

City of Buckley

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Planning Commission Meeting – Agenda

**Monday, January 12, 2026, 7 p.m.
Hearing Room at 811 Main Street**

Agenda Items

1. Call to order
2. Opening remarks by the Chair
3. Approval of Meeting Minutes
4. Public Comment Part 1
5. Development Code Update Recommendation to Council
6. February Meeting Topics
7. Public Comment Part 2
8. Adjourn

Future Meeting Dates (bold)

February

	2	3	4	5		
	9	10	11	12		
	16	17	18	19		
	23	24	25	26		

March

	2	3	4	5		
	9	10	11	12		
	16	17	18	19		
	23	24	25	26		
	30	31				

April

			1	2		
	6	7	8	9		
	13	14	15	16		
	20	21	22	23		
	27	28	29	30		

From: Guida, Eric (COM) <eric.guid@commerce.wa.gov>
Sent: Thursday, January 8, 2026 10:10 AM
To: Chris Farnsworth
Cc: Vespiers, Lilith (COM)
Subject: RE: Development Code Update - Buckley

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CLICK on **links** or open **attachments** unless you are sure the content is safe.]

Good morning, Chris,

Thank you for reaching out, and happy 2026!

We received Buckley's Planview submittal #2025-S-11100 on November 6, 2025, and have reviewed it for GMA-consistency with our checklists for ADUs, STEP housing, and co-living housing.

For ADUs, the proposed amendment appears consistent following elements consistent with statute:

- ✓ Definitions
- ✓ At least two ADUs allowed on all lots
- ✓ Allows ADUs in certain configurations and conditions
- ✓ Allows ADU conversion of an existing structure
- ✓ Does not allow ADUs in locations where development is restricted under other regulations
- ✓ Allows floor areas of at least 1,000 square feet
- ✓ Allowed roof height limits are greater than or equal to 24 feet
- ✓ Restrictions for ADUs are no more restrictive than those for principal units
- ✓ Allows detached ADUs to be sited at a lot line
- ✓ Parking limits and requirements are consistent with statute

We have the following comments:

- The amendment does not appear to address the requirement that jurisdictions may not require owner-occupancy of the primary unit, unless the ADU is used for short term rentals, per [RCW 36.70A.680\(5\)\(a\)](#) .
- Buckley MC 19.22.130(8)(b) requires a recorded statement prior to ADU occupancy. We recommend removing this as an extra step and cost that may discourage ADU development.
- If Buckley assesses impact fees on ADUs, per [RCW 36.70A.681\(1\)\(a\)](#), they must be no greater than 50% of the impact fees that would be imposed on the principal unit. We don't see this addressed in the amendment.

For STEP housing, the amendment appears to be GMA- consistent, with two exceptions related to [RCW 36.70A.545](#).

- In our review, we could not identify that city development regulations allow for an increased density bonus for affordable housing development on property owned or controlled by a religious organization.
- In our review, we could not identify that the city's regulations for temporary shelters and encampments on property owned or controlled by a religious organization are consistent with statutory standards.

We recommend reviewing and updating your proposed code, if possible, to address these requirements.

The co-living requirements appear to be fully met.

Overall, we commend Buckley on its progress for expanding housing options for residents, with the above-noted exceptions. I hope you find this review valuable; my apologies for getting it to you after the 60-day end date.

Let me know if you would like to discuss any of this.

Best,

Eric Guida | Senior Planner
Direct: 360.725.3044
Email: eric.guida@commerce.wa.gov

<https://www.commerce.wa.gov/serving-communities/growth-management/>



City of Buckley Municipal Code Amendment Staff Report

To: Mayor Carloyn Harding, City Council, Planning Commission.

From: Planning Department Staff.

Subject: Recommendation for multiple Municipal Code Text Amendment to reflect Buckley's updated Comprehensive Plan and to be in compliance with new state laws.

Council Meeting Date: January 27, 2026.

Hearing Date: November 10, 2025.

