.

11 (m) Necessary public or quasi-public structure or equipment greater than 500 square feet  
12 in gross floor area (subject to compliance with landscape standards in Chapter 22.62  
FMC). Excludes substation.

13 (n) Personal wireless service facility for which a variance is required (subject to  
14 compliance with Chapter 22.24 FMC).

15 (o) A use not listed above which: is not listed in another zoning district as a permitted or  
16 conditional use; is similar in nature to the above list of permitted and conditional uses; is  
consistent with the purpose and intent of this zoning district; and is compatible with the  
17 uses on adjoining properties.

18 **Section 31.** Ordinance 1518 §1 and FMC 22.50.005 are hereby repealed.

19 **Section 32.** Ordinance 1311 §16 and FMC 22.50.006 are hereby amended to read as  
20 follows:

21 **22.50.006 Administrative uses.**

22 Uses permitted subject to administrative use permit approval in accordance with Chapter  
23 22.70 FMC:

24 (a) Outdoor sidewalk cafe or other food or beverage-serving facility or establishment,  
25 when located on a public sidewalk or other public right-of-way area (subject to  
26 compliance with FMC 22.58.017).

27 (b) Outdoor seasonal sales, such as Christmas tree or pumpkin patch lots, or other  
28 outdoor special event sales.

29 (c) Personal wireless service facility (subject to compliance with Chapter 22.24 FMC).

30 **Section 33.** Ordinance 1518 §2 and FMC 22.50.007 are hereby amended to read as  
31 follows:

32 **22.50.007 Prohibited uses.**

The following uses are prohibited:

- 1 (a) Automobile wrecking yard.
- 2 (b) Impound yard.
- 3 (c) Junk or salvage yard.
- 4 (d) Mini-storage or mini-warehouse (outdoor).

5 **Section 34.** Ordinance 1536 §1 and FMC 22.50.008 are hereby amended to read as  
 6 follows:

7 **22.50.008 Development standards.**

8 Maximum density	30 dwelling units per acre
9 Maximum height	45 feet. A maximum 55-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC 22.58.007.
10 Front yard and side street side yard setback	Zero feet minimum / 20 feet maximum for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.
11 Minimum interior side yard setback	10 feet for first two stories. Additional stories shall be stepped back at least 5 feet from the wall plane established for the first two stories.
12 Minimum rear yard setback	10 feet, except when abutting an R district (see below).
13 Minimum setback when abutting an R district	20 feet for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.
14 Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
15 Maximum impervious surface coverage	85% for structures and other impervious surfaces combined.
16 Exterior wall modulation	Building elevations greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4% of the length of the facade, but no less than 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 80 horizontal feet. See FMC 22.64.009 for an illustration of this requirement. Alternative designs that incorporate recessed or projecting balconies; use base, middle

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	and top treatments with different forms; include roof modulation; and/or provide strong articulation of the façade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors -- in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.
Business hours	Limitations may be imposed through the site plan review or conditional use permit review processes in order to mitigate impacts on nearby land uses. See Chapters 22.68 and 22.72 FMC.
Limitation on non-retail use	For a lot or a group of lots having a gross lot area greater than 0.5 acres, the ground floor of buildings within 250 feet of the Mildred Street ROW on such lots shall be designed to accommodate retail use per FMC 22.64.016 and FMC 22.64.020. Not more than 20% of building floor within this ground floor may be leased or otherwise made available for non-retail use. A lot with an area that exceeds 0.5 acres prior to the effective date of the ordinance codified in this section, and that is subsequently subdivided or otherwise reduced in area to less than 0.5 acres, shall remain subject to these requirements.
Additional specific use and structure regulations	See Chapter 22.58 FMC.
Pedestrian plaza requirements	See FMC 22.58.016.
Parking and circulation	See Chapter 22.60 FMC.
Landscaping regulations	See Chapter 22.62 FMC.
Design standards and guidelines	See Chapter 22.64 FMC.
Ground floor use of a commercial or mixed use building	See FMC 22.64.016(a).
Continuous storefront requirement for parking structures	See FMC 22.64.016(b).

1 2 3 4	Minimum floor to ceiling height for ground floor commercial space	See FMC 22.64.016(c).
5 6 7 8	Minimum storefront window area for ground floor commercial space	See FMC 22.64.020(a).
9 10	Large retail establishment requirements	See FMC 22.64.042.
11	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with 0.50 being rounded up.</i>	

12  
13 **Section 35.** Ordinance 1246 §14 (part) and FMC 22.56.002 are hereby amended to read as follows:

14  
15 **22.56.002 Permitted uses.**

16 Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC and/or administrative design review approval in accordance with Chapter 22.66 FMC:

17 (a) Golf course facilities including, but not limited to: clubhouse, maintenance facility, pro shop, driving range, and other recreational facilities.

18 (b) Single-family, duplex, and multifamily dwellings, subject to master plan approval.

19 (c) Small lot development subject to compliance with small lot design standards and guidelines adopted by reference in Chapter 22.63 and master plan approval.

20 (d) Cottage housing subject to compliance with cottage housing standards in FMC Section 22.58.027 and master plan approval.

21 (e) Family group home, including adult family home, subject to master plan approval.

22 (f) Necessary public or quasi-public utility building, structure or equipment, unstaffed and less than or equal to 500 square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 FMC). Excludes substation.

23  
24  
25  
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27 **Section 36.** Ordinance 1246 §15 (part) and FMC 22.58.002 are hereby amended to read as follows:

28 **22.58.002 Setback and yard determination.**

29 (a) Measurement. All setbacks shall be measured perpendicular to the nearest property line.

1 (b) Permitted Encroachments into Required Residential Yards.

2 (1) Belt courses, canopies, cornices, eaves, chimneys, sills, sunshades, and similar  
3 architectural features may extend two feet into any yard, provided a minimum three-foot  
4 setback is maintained. Overhead projections shall provide at least seven and one-half  
5 feet of unobstructed vertical clearance above grade.

6 (2) Bay windows and similar features that increase floor area or enclosed space may  
7 extend two feet into any yard, provided a minimum three-foot setback is maintained  
8 from the property line. Overhead projections shall provide at least seven and one-half  
9 feet of unobstructed vertical clearance above grade. Encroaching bay windows shall not  
10 extend horizontally across more than 50 percent of the linear wall surface to which they  
11 are affixed. The maximum length of each bay shall be 10 feet and the minimum  
12 horizontal separation between bays shall be five feet. Bay windows shall not encroach  
13 into yards at any other level than the story on which the window openings or glazings  
14 are located, except that ornamental brackets or canopies may be approved through  
15 administrative design review.

16 (3) A covered, unenclosed porch of a principal residential structure may encroach up  
17 to six feet into a required front yard. An existing legal nonconforming porch and  
18 connecting staircase may be reconstructed with an encroachment beyond six feet into a  
19 front yard if they generally conform to the original design and footprint.

20 (4) Uncovered patios, decks, stairs and landings may encroach into required yards  
21 based on their height above finished grade or floor level, as follows:

<b>Height Above Finished Grade or Floor Level</b>	<b>Permitted Encroachment</b>
≤ 12 inches above finished grade	May extend to property lines.
> 12 inches and ≤ 30 inches above finished grade	10 feet into required front and rear yards, 6 feet into side street side yards, and 2 feet into interior side yards.
> 30 inches and ≤ floor level of first floor	6 feet into required front and rear yards.
> floor level of first floor	None allowed.
Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.	

23 (5) Uncovered wheelchair ramps or other structures providing disabled access may  
24 encroach into any required yard as long as the access structure provides continuous  
25 access from the street or parking area to an entrance of the structure that it is designed to  
26 serve. The encroachment shall be the minimum necessary to provide safe and adequate  
27 access and shall be subject to administrative design review.

28 (6) Balconies that are less than or equal to 50 square feet in area, have no exterior  
29 access, and are cantilevered or supported from the structure, may extend three feet into a  
30 required front, rear or side street side yard. The balcony shall not project more than six  
31 feet from the supporting wall to the furthest outward extension. Overhead projections  
32 shall provide at least seven and one-half feet of unobstructed vertical clearance above  
grade. Any balcony that does not meet the above criteria shall be considered an  
uncovered porch subject to the standards in subsection (b)(4) of this section.

1 (7) A detached accessory building, including but not limited to, a garage, carport or  
2 garden shed, may be located in a required side or rear yard, subject to the specific  
standards specified in FMC 22.58.003.

3 (8) A fence meeting the standards specified in FMC 22.58.004 may be located in a  
4 required yard. Fences exceeding these height limits must be located within the allowable  
building envelope for the principal residential structure.

5 (9) Arbors, pergolas, trellises and similar structures, either free-standing or attached  
6 to a principal or accessory building, may be constructed in any required yard; provided,  
7 that a minimum three-foot setback is maintained. A structural connection between these  
8 structures and a fence located at or near a property line is permitted, provided the  
connecting structure does not exceed the height limit that applies to a fence in the  
required yard.

9 (10) Porches, patio covers, gazebos and similar covered, unenclosed structures may  
10 be constructed in a required rear yard; provided, that a minimum ten-foot rear setback  
and a standard side yard setback are maintained.

11 (11) Swimming pools and spas (above and in ground) and related equipment, fish  
12 ponds, stationary barbecues, children's play equipment, and HVAC equipment, may be  
placed in any required side or rear yard; provided, that a minimum three-foot setback is  
maintained.

13 (12) Flagpoles may be placed within any required yard; provided, that a minimum  
14 five-foot setback is maintained.

15 (c) Setback Reduction for Residential Front Yard. A required front yard setback for a  
16 principal residential structure may be decreased to a depth that is equal to the average of  
17 the setbacks of existing principal residential structures on the adjoining parcels having the  
18 same frontage. In computing the average, any adjoining setback greater than the required  
19 front yard shall be considered the same as the required front yard setback. In the absence of  
20 a principal residential structure on an adjoining parcel, the parcel shall be considered to  
have a setback equal to the required front yard. In computing the average for corner lots,  
the adjoining setback on the side street side shall be the same as the required front yard. For  
each foot of front yard setback reduction, the rear yard setback shall be increased a  
corresponding distance from the minimum required setback.

21 (d) Setback from Adjoining Half-Street or Designated Arterial. In addition to providing the  
22 standard setback from a property line abutting a street, a lot adjoining a half-street or  
designated arterial shall provide an additional width of street setback sufficient to  
accommodate construction of the planned half-street or arterial.

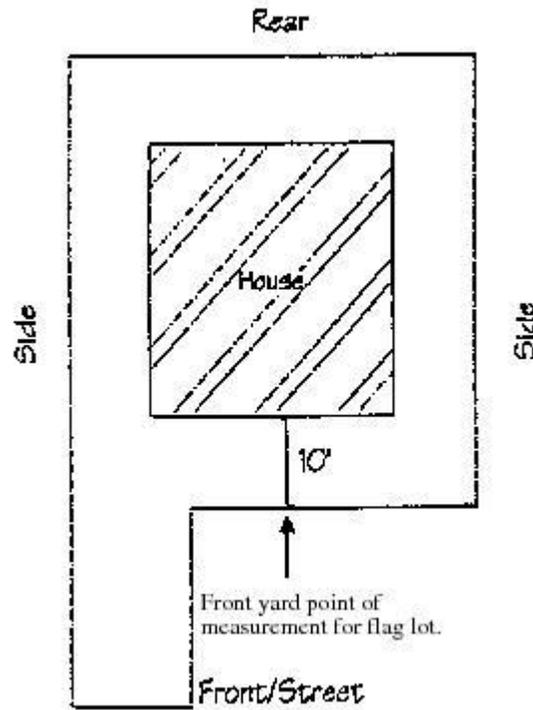
23 (e) Common Boundary Exception to Setback Requirements. When the common boundary  
24 line separating two contiguous lots in any zoning district is covered by a single building or  
permitted group of buildings, these lots shall constitute a single building site and the  
25 setback required by this title shall not apply to the common boundary line.

26 (f) Special Side Yard Setback Restriction. When the side lot line of a lot in any zoning  
27 district adjoins the side lot line of a lot in a more restrictive district, then the adjoining side  
yard setback for this lot shall not be less than the minimum side yard setback required in  
the more restrictive district.

28 (g) Setbacks for Personal Wireless Telecommunication Facilities. See Chapter 22.24 FMC.

