

**FIRCREST CITY COUNCIL
SPECIAL MEETING AGENDA**

**MONDAY, NOVEMBER 20, 2017
6:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Roll Call**
- 4. Agenda Modifications**
- 5. Police Vehicle Equipment Rental and Replacement Schedule**
- 6. Take Home Vehicle Update**
- 7. 2017 Development Code Updates**
- 8. Amendments To Fircrest Municipal Code 22.58.024 Outdoor Storage of Vehicles**
- 9. Copy Machine Lease Versus Purchase**
- 10. Process for Filling a Council Vacancy**
- 11. Adjournment**

Memo

To: Bill McDonald, Interim City Manager
From: Colleen Corcoran, Finance Director
Date: November 16, 2017
Re: Comparison 7-year life of 5 vehicles to 10-year life of 9 vehicles

This information assesses the impact of both an increase in size of fleet and a ten year replacement schedule.

Please reference the [attached spreadsheet](#).

The ERR replacement contribution net effect of going from a 7-year life with 5 vehicles to a 10-year life with 9 vehicles, for a time span of ten years, is an increase of \$127,972.

The salary difference for the term of the contract (5 years) is a decrease of \$12,842.

The capital outlay to increase the fleet by an additional four vehicles is \$206,330.

The total cost to the City over a ten year period is \$321,460.

This information assumes implementing the new schedule with the 2019 ERR budget. The 2018 ERR budget was based on a seven year schedule.

POLICE 7 YEAR LIFE SCHEDULE REPLACEMENT COSTS - 5 VEHICLE FLEET

CURRENT (5 Vehicles) <u>7 YEAR LIFE</u>	Purchase Cost	Replacement Est	Balance													TOTAL	
			2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029		
2009 Crown Victoria #1																	0
2009 Crown Victoria #2																	0
2011 Crown Victoria #3		44,802	35,904	8,898													44,802
2011 Crown Victoria #4		44,802	35,904	8,898													44,802
2015 SUV #5		50,425	14,405	7,840	7,045	7,045	7,045	7,045									50,425
2016 SUV #6		51,655	7,379	7,380	7,379	7,379	7,379	7,379	7,380								51,655
2016 SUV #7		51,655	7,379	7,380	7,379	7,379	7,379	7,379	7,380								51,655
2018 SUV #3 (Replaces Crown Vic #3)	48,600	59,772		P	8,539	8,539	8,539	8,539	8,539	8,539	8,538						59,772
2018 SUV #4 (Replaces Crown Vic #4)	48,600	59,772		P	8,539	8,539	8,539	8,539	8,539	8,539	8,538						59,772
2022 SUV #5 (Replaces 2015 SUV #5)	54,700	67,274						P	9,611	9,611	9,611	9,611	9,611	9,611	9,611	9,608	67,274
2023 SUV #6 (Replaces 2016 SUV #6)	56,341	69,292							P	9,899	9,899	9,899	9,899	9,899	9,899	9,899	59,394
2023 SUV #7 (Replaces 2016 SUV #7)	56,341	69,292							P	9,899	9,899	9,899	9,899	9,899	9,899	9,899	59,394
2026 SUV #3 (Replaces SUV #3)	59,772	73,512									P	10,502	10,502	10,502	10,502	10,502	42,008
2026 SUV #4 (Replaces SUV #4)	59,772	73,512									P	10,502	10,502	10,502	10,502	10,502	42,008
2029 SUV #5 (Replaces 2022 SUV #5)	67,274	82,739														P	0
TOTALS			100,971	40,396	38,881	38,881	38,881	38,881	41,449	46,487	46,485	50,413	50,413	50,413	50,410	632,961	632,961

POLICE 10 YEAR LIFE SCHEDULE REPLACEMENT COSTS - 9 VEHICLE FLEET

Vehicles <u>10 YEAR LIFE</u>	Purchase Cost	Replacement Est	Balance													TOTAL	
			2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029		
2009 Crown Victoria #1				*	surplus												
2009 Crown Victoria #2				*	surplus												
2011 Crown Victoria #3		48,956	35,904	8,898	*	*	surplus										44,802
2011 Crown Victoria #4		48,956	35,904	8,898	*	*	surplus										44,802
2015 SUV #5	44,468	59,761	14,405	7,840	6,754	6,754	6,754	6,754	6,754	6,754	6,750	surplus					69,519
2016 SUV #6	45,802	61,555	7,379	7,380	5,849	5,849	5,849	5,849	5,849	5,849	5,849	5,853	surplus				61,555
2016 SUV #7	45,802	61,555	7,379	7,380	5,849	5,849	5,849	5,849	5,849	5,849	5,849	5,853	surplus				61,555
2018 SUV #8 (purchase with 2011 \$) adds to fleet	48,600	65,314		P	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,535	surplus	65,314
2018 SUV #9 (purchase with 2011 \$) adds to fleet	48,600	65,314		P	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,531	6,535	surplus	65,314
2019 SUV #1 (replaces 2009 #1) Gen EFB	50,058	67,274			P	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,731		67,274
2019 SUV #2 (replaces 2009 #2) Gen EFB	50,058	67,274			P	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,727	6,731		67,274
2021 SUV #3 (replaces 2011 #3) Gen EFB	53,107	71,371					P	7,137	7,137	7,137	7,137	7,137	7,137	7,137	7,137	7,137	57,096
2021 SUV #4 (replaces 2011 #4) Gen EFB	53,107	71,371					P	7,137	7,137	7,137	7,137	7,137	7,137	7,137	7,137	7,137	57,096
2025 SUV #5 (replaces 2015)	59,772	80,329									P	8,033	8,033	8,033	8,033		32,132
2026 SUV #6 (replaces 2016)	61,565	82,738										P	8,274	8,274	8,274		24,822
2026 SUV #7 (replaces 2016)	61,565	82,738										P	8,274	8,274	8,274		24,822
2028 SUV #8 (replaces 2018)	65,314	87,777												P	8,778		8,778
2028 SUV #9 (replaces 2018)	65,314	87,777												P	8,778		8,778
2029 SUV #1 (replaces 2019)	67,273	90,409													P		0
2029 SUV #2 (replaces 2019)	67,273	90,409													P		0
TOTALS		1,290,878	100,971	40,396	31,514	44,968	44,968	59,242	59,242	59,242	59,238	60,529	65,371	65,379	69,873	760,933	760,933

Cost to the City for going from a 7-year life to a 10-year life and a 5 vehicle fleet to a 9 vehicle fleet 0 -7,367 6,087 6,087 20,361 17,793 12,755 12,753 10,116 14,958 14,966 19,463 **127,972**

Salary COLA Savings per contract for 2016 & 2017 **-12,842**

Cost to purchase 4 additional vehicles using General EFB **206,330**

TOTAL COST TO THE CITY (2018-2029) 321,460

ASSUMPTIONS

- This assumes going from a 5 to a 9 vehicle fleet.
- This assumes all vehicles on a ten year life
- This assumes a 3% inflationary factor per year
- This includes the purchase of two SUV's in 2018 using ERR funds accumulated for the 2011 Crown Vics.
- This assumes purchase of two SUV's in 2019 using General Fund Undesignated Fund Balance and transferring to ERR.
- This assumes purchase of two SUV's in 2021 using General Fund Undesignated Fund Balance and transferring to ERR.
- P-Vehicle Purchased-Contributions begin the year following purchase.