Proposal Description: Adoption of updated development and zoning regulations.

(SEPA) Threshold Determination: SEPA DNS issued 10/22/2025.

Recommendations Included: Adoption of updated development and zoning regulations.

Attachments:

0. Designation of Uses Table
1. ADU Draft Code
2. New Definitions Draft Code
3. Proposed Zoning Map
4. Prohibited Uses Draft Code
5. Nonconforming Use Draft Code
6. Central Mixed-Use Draft Code
7. Off-Street Parking Draft Code
8. Residential 6000 Draft Code
9. Residential 8000 Draft Code
10. High Density Residential Low
11. High Density Residential High
12. City Council Memo November 4

Municipal Code Amendment Overview

I. Code Amendment Overview

- The City of Buckley Planning Commission has been working on development and zoning code updates throughout 2025 with multiple iterations of the code reviewed by both Planning Commission and City Council. The development and zoning code updates proposed are needed to reflect Buckley's updated Comprehensive Plan and new state laws that require compliance.
- Please see Exhibits 1-11.

II. Resulting Code Text Changes

- The proposed code amendment ensures conformity with the Comprehensive Plan update and compliance with new state laws. There will be changes made to the following code sections: 1. BMC 19.16.010 Designation of uses, 2. BMC 19.22.120 Accessory Dwelling Units, 3. New zoning map, 4. BMC 19.20.130 Prohibited use table, 5. BMC 19.36 Nonconforming uses, 6. BMC 19.20.080 Central Mixed-Use (which is a replacement of the Central Commercial zoning designation), 7. BMC 19.28 Off-street parking, 8. BMC 19.20.020 Residential 6000, 9. BMC 19.20.030 Residential 6000, 10. BMC 19.20.050 High Density Residential Low, 11. BMC 19.20.060 High Density Residential High.

III. Comprehensive Plan

- The proposed development and zoning code amendment is needed to reflect Buckley's updated Comprehensive Plan. The goals and policies of the updated comprehensive plan require substantial update to development and zoning codes. These code updates will help the City meet its growth targets in both employment and residential capacity.

IV. November 4, 2025 Council Study Session

- At the November 4, 2025, City Council study session, City Council received a memo providing an overview and draft code of the development code updates. (Ex.12)

V. Title 20 Process

- Code amendments such as this are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council.

VI. Public Notices

- A notice of public hearing was published and mailed on October 22, 2025. Additionally, a 60-day notice was sent to the Washington State Department of Commerce on November 6, 2025.

VII. Public Comments

- We did not receive any public comments. The outreach received was general questions and not any specific comments.

VIII. State Environmental Policy Act (SEPA)

- A SEPA Determination of Non-Significance (DNS) was issued on October 22, 2025.

RECOMMENDATION

I. Staff Recommendation

- Staff recommends adopting all the development code updates.

**Planning Commission
Recommendation to City
Council:**

Adoption of the Development and Zoning Code Updates.

Signed:

Mel Garland

Planning Commission Chair

Date

19.16.010 Designation of land use zones.

In order to classify, segregate, and regulate land use according to the provisions of this zoning code, the city is divided into the following land use zones:

Zone Description	Designation
Residential 6,000 sq. ft. <u>minimum</u> <u>base</u> lot	R-6,000
Residential 8,000 sq. ft. <u>minimum</u> <u>base</u> lot	R-8,000
Residential 20,000 sq. ft. <u>minimum</u> <u>base</u> lot	R-20,000
<u>Neighborhood Mixed-Use</u> <u>Residential - Low</u>	<u>NMUHDR-</u> <u>Low</u>
High Density Residential - <u>High</u>	<u>HDR-High</u>
Central <u>Commercial</u> <u>Mixed Use</u>	<u>CMUC</u>
<u>General</u> <u>Commercial</u> <u>Flex</u>	<u>GCF</u>
Historic Commercial	HC
<u>Light</u> <u>Industrial</u>	<u>LI</u>
Public	P
<u>Environmentally Sensitive Area</u> <u>Natural</u> <u>Area</u>	<u>NS</u>

(Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 3, 1981).