29 (h) Setbacks for Amateur or Citizen Band Transmitters. Support structure setback is equal  
30 to overall height of support structure plus height of antenna array. Support structures are  
prohibited in front yards.

1 (i) Setback for Flag Lot Front Yards. The front yard setback for a flag lot shall be a  
 2 minimum of 10 feet measured from the nearest parallel or nearly parallel lot line adjacent  
 3 to the front facade of the dwelling. See Figure 1.



15 Figure 1

16 **Section 37.** Ordinance 1311 §26 and FMC 22.58.003 are hereby amended to read as  
 17 follows:

18 **22.58.003 Accessory buildings.**

19 (a) One or more detached accessory buildings, including, but not limited to, garages,  
 20 carports, garden sheds, greenhouses and other similar structures, may be constructed on  
 21 a parcel containing a principal residential structure, subject to the following standards:

22 Maximum building footprint area	600 sf.
23 Maximum lot coverage	10% of the lot area or 1,000 sf, whichever is less, for all accessory buildings combined on a single lot.
24 Maximum building height	18 feet at top of ridge and 10 feet at top of wall.
25 Minimum front yard setback	Same as specified for principal residential structure.
26 Minimum interior side yard setback	3 feet, if located >50 feet from the front property line. 5 feet, if located < 50 feet from the front property line.
27 Minimum side street side yard setback on a corner lot	Same as specified for principal residential structure.
28 Minimum rear yard setback	3 feet.

1 2	Minimum setback from lot line on either street frontage on a “through lot”	Same as specified for required front yard for principal residential structure.
3 4 5 6	Minimum setback from alley	3 feet. Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line separation of at least 22 feet from the access point to the opposite property line of the alley. No portion of the garage or the door in motion may cross the property line abutting the alley.
7 8	Minimum separation from principal residential structure	5 feet. Note: the building code may require a 6-foot minimum separation based on construction design.
9	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

(b) Exceptions to Building Footprint Area, Height and Lot Coverage Limits. The director may grant an administrative use permit for a building that exceeds the building footprint, height or lot coverage standards listed in subsection (a) if it finds that:

- (1) The building and its use will not significantly impact adjoining properties;
- (2) The architecture will incorporate exterior finish materials and design elements consistent with, or superior to, that of the principal residential structure on the property;
- (3) The building will fit the character of the neighborhood;
- (4) The architecture complies with the city’s design guidelines;
- (5) The building footprint will not exceed 800 square feet, and the building height will not exceed 21 feet at the top of ridge or 12 feet at the top of wall; and
- (6) The combined building footprints of existing and proposed accessory buildings on the same lot will not exceed 1,000 square feet.

(c) Determination of Attached versus Detached Status for Garages. A garage that is connected to a principal residential structure by an architecturally integrated, covered breezeway is classified as an attached garage if the separation between the parallel walls of the garage and principal structure does not exceed eight feet. For purposes of determining allowable setbacks, height and lot coverage, an attached garage is treated as if it were part of the principal structure. If the separation between the parallel walls of a garage and principal structure exceeds eight feet, the garage is classified as a detached building subject to the accessory building standards listed in this section.

**Section 38.** Ordinance 1469 §1 and FMC 22.58.004 are hereby amended to read as follows:

**22.58.004 Fences, walls and hedges.**

(a) Fences and walls located within a required yard in a residential zoning district shall not exceed the following height limits:

- (1) Front yard: four feet.

- 1 (2) Side street side yard: six feet.
- 2 (3) Interior side and rear yard: six feet plus one foot of lattice or other material with a
- 3 surface area that is no more than 50 percent opaque. See Figure 2.
- 4 (4) Clear vision triangle: two feet, six inches above centerline grades of intersecting
- 5 streets when a surface area is more than 50 percent opaque (see FMC 22.58.005).
- 6 (b) Fences and walls located in a residential zoning district may exceed the preceding
- 7 height limits if located outside of required yards or within the allowable building
- 8 envelope for the principal residential structure. Fences and walls may also exceed the
- 9 limits specified in subsections (a)(1), (2), and (3) of this section if they are intended to
- 10 enclose public school grounds, parks, playgrounds, substations, wells or other municipal
- 11 installations.
- 12 (c) Fences and walls located within a commercial or industrial zoning district may
- 13 exceed the height limits specified in subsection (a) of this section, provided the fence or
- 14 wall design complies with the city's design guidelines.
- 15 (d) Fence height is measured from the ground level where placed or from a retaining
- 16 wall to the top of the fence, excluding posts. On sloping properties where a fence is
- 17 constructed of sections which are terraced to match the terrain, fence height shall be the
- 18 average of the high and low points of each fence section. In such instances, portions of
- 19 the fence may exceed the maximum allowable height; provided, that the average height
- 20 of the fence section does not exceed the maximum height.
- 21 (e) Solid fences or walls higher than two feet within the front yard are prohibited; this
- 22 does not include hedges. Front yard fences and walls shall have a surface area that is no
- 23 more than 50 percent opaque. See Figure 2.

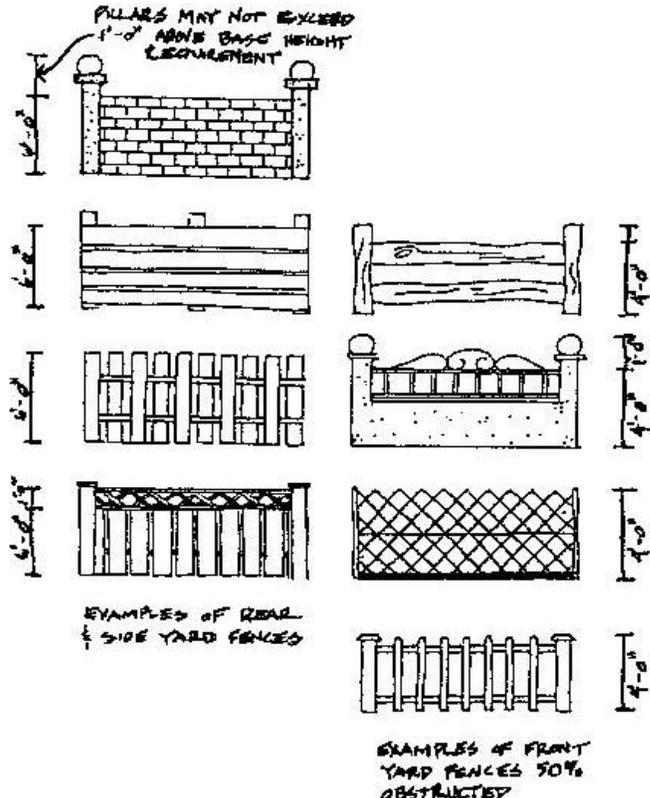


Figure 2  
Page 33 of 72

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(f) Fence pillars or posts may project a maximum of one foot above maximum fence height.

(g) An administrative exception may be granted to allow the front yard fence height to exceed the four-foot height limit in subsection (a)(1) of this section if the director finds that:

- (1) The principal residential structure existing on the lot at the time of application encroaches into the required front yard.
- (2) The proposed fence will not encroach into the required front yard any further than the existing principal residential structure.
- (3) The fence will not exceed a maximum height of six feet plus one foot of lattice or other material with a surface area that is no more than 50 percent opaque. See Figure 2.
- (4) The fence will not be located within a clear vision triangle.

(h) Fences and walls shall not be located within a public street right-of-way unless a right-of-way encroachment permit is granted by the city. The request shall be processed as a Type 2 permit project application in accordance with Chapter 22.05 FMC. In order to grant a right-of-way encroachment permit, the city shall adopt written findings showing the following criteria are met by the proposal:

- (1) The fence or wall will comply with clear vision triangle standards, if applicable.
- (2) The placement of the fence or wall will not interfere with underground utilities.
- (3) The fence or wall will not compromise public safety by restricting the ability of sidewalk users to avoid conflicts with competing users of the sidewalk.
- (4) The property owner will be able to obtain and maintain insurance coverage in the event that a claim is filed relating to the fence or wall. The coverage will be provided at a level determined to be acceptable by the risk manager and city attorney, and the property owner will provide documentation of coverage annually to the city.
- (5) The property owner shall, by written agreement to be recorded with the Pierce County auditor, indemnify and hold harmless the city for any claim filed against the property owner for any action or cause for damages that may occur as a result of the encroachment.

(i) All private swimming pools, wading pools, spas and hot tubs shall be provided with a fence or wall to prevent unauthorized access. See FMC 12.04.020(a) for specific standards.

(j) A fence permit is required for all fences located in required front yards, side street side yards, yards adjoining through-lot street frontages, and clear vision triangles.

(k) Hedges are allowed in all required yards subject to the following height limits:

1 (1) Front yard, interior side yard, side street side yard, and rear yard equals no limit.

2 (2) Clear vision triangle equals two feet, six inches above centerline grades of  
3 intersecting streets.

4 **Section 39.** Ordinance 1311 §28 and FMC 22.58.008 are hereby amended to read as  
5 follows:

6 **22.58.008 Performance standards.**

7 In addition to the specific requirements within the applicable zoning district chapter, the  
8 following performance standards shall apply:

9 (a) **Objectionable Elements.** No land or building shall be used or occupied in any  
10 manner so as to create any dangerous, injurious, noxious or otherwise objectionable  
11 element. An objectionable element may include, but is not limited to: excessive noise,  
12 vibration, glare, smoke, dust or odor.

13 (b) **Enclosure of Activities.** Unless authorized by the applicable zoning district, all home  
14 occupation, commercial and industrial activities shall be conducted within an enclosed  
15 structure, except for customary accessory appurtenances, such as refuse collection  
16 containers screened from public view, parking and loading areas.

17 (c) **Outside Storage.** Unless authorized by the applicable zoning district, outside storage  
18 of material for commercial and industrial uses is prohibited. An outside storage area  
19 shall not exceed 20 percent of lot area and shall be screened from view from any  
20 property line. Outside storage shall be restricted to the area at the rear of a principal  
21 building. The outside storage area shall be enclosed by a fence greater than or equal to  
22 eight feet in height. Outside storage exceeding a height of eight feet shall be set back  
23 from the property line a distance of at least twice the height of material being stored.  
24 The height of outside storage shall not exceed twice the height of the fence in this  
25 subsection. Outside storage of junk or wrecked vehicles is prohibited. Outside storage of  
26 inoperable vehicles may be permitted in residential districts subject to compliance with  
27 FMC 22.58.023.

28 (d) **Refuse Collection Containers.** For multifamily or nonresidential structures and uses,  
29 all outdoor refuse collection containers (including recycling containers) shall be  
30 completely screened from public or private streets and from adjacent property by an  
31 opaque screen. Refuse storage areas that are visible from the upper stories of adjacent  
32 structures shall have an opaque or semi-opaque horizontal cover or screen to mitigate  
unsightly views. The covering structure shall be compatible with the site's architecture.  
The storage of animal or vegetable waste that may attract insects or rodents or otherwise  
create a potential health hazard is prohibited. Properties undergoing substantial  
improvement as defined in FMC 22.98.697 shall install new screening or upgrade any  
existing collection container facilities that do not meet the standards of this section to  
ensure code consistency upon completion of the redevelopment. For multi-tenant  
structures, the city's determination as to whether improvement to an individual tenant  
space is considered to be a substantial improvement will be based on the value of the  
improvements relative to the assessed valuation of the tenant space or a comparable  
judgment -- if an individual tenant space assessment is unavailable.

1 (e) Maintenance of Yards and Open Space. All required structures, yards, parking areas  
2 and other open areas on-site shall be maintained in a neat and orderly manner at all times  
3 appropriate for the zoning district. Yards and open areas shall be maintained, as the  
4 responsibility of the property owner, free of any hazards to health or safety. Except for  
5 permitted earth disturbing activity, all ground areas shall be maintained in a manner  
6 ensuring that the natural or landscaped vegetation or permitted impervious surfaces  
7 provide a durable and dust free covering at all times. Dumping or storage of junk or  
8 debris, including junk vehicles or wrecked vehicles, is prohibited.