THE CITY OF FIRCREST

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FIRCREST PLANNING/BUILDING DEPARTMENT STAFF MEMO

CASE NUMBER 17-10 *2017 Land Development Code Update*

November 20, 2017 City Council Study Session

BACKGROUND:

Staff proposed a number of land development code (zoning) amendments to the Planning Commission intended to clarify code administration, fine tune regulations, and respond to input and direction received since the most recent rounds of amendments in 2015-2016. The Planning Commission discussed the working draft at the September 5th meeting and held a public hearing on the final draft at the October 3rd meeting before forwarding their recommendation to the City Council.

SUMMARY OF AMENDMENTS:

- Establish procedures for considering binding site plans and administrative interpretations;
- Modify the articulation requirements in residential zones to better achieve their original intent;
- Expand multifamily design standards to all zones that allow multifamily
- Amend R-4-C by replacing the term “family group home and public or quasi-public building” with “other uses” and increase maximum height from 35 feet to 45 feet for other uses
- Amend the permitted and prohibited land uses in the Commercial Mixed Use (CMU) district;
- Add liquor performance standards to the CMU;
- Streamline the review process for specific uses; and
- Establish design guidelines and reduce review level for drive through facilities.

PROCESS:

Staff will present the Planning Commission’s recommendation (attached) in detail at the November 20th study session. This will give the Council an opportunity to ask questions prior to the scheduled November 28th public hearing.

Attachment:

1. [Recommended Amendments](#)

2017 Land Development Code Update

November 20, 2017 City Council Study Session

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
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			
De minimis variance		Binding site plan				

22.07.005 Notice of decision for administrative use permit, minor site plan review, ~~and~~ minor variance, [and administrative interpretation](#).

Upon issuance of a decision on a proposed administrative use permit, minor site plan review, ~~or~~ minor variance, [or administrative interpretation](#), the director shall provide a written notice of this decision to the applicant and any parties who have provided written comment during the 10-day comment period, [if applicable](#). The director shall also provide written notice of this decision to the planning commission.

22.08.004 Administrative Interpretations.

A. Purpose. The primary objective of administrative interpretation is to ascertain the intent of the code provision at issue and to give effect to that intent. Administrative interpretation shall not be used to amend or change the code. The City's development regulations (the Land Development Code) shall be interpreted whenever any of its provisions, or the application of such provisions to any specific set of circumstances, is ambiguous, i.e., where the code is subject to two or more reasonable interpretations.

B. Administration. The Director is authorized and directed to administer the provisions of this Section and shall have the authority to approve or deny administrative interpretations without a hearing in accordance with this Section.

C. Procedure. The following steps shall be followed in the processing of an administrative interpretation.

1. FMC 22.06.004. Determination of Completeness;
2. FMC 22.08.001. Determination of Consistency
3. FMC 22.07.005. Notice of Decision.
4. FMC 22.10.004. Closed Record Decisions and Appeals (if any).

D. Requirements for a Complete Application. The following materials shall be submitted to the City in order to constitute a complete application for an administrative interpretation:

1. The name, address, telephone number and e-mail address of the applicant, the completed application form with the date of submission to the City and the applicable fee;
2. An identification of the code provision that is the subject of the applicant's administrative interpretation, and a description of the applicant's perception of the ambiguity in the code;
3. A description of the set of circumstances, the address of the property or identification of the development that the applicant believes has created the ambiguity or two or more reasonable interpretations of the code provision identified in Subsection D(2) above; and
4. If the applicant is requesting an administrative interpretation relating to the applicability of a code provision to a particular piece of property, the applicant shall submit a verified statement that this property is in the exclusive ownership of the applicant, or that the applicant has submitted the request for the interpretation with the consent of all owners of the affected property.

E. Criteria for Approval. Administrative interpretation shall utilize generally recognized principles of statutory and ordinance interpretation adopted by the courts of this state. In addition:

1. The provisions of the Land Development Code shall be considered to include the minimum requirements adopted for the promotion and protection of the public health, safety and general welfare, and all administrative interpretations shall be made in this context.
2. The provisions of the Land Development Code is not intended to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except where the agreements may conflict with the enforcement of the Land Development Code.
3. In the case of conflicts between the portions of the Land Development Code and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by other authority having jurisdiction within the City, the most restrictive shall govern. In the case of conflicts between the text, maps and charts of the Land Development Code, the text shall govern unless otherwise stated.
4. Zoning Map Interpretation. Where uncertainty exists as to the location of any boundaries of the zones shown on the City's Official Zoning Map, the rules of interpretation listed in FMC 22.30.004 shall apply.

F. No Limitation for Final Decision. An administrative interpretation is not a project permit application, and is not subject to a deadline for issuance of a final decision.

Chapter 22.23 BINDING SITE PLAN

Sections:

22.23.001 Purpose.

22.23.002 Applicability.

22.23.003 Type of Application.

22.23.004 Optional Pre-application conference.

22.23.005 Review criteria.

22.23.006 Decisions.

22.23.007 Recording and binding effect.

22.23.001 Purpose.

The purpose of this chapter is to create a permit for dividing commercially zoned property, as authorized by RCW 58.17.035. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access; interior circulation; open space; landscaping and drainage; facility maintenance; and coordinated parking.

22.23.002 Applicability.

A. Any person seeking the use of a binding site plan to divide the person's property for the purpose of sale, lease, or transfer of ownership of commercially zoned property is required to apply for, complete, and have approved a binding site plan prior to any property division, as provided in Chapter 58.17 RCW and as required by this chapter.

B. The site that is subject to the binding site plan shall consist of one or more contiguous lots legally created.

C. The site that is subject to the binding site plan may be reviewed independently for fully developed sites, or concurrently with a development permit application for undeveloped land.

D. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

22.23.003 Type of application.

A binding site plan is a Type II application and the director shall make the final decision. The application shall be processed as set forth in Chapter 22.06 FMC.