19.22.130 Accessory dwelling units.

Accessory dwelling units are permitted outright in all residential zoning districts that permit single-family homes, and may be developed with new or existing single-family homes on any lot that meets the minimum lot size required for the principal unit. The development standards of the underlying zoning district and the following siting and performance standards shall apply to all accessory dwelling units as defined by BMC 19.12.025:

(1) The primary residence or accessory dwelling unit shall be the principal place of residence for the homeowner.

(2) Only one Two accessory dwelling unit isunits are permitted per single-family residence.

Accessory dwelling units can be sited in any of the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures

(3) Accessory dwelling units may be developed on lots of any size; provided, that all other applicable zoning requirements are met.

(4.) Setback Exception.

For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line that abuts the alley. The accessory dwelling unit shall comply with the required side yard setbacks.

(5) Existing Accessory Structures.

Lot coverage and setbacks for existing accessory structures shall be exempted to permit conversion to accessory dwelling units.

(3) An accessory dwelling unit shall not be larger than 50 percent of the square footage of the single-family home, with garage space not being included in the calculation. In no case shall the accessory dwelling unit be more than 800 square feet, nor less than 300 square feet, nor have more than two bedrooms.

(6) An accessory dwelling unit shall not have a gross floor area larger than 1,250 square ft with garage space not included in the calculation.

(4) Exterior Appearance/Modifications.

(a) Any alterations shall not change the appearance from that of a single-family residence, as determined by the planning director.

(b) Only one exterior entrance is allowed to the accessory dwelling unit and it can be located no closer than 10 feet to an adjoining property line.

(c) Any exterior stairs shall be placed in the rear or side yard and are no closer than 10 feet to an adjoining property line.

(d) Where garage space is converted to living space, the garage door shall be replaced with materials that match the exterior of the house.

(e) There shall be only one front door facing the street from the two residences (primary and accessory residences).

(6) Compliance with applicable codes.

(a) The accessory dwelling unit shall comply with all standards for health and life safety as set forth in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code, International Fire Code, and Washington State Energy Code as each code is adopted by the city; and any other applicable codes or regulations, except as provided in this chapter. The accessory dwelling unit shall comply with all zoning code provisions for single-family residences, including setbacks, accessory buildings and lot coverage, except as provided in this chapter.

(75) Parking Requirements.

(a) The parking required for the existing single-family home must meet all requirements of the zoning code including amount, size and setback requirements in order for an accessory dwelling unit to be allowed.

(b) One additional parking space, beyond those required for the primary single-family home, is required for an accessory dwelling unit. The additional parking space must also meet all requirements of the zoning code.

(c) Newly created parking shall make use of existing curb cuts, when possible.

(6) An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.

(87) Any homeowner seeking to establish an accessory dwelling unit shall apply for approval in accordance with the following procedures:

(a) The homeowner shall apply for an accessory dwelling unit permit with the building division. A complete application shall include a properly completed application form, floor and structural plans, fees ~~and an affidavit of owner residency. The affidavit of owner residency must be signed before a notary public affirming that the owner meets the requirements of subsections (1) through (5) of this section.~~

(b) Before issuance of the accessory dwelling unit permit, the homeowner must provide a copy of a statement recorded with the county records and elections office. The statement must read:

A permit for an accessory dwelling unit has been issued, by the city of Buckley, to the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of section 19.22.130 of the Buckley Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.

(98) If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the Buckley building official. If a homeowner wants to remove the statement as required by subsection (7)(b) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded, by the homeowner, with the county records office and a copy of the recorded release shall be provided to the Buckley building official. (Ord. 22-08 § 1 (Exh. A), 2008).