9 (f) Utilities. For new development, or existing development which is being expanded by  
10 greater than or equal to 50 percent of its existing gross floor area, all utilities shall be  
11 located underground; provided, that electrical lines of 50,000 volts or greater may be  
12 placed aboveground. The construction of a new single-family residence on an infill lot  
13 located within a subdivision where electric service is typically provided from an  
14 overhead location may be exempted from this requirement by the public works director  
15 if he/she determines that the undergrounding of electric facilities for this lot would be  
16 impractical.

17 (g) Screening of Mechanical Equipment. All roof-mounted air conditioning or heating  
18 equipment, vents or ducts shall not be visible from the ground level of any abutting  
19 parcel or any public rights-of-way. This shall be accomplished through the extension of  
20 the main structure or roof or screening in a manner that is architecturally integrated with  
21 the main structure. The screening may require acoustical treatment to mitigate noise  
22 generation.

23 (h) Barbed or Razor Wire. Barbed, razor or similar security wire may be authorized by  
24 the city for municipal facilities, if the fence on which the wire is placed will be  
25 effectively screened by landscaping. Barbed or razor wire is prohibited in all other  
26 locations and zoning districts.

27 (i) Erosion and Sedimentation. A temporary erosion and sedimentation control plan  
28 detailing measures for controlling erosion and sediment-laden runoff shall be submitted  
29 for approval by the director prior to issuance of a clearing and grading permit or other  
30 construction permit for a project. Measures shall include provisions to remove  
31 depositions of soil and material from streets and to prevent discharge of soil and  
32 materials onto adjoining properties or environmentally sensitive areas. The plan shall be  
implemented by the applicant before and during construction, and the applicant's  
performance shall be monitored by the city. The plan shall be upgraded as deemed  
necessary by the director to ensure effective control during construction.

(j) Particulates. During site development activities, construction dust and other  
particulates shall be controlled through frequent watering and/or other dust control  
measures approved by the director. Reclaimed water shall be used whenever practicable.  
Soil that is transported in trucks to and from the construction site shall be covered to the  
extent practicable to prevent particulates from being released.

(k) Stormwater Management. Stormwater facilities shall be designed to meet or exceed  
the standards outlined in the latest edition of the Department of Ecology Stormwater  
Management Manual for Western Washington. Plans demonstrating compliance with the  
manual shall be submitted for approval by the director and city engineer prior to  
issuance of site development permits. Consistent with NPDES Western Washington  
Phase II Municipal Stormwater Permit requirements, Low Impact Development (LID)  
designs and LID BMPs shall be required in areas where soils and geology support it.

1 Larger projects triggering the manual's requirements for water quality treatment and/or  
2 flow control shall incorporate LID components to the extent practicable consistent with  
3 *The Low Impact Development Technical Guidance Manual for Puget Sound*.

4 (1) Contaminants. During site development activities, all releases of oils, hydraulic  
5 fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials  
6 shall be contained and removed in a manner that will prevent their discharge to waters  
7 and soils of the state. The cleanup of spills shall take precedence over other work on the  
8 site.

9 **Section 40.** Ordinance 1246 §15 (part) and FMC 22.58.014 are hereby amended to read  
10 as follows:

11 **22.58.014 Adult entertainment establishments.**

12 (a) Purpose. The purpose of this section is to regulate adult entertainment establishments  
13 and to provide certain limitation to the siting of these uses. Development standards are  
14 used to reduce conflicts between these uses and other uses that may not be compatible.

15 (b) Uses Permitted. Adult entertainment establishments may be permitted by conditional  
16 use permit in the Commercial Mixed Use zone.

17 (c) Locational Requirements.

18 (1) Adult entertainment establishments shall not be located on lots adjacent to (directly  
19 touching or across a street from) any residential zone (R-4, R-4-C, R-6, R-8, R-10-TCD,  
20 R-20 and R-30) and additional zones (NC, NO and GC) that allow residential uses  
21 (except for dwelling units provided for site security or maintenance personnel).

22 (2) Adult entertainment establishments shall not be allowed within 500 feet of any other  
23 adult entertainment establishment, as measured from property lines.

24 (3) Adult entertainment establishments shall not be allowed within 100 feet of any  
25 "sensitive receptor." Distances provided in this section shall be measured by following a  
26 straight line, without regard to intervening buildings, from the nearest point of the  
27 property parcel upon which the proposed use is to be located, to the nearest point of the  
28 parcel of property or the zone district boundary line from which the proposed land use is  
29 to be separated.

30 (d) Variance to Locational Requirements. A variance to the dispersal provisions may be  
31 granted by the planning commission if all of the following criteria can be met:

32 (1) That free speech rights which are entitled to protection by the First Amendment to  
the United States Constitution of an applicant for an adult entertainment establishment  
cannot be adequately protected on parcels allowed for siting because other adult  
entertainment establishments are in place, or sensitive receptors limit additional uses in  
the CMU zone.

(2) That the natural or built environment in the immediate vicinity would result in an  
effective separation between the proposed adult entertainment establishment and any  
sensitive zones or uses in terms of visibility and access.

(3) The proposed use complies with the goals and policies of the Comprehensive Plan.

1 (4) The proposed use is otherwise compatible with adjacent and surrounding land uses.

2 (5) The applicant has proposed conditions that would minimize the secondary adverse  
3 effects of the proposed use.

4 (e) Development Standards. The development standards in this section shall apply to all  
5 buildings, uses, and property used for adult entertainment purposes. The development  
6 standards for adult entertainment establishment uses are the same as the applicable  
7 zoning regulations for the zoning districts in which they are located, except as follows:

8 (1) Visual Impacts.

9 (A) No owner or operator of an adult entertainment establishment shall allow any  
10 merchandise or activity of the establishment to be visible from any point outside the  
11 establishment.

12 (B) No owner or operator of an adult entertainment establishment shall allow the  
13 exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or  
14 pictorial representations of any kind other than to the extent permitted by this section or  
15 Chapter 22.26 FMC.

16 (C) The exterior of an adult entertainment establishment, if painted, must be painted  
17 (stained or otherwise covered) in a single achromatic color, except if:

18 (i) The adult entertainment establishment is part of a commercial multi-unit center; and

19 (ii) The exteriors of each individual unit in the commercial multi-unit center, including  
20 the adult entertainment establishment, are painted the same color as one another or are  
21 painted in such a way as to be a component of the overall architectural style or pattern of  
22 the commercial center.

23 (2) Signage. In addition to the restrictions imposed by Chapter 22.26 FMC, the  
24 following restrictions apply to any adult entertainment establishment:

25 (A) Each display surface of a sign must:

26 (i) Be a flat plane, rectangular in shape;

27 (ii) Not be flashing or pulsating;

28 (iii) Have characters of a solid color;

29 (iv) Have all characters of the same print type, size and color;

30 (v) Have the background in one solid color.

31 (B) Readerboard signs are not allowed.

32 (f) Nonconforming Adult Entertainment Establishments. An adult entertainment  
establishment shall be deemed a legal nonconforming use and shall be subject to the  
requirements of FMC 22.58.023 (nonconforming lots, uses and structures) if a zone that  
allows residential uses is located adjacent to the adult entertainment establishment or if a  
sensitive receptor identified in subsection (c)(3) of this section locates within 50 feet of  
the adult entertainment establishment facility after the date the adult entertainment

1 establishment facility has located within the city in accordance with requirements of this  
2 section.

3 **Section 41.** Ordinance 1322 §3 and FMC 22.58.018 are hereby amended to read as  
4 follows:

5 **22.58.018 Outdoor lighting.**

6 (a) Approval Required. The installation or replacement of outdoor lighting fixtures shall  
7 require approval of the planning commission or director, as appropriate. Approval shall  
8 not be granted unless the proposed installation is found by the planning commission or  
9 director to conform to all applicable provisions of this section. Properties developed  
10 with single-family or duplex dwellings are exempt from this section, provided they are  
11 not located within a planned development approved subsequent to the effective date of  
12 the ordinance codified in this section.

13 (b) General Requirements.

14 (1) When the outdoor lighting installation or replacement is part of a development  
15 proposal for which planning commission review is required, the planning commission  
16 shall evaluate the proposed lighting installation as part of its discretionary review. The  
17 planning commission may grant approval of the installation, or it may approve the  
18 installation on a conceptual level and delegate to the director the responsibility to ensure  
19 that the final lighting installation design complies with this section.

20 (2) When the outdoor lighting installation is not part of a development proposal for  
21 which planning commission review is required, the director shall evaluate and approve  
22 the proposed lighting installation design if it complies with this section.

23 (3) The applicant shall submit to the department sufficient information, in the form of an  
24 overall exterior lighting plan, to enable the planning commission or director to  
25 determine that the applicable provisions will be satisfied. The lighting plan shall include  
26 at least the following:

27 (A) A site plan, drawn to a scale of one inch equaling no more than 20 feet, showing  
28 buildings, landscaping, parking areas, and all proposed exterior lighting fixtures.

29 (B) Specifications for all proposed lighting fixtures including photometric data,  
30 designation as IESNA “cut-off” fixtures, Color Rendering Index (CRI) of all lamps  
31 (bulbs), and other descriptive information on the fixtures.

32 (C) Proposed mounting height of all exterior lighting fixtures.

(D) Analyses and illuminance level diagrams showing that the proposed installation  
conforms to the lighting level standards in this section.

(E) Drawings of all relevant building elevations showing the fixtures, the portions of the  
walls to be illuminated, the illuminance levels of the walls, and the aiming points for any  
remote light fixtures.

(4) Wherever practicable, lighting installations shall include timers, dimmers, and/or  
sensors to reduce overall energy consumption and eliminate unneeded lighting.

- 1 (5) When an outdoor lighting installation is being modified, extended, expanded, or  
2 added to, the entire outdoor lighting installation shall be subject to the requirements of  
3 this section.
- 4 (6) Expansions, additions, or replacements to outdoor lighting installations shall be  
5 designed to avoid harsh contrasts in color and/or lighting levels.
- 6 (7) Electrical service to outdoor lighting fixtures shall be underground unless the fixtures  
7 are mounted directly on utility poles.
- 8 (8) Proposed lighting installations that are not covered by the special provisions in this  
9 section may be approved only if the planning commission or director finds that they are  
10 designed to minimize glare, do not direct light beyond the boundaries of the area being  
11 illuminated or onto adjacent properties or streets, and do not result in excessive lighting  
12 levels.
- 13 (9) For the purposes of these regulations, the mounting height of a lighting fixture shall  
14 be defined as the vertical distance from the grade elevation of the surface being  
15 illuminated to the bottom of the lighting fixture (i.e., luminaire).
- 16 (10) Holiday lighting during the months of November, December and January shall be  
17 exempt from the provisions of this section; provided, that such lighting does not create  
18 dangerous glare on adjacent streets or properties.
- 19 (11) The planning commission or director may modify the requirements of this section if  
20 it determines that in so doing it will not jeopardize achievement of the intent of these  
21 regulations.
- 22 (c) Parking Lot Lighting. Parking lot lighting shall be designed to provide the minimum  
23 lighting necessary to ensure adequate vision and comfort in parking areas, and to not  
24 cause glare or direct illumination onto adjacent properties or streets.
- 25 (1) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the  
26 Illuminating Engineer Society of North America (IESNA).
- 27 (2) Alternatives. The design for an area may suggest the use of parking lot lighting  
28 fixtures of a particular “period” or architectural style, as either alternatives or  
29 supplements to the lighting described above.
- 30 (A) If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial  
31 lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt  
32 incandescent bulb).
- (B) Mounting heights of such alternative fixtures shall not exceed 15 feet.
- (3) Parking area lighting standards in the various lighting districts are shown in Table 1.
- (4) Parking areas in District 4 shall not be illuminated unless there exist specific hazardous conditions that make illumination necessary. In such cases, the lighting shall meet the standards for District 3.

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<b>Table 1: Parking Lot Lighting Standards</b>				
	District 1	District 2	District 3	District 4
	CMU District	NO & NC Districts	R-20, R-30, PROS & GC Districts	R-4, R-4-C, R-6, R-8 and R-10-TCD Districts
Mounting Height (Maximum)*	25 ft.	20 ft.	20 ft.	Lighting Discouraged
Minimum Illumination Level (at darkest spot on the parking area)	No less than 0.3 fc No more than 0.5 fc	No less than 0.2 fc No more than 0.3 fc	No less than 0.2 fc No more than 0.3 fc	Lighting Discouraged
Uniformity Ratio **	4:1	4:1	4:1	Lighting Discouraged
Minimum CRI***	20	65	70	Lighting Discouraged

\* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

\*\* Uniformity ratio is the ratio of average illumination to minimum illumination.