22.23.004 Optional pre-application conference.

Prior to submittal of an application for a binding site plan, an applicant may request a pre-application conference in accordance with FMC 22.06.001. The pre-application conference is intended to enable the applicant and city staff to review a conceptual plan prior to a formal survey being conducted and documentation being submitted for the binding site plan.

22.23.005 Review criteria.

A. The Director shall review the application for consistency with the Comprehensive Plan, development regulations, Chapter 58.17 RCW, and review comments provided by other governmental agencies, utilities, and interested parties, and require appropriate modifications or conditions.

B. The Director shall review newly created lots to ensure the lots:

1. Will continue to function and operate as one site, for fully developed sites; or

2. Conform to an approved development plan including any adopted rules and regulations or required conditions as represented in an approved development plan or associated approval document, if the binding site plan is being considered with a development plan.

C. If applicable, the Director shall review the environmental checklist and other available information and issue an appropriate threshold decision. The threshold decision may require measures to mitigate any significant adverse environmental impact.

D. The Director shall contact the appropriate sewer purveyor to review the binding site plan for potential sewer adequacy.

E. The Director shall review proposed lot sites that are known or suspected to be poor building sites because of geological hazard, flooding, wetland, or other environmental or critical area constraint or limitation, and such may be noted on the face of the site plan.

F. The City Engineer shall review the site plan for compliance with public works codes, including but not limited to the adequacy of the proposed street and storm drainage systems.

G. The Fire Code Official shall review the proposed site plan for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access.

H. In addition to other standards required by this title, the Director may require additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:

1. Maintain the intent and purpose of this title;

2. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area; and

3. Preserve the public health, safety, morals, and general welfare.

I. The recommendations of the Director, City Engineer, and the Fire Code Official shall become part of the record.

22.23.006 Decisions.

A. The Director may approve, approve with conditions, or deny a binding site plan.

B. If the site plan meets the requirements of FMC 22.23.005 (A) through (H), the Director shall approve the binding site plan by signing the Department certificate on the face of the binding site plan.

C. The binding site plan shall contain applicable descriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

D. The Director may authorize sharing of open space, parking, access, and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, easements, or other similar mechanisms.

E. Effect of Approval. The approval of a binding site plan shall not be a guarantee that future permits will be granted for any structures or development within said area, and a notation to this effect shall be stated on the face of the binding site plan.

F. If the binding site plan is unable to comply with the requirements of FMC 22.23.005 (A) through (H), the binding site plan shall be denied.

G. The decision of the Director shall be final.

22.23.007 Recording and binding effect.

A. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those items prescribed by RCW 58.09.060, Records of survey, contents – Record of corner, information.

B. The approved binding site plan recording forms shall include the following, in the format prescribed by the Director:

1. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
2. Signature and stamp of the land surveyor who prepared the binding site plan;
3. Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;
4. Reference to all agreements or covenants required as a condition of approval;
5. Notarized signatures of all persons having an ownership or security interest in the land being divided;
6. Approval of the City Engineer; and
7. Approval of the Director.

C. Binding site plans shall be recorded with the Pierce County Auditor with a record of survey.

D. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

E. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

22.32.005 Development standards. (R4 Zone)

Maximum density	4 dwelling units per gross acre.
Minimum lot area	8,000 square feet.
Maximum height	30 feet. See FMC 22.58.007 for exceptions.
Maximum floor area ratio	0.35. See FMC 22.58.026 for FAR standards.
Minimum front yard setback	25 feet. See FMC 22.58.002 for setback reduction and allowable encroachments.
Minimum interior side yard setback	8 feet. See FMC 22.58.002 for allowable encroachments.
Minimum side street side yard setback	15 feet. See FMC 22.58.002 for allowable encroachments.
Minimum rear yard setback	20 feet. See FMC 22.58.002 for allowable encroachments.
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 facade. 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 <u>exceeding</u> 20 feet in length, measured horizontally, shall incorporate <u>a minimum of two articulation components, such as</u> 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, <u>and exceeding 12 feet in height, measured</u>

	<u>from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.</u>
Accessory building standards	See FMC 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 FMC.
Parking and circulation	See Chapter 22.60 FMC.
Landscape regulations	See Chapter 22.62 FMC.
Design standards	See Chapter 22.64 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

22.34.005 Development standards. [\(R-4-C zone\)](#)

Maximum density	4 dwelling units per gross acre for small lot development. 8 dwelling units per gross acre for cottage housing.
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 1 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.
Minimum and maximum lot area	Small lot development: See Chapter 22.63 FMC Cottage housing: See FMC 22.58.027
Maximum height	Family group home and public or quasi-public building: 35 feet. Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . Other Uses: 45 feet. Exceptions may be authorized per FMC 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 FMC. Cottage housing: See FMC 22.58.027 . Family group home and public or quasi-public building Other uses: To be determined through the administrative design review process. If not specified, FMC 22.58.002 encroachment standards will apply.
Exterior wall modulation	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . For other uses 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 FMC. Cottage housing: See FMC 22.58.027 . For other uses family group home and public or quasi-public building , building elevations greater than exceeding 20 feet in length, measured horizontally, shall incorporate <u>a minimum of two articulation components, such as</u> 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, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of three articulation components.
Accessory building standards	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 .

	If not specified, FMC 22.58.003 standards will apply.
Maximum impervious surface coverage	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . For other uses 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 FMC.
Parking and circulation	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . For other uses family group home and public or quasi-public building , see Chapter 22.60 FMC.
Landscape regulations	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . For other uses family group home and public or quasi-public building : See Chapter 22.62 FMC.
Design standards	Small lot development: See Chapter 22.63 FMC. Cottage housing: See FMC 22.58.027 . For other uses family group home and public or quasi-public building : See Chapter 22.64 FMC.
Critical areas	See Chapter 22.92 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number, with .50 being rounded up.</i>	

22.36.005 Development standards. [\(R6 Zone\)](#)

Maximum density	6 dwelling units per gross acre.
Minimum lot area	5,000 square feet.
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. See FMC 22.58.007 for exceptions.
Maximum floor area ratio	0.35. See FMC 22.58.026 for FAR standards.
Minimum front yard setback	20 feet. See FMC 22.58.002 for setback reduction and allowable encroachments.
Minimum interior yard setback	5 feet for first story. 8 feet for side second story. See FMC 22.58.002 for allowable encroachments.
Minimum side street side yard setback	15 feet. See FMC 22.58.002 for allowable encroachments.
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 FMC 22.64.009 for an illustration of this requirement.
Articulation	Building elevations exceeding greater than 20 feet in length, measured horizontally, shall incorporate a minimum two articulation components, such as 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, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure</u> , shall incorporate a minimum of three articulation components.
Minimum rear yard setback	20 feet. See FMC 22.58.002 for allowable encroachments.
Accessory building standards	See FMC 22.58.003 .
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.
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.
Minimum lot width	50 feet.
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.
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	See Chapter 22.64 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

22.38.005 Development standards. [\(R8 Zone\)](#)

Maximum density	8 dwelling units per gross acre.
Minimum lot area	To be determined through the PD review process – see Chapter 22.76 FMC.
Maximum height	35 feet. Exceptions may be authorized per FMC 22.58.007 and through the PD review process – see Chapter 22.76 FMC.
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 FMC. If not specified, FMC 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 FMC 22.64.009 for an illustration of this requirement.