Chapter 19.12

DEFINITIONS¹

Sections:

19.12.010 Definitions generally.

19.12.020 Abandonment.

19.12.025 Accessory dwelling unit.

19.12.030 Accessory building or use.

19.12.035 Adult day care.

19.12.040 Adult family home.

19.12.043 Affordable housing.

19.12.044 Agricultural production.

19.12.044.1 Agriculture.

19.12.045 Alley.

19.12.050 Antenna.

19.12.055 Antenna height.

19.12.060 Antenna support structure.

19.12.065 Applicant.

19.12.070 Assisted living facility.

19.12.075 Auto rebuild.

19.12.080 Auto recycling.

19.12.085 Basement.

19.12.090 Block.

19.12.095—Boarding, lodging or rooming house.

19.12.100 Building.

19.12.105 Building height.

19.12.110 Building, residential or residence.

19.12.115 Bulk.

19.12.120 *Repealed.*

19.12.123 Camouflaged tower or antenna.

19.12.125 Cargo container.

19.12.130 Carport.

19.12.135 *Repealed.*

19.12.140 Club.

19.12.142 Co-living Housing.

19.12.143 Collocation.

19.12.145 Conditional use.

19.12.147 Contractor yards.

19.12.150 Cottage housing development.

19.12.151 Day care, child day care center.

19.12.152 Day care, child day care provider.

19.12.153 Day care, family day care home.

19.12.154 Designated official.

19.12.154.1 Director.

19.12.155 Dwelling, caretaker's.

19.12.156 Dwelling, courtyard apartment.

19.12.157 Dwelling, four-family or fourplex.

19.12.158 Dwelling, live-work.

19.12.159 Dwelling, Low-rise apartment complex

19.12.160 Dwelling, low-rise mixed use.

19.12.1620 Dwelling, multiple-family.

19.12.164 Dwelling, multiplex.

19.12.165 Dwelling, single-family.

19.12.170 Dwelling, temporary.

19.12.172 Dwelling, three-family or triplex.

19.12.175 Dwelling, townhome.

19.12.180 Dwelling, two-family or duplex.

19.12.185 Dwelling unit.

19.12.190 Ecological footprint.

19.12.195 EIA.

19.12.196 Electric vehicles, stations, and infrastructure.

[19.12.197 Emergency Housing](#)

[19.12.198 Emergency Shelter](#)

19.12.199~~7~~ Employee.

19.12.200 Equipment enclosure.

19.12.205 FAA.

19.12.210 Facade, building.

[19.12.215 Family](#).

19.12.220 FCC.

19.12.225 Fence.

19.12.230 Floor area.

19.12.235 Garage, private.

19.12.240 Grade.

19.12.242 Grooming parlor.

[19.12.243 Group home](#).

19.12.244 Headquarters.

19.12.245 Home occupation.

19.12.250 *Repealed.*

19.12.265 Kennel.

19.12.270 Kitchen.

19.12.273 Library.

19.12.275 Lot.

19.12.280 Lot area.

19.12.285 Lot, corner.

19.12.290 Lot coverage.

19.12.295 Lot depth.

19.12.300 Lot, flag.

19.12.305 Lot, interior.

19.12.310 Lot, through or double-frontage lot.

19.12.315 Lot line, front.

19.12.320 Lot line, rear.

- 19.12.325 Lot line, side.
- 19.12.330 Lot width.
- 19.12.335 Manufactured home (also see mobile home).
- 19.12.340 Manufactured home park or MHP.
- 19.12.341 Marijuana.
- 19.12.3421.1 Marijuana, industrial, or hemp.
- 19.12.3431.2 Marijuana manufacture.
- 19.12.3441.3 Marijuana processor.
- 19.12.3441.4 Marijuana producer.
- 19.12.34421.5 Marijuana production.
- 19.12.34431.6 Marijuana retailer.
- 19.12.34441.7 Medical marijuana.
- 19.12.34451.8 Medical marijuana cooperatives.
- 19.12.343 Mixed use**
- 19.12.345 Mobile home.
- 19.12.350 Modification.
- 19.12.355 Motel/hotel.
- 19.12.356 Motor vehicle recycling and rebuilding establishments.
- 19.12.357 Motor vehicle repair establishments.
- 19.12.358 Motor vehicle sales and service establishments.
- 19.12.360 Mount.
- 19.12.365 Nonconforming structure or nonconforming use.
- 19.12.367 Normal deliveries.
- 19.12.370 Noxious matter.
- 19.12.375 Nursing home or rehabilitation center.
- 19.12.380 Open space.
- 19.12.385 Owner.
- 19.12.387 Park.
- 19.12.390 Parking area, private.
- 19.12.395 Parking area, public.