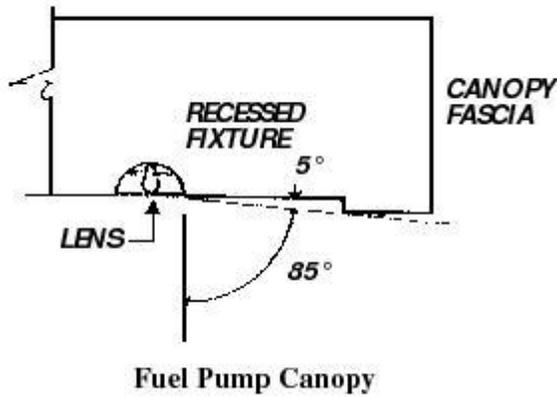
\*\*\* CRI is the Color Rendering Index.

(d) Lighting of Service Station/Convenience Store Aprons and Canopies. Lighting levels on service station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Chapter 22.26 FMC shall be used for that purpose.

(1) Areas on the apron away from the fuel pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas in subsection (c) of this section. If no fuel pumps are provided, the entire apron shall be treated as a parking area.

(2) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one foot-candle and no more than five and one-half foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one, which yields an average illumination level of no more than 22 foot-candles.

(3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in the figure below.



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(4) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

(5) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

(e) Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Chapter 22.26 FMC shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the planning commission or director.

(1) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas in subsection (c) of this section.

(2) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than five foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one. The average and minimum shall be computed for only that area designated as exterior display/sales area.

(3) Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(4) Fixtures shall be mounted no more than 25 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.

(f) Lighting of Outdoor Performance or Sports. Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing sky glow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption.

1 (1) Design Plan. A lighting design plan shall be submitted that shows in detail the proposed  
2 lighting installation. The design plan shall include a discussion of the lighting requirements  
of various areas and how those requirements will be met.

3 (2) Dual System. The main lighting of the event (spotlighting or floodlighting, etc.) shall be  
4 turned off no more than 45 minutes after the end of the event. A low level lighting system  
5 shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance,  
6 etc. The low level lighting system shall provide an average horizontal illumination level, at  
grade level, of no more than three foot-candles with a uniformity ratio (average to minimum)  
not exceeding four to one.

7 (3) Primary Playing Areas. Where playing fields or other special activity areas are to be  
8 illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall  
9 within the primary playing area and immediate surroundings, and so that no direct  
illumination is directed off the site.

10 (4) Parking Areas. Lighting for parking areas shall meet the requirements in subsection (c)  
11 of this section.

12 (5) Pedestrian Areas. Areas intended solely for pedestrian circulation shall be provided with  
13 a minimum level of illumination of no less than 0.1 foot-candles and no more than 0.2 foot-  
14 candles. A uniformity ratio of average illumination to minimum illumination shall not  
exceed four to one.

15 (6) Security Lighting. Security lighting shall meet the requirements in subsection (g) of this  
16 section.

17 (g) Security Lighting. The purpose of and need for security lighting (i.e., lighting for safety  
18 of persons and property) must be demonstrated as part of an overall security plan that  
19 includes at least illumination, surveillance, and response, and that delineates the area to be  
illuminated for security purposes. To the extent that the designated area is illuminated for  
other purposes, independent security lighting installations will be discouraged.

20 (1) In addition to the application materials required in subsection (b) of this section,  
21 applications for security lighting installations shall include a written description of the need  
22 for and purposes of the security lighting, a site plan showing the area to be secured and the  
23 location of all security lighting fixtures, specifications of all fixtures, the horizontal and  
vertical angles in which light will be directed, and adequate cross-sections showing how  
light will be directed only onto the area to be secured.

24 (2) All security lighting fixtures shall be shielded and aimed so that illumination is directed  
25 only to the designated area and not cast on other areas. In no case shall lighting be directed  
26 above a horizontal plane through the top of the lighting fixture, and the fixture shall include  
27 shields that prevent the light source or lens from being visible from adjacent properties and  
roadways. The use of general floodlighting fixtures shall be discouraged.

28 (3) Security lighting may illuminate vertical surfaces (e.g., building facade and walls) up to  
29 a level eight feet above grade or eight feet above the bottoms of doorways or entries,  
whichever is greater.

1 (4) Security lighting fixtures may be mounted on poles located no more than 10 feet from  
2 the perimeter of the designated secure area.

3 (5) Security lights intended to illuminate a perimeter (such as a fence line) shall include  
4 motion sensors and be designed to be off unless triggered by an intruder located within five  
5 feet of the perimeter.

6 (6) Security lighting standards in the various lighting districts are as shown in Table 2.

7 (7) Security lighting shall be allowed in District 4 areas only if unusual hazardous conditions  
8 make it necessary. In such cases, indirect and reflected lighting techniques shall be used to  
9 provide soft lighting under canopies, entry porches, or soffits. Lighting levels shall not  
10 exceed the standards established for District 3.

11 **Table 2: Security Lighting Standards**

	District 1	District 2	District 3	District 4
	CO & CC Districts	NO & NC Districts	R-20, PROS & GC Districts	R-4, R-4-C, R-6, R-8 and R-10-TCD Districts
Mounting Height (Maximum)*	25 ft	20 ft	20 ft	Discouraged
Average Horizontal Illumination Level on Ground	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged
Average Illumination Level on Vertical Surface	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged
Minimum CRI**	20	65	70	Discouraged

12 \* Mounting height is the vertical distance between the surface being illuminated and the  
13 bottom of the lighting fixture.

14 \*\* CRI is the Color Rendering Index.

15 (h) Lighting of Building Facades and Landscaping. With the exception of structures having  
16 exceptional symbolic (i.e., churches and/or public buildings) or historic significance in the  
17 community, exterior building facades shall not be illuminated. When buildings having  
18 symbolic or historic significance are to be illuminated, a design for the illumination shall be  
19 approved by the planning commission or director and the following provisions shall be met:

20 (1) The maximum illumination on any vertical surface or angular roof surface shall not  
21 exceed five foot-candles.

1 (2) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed  
2 only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets  
or roads.

3 (3) Lighting fixtures mounted on the building and designed to “wash” the facade with light  
4 are preferred.

5 (4) To the extent practicable, lighting fixtures shall be directed downward (i.e., below the  
6 horizontal) rather than upward.

7 (5) When landscaping is to be illuminated, the planning commission or director shall first  
8 approve a landscape lighting plan that presents the purpose and objective of the lighting,  
9 shows the location of all lighting fixtures and what landscaping each is to illuminate, and  
demonstrates that the installation will not generate excessive light levels, cause glare, or  
direct light beyond the landscaping into the night sky.

10 (i) Illuminated Signs. See lighting standards in FMC 22.26.011.

11 (j) Lighting of Walkways/Bikeways and Parks. Where special lighting is to be provided for  
12 walkways, bikeways, or parks, the following requirements shall apply:

13 (1) The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot-  
14 candles and no more than 0.5 foot-candles.

15 (2) The vertical illumination levels at a height of five feet above grade shall be at least 0.3  
16 and no more than 0.5 foot-candles.

17 (3) Lighting fixtures shall be designed to direct light downward, and light sources shall have  
an initial output of no more than 1,000 lumens.

18 (4) In general, lighting shall be consistent with the guidelines presented in the IESNA  
19 Lighting Handbook, 8th Edition.

20 (k) General Street Lighting Standards. (Reserved).

21 **Section 42.** Ordinance 1509 §13 of Ordinance 1509 and FMC 22.58.025 are hereby  
22 amended to read as follows:

23 **22.58.025 Electric vehicle charging stations.**

24 To ensure an effective installation of electric vehicle charging stations, the regulations in  
25 this section provide a framework when a private property owner chooses to provide  
26 electric vehicle charging stations.

27 (a) Allowed Uses per Zoning District. The following table establishes the permitted  
28 uses:  
29  
30

	Residential (R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, and R-30)	Recreation (PROS and GC)	Commercial and Mixed Use (NC and CMU)	Commercial (NO)
EV Charging Station1	P	P	P	P
Rapid Charging Station2	–		P	P
Battery Exchange Station	–		P	–

P: Allowed only as an accessory to an outright permitted or conditional use.

Absence of P: Use is not permitted in that district.

1 Level 1 and Level 2 charging only.

2 Level 3 and fast charging are used interchangeably.

(b) For all parking lots or garages located in nonresidential districts:

(1) Number. No minimum number of charging station spaces is required.

(2) Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.

(3) Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

(A) Where provided, parking for electric vehicle charging purposes is required to include the following:

(i) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow-away provisions are to be enforced.

(ii) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(iii) Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

(iv) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(B) Parking for electric vehicles should also consider the following:

(i) Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(ii) Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).

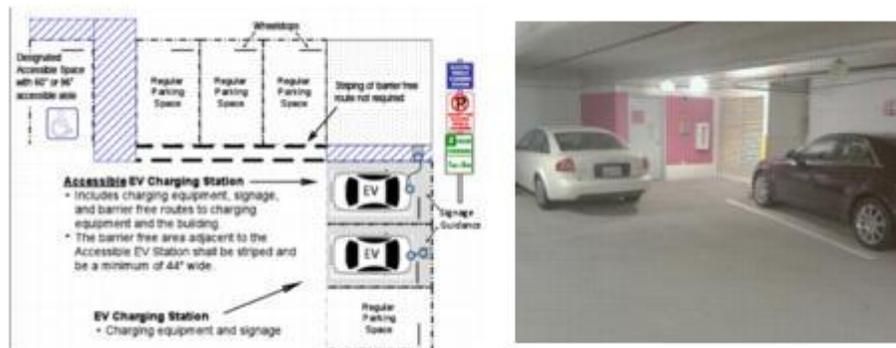
(c) Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

(1) Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table:

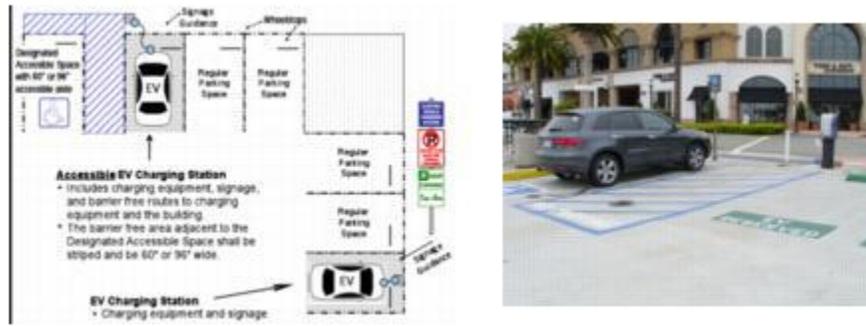
Number of EV Charging Stations	Minimum Accessible EV Charging Stations
1 – 50	1
51 – 100	2
101 – 150	3

(2) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations:

**Figure: Off-Street Accessible Electric Vehicle Charging Station – Option 1**



1 **Figure: Off-Street Accessible Electric Vehicle Charging Station – Option 2**



8 (d) Signage, Directional. Off-street parking lot or parking garage:



13 12" x 12"

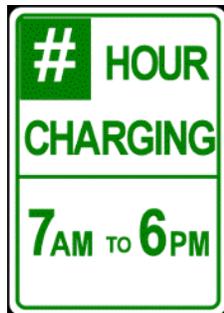


16 12" x 6"

17 (e) Off-street EV Parking – Parking Space with Charging Station Equipment.



23 12" x 18"



29 12" x 18"

1 **Section 43.** A new Section FMC 22.58.026 is hereby adopted to read as follows:

2 **22.58.026 Floor area ratio (FAR) standards.**

3 a. The intent of FAR standards is to ensure the size of detached single family dwellings  
4 will be scaled proportionally to the size of the lots on which they are situated so that new  
5 infill development will be generally consistent in scale and proportion with previously  
6 constructed homes and neighborhoods in the city. FAR standards should be used in  
7 conjunction with other bulk requirements and design standards and guidelines to be  
8 effective in achieving this intent.