Articulation	Building elevations <u>exceeding greater than</u> 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> 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, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of three articulation components.
Accessory building standards	To be determined through the PD process – see Chapter 22.76 FMC. If not specified, FMC 22.58.003 standards will apply.
Maximum lot coverage for structures	To be determined through the PD review process – see Chapter 22.76 FMC.
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 FMC 22.36.005 (R-6 zone).
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	See Chapter 22.64 FMC. Site-specific design guidelines may be required as part of planned development approval. <u>See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.</u>
Critical areas	See Chapter 22.92 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

22.40.005 Development standards. ([R-10-TCD Zone](#))

Maximum density	10 dwelling units per gross acre.
Minimum and maximum lot area	To be determined through the PD review process – see Chapter 22.76 FMC.
Maximum height	35 feet. Exceptions may be authorized per FMC 22.58.007 and through the PD review process – see Chapter 22.76 FMC.
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 FMC. If not specified, FMC 22.58.002 encroachment standards will apply.
Accessory structure standards	To be determined through the PD review process – see Chapter 22.76 FMC. If not specified, FMC 22.58.003 standards will apply.

Maximum lot coverage for structures	To be determined through the PD review process – see Chapter 22.76 FMC.
Maximum impervious surface coverage	65% of the developable site area for all structures and other impervious surfaces combined.
Exterior wall modulation	Facades 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 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 facade. No uninterrupted length of any facade shall exceed 40 horizontal feet. See FMC 22.64.009 for an illustration of this requirement.
Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as 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, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
Maximum % of multifamily dwelling units allowed	50% of the total number of units within a development.
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	See Chapter 22.64 FMC. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.
Critical areas	See Chapter 22.92 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

22.42.005 Development standards. [\(R20 Zone\)](#)

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 Chapter 22.68 or 22.72 FMC.
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 FMC 22.58.007 .
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 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 FMC 22.64.009 for an illustration of this requirement.
Articulation	Building elevations exceeding greater than 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> 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, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> 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 FMC.
Parking and circulation	See Chapter 22.60 FMC.
Landscaping regulations	See Chapter 22.62 FMC.
Design standards	See Chapter 22.64 FMC. <u>See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.</u>
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

22.43.005 Development standards. ([R30 Zone](#))

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.
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 exceeding greater than 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> 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, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of 3 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 <u>in Chapter 22.63 FMC.</u>

Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.

22.50.002 Permitted uses. [\(CMU Zone\)](#)

Uses permitted subject to site plan approval in accordance with Chapter [22.72](#) FMC and administrative design review approval in accordance with Chapter [22.66](#) FMC:

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

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

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

~~(e)~~(d) [Microbeverage production facility, including microbreweries, microdistilleries and microwineries.](#)

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

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

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

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

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

~~(i)~~(j) 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)~~(k) Hotel and motel.

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

~~(l)~~(m) Religious institution.

~~(m)~~(n) Family group home, including adult family home.

(o) Multifamily dwelling.

[\(p\) Assisted living facility, including congregate care facility, convalescent home, hospice care center, residential care facility, and residential treatment facility.](#)

~~(q)~~(m) 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.

22.50.008 Development standards. [\(CMU Zone\)](#)

Maximum density	30 dwelling units per acre.
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 .

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.
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.
Minimum rear yard setback	10 feet, except when abutting an R district (see below).
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.
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 structures and other impervious surfaces combined.
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 and top treatments with different forms; include roof modulation; and/or provide strong articulation of the facade 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 nonretail 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 nonretail 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. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 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) .
Minimum floor to ceiling height for ground floor commercial space	See FMC 22.64.016(c) .
Minimum storefront window area for ground floor commercial space	See FMC 22.64.020(a) .
Large retail establishment requirements.	See FMC 22.64.042 .
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with 0.50 being rounded up.</i>	

22.50.004 Conditional uses. [\(CMU Zone\)](#)

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

(a) Child day-care center.

(b) Preschool, accredited, public or private.

(c) Home occupation – Type II (subject to compliance with FMC [22.58.013](#)).

(d) Automobile and boat sales or rental, new or used.

~~(e) Vehicle repair established prior to effective date of the ordinance codified in this section.~~

~~(f) Mini-storage or mini-warehouse (indoor) facility only when located on a parcel that does not have frontage on a public street.~~

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

~~(h)(f) Entertainment facility, outdoor.~~

~~(i) Drive-in or drive-through facility (subject to compliance with FMC [22.60.012](#)).~~

~~(j)(g) Adult entertainment establishments (subject to compliance with FMC [22.58.014](#)).~~

~~(k)(h) Light industrial uses including: engineering-oriented pursuits such as electronics, robotics, 3-D printing, and the use of computer numerical control (CNC) tools; metalworking, woodworking, and traditional arts and crafts; small-scale assembly and 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.~~

~~(l)(i) Essential public facilities, as determined by FMC [22.58.022](#). Excludes family and general group homes and includes correctional group homes.~~

~~(m)(j) 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.~~

~~(n)(k) Personal wireless service facility for which a variance is required (subject to compliance with Chapter [22.24](#) FMC).~~

~~(e)(l)~~ 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.

22.50.006 Administrative uses.

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

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

(b) Establishment licensed by the Washington State Liquor and Cannabis Board to serve liquor for on-premises consumption in an outdoor customer seating area (subject to compliance with FMC 22.58.029).

(c) Drive-up or drive-through facility (subject to compliance with FMC 22.60.012 and FMC 22.64.043).

~~(a)(d)~~ Light industrial uses including: engineering-oriented pursuits such as electronics, robotics, 3-D printing, and the use of computer numerical control (CNC) tools; metalworking, woodworking, and traditional arts and crafts; small-scale assembly and 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.

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

~~(e)(f)~~ Personal wireless service facility (subject to compliance with Chapter 22.24 FMC).

22.58.023 Nonconforming lots, uses and structures.

(a) Application. The provisions of this section shall apply to uses and structures which become nonconforming as a result of the application of this title to them, or from classification or reclassification of a property under this title or any subsequent amendments thereto.

(b) Continuation of Nonconforming Uses and Structures. Any lawful use of land and/or building or structure existing, under construction, or for which a building or use permit has been granted and was still in force at the time this title became effective may be continued, even though the use does not conform to the provisions of the district in which it is located, subject to the following conditions:

(1) Enlargement. No building, structure or land that is nonconforming by reason of use shall be enlarged or expanded; provided, that normal upkeep, repairing and maintenance of nonconforming buildings and structures is permitted outright, provided the activities do not increase the nonconformity of the buildings or structures.

(2) Replacement. Any building or structure nonconforming by reason of use which has been damaged or destroyed by fire, earthquake, flood, wind or other disaster may be restored and the occupancy or use of the building, structure or part thereof which existed at the time of damage or destruction may be continued subject to all provisions of this title, but the restoration of the nonconforming building or structure shall not serve to extend or increase the nonconformance of the original building, structure or use. Any reconstruction authorized by this section shall commence within one year of the damage and shall be substantially completed within 18 months of the date the damage occurred.

(3) ~~Vacation~~~~Abandonment~~. If any nonconforming use of land and/or building or structure is ~~vacated~~~~abandoned~~ for a period of one year, nonconforming rights shall automatically terminate and any future use of the land and/or building or structure shall conform to the zoning district in which it is located. Notwithstanding this one-year automatic termination, ~~vacation~~~~abandonment~~ may also be deemed to be an act or failure to act on the part of the property owner which indicates an intention that the property owner does not claim or retain any interest in the right to the nonconforming use.

(4) Structural Alteration – Enlargement of Nonconforming Building or Structure. A building or structure which is nonconforming only by reason of substandard yard or height may be structurally enlarged, provided the enlargement does not increase the nonconformance, and further provided the enlarged building or structure conforms with bulk regulations relating to lot coverage or impervious surface coverage.

(5) Structural Alteration – Replacement of Nonconforming Building or Structure. A building or structure which is nonconforming by reason of substandard yard, height, lot coverage, impervious surface coverage, or other bulk regulation, may be restored or rebuilt as it originally existed upon the original foundation and perimeter, if it is damaged or destroyed by fire, earthquake, flood, wind or other natural disaster. Enlargement of the building or structure from the original design may occur in accordance with subsection (b)(4) of this section.

(6) Structural Alteration – Repair of Nonconforming Building or Structure. A building or structure which is nonconforming by reason of substandard yard, height, lot coverage, impervious surface coverage, or other bulk regulation, may be repaired or restored to its original or comparable condition and design. Modifications to the original design of the building or structure may occur in accordance with subsection (b)(4) of this section.

(7) Change of Conforming Use. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to the same or different nonconforming use.

(8) Change of Ownership. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal, nonconforming status.

(9) Annexation Resulting in Nonconformity. Any lawfully existing use of land or building or structure located in an unincorporated area which, through annexation, becomes nonconforming, shall be deemed a legal, nonconforming use, building or structure.

22.58.029 Establishments serving liquor for on-premises consumption.

(a) Establishments licensed by the State of Washington Liquor and Cannabis Board to serve beer, beer and wine, or spirits, beer and wine for on-premises consumption are permitted in specified zoning districts. Such establishments providing outdoor customer seating ~~in the NC district~~ are subject to administrative use permit approval in accordance with Chapter 22.70 FMC.

(b) At a minimum, the following performance standards shall apply to establishments serving beer, beer and wine, or spirits, beer and wine for on-premises consumption within the NC ~~zone~~District. Additional requirements may be imposed in accordance with Chapter 22.70 FMC for those establishments providing outdoor customer seating in the NC district. Establishments operating out of compliance with the following provisions are subject to enforcement action under Chapter 22.95 FMC:

(1) Hours of Operation. The sale, service, and consumption of alcohol is prohibited after 10:00 p.m.

(2) Outdoor Customer Seating. Outdoor seating may be provided for customer use no later than 8:00 p.m. on Sundays through Thursdays, and no later than 9:00 p.m. on Fridays and Saturdays. Outdoor seating areas shall be closed to customers during other times. A 30-minute grace period is allowed for staff to clean the outdoor premises after customer seating hours have ended. The city may limit the amount of outdoor customer seating to minimize potential impacts on residentially zoned properties.

(3) Speakers. Music or other programming emanating from any outdoor speakers on the premises shall only be allowed during approved outdoor customer seating hours. Sounds coming from speakers on the premises, whether located inside or outside the building, shall not be audible from residentially zoned properties.

(4) Bottle Handling. Bottles and other trash and recyclable materials shall not be deposited in any exterior refuse or recycling totes, dumpsters or other receptacles during the hours of 9:00 p.m. to 7:00 a.m.

(5) Exterior Appearance. The business establishment shall maintain the exterior of its premises in a neat and clean condition at all times. All refuse collection containers, including recycling containers, shall be screened in accordance with FMC 22.58.008(d). This provision shall apply to new establishments as well as establishments existing on the effective date of the ordinance codified in this section that expand business operations to include the sale of liquor by the drink for on-premises consumption.

(6) Exterior Lighting. Exterior lighting shall comply with the outdoor lighting regulations in FMC 22.58.018 to ensure that it does not impact nearby properties.

(7) Sidewalk Cafes. A business establishment intending to establish outdoor business seating on a public sidewalk or other public right-of-way area shall comply with the sidewalk cafe regulations in FMC 22.58.017.

(c) The performance standards listed in subsection (b) shall apply to establishments in the CMU District serving beer, beer and wine, or spirits, beer and wine for on-premises consumption, except that for items (1), (2), and (4), alternative hours of operation, outdoor customer seating hours, and bottle handling hours may be authorized through the administrative use permit approval process in accordance with Chapter 22.70 FMC. Additional requirements may be imposed in accordance with Chapter 22.70 FMC for those establishments providing outdoor customer seating.

22.60.012 Stacking spaces for drive-through facilities.

(a) A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicle from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

(b) Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

(1) For each drive-up window of a bank or financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided; and

(2) For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

(c) Generally, To reduce congestion and turning lane conflicts, drive-through facilities shall not take access from a principal arterial street. Drive-through facilities must be provided access from a secondary street or road unless a traffic and circulation study, which includes a vehicle stacking analysis, clearly demonstrates that the proposed use and site design will not result in vehicles encroaching onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.

22.64.043 Drive Though Facilities

Intent -- Assess, promote and achieve appropriate development of drive-through facilities.

Objectives --

- To promote compatible development that fits well with, and improves, its existing or planned context;
- To protect and enhance the character and quality of the neighborhoods where drive-through facilities are located;
- To enhance public streets and contribute to a high quality public space;
- To create efficient stacking movements on site;
- To create a safe and comfortable pedestrian environment on site; and
- To minimize impacts on adjacent land uses that could be caused by on-site activities.