9 b. FAR is the ratio of the total floor area of buildings on a site to the size of the land at  
10 that location. FAR is the total building square footage divided by the total site area  
11 square footage, except as noted below.

12 c. Floor area for purposes of calculating FAR and maximum floor area does not include  
13 the following:

14 (1) Attic floor area with less than five feet of ceiling height, as measured between the  
15 finished floor and the supporting members for the roof, and attics with structural roof  
16 trusses and usable attic space that is completely contained within the roof area  
17 (excluding dormers).

18 (2) Basement floor area with a ceiling height less than four feet above the finished  
19 grade, as defined in FMC 22.98.321. Ceiling height will be measured to the top of the  
20 structural members of the floor above.

21 (3) The first 600 square feet of detached accessory building floor area on a lot.

22 (4) Uncovered and covered decks, porches, and walkways.

23 d. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the  
24 actual floor area toward allowable FAR.

25 e. FAR is calculated using a site's buildable area, excluding critical areas and their  
26 required associated buffers.

27 **Section 44.** A new Section FMC 22.58.027 is hereby adopted to read as follows:

28 **22.58.027 Cottage housing.**

29 a. Purpose and Intent. The provisions of this section are available as alternatives to the  
30 development of typical detached single-family homes. In the event of a conflict between  
31 the standards in this section and other standards in Title 22, the standards in this section  
32 shall control. These standards are intended to address the changing composition of  
households and the need for smaller, more diverse, and often, more affordable housing  
choices. Providing for a variety of housing types also encourages innovation and diversity  
in housing design and site development, while ensuring compatibility with surrounding  
single-family residential development. These provisions support the growth management  
goal of more efficient use of urban residential land.

b. Housing Types Defined. The following definitions apply to the housing types allowed through the provisions in this section:

(1) Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.

(2) Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.

(3) Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, not exceeding 1,000 square feet per unit on average, designed to look like a detached single-family home.

c. Applicable Use Zones. Cottages, carriage units and two/three-unit homes as described in this section may be located in the R-4-C and GC zones.

d. Parameters for Cottages, Carriage Units and Two/Three-Unit Homes.

(1) Cottage.

Unit Size	Maximum: 1,500 square feet, excluding garage. Cottages may not exceed 1,000 square feet on the main floor. Any additions or increases in unit sizes after initial construction shall be subject to compliance with all cottage housing development standards.
Maximum Density	8 units per acre.
Minimum Lot Size	None. Lot sizes shall be determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a site's buildable area, including private street area and excluding critical areas and their required associated buffers. FAR for individual lots may vary. See FMC 22.58.026 for FAR standards.
Development Size <sup>1</sup>	Minimum: 6 units. Maximum: 24 units. Minimum cluster size: 6 units. Maximum cluster size: 12 units. Cottage clusters may be integrated into small lot developments where the combined number of cottage and small lot units may exceed 24.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Impervious Surface Coverage	50%. Coverage is calculated using a cottage housing site's entire buildable area, including private street area and excluding critical areas and their required associated buffers.
Maximum Height for Dwellings	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Maximum Height for Accessory Structures	One story, not to exceed 18 feet.

1	Maximum Developable Slope	15%
2	Open Space	400 square feet common open space required per unit. 300 square feet private open space required per unit. See FMC 22.58.027(a)(1)B and C.
3	Community Buildings	At least one community building shall be provided. See FMC 22.58.027(a)(1)D.
4	Attached Covered Porches	Each unit must have a covered porch with a minimum area of 64 square feet and a minimum dimension of 8 feet.
5	Parking Requirements	Units ≤ 800 square feet: 1 space per unit minimum. Units > 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
6	Garage Requirements	Private garages: 250 square foot maximum floor area. Shared garages: 1,200 square foot maximum floor area. Front loaded garages shall be recessed ≥10 feet from the front façade of the cottage and their visual impact shall be minimized through the use of architectural design elements.
7	Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
8	Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage housing development.
9	Development Options	Subdivision, condominium, rental or ownership.
10	Review Process	Administrative design review. See FMC 22.66.

<sup>1</sup> Cluster size is intended to encourage a sense of community among residents. Homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster provided there is a clear separation between clusters. Clusters shall be connected via pedestrian pathway(s).

(2) Carriage Unit.

23	Unit Size	Maximum 800 square feet.
24	Maximum Density	8 units per acre for all cottages, carriage units, and two-three-unit homes located within a cottage housing development. The number of carriage units and two/three-unit homes combined shall not exceed 20% of the total number of units in a cottage housing project. Carriage units are allowed only when included in a cottage housing project.
25	Minimum Lot Size	None. Determined through administrative design review process.
26	Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a cottage housing site's buildable area, including private street area and excluding

	critical areas and their required associated buffers. See FMC 22.58.026 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Height	18 feet.
Maximum Developable Slope	15%
Parking Requirements	1 space per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per carriage unit.
Garage Requirements	Carriage units allowed only above detached shared garages, which shall not exceed a 1,200 square foot maximum footprint area.
Review Process	Administrative design review. See FMC 22.66.

(3) Two/Three-Unit Home.

Unit Size	Average unit size: 1,000 square feet, excluding garage.
	Maximum structure total floor area: Two-Unit: 2,000 square feet, excluding garages. Three-Unit: 3,000 square feet, excluding garages.
Maximum Density	8 units per acre for all cottages, carriage units, and two-three-unit homes located within a cottage housing development. The number of carriage units and two/three-unit homes combined shall not exceed 20% of the total number of units in a cottage housing project. Carriage units are allowed only when included in a cottage housing project.
Minimum Lot Size	None. Determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a cottage housing site's buildable area, including private street area and excluding critical areas and their required associated buffers. See FMC 22.58.-26 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Height	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Parking Requirements	Units ≤ 800 square feet: 1 space per unit minimum. Units > 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
Garage Requirements	A two-unit home may include attached or detached garages, not to exceed an additional 500 square feet combined. A three-unit home may include attached or

	detached garages, not to exceed an additional 750 square feet combined. Front loaded attached garages shall be recessed $\geq 10$ feet from the front façade of the principal structure and their visual impact shall be minimized through the use of architectural design elements. No more than three single garage doors may be visible on any façade.
Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
Development Options	Subdivision, condominium, rental or ownership.
Review Process	Administrative Design review. See FMC 22.66.

e. Design Standards and Guidelines

(1) Orientation of Dwelling Units. Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage housing development should not be designed to “turn its back” on the surrounding neighborhood.

A. Each dwelling unit shall have a primary entry and/or covered porch oriented to the common open space or pathway connecting to the common open space.

B. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the city shall determine to which right-of-way the inviting facade shall be oriented.

C. Each dwelling unit abutting a public right-of-way (not including alleys) shall incorporate facade modulation, windows, and roofline variations to avoid blank walls that orient to the public right-of-way.

(2) Required Common Open Space. Common open space shall provide a sense of openness, visual relief, and community for cottage developments. The space must be located outside of critical areas and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

A. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides.

B. Land located between dwelling units and an abutting right-of-way or access easement may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

C. Required common open space may be divided into no more than two separate areas per cottage cluster.

D. Common open space shall be located in a centrally located area and be easily accessible, physically and visually, to all dwellings within the cottage cluster.

1 E. Sight-obscuring privacy fences that discourage interaction between neighbors may  
2 not be located within required open space areas. If fences are used to enclose common  
3 open space, they shall have at least 50% visually permeable elements, such as pickets,  
cedar split rails, iron work, or trellis treatment, and shall not exceed 2 feet in height.

4 F. Landscaping located in common open space areas shall be designed to allow for easy  
5 access and use of the space by all residents, and to facilitate maintenance needs. Existing  
mature trees should be retained in accordance with FMC 22.62.009.

6 G. Unless the shape or topography of the site precludes the ability to locate units  
7 adjacent to the common open space, the following standards must be met:

8 i. The open space shall be located so that it will be surrounded by cottages or common  
9 buildings on at least three sides;

10 ii. At least 50 percent of the units in the development shall abut a common open space.  
11 A cottage is considered to “abut” an area of open space if there is no structure, road or  
critical area between the unit and the open space.

12 H. Surface water management facilities shall be limited within common open space  
13 areas. Low Impact Development (LID) features are permitted, provided they do not  
14 adversely impact access to or use of the common open space for a variety of activities.  
Conventional stormwater collection and conveyance tools, such as flow control and/or  
water quality vaults, are permitted if located underground.

15 (3) Private Open Space

16 A. Each cottage unit shall have a covered porch with a minimum area of 64 square feet  
17 per unit and a minimum dimension of 8 feet on all sides. Porches shall be associated  
with primary point of entry.

18 B. Each carriage unit shall have a deck or balcony, oriented toward the common open  
19 space.

20 C. In addition to porches, at least 300 square feet of private, contiguous, usable open  
21 space adjacent to each individual dwelling unit shall be provided to contribute positively  
22 to the visual appearance of the development, promote diversity in planting materials, and  
utilize generally accepted good landscape design. The private open space shall be  
23 oriented toward the common open space to the extent possible and have no  
dimension less than 10 feet. The private open space shall define private residences from  
24 common areas, trails, and parking areas. If fences are used to enclose private open space,  
they shall have at least 50% visually permeable elements through the use of pickets,  
25 cedar split rails, iron work, or trellis treatment, and shall not exceed 2 feet in height.

26 (4) Community Buildings. At least one community building is required for each cottage  
development.

27 A. Community buildings shall be at least 500 square feet on the main floor and shall  
28 have an architectural character similar to that of the dwelling units.

29 B. Building height for community buildings shall not exceed the height standard for  
30 cottages.

1 C. Outdoor patio space is encouraged to be provided in conjunction with community  
2 buildings.

3 D. Community buildings must be located on the same site as the cottage housing  
4 development, and be commonly owned by the residents.

5 (5) Shared Detached Garages and Surface Parking Design. Parking areas should be  
6 located so their visual presence is minimized and associated noise or other impacts are  
7 minimized, both within and outside the development. These areas should also maintain  
8 the single-family character along public streets.

9 A. Shared detached garage structures may not exceed four single garage doors per  
10 building, and a total of 1,200 square feet. Carriage units are preferred above these  
11 garage structures.

12 B. For shared detached garages, the design of the structure must be similar to and  
13 compatible with that of the dwelling units within the development. Garage doors shall  
14 be painted to match, or minimize contrast with, the building's body color in order to  
15 minimize their visual impact.

16 C. Shared detached garage structures and surface parking areas must be screened from  
17 streets and adjacent residential uses by landscaping or architectural screening.

18 D. Shared detached garage structures shall be reserved through a covenant for the  
19 parking of vehicles owned by the residents of the development. Storage of items which  
20 preclude the use of the parking spaces for vehicles is prohibited.

21 E. Surface parking areas may not be located in clusters of more than 4 spaces. Clusters  
22 must be separated by a distance of at least 20 feet.

23 F. Carports are not permitted.

24 (6) Low Impact Development. The proposed site design shall incorporate the use of low  
25 impact development (LID) strategies to meet stormwater management standards. LID is  
26 a set of techniques that mimic natural watershed hydrology by slowing,  
27 evaporating/transpiring, and filtering water, which allows water to soak into the ground  
28 closer to its source. The design should seek to meet the following objectives:

29 A. Preservation of natural hydrology.

30 B. Reduced impervious surfaces.

31 C. Treatment of stormwater in numerous small, decentralized structures.

32 D. Use of natural topography for drainageways and storage areas.

E. Preservation of portions of the site in undisturbed, natural conditions.

F. Reduction of the use of piped systems. Whenever possible, site design should use  
multifunctional open drainage systems such as vegetated swales or filter strips which  
also help to fulfill landscaping and open space requirements.

1 (7) Two/Three-Unit Homes and Carriage Units within Cottage Projects. Two/three-unit  
2 homes and carriage units may be included within a cottage housing development.  
3 Design of these units should be compatible with that of the cottages included in the  
4 project.

5 (8) Variation in Unit Sizes, Building and Site Design. Cottage projects shall establish  
6 building and site design that promote variety and visual interest.

7 A. Projects shall include a variety of unit sizes within a single development.

8 B. Proposals shall provide a variety of building styles, features, colors and site design  
9 elements within a cottage housing development.