Context and Challenges -- Drive-through facilities have proven to be successful as they target the mobile and car-oriented market. They may operate 24 hours a day, provide convenience for the traveling public and offer a sense of security for users at night. Drive-through service has been adopted by fast food businesses, financial institutions, dry cleaners, pharmacies and other businesses. Meanwhile, walk-in service is still an important component for many businesses with drive-through facilities for customers who arrive on foot, bicycles and by vehicles but do not use the drive-through services.

While successful and popular, drive-through facilities present many urban design challenges, including respecting the urban context while designing prototypical drive-through facility sites and buildings; supporting a pedestrian friendly environment along public streets; using landscape areas effectively to improve the overall environmental and visual quality of the area; and designing efficient stacking movements on site.

(a) Locate vehicular access points to the site as far as possible from street intersections. Locate vehicle access points to corner sites on the secondary street (Figure 1).

(b) Locate surface parking areas and stacking lanes at the side or rear of buildings. (Figures 1 and 2).

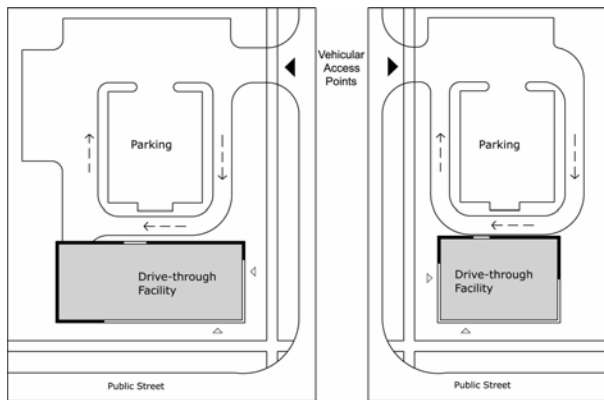


Figure 1:

Locating vehicular access points far from the intersection helps reduce potential impacts on the traffic at the intersection.

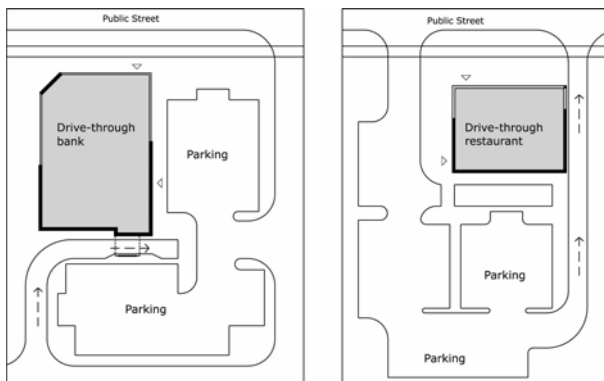


Figure 2:

Locating parking and driveway areas at the rear of the site provides opportunities to frame the street edge with built structures.

(c) Minimize the number and width of driveways from the public street (Figure 3). However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown in the example on the right, below.

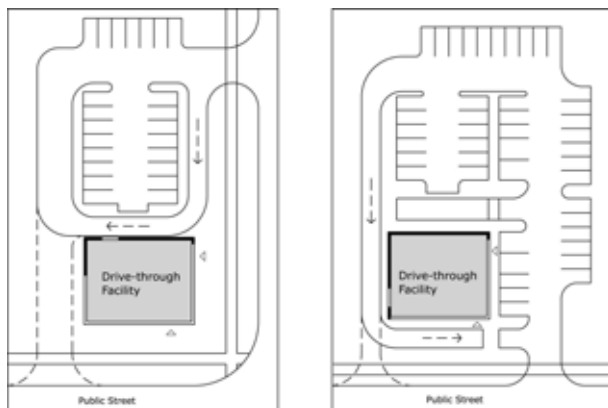


Figure 3:

Minimizing the number and width of driveways helps reduce interruptions to the public sidewalk.

(d) Locate the start point to the stacking lane at the rear of the site so that queued vehicles do not block traffic along the public streets or the movement of other vehicles on site (Figure 4).

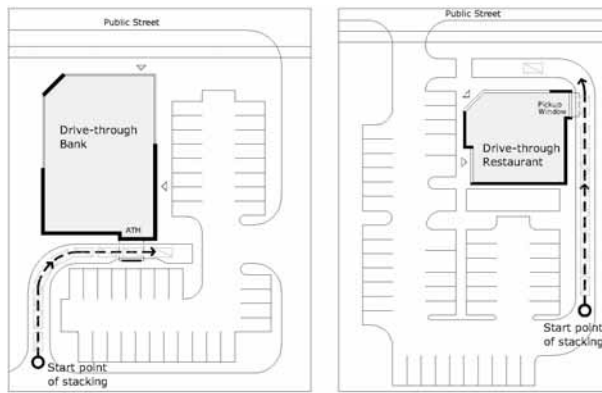


Figure 4:

In these two drive-through sites, start points are located at the rear of the site to minimize the potential impacts on other traffic that could be caused by stacking cars. However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown on the right

(e) Locate stacking lanes away from adjacent sensitive uses, such as residential and outdoor amenity areas, to reduce the impacts of noise and pollution that could be caused by stacking cars on such uses. Use landscaping and fencing to help buffer potential impacts.

(f) Avoid locating the stacking lane, and entrance or exit lane, between the building and the public street, as noted in the examples in Figures 3 and 4.

(g) Provide escape lanes and the appropriate number of queuing spaces as required in FMC 22.60.012 to create efficient stacking lanes and to minimize on-site conflicts (Figure 5).

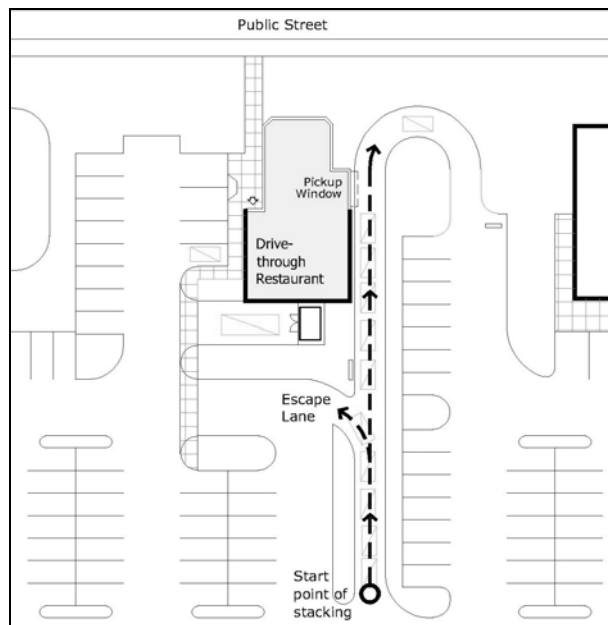


Figure 5:

In this drive-through site, sufficient queuing spaces are provided. The escape lane allows cars to exit from the stacking lane without having to drive by the pickup window.

(h) Separate stacking lanes from parking areas and driveways using landscaped islands, decorative pavement, pervious islands and painted lines.

(i) Design the on-site circulation to minimize conflicts between pedestrians and vehicles.

(j) Provide separate stacking lanes when two drive-through uses exist on the same site.

(k) Locate noise-generating areas, including ordering board speakers, outdoor loading areas and garbage/recyclables storage, away from sensitive uses such as residential areas, day care facilities and schools.

(l) Buffer potential noise impacts on properties where noise may be detrimental to occupants with solid

attenuations such as building structures, landscaped berms or attenuation fencing (minimum 6 feet in height) complemented with landscaping.

(m) Limit sound emanating from ordering board speakers or other speaker systems to a level that is not audible from residentially used properties or detrimental to occupants of other nearby properties. At no time should any speaker system be audible above ambient noise levels beyond the property lines of the site.

(n) Provide a minimum 8 foot wide landscape area, which may include a solid wall or fence in addition to planting, at the edges of sites between property lines and nearby entrance lanes, exit lanes, stacking lanes and other drive through facilities, in order to provide screening and enhance site environmental benefits.

New Definitions

22.98.445 Microbeverage production facility

“Microbeverage production facility” means an establishment that manufactures alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or food-serving establishment.

22.98.445.1 Microbrewery

“Microbrewery” means a business known as a craft brewery that produces 5,000 barrels or less of beer per calendar year. A microbrewery may sell beer of its own production directly to a customer for off-premises consumption and by all other legal means. A microbrewery may operate a tasting room or in conjunction with a food-serving establishment. A microbrewery must be licensed by the Washington State Liquor Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

22.98.445.2 Microdistillery

“Microdistillery” means a business known as a craft distillery that produces 5,000 proof gallons or less of spirits per calendar year. A microdistillery may sell spirits of its own production directly to a customer for off-premises consumption and by all other legal means. A microdistillery may operate a tasting room or in conjunction with a food-serving establishment. A microdistillery must be licensed by the Washington State Liquor Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

22.98.445.3 Microwinery

“Microwinery” means a business engaged primarily in the production, including crushing, fermentation, aging, and bottling, and distribution of no more than 5,000 cases of wine per year. A microwinery may sell wine of its own production directly to a customer for off-premises consumption and by all other legal means. A microwinery may operate a tasting room or in conjunction with a food-serving establishment. A microwinery must be licensed by the Washington State Liquor and Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.



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FIRCREST PLANNING/BUILDING DEPARTMENT STAFF MEMO

CASE NUMBER 17-06

FMC 22.58.024 Outdoor Storage of Vehicles

November 20, 2017 City Council Study Session

BACKGROUND:

The City Council directed Staff and the Planning Commission to research possible amendments to the development code, including changes to outdoor storage of vehicles to address concerns related to visible recreational vehicles and inoperable or junk vehicles. As part of the research process, issues were raised related to vehicles parked on lawns and staff's desire to clarifying portions of the code to assist in enforcement.

The City Council held public hearings on October 10th and 24th, 2017. Based on public comments, the City Council asked that this portion of the amendments be considered separately and put on a study session for further discussion.

SUMMARY OF AMENDMENTS:

- Reduce the limit from three to one for the outdoor storage of screened inoperable vehicles
- Add the phrase "and/or unlicensed" to inoperable vehicles
- Clarify commercial vehicle parking limits in residential zones
- Expand recreational vehicle regulations to include motorized and nonmotorized
- Reduce the limit from unlimited (with screening) to two for the outdoor storage of recreational vehicles
- Limits the storage of RVs and boats to one in the front yard and up to two in a side yard, side street side yard and/or in the rear yard
- Expanded screening requirements for RVs
- Created parking surface requirements for RVs
- Created language related to licensing and upkeep of RVs
- Created language for temporary occupancy of RVs
- Prohibit parking of passenger vehicles on surfaces other than driveways or designated parking surfaces

PROCESS:

Staff will review the Planning Commission's recommendation (attached) at the November 20th study session as well as present options for the City Council to consider.

ATTACHMENT:

1. [Recommended Amendments](#)

FMC 22.58.024 Outdoor Storage of Vehicles

November 20, 2017 City Council Study Session

22.58.024 Outdoor parking or storage of vehicles.

(a) ~~Outdoor Storage of Inoperable~~ Vehicles. The outdoor parking or storage of inoperable and/or unlicensed vehicles or parts thereof is ~~permitted~~ prohibited in a residential district ~~for a period not to exceed six days. Outdoor storage for a period exceeding six days is permitted in a residential zoning district, except as~~ subject to the following provisions:

(1) The outdoor storage of no more than ~~three~~ one inoperable and/or unlicensed vehicles and vehicle parts is permitted when ~~they are~~ screened from neighboring properties and the public right-of-way by a solid fence or approved landscaping.

(2) Storage of inoperable and/or unlicensed vehicles is prohibited in required front or side yard setback areas.

~~(1)~~(3) ~~Open Unenclosed~~ or unscreened storage of an inoperable vehicles is permitted for a 14-day period while a vehicle is undergoing or awaiting repairs.

~~(2) In no event shall any outdoor storage of commercial vehicles in excess of 10,000 GVW be permitted.~~

~~(3)~~(4) Approved landscaping is defined as follows:

(A) Vegetative Screen. The approved landscaping must consist of: evergreen shrubs, at a rate of one per five lineal feet of landscape strip; or closely spaced evergreen trees, at a rate of one per eight lineal feet of landscape strip, or a combination of the two in separate sections. The screen may consist of either overlapping clusters or a solid row of material. If overlapping clusters are used, the overlap should be at least one-half plant width. Spacing shall be as follows: evergreen trees for the landscape screen at no greater than eight feet on center, with no more than 10 feet on center between cluster; shrubs for the landscape screen shall be no greater than five feet on center, with no greater than seven feet on center between clusters. Vegetative screening materials shall have a minimum mature height of six feet. Installation of vegetative ground cover is encouraged but not required within the planting area; or

(B) Berm. The approved landscaping must consist of an earthen berm a minimum of four feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative groundcover shall cover a minimum of 50 percent of the landscape strip area at maturity. Berms less than six feet in height shall be planted with evergreen shrubs, at a rate of one per four lineal feet of landscape strip, to a mature height equal to or greater than six-foot high berm. The screen may consist of either overlapping groupings or a solid row of material. If overlapping groupings are used, the overlap should be at least one-half plant width. Shrub spacing shall be no greater than four feet on center, with no greater than six feet on center between groupings; and