10 C. Dwellings with a similar combination of features and treatments may be clustered  
11 around a shared common open space. Developments containing two or more clusters of  
12 cottages shall use distinctively unique exterior finish materials and architectural design  
13 elements for each cottage cluster to avoid repetition.

14 (9) Pedestrian Flow through Development. Pedestrian connections should link all  
15 buildings to the public right-of-way, common open space, parking areas and other  
16 cottage clusters in the development.

17 (10) Storage Space. Storage space may be provided as follows:

18 i. Detached sheds designed to be similar in character to the cottage units, using similar  
19 building materials and design elements.

20 ii. Storage space within detached parking structures that does not conflict with parking  
21 of vehicles in the garages.

22 iii. Storage space within a dwelling unit, accessible only through an external door.

23 iv. Designated storage space attached to a community building that is not counted  
24 toward the 500 square foot minimum area for such buildings.

25 v. Other storage space options approved through the administrative site plan review  
26 process.

27 K. Landscaping. Cottage housing developments shall incorporate a landscape master  
28 plan, designed and stamped by a professional landscape architect. The design shall  
29 comply with applicable landscape standards and guidelines that address landscape  
30 components included in a cottage housing development.

31 f. Review Process

32 (1) Approval Process. Developments shall be processed under FMC Section 22.66  
Administrative Design review. Public notice for developments proposed through this  
section shall comply with the provisions of FMC Section 22.06 applicable to Type II  
project permit applications.

(2) Requests for Modifications to Standards. Applicants may request minor  
modifications to the general parameters and design standards set forth in this section.  
The Director may modify the requirements if all of the following criteria are met:

1 A. The site is constrained due to unusual shape, topography, easements or sensitive  
2 areas.

3 B. The modification is consistent with the objectives of this section.

4 C. The modification will not result in a development that is less compatible with  
5 neighboring land uses.

6 (3) Review Criteria. In addition to the criteria established for review of development  
7 proposals in FMC Section 22.66.006, the applicant must demonstrate that:

8 A. The proposal is compatible with and is not larger in scale than surrounding  
9 development with respect to size of units, building heights, roof forms, setbacks between  
10 adjacent buildings and between buildings and perimeter property lines, number of  
11 parking spaces, parking location and screening, access and lot coverage.

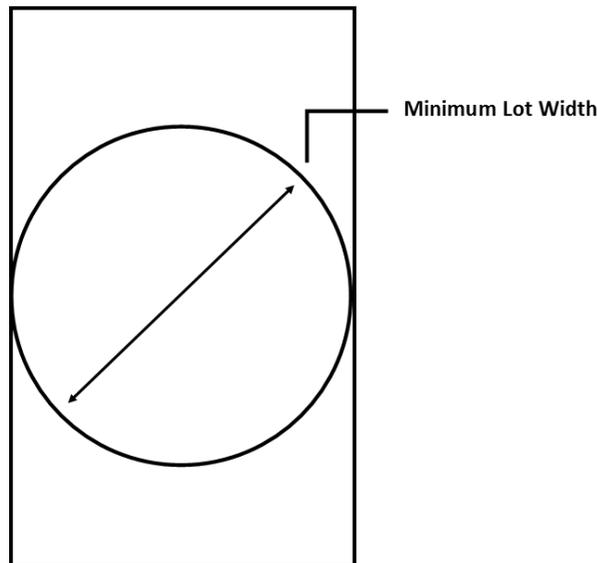
12 B. Any proposed modifications to provisions of this section are important to the success  
13 of the proposal as an alternative housing project and are necessary to meet the intent of  
14 these regulations.

15 g. Additional Standards. The city's approval of a cottage housing or two/three-unit home  
16 development does not constitute approval of a subdivision, a short plat, or a binding site  
17 plan. A lot that has cottage, carriage or two/three-unit homes may not be subdivided  
18 unless all of the requirements of the Fircrest Municipal Code are met. A lot containing a  
19 two/ three-unit home may not be subdivided in a manner that results in the dwelling  
20 units being located on separate lots.

21 **Section 45.** A new section FMC 22.58.028 is hereby adopted to read as follows:

22 **22.58.028 Lot development standards.**

23 Newly created lots shall be of such shape that a circle with a diameter equal to the  
24 minimum lot width specified for the zone in which the lot is located can fit within the  
25 boundary of the lot, as shown below:



1 **Section 46.** Ordinance 1506 §1 and FMC 22.60.003 are hereby amended to read as  
2 follows:

3 **22.60.003 Parking space requirements per activity.**

4 The following tables identify the minimum number of parking spaces required to be  
5 provided for each activity unless a reduction is authorized in accordance with this  
6 chapter. The director or planning commission, as specified in this chapter, shall  
7 determine the actual required spaces for a proposed activity based on the tables below,  
8 the requirements of this chapter and on actual field experience. If the formula for  
9 determining the number of off-street parking spaces results in a fraction, the number of  
10 spaces shall be rounded to the nearest whole number with fractions greater than or equal  
11 to one-half rounding up and fractions less than one-half rounding down. In the following  
12 tables, “sf” means square feet of gross floor area, and “du” means dwelling unit, unless  
13 otherwise noted.

14 (a) Residential and Lodging Activities.

15 Use	16 Required Spaces
17 Single-family	18 2 per du.
19 Duplex and townhouse	20 1.5 per du.
21 Cottage housing	22 1 per du ≤ 800 sf.; 1.5 per du > 800 sf. 23 Shared guest parking not to exceed .5 per du.
24 Multifamily	25 1.25 per du.
26 Multifamily – affordable senior housing*	27 .6 per du.
28 Congregate care facility	29 .5 per du.
30 Group residences, including hospice care center, residential care facility, and residential treatment facility	31 .5 per bedroom.
32 Accessory dwelling unit (ADU)	None, unless additional spaces are determined to be necessary.
Home occupation – Type II	To be determined during processing of CUP application.
Bed and breakfast establishment	1 per guest room, + 1 per facility, unless a lower number is determined to be adequate during processing of CUP application.
Hotel/motel	1 per guest room + 2 per 3 employees.

33 \* Affordable” means dwelling units priced, rented or leased only to those households  
34 earning 80 percent or less of the median household income for Pierce County,  
35 Washington. “Senior” means dwelling units specifically designed for and occupied by  
36 elderly persons under a Federal, State or local government program or occupied solely  
37 by persons who are 62 or older or houses at least one person who is 55 or older in at

1 least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to  
 2 house persons who are 55 or older.

3 (b) Commercial Activities.

Use	Required Spaces
Financial institution, including bank, savings and loan, and credit union	1 per 400 sf.
Administrative or professional office	1 per 400 sf.
Medical or dental office	1 per 350 sf.
Commercial mixed use, including a combination of retail, office, service, recreational and/or residential uses	See item (j) Joint Use, below.
Laboratory, including medical, dental and optical	1 per 400 sf.
Food-serving establishment	1 per 150 sf of dining/lounge area.
High intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 400 sf. Maximum 1 per 300 sf.
Low intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 600 sf. Maximum 1 per 400 sf.
Shopping center which includes a mix of high and low intensity retail or service shops	Minimum 1 per 500 sf. Maximum 1 per 350 sf.
Bulk retail sales/wholesale sales	1 per 350 sf.
Uncovered commercial area, including vehicle lots and plant nursery	1 per 5,000 sf of retail sales + any parking requirements for buildings.
Motor vehicle repair and services	1 per 400 sf (indoor maintenance bays shall not be considered parking spaces).
Child day-care	2 per facility + 1 per 20 children
Veterinary clinic	1 per 400 sf.
Mortuary or funeral home	1 per 100 sf of floor area used for services.

24 (c) Educational Activities.

Use	Required Spaces
Elementary, intermediate, middle or junior high school	1 per classroom + 1 per 50 students.
High school	1 per classroom + 1 per 10 students.
Vocational school	1 per classroom + 1 per 5 students.
Preschool	1 per 6 children.

1 (d) Industrial Activities.

Use	Required Spaces
Manufacturing	1 per 1,000 sf (less office and display space) + 1 per 400 sf of office space + 1 per 500 sf of display space.
Technological or biotechnological laboratory or testing facility	1 per 1,000 sf (less office space) + 1 per 400 sf of office space.
Speculative light industrial with multiple use or tenant potential	1 per 1,500 sf for initial 100,000 sf + 1 per 2,000 sf for remainder of building (less office space). 1 per 400 sf of office space.
NOTE: For each new use or tenant the property owner shall submit a scaled parking plan indicating the assigned parking for the applicable building.	NOTE: This is a minimum requirement valid for construction purposes only. Parking requirements shall be based upon actual occupancy.
Outdoor storage area	1 per 5,000 sf of storage area.

13 (e) Recreational, Amusement and Assembly Activities.

Use	Required Spaces
Auditorium, theater, place of public assembly, stadium or outdoor sports arena	1 per 4 fixed seats or 1 per 175 sf of main auditorium or of principal place of assembly not containing fixed seats + 1 per 300 sf of office.
Bowling alley	3 per lane.
Skating rink	1 per 200 sf.
Golf course	4 per hole, plus as required for associated uses including clubhouse, pro shop and maintenance facility.
Golf driving range	1 per driving station.
Miniature golf course	1 per hole.
Health club, dance studio	1 per 300 sf.

26 (f) Public, Institutional, Medical and Religious Activities.

Use	Required Spaces
Government facility	1 per 300 sf of office space; 1 per 1,000 sf of indoor storage or repair area associated with public agency yard. Other use areas shall be calculated based on the above

Use	Required Spaces
	requirements and, if applicable, the shared parking facilities provisions in FMC 22.60.005.
Library, museum, or gallery	1 per 500 sf.
Civic, labor, social or fraternal organization	1 per 300 sf.
Convalescent, nursing or rest home	1 per 3 beds + 5 per employee.
Religious institution	1 per 8 seats in the main sanctuary including balconies and choir lofts. Other use areas shall be calculated based on the above requirements and, if applicable, the shared parking facilities provisions in FMC 22.60.005.

(g) Other Uses. For uses not specifically identified in this chapter, the amount of parking required shall be based on the requirements for similar uses as determined by the director or planning commission, as appropriate.

(h) Retail Sales and Service Uses. For the purpose of determining the parking requirements for retail sales and service uses, the following distinctions are made:

(1) High intensity retail sales and service uses include, but are not limited to: barber/beauty shop, laundromat, mini-mart, drugstore, service (fuel) station with retail sales, and supermarket.

(2) Low intensity retail sales and service use include, but are not limited to: antique store, appliance sales, auto sales (building only), equipment repair shop, furniture store, hardware store, photography sales and shoe repair.

(i) Speculative Use. When the city has received an application for a site plan approval or other permits for a building shell without tenant uses being specified, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the site plan or other permit. When the range of possible uses results in different parking requirements, the director or planning commission, as appropriate, will establish the amount of parking based on a likely range of uses.

(j) Joint Use. In the case of two or more uses in the same building or on the same lot, for example within a commercial mixed use development that includes retail, residential and other uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use. However, an applicant may request a parking demand reduction credit per FMC 22.60.004 and/or a shared parking facilities credit per FMC 22.64.006 to reduce the overall parking requirement. The director or planning commission, as appropriate, shall

1 be responsible for determining the various uses within a building or on a lot and the  
2 resulting parking requirements for each use.

3 **Section 47.** Ordinance 1246 §16 (part) and FMC 22.60.006 are hereby amended to read  
4 as follows:

5 **22.60.006 Maximum parking space provisions.**

6 For multifamily residential, commercial and industrial uses, the number of off-street  
7 parking spaces provided shall not exceed 120 percent of the minimum required number  
8 of spaces specified in FMC 22.60.003. A property owner may submit a request as part of  
9 a site plan, conditional use permit, or preliminary development plan application to  
10 provide parking spaces in excess of the maximum allowable number. The planning  
11 commission may approve an increase of up to 50percent of the minimum required  
12 number of spaces if:

13 (a) A parking demand study prepared by a professional traffic engineer supports the  
14 need for increased parking and demonstrates that:

15 (1) Shared and combined parking opportunities in FMC 22.60.005 have been fully  
16 explored and will be utilized to the extent practicable;

17 (2) On-site park and ride facilities have been fully explored and will be provided to the  
18 extent practicable;

19 (3) Commute trip reduction measures will be implemented, if required by state law, to  
20 the extent practicable.