(C) Canopy Vegetation. In addition to the requirements of subsection (a)(4)(A) of this section, Vegetative Screen, and subsection (a)(4)(B) of this section, Berm, trees, at a rate of one per 25 lineal feet of lot line, shall be interspersed throughout the landscape strip in groupings or uniform rows. Spacing shall be no greater than 25 feet on center with uniform spacing or 50 feet on center between groupings. Minimum mature height shall be 20 feet;

(D) Screen Width. All approved landscaping shall be located adjacent to the lot line with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

(b) Commercial Vehicles. Outdoor parking or storage of semi-trucks, semi-cabs, tractor trailers, heavy equipment, or any commercial vehicles in excess of 10,000 gross vehicle

weight (GVW), is not permitted in a residential zone whether located on a public right-of-way or private property. This provision does not apply to temporary parking for delivery, pick-up, moving or service activities. Heavy construction/development equipment may only be parked on a site that is undergoing a permitted or approved activity.

(c) ~~Outdoor Storage of Boats and Nonmotorized Recreation Vehicles, Watercraft and Trailers.~~ The outdoor storage of up to two (total) motorized boats or nonmotorized recreation vehicles, motorized or nonmotorized watercraft, and trailers is permitted in a residential zoning district, subject to the following provisions:

(1) ~~Nonmotorized recreation vehicles include, but are not limited to, camper trailers, tent trailers, and boat and recreation vehicle trailers. For this chapter a motorized or nonmotorized watercraft on a trailer shall be counted as one vehicle.~~

(1) ~~Nonmotorized recreation vehicles do not include bicycles and similar sports equipment.~~

(2) ~~The combined limit on the number of boats and nonmotorized recreational vehicles that may be stored on a parcel is two, except as permitted in subsection (b)(3) of this section. A boat on a trailer shall be counted as one boat. One such vehicle may be stored in the side yard, provided it does not extend beyond the front of the house and is screened from the closest abutting property by a solid fence or approved landscaping as defined in subsection (a)(3) of this section.~~

(3) ~~Outdoor storage of additional boats and/or nonmotorized recreation vehicles shall be may be stored in the side street side yard or rear yard, provided it is screened from neighboring properties and the public right-of-way by a solid fence or approved landscaping as defined in subsection (a)(34) of this section. Storage of additional vehicles is prohibited in required front or side yard setbacks.~~

(4) ~~One vehicle may be located in the front yard if parked perpendicular to the right-of-way, provided the vehicle does not extend beyond the property line and is screened from the closest abutting property by approved landscaping at least six feet in height.~~

(5) ~~Vehicles shall be parked on an approved driveway, an existing impermeable pad established prior to the effective date of this ordinance, or a permeable, porous, or pervious surfaces that meet or exceed the standards outlined in the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington for Low Impact Development.~~

(6) ~~Vehicles shall be operable and maintained in a clean, well-kept state that does not detract from the appearance of the surrounding area. Inoperable, extensively damaged and/or unlicensed vehicles shall be treated as "junk vehicles" per Chapter 9.64 FMC.~~

(7) ~~Subject to the above restrictions, recreational vehicles may be occupied on a temporary basis not to exceed 30 days within one calendar year. Exceptions may be approved by the Director for a period not to exceed 6 months when temporary shelter is required to support an individual experiencing serious illness and needing assistance from the property owner on which the recreational vehicle is located.~~

(d) ~~Passenger Vehicles. Parking in locations other than a designated driveway or parking surface is not permitted in required front or side street side yard setbacks in a residential zoning district. Parking shall be permitted upon designated driveways and parking surfaces as defined in FMC 22.60.008(e) and (h).~~

22.98.594 Recreational vehicle.

"Recreational vehicles" means all vehicles, self-propelled or propelled by another vehicle, designed primarily for touring with living/or sleeping quarters on board. Includes, but is not limited to, campers, travel trailers and motor homes. "Recreational vehicles" does not include bicycles and similar sports equipment.

Memo

To: Fircrest City Council
From: Colleen Corcoran, Finance Director
Date: November 16, 2017
Re: Copier Machine Lease versus Purchase

The lease with Copiers Northwest expires in December 2017. Dave Haupt has contacted vendors on the State Contract and received bids back from Copiers North West and Xerox. Copier North West had the lower price.

Part of the process when we renew the copier lease is to evaluate the cost to purchase or lease the machines. This was also requested by Council.

The following [spreadsheet](#) shows the price difference.

There is a \$6,191.77 savings to purchase versus leasing over a five-year lease term.

Items to consider:

- If purchased, fund balance will decrease by \$27,636.
- If purchased, need to set up ERR 5 year replacement schedule
- No service available after 5 years.
- Minor savings on an annual basis-ERR replacement same as lease cost.
- Disposal of old machines.
- Maintenance cost is the same as long as normal usage of machines.

Copier North West
Cannon Copiers

	<u>Model</u>	<u>Purchase</u>	<u>60 Mo Lease</u>	<u>Purchase v. Lease Difference</u>
City Hall	C5560i	9,655.20	196.97	
Public Works	C5535i	5,376.60	109.69	
Court	C4545i	4,738.80	96.67	
Parks & Rec	C5535i	<u>5,376.60</u>	<u>109.69</u>	
Cost per month			513.02	
5 year lease			<u>60</u>	
		25,147.20	30,781.20	
Tax	9.90%	<u>2,489.57</u>	<u>3,047.34</u>	
Total		27,636.77	33,828.54	6,191.77

Maintenance

<u>Black/White</u>	<u>Color</u>	<u>Cost/Yr</u>
0.0075	0.0504	2,880
0.0075	0.06355	570
0.0075	n/a	200
0.0082	n/a	<u>140</u>
		3,790

To: Fircrest City Council
From: Jessica Nappi
Date: November 16, 2017
Re: Filling Council Vacancy

Effective 11/14/2017, the Fircrest City Council has one vacant position (Position #1). The information below includes the procedures for filling this vacancy.

As prescribed in the Fircrest City Council Rules of Procedures Rule 32:

- A. *If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070.*
- B. *To hold office as a Councilmember, the person must be registered voter and a Fircrest resident for a period of at least one year prior.*
- C. *Where one position is vacant, the remaining members of Council shall appoint a qualified person to fill the vacant position.*
- F. *As provided in RCW 29A.24.191 and 29A.52.240, each person appointed serves until a qualified person is elected at the next Council election that occurs 28 days or more after the occurrence of the vacancy.*

RCW 42.12.070 Filling nonpartisan vacancies:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.