21 (b) The project has been designed to include the following design elements, facilities  
22 and programs to the satisfaction of the planning commission. In those instances where  
23 site constraints impede compliance with the design requirements, written findings of fact  
24 shall be made identifying site and project constraints and included in the final notice of  
25 decision. In its findings, the planning commission shall determine if a good faith effort  
26 has been made in building and site design in order to accommodate the following design  
27 elements, facilities and programs.

28 (1) The excess parking spaces shall be located within an enclosed parking structure or  
29 constructed of a permeable surface such as interlocking paving blocks (cement or  
30 plastic) or other porous pavement which minimizes impervious surface and achieves a  
31 superior appearance when compared with a large expanse of asphalt or concrete paving.

32 (2) Alternative parking lot designs shall be utilized in order to reduce impervious  
surface, e.g., one-way instead of two-way access aisles.

(3) The amount of required landscaping within the area of additional parking shall be  
doubled. This additional landscape area may be dispersed throughout the parking lot.

(4) A minimum of 75 percent of the parking spaces shall be located behind the building,  
and the remainder shall not be located within the minimum and maximum yard setback  
areas adjoining a street. Parking lots located along flanking streets shall have added  
landscape and a superior design to strengthen pedestrian qualities; e.g., low walls, street  
furniture, seating areas, public art, etc.

1 (5) Preferential parking shall be located near primary building entrances for employees  
2 who rideshare and for high occupancy vehicles, if applicable.

3 (6) The developer shall create a transit/rideshare information center and place it in a  
4 conspicuous location on the premises.

5 (7) For sites located adjacent to or within 600 feet of a Pierce Transit bus or van route,  
6 the developer shall fund the purchase and installation of a transit shelter package,  
7 including seating, trash receptacle and related facilities for each side of the street which  
8 has a transit route, consistent with Pierce Transit operational needs in accordance with  
9 FMC 22.60.014.

10 **Section 48.** Ordinance 1487 §1 and FMC 22.62.002 are hereby amended to read as  
11 follows:

12 **22.62.002 Chapter application.**

13 The following types of buildings, developments and facilities shall comply with the  
14 requirements of this chapter when constructed, platted or otherwise established  
15 subsequent to the effective date of this chapter:

16 (a) All new mixed use, commercial, industrial, institutional, public, quasi-public, duplex  
17 residential, cottage housing and multifamily residential buildings and developments.

18 (b) Expanded mixed use, commercial, industrial, institutional, public, quasi-public,  
19 duplex residential, cottage housing and multifamily residential buildings and  
20 developments when the expansion exceeds 1,000 square feet of gross floor area or 20  
21 percent of the gross floor area existing on the effective date of this chapter.

22 (c) Residential planned developments, small lot developments, short plats and  
23 subdivisions of five or more lots, and the residential buildings constructed within these  
24 developments.

25 (d) Single family residential development on lots of record existing as of the effective  
26 date of this ordinance, subject only to the provisions in section 22.62.009 regarding the  
27 retention and protection of significant trees.

28 (e) All new parking, loading and circulation facilities, including new parking spaces  
29 added to an existing facility.

30 (f) The director may waive all or portions of the additional landscaping requirement for  
31 an existing development or use. The applicant shall make a written request for waiver  
32 and indicate the reasons for not being able to comply with the requirements of this  
chapter. A waiver shall only be issued for that portion of the required landscaping which  
will create a significant spatial hardship based on the physical characteristics of the  
existing development.

**Section 49.** Ordinance 1487 §2 and FMC 22.62.004 are hereby amended to read as  
follows:

**22.62.004 General landscaping requirements.**

1 In addition to the more specific requirements elsewhere in this chapter, the following  
2 general requirements shall be met by all developments subject to this chapter:

3 (a) Undeveloped Areas. Undeveloped areas of a lot which are not required to be  
4 landscaped by other requirements of this chapter shall be planted with groundcover to  
5 minimize erosion and sedimentation and the release of dust and other particulates.  
6 Groundcover may consist of planted or existing vegetation maintained so as not to  
7 exceed one foot in height.

8 (b) Groundcover. Groundcover shall be planted and maintained within all required  
9 landscaping areas. For commercial and industrial developments, groundcover shall  
10 consist of plantings that will achieve complete coverage within three years. Generally,  
11 groundcover in four-inch pots shall be planted on 18-inch triangular centers, and  
12 groundcover in one-gallon or greater sized containers shall be planted on 24-inch  
13 triangular centers, in order to assure complete coverage. Sizing and spacing may be  
14 adjusted to reflect the growth habits of specific groundcovers, provided the planting  
15 schedule will achieve full coverage. Groundcover is not required within the dripline of  
16 any shrub or evergreen tree and within a two-foot radius of a deciduous tree trunk.  
17 Additionally, groundcover may be excluded from the area under shrubs or trees with a  
18 spacing of two feet or less. The spacing shall be measured from the dripline of shrubs  
19 and evergreen trees and from a two-foot radius from a deciduous tree trunk.

20 (c) Turf. Turf lawn may be used as groundcover but should be limited to no more than  
21 30 percent of landscaped areas in commercial and industrial developments, and no more  
22 than 50 percent in planned residential developments and subdivisions, in order to  
23 conserve water and encourage the use of alternative groundcovers which are drought  
24 tolerant or which provide wildlife habitat or cover. Generally, in order to maximize the  
25 efficiency of irrigation systems, turf should not be used in areas less than five feet in  
26 width or depth, or on slopes exceeding a three-to-one ratio (horizontal to vertical).

27 (d) Soil Amendments. Existing soils should be augmented with a two-inch layer of fully  
28 composted organic material rototilled a minimum of six inches deep. Landscape areas  
29 shall be covered with at least two inches of mulch to minimize evaporation and reduce  
30 maintenance. Mulch shall consist of materials such as yard waste, sawdust and/or  
31 manure that is fully composted. Generally, bark mulch, gravel or other similar  
32 nonvegetative material should only be used to assist vegetative growth and maintenance  
within landscaping areas. Nonvegetative material should not be a substitute for, or  
interfere with, required vegetative groundcover. The director may approve alternative  
specifications for soil amendments if a licensed landscape architect, Washington  
certified nurseryman, or Washington certified landscape contractor certifies that based  
on site-specific conditions, alternative specifications will achieve the same or greater  
benefit.

(e) Native Plants. New landscaping materials shall include species native to the coastal  
region of the Pacific Northwest or noninvasive naturalized species that have adapted to  
the climatic conditions of the region. Generally, at least 25 percent of the area to be  
landscaped shall be planted with species native to the coastal region of the Pacific  
Northwest. The mix of native plants shall include trees, shrubs and groundcovers.  
Because some native plants have limited seasonal availability, the applicant or landscape  
professional responsible for preparing the landscaping plan required in FMC 22.62.010

1 should determine availability prior to plan submittal. The applicant or landscape  
2 professional responsible for installing the plants shall ensure that the plants specified in  
the approved plan will be secured for timely planting.

3 (f) Slopes in Landscaping Area. Generally, slopes within landscaping areas should not  
4 exceed a two-to-one ratio (horizontal to vertical) in order to decrease erosion potential,  
maximize irrigation efficiency, and to facilitate maintenance.

5 (g) Clear Line of Sight. Landscaping shall be designed, planted and maintained in a  
6 manner that ensures pedestrian, bicycle and vehicular safety. Shrubs and groundcover  
7 within and adjacent to parking lots and circulation areas shall not exceed 36 inches in  
8 height when necessary to provide for a clear line of sight for vehicular drivers. The  
shrub and groundcover height shall be measured from adjacent parking or circulation  
9 pavement surface.

10 (h) Safety Equipment. Landscaping around fire and safety equipment such as fire  
hydrants shall be designed, planted and maintained in a manner that ensures adequate  
11 access and use. Groundcover around fire and safety equipment shall be of a nonclimbing  
variety.

12 (i) Tree Maintenance. Trees shall be cared for in accordance with the American National  
13 Standards Institute's (ANSI) Standard Practices for Trees, Shrubs, and Other Woody  
Plant Maintenance (ANSI A300) in order to allow them to reach their mature height and  
14 form. Tree topping by a public utility to preserve essential services is permitted.  
15 However, tree topping unrelated to the preservation of essential services shall not be  
performed without prior approval of the director. The director may require a written  
16 opinion from a professional landscape architect or arborist regarding the necessity of  
tree topping prior to granting approval.

17 (j) Tree Thinning. The number of trees planted in accordance with a city-approved  
18 landscaping plan may be reduced by thinning in order to enhance the health of the  
19 existing trees. The thinning shall not reduce the overall intent of the required  
landscaping. Tree thinning of required landscaping shall not be allowed without prior  
20 approval of the director and shall be in accordance with the ANSI A300 standards. The  
21 director may require written opinion from a professional landscape architect or arborist  
written opinion regarding the necessity of tree thinning prior to granting approval.

22 (k) Calculations/Measurements. All calculations and measurements within this chapter  
23 shall be rounded to the nearest whole number with greater than or equal to one-half  
24 being rounded up. Caliper size for new trees shall be measured at 6 inches above soil  
level. Mature trees shall be measured at 4 feet 6 inches above ground (DBH).

25 (l) Single-Family Infill Lots – Applicability and Intent. The intent is to ensure that newly  
26 developed single-family infill lots are landscaped so that yards visible from the abutting  
27 street(s) will have a finished appearance and will not have the appearance of a  
28 construction site after the building has been completed and finalized by the city. At a  
minimum, a finished appearance shall consist of turf with foundation plantings and/or  
29 perimeter plantings.

30 **Section 50.** Ordinance 1283 §3 and FMC 22.62.009 are hereby amended to read as  
follows:

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**22.62.009 Retention and protection of significant trees.**

(a) Definition. Significant trees are healthy evergreen trees with a minimum 12 inch DBH and healthy deciduous trees with a minimum nine inch DBH.

(b) Retention/Maintenance/Removal of Significant Trees. Significant trees which are located on vacant or underutilized property shall be retained on-site, properly maintained and, if necessary, removed, subject to the provisions of this chapter. For new development, site improvements shall be designed and constructed to retain existing significant trees to the extent practicable. The removal of damaged, diseased, hazardous or dead trees is exempt from the requirements of this section unless the trees are providing a wildlife benefit within a regulated critical area, critical area buffer, or other environmentally sensitive area or designated open space.

(1) Retention Standards.

(A) A minimum of 35 percent of significant trees on a site shall be retained. Alternatively, 35 percent of the total combined DBH of significant trees may be retained to meet the retention standard. For sites one acre or larger, 35 percent of the total tree canopy area on a site may be retained in lieu of retaining trees based on percentage of trees or combined DBH. Trees located within a critical area or its buffer are exempt from these provisions, as their retention is generally required pursuant to critical area regulations.

(B) For areas of a site with slopes  $\geq 15$  percent, the minimum retention percentage required in (A) above is increased to 50 percent. The retention percentage for the entire site, however, remains 35 percent. The intent is to encourage relatively greater tree retention on steeper slopes and provide greater design flexibility for areas not encumbered by steeper slopes.

(2) Exemptions.

(A) For a new single family dwelling on an existing lot of record, the removal of significant trees located within the proposed building and driveway footprints, and within 10 feet of these footprints, is exempt from the requirements of this section.

(B) The removal of damaged, diseased, hazardous or dead trees is exempt from the requirements of this section unless the trees are providing a wildlife benefit within a regulated critical area, critical area buffer, or other environmentally sensitive area or designated open space. (c) Tree retention plans. On timbered property greater in size than one-half acre or other sites the city deems it necessary because of special circumstances or complexity, the city shall review the site and be involved in the following three phases of tree retention. The city may retain a consulting arborist to work on the city's behalf. The cost of this work shall be reimbursed by the applicant prior to the issuance of any building permits or final approval, whichever is first required following the work done by the consulting arborist.

(1) Survey and Evaluation Phase.

(A) Individual tree survey. The applicant shall provide a survey of the location of all trees and place them on the site plan. All trees located near future buildings, roads, common open space areas, and other activity areas shall be evaluated. The tree

1 identification number, species, size, condition, vigor, structure, risk of failure, and  
2 maintenance recommendations shall be documented in the plan.

3 (B) Statistical sampling. For large stands of trees proposed to be retained in their entirety  
4 or largely in their entirety, statistical sampling may be used to estimate the total tree  
5 DBH and total number of trees present. Sampling must be carried out by a professional  
forester based on standard methodologies. Statistical sampling may be used in these  
stands lieu of individual tree survey.

6 (C) Tree canopy. When calculating the amount of tree canopy on the site, the total  
7 canopy area must be based on the most recent aerial photograph available. The aerial  
8 photograph must be no more than five years old. Other data such as LiDAR may be  
used to help in calculating tree canopy as appropriate.

9 (2) Planning and Design Phase.

10 (A) Project design. Project design shall take into account the tree survey and evaluation  
11 so as to minimize removal of significant trees providing the greatest ecological and  
12 aesthetic benefits. The applicant shall work with the city to help determine which trees  
can be preserved based on location, grade changes, and proposed uses and  
improvements.

13 (B) The critical root zone (CRZ) of all trees to be retained near clearing, grading, or  
14 other disturbances shall be shown on all site plan construction documents. Any grading,  
15 construction, or utility installation within the CRZ shall be called out on the plan. For  
16 development subject to the landscaping requirements of this chapter, no impervious  
17 surface shall be installed within the CRZ of a tree to be retained unless a professional  
18 landscape architect or arborist determines that the long-term health of the tree will not be  
significantly harmed. Required work within a CRZ shall be under the direction of the  
city or a city-approved arborist.

19 (C) The locations of tree protection barriers shall be shown on the clearing and grading  
20 plans. Tree protection barriers shall be shown along the edge of the CRZ or adjusted  
under the direction of the city or a city-approved arborist.

21 (3) Construction Phase.

22 (A) A preconstruction meeting is required before any clearing takes place. The city or a  
23 city-approved arborist may point out retained trees to the general contractor, review tree  
preservation guidelines, and answer questions regarding tree protection.

24 (B) The city or a city-approved arborist shall inspect and approve tree protection barriers  
25 prior to any work on the site, make adjustments where necessary, and discuss techniques  
26 to work within CRZs as needed.

27 3. The city or a city-approved arborist shall establish a schedule to periodically monitor  
28 the tree retention plan based on the number of trees and difficulty of protecting trees  
during construction.

29 4. When clearing and grading activities are completed, the applicant shall request an  
30 inspection. The city may require tree maintenance and remedial action to improve tree  
health and vigor.

1 For the (d) Landscaping Credit for Significant Tree Retention. Development subject to  
 2 the landscaping requirements of this chapter may be given landscaping credit for  
 3 retaining significant trees on site. The level of credit shall be determined by the director  
 4 on a case-by-case basis, taking into account the level of screening or buffering, or the  
 5 extent of canopy coverage, provided by the trees to be retained.

6 (e) Tree Replacement. When the required number of significant trees cannot be retained  
 7 as determined at the sole discretion of the City, each significant tree removed shall be  
 8 replaced with trees of a type similar to the tree being removed, unless the applicant  
 9 requests an alternative type of tree (e.g., deciduous instead of evergreen) and the director  
 10 determines that the alternative tree will provide a comparable or greater benefit to the  
 11 community. The replacement ratio for the removal of significant trees which are not  
 12 exempt from this chapter shall be as follows:

MINIMUM TREE REPLACEMENT RATIO	
Significant Tree	Replacement Plantings
Evergreen tree: 12 – 24 inches DBH	One 10-foot tall tree or two trees between six and 10 feet tall
Evergreen tree: > 24 inches DBH	Two 10-foot tall trees or four trees between six and 10 feet tall
Deciduous tree: 9-15 inches DBH	Two 2-inch caliper trees, minimum eight feet tall
Deciduous tree: >15 inches DBH	Four 2-inch caliper trees, minimum eight feet tall

17 Required street trees shall not count as replacement plantings. If the tree replacement  
 18 requirement results in an excess of the minimum number of trees required elsewhere in  
 19 this chapter, the additional trees may be placed off-site upon the approval of the director.  
 20 The director may accept the additional trees or payment in lieu of the additional trees for  
 21 tree plantings on public property based on the cost of the tree(s) and installation costs  
 22 established by a professional landscape architect or landscaping contractor. Upon  
 23 acceptance, the director shall attempt to locate the trees on a public site which is as close  
 24 to the donor property as practicable.

25 **Section 51.** A new Section FMC 22.63 is hereby adopted to read as follows:

26 **Chapter 22.63**

27 **Design Standards and Guidelines for Small Lot and Multi-family Development**

28 **Sections:**

29 **22.63.001 Purpose.**

30 **22.63.002 Authority.**

31 **22.63.003 Applicability.**

32 **22.63.004 Review process.**

**22.63.005 Design standards and guidelines adopted.**

**22.63.001 Purpose.**

1 The purpose of this chapter is to establish design standards and guidelines that will apply  
2 to small lot and multi-family development.

3 **22.63.002 Authority.**

4 The provisions of this chapter shall augment and/or supersede existing regulations in this  
5 title. When provisions included in these design standards and guidelines conflict with  
6 other requirements of this title, these standards and guidelines shall apply unless  
7 otherwise provided.

8 **22.63.003 Applicability.**

9 A. The standards and guidelines adopted pursuant to this chapter shall apply to:

- 10 1. All new small lot development.
- 11 2. All new multi-family development.
- 12 3. Major modifications to small lot and multi-family development.

13 **22.63.004 Review process.**

14 Administrative design review is required for development that is subject to compliance  
15 with the standards and guidelines adopted pursuant to FMC 22.63.005. The city shall  
16 review applications in accordance with Chapter 22.66.

17 **22.63.005 Design standards and guidelines adopted.**

18 The “Design Standards and Guidelines for Small Lot and Multi-family Development”  
19 are adopted by reference and contained in a separate city design manual.

20 **Section 52.** Ordinance 1272 §8 (part) and FMC 22.64.016 are hereby amended to read as  
21 follows:

22 **22.64.016 Ground floor activities.**

23 Intent – Create vertical mixed use building opportunities with visual interest that  
24 encourage pedestrian activity in ground floor spaces that attracts residents, employees  
25 and visitors, alike.

26 (a) Ground floor commercial space should be devoted to retail use in accordance with  
27 underlying zoning requirements where the building fronts onto a street, sidewalk,  
28 pedestrian walkway or trail corridor. In neighborhood commercial (NC) areas, no more  
29 than 25 percent of the ground floor area should be devoted to office use – nor should  
30 office uses occupy the front 50 percent of the ground floor fronting a public street or  
31 sidewalk unless authorized through the site plan review process.

32 (b) In neighborhood commercial (NC) areas, structures containing enclosed parking  
facilities at ground floor level should provide a continuous commercial storefront space  
at least 15 feet in depth along at least 75 percent of the length of any facade located no  
more than 30 feet from a street property line or adjoining a pedestrian plaza.

(c) Ground floor commercial space should have a floor to ceiling height of at least 15  
feet where the building fronts onto a street, sidewalk, pedestrian walkway or trail  
corridor.

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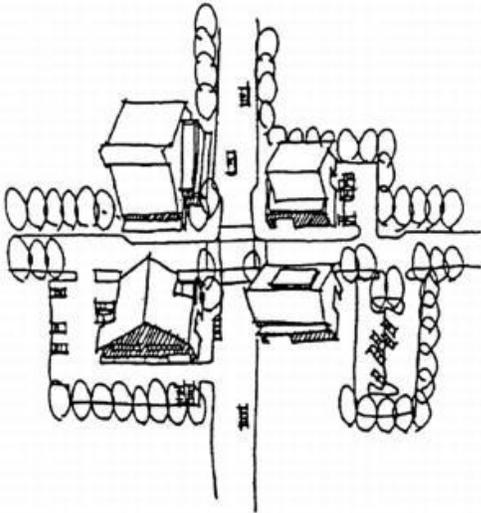
**Section 53.** Ordinance 1272 §8 (part) and FMC 22.64.020 are hereby amended to read as follows:

**22.64.020 Display windows.**

Intent – Create window displays in ground floor retail areas that attract shoppers and provide visual interest to passersby.

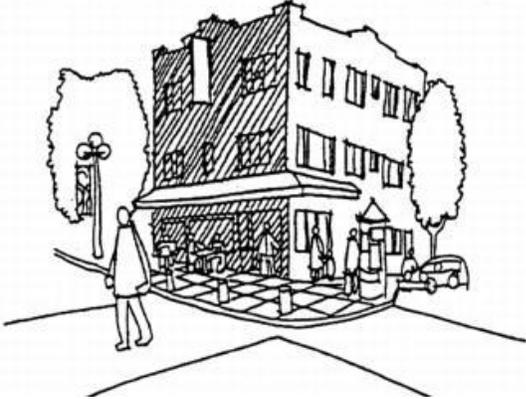
Display Windows

Display Windows – Streetscape



Create window displays in ground floor retail areas that attract shoppers and provide visual interest to passersby.

The corners of buildings that are located at the intersections on commercial streets and principal public walkways or trail corridors should provide some form of visual interest such as window displays, artwork or signage.



(a) Ground floor retail and commercial spaces along a sidewalk, walkway or trail corridor should provide extensive amounts of display window space (at least 70 percent of the wall area up to nine feet above finished grade) to showcase commercial, retail or other public uses and wares in a storefront style typical of main street or marketplace architecture. Window glazing should be transparent to provide pedestrians views into ground floor spaces and activities. No more than 10% of this glass area should be covered with signage, artwork or other materials that obscure interior space. Storefront windows should be placed above a masonry, tile, wood or other durable material base that extends at least at least 24 inches above the adjacent sidewalk or exterior finished grade. The bottom of windows should be no more than four feet above the adjacent sidewalk or exterior finished grade.

1 (b) The corners of buildings that are located at the intersections on commercial streets  
2 and principal public walkway or trail corridors should provide some form of visual  
3 interest such as window displays, artwork or signage.



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13 **Section 54.** Ordinance 1246 §27 (part) and FMC 22.98.132 are hereby amended to read  
14 as follows:

15 **22.98.132 Caliper.**

16 “Caliper” means the diameter of tree trunk measured at 12 inches above soil level. This  
17 measurement is used when sizing a tree for purchase and installation.

18 **Section 55.** A new Section FMC 22.98.185.1 is hereby adopted to read as follows:

19 **22.98.185.1 Critical Root Zone.**

20 “Critical Root Zone (CRZ)” means an area where a tree’s roots are located. This root  
21 zone is generally the area surrounding a tree at a distance that is equal to a one-foot  
22 radius for every one inch DBH. The CRZ may extend further from a tree depending on  
23 tree species, age, soil type and other factors.

24 **Section 56.** A new Section FMC 22.98.197.1 is hereby adopted to read as follows:

25 **22.98.197.1 Diameter at Breast Height.**

26 “Diameter at breast height” (DBH) means the diameter of a tree trunk in inches at four  
27 and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the  
28 diameter shall be the diameter equivalent to the sum of trunk areas measured at four and  
29 one-half feet above ground. This measurement is used when sizing a mature tree.

30 **Section 57.** Ordinance 1246 §27 (part) and FMC 22.98.198 are hereby amended to read  
31 as follows:

32 **22.98.198 Director.**

“Director” means the planning/building director of the city of Fircrest or person  
appointed by the City Manager to act in such a role.

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**Section 58.** Ordinance 1246 §27 (part) and FMC 22.98.627 are hereby amended to read as follows:

**22.98.627 Sensitive receptor.**

“Sensitive receptor” means a public park or open space area, or any establishment that provides caretaking, education, or recreation for persons under 18 years of age, including a community college, trade or vocational school that on a regular basis has at least one student under the age of 18 years.

**Section 59.** Ordinance 1375 §44 and FMC 22.98.697 are hereby amended to read as follows:

**22.98.697 Substantial improvement.**

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred.

**Section 60. Severability.**

Should any part of this title be adjudged invalid for any reason, such adjudication shall not affect the validity of this title as a whole or any part thereof.

**Section 51.** Effective Date: This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of its title.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 13<sup>th</sup> day of October 2015.

APPROVED:

\_\_\_\_\_  
David M. Viafore, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Keely, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Comfort, Acting City Attorney

Publication Date: October 16, 2015  
Effective Date: October 21, 2015