- 19.12.400 Parking, off-street.
- 19.12.405 Parking space.
- 19.12.410 Parking space – Recreational vehicle.
- 19.12.415 Parking space – Senior citizen housing.
- 19.12.420 Person.
- 19.12.425 Personal wireless service, personal wireless service facilities and facilities.
- 19.12.426 Place of worship.
- 19.12.427 Plan.
- 19.12.427.1 Playground.
- 19.12.428 Porch.
- 19.12.430 Principal use.
- 19.12.435 Professional offices or professions.
- 19.12.437 Professional office, medical, dental.
- 19.12.440 Public facilities.
- 19.12.443 Public transit center.
- 19.12.445 Public use.

[19.12.447 Permanent supportive housing](#)

- 19.12.450 Public utility.
- 19.12.453 Qualifying patient.
- 19.12.455 Railroad right-of-way.
- 19.12.460 Reclassification of property.
- 19.12.465 Reclassification of use.
- 19.12.468 Recreation center or facility.
- 19.12.470 Recreational vehicles.
- 19.12.475 Residential cluster.

[19.12.448 Religious organization.](#)

- 19.12.485 Roof.
- 19.12.495 Sales, retail.
- 19.12.500 Sales, wholesale.
- 19.12.505 Senior citizen.

19.12.510 Senior citizen low-income housing.

19.12.515 Service station, motor vehicle.

19.12.520 School.

19.12.525 Secondhand store.

19.12.530 Sidewalkscape.

19.12.535 Significant tree.

19.12.536 Sleeping unit.

19.12.537 Storage yard, outdoor storage.

19.12.540 Story.

19.12.545 Street.

19.12.550 Structure.

19.12.555 Structural alterations.

19.12.560 Swap meet and flea market.

19.12.563 Trail.

19.12.563 Transitional housing.

19.12.565 Travel trailer.

19.12.566 Unit, carriage.

19.12.567 Unit, commercial mixed-use.

19.12.568 Unit, cottage.

19.12.570 Use.

19.12.575 Variance.

19.12.577 Vehicles or motors.

19.12.580 Yard.

19.12.585 Yard, front.

19.12.590 Yard, side.

19.12.595 Yard, rear.

19.12.600 Zone.

19.12.010 Definitions generally.

In addition to the definitions in BMC 1.01.060 and 1.01.070, the definitions set forth in this chapter are to be used in construing the Buckley zoning code. (Ord. 04-16 § 2, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981).

19.12.020 *Abandonment.*

“Abandonment” means to cease operation for a period of 180 or more consecutive days. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.015).

19.12.025 *Accessory dwelling unit.*

“Accessory dwelling unit” means a self-contained residential unit that is accessory to a single family or duplex-single family home. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single family principal structure home including the yard, parking, storage or laundry facilities. The accessory dwelling unit may be either detached or attached to the principal structure (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.030 *Accessory building or use.*

“Accessory building or use” means a use or structure which is incidental and subordinate to a principal use; provided, that such use or structure shall be located on the same lot as the principal use or structure. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.020).

19.12.035 *Adult day care.*

“Adult day care” is a supervised daytime provider giving core services as defined in WAC 388-106-0800. Core services are appropriate for adults with medical or disabling conditions that do not require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of the client’s physician. The adult day care center must offer and provide on-site core services as required by DSHS. These core services must meet the level of care needed by the client as assessed by DSHS and do not exceed the scope of services that the adult day care center is able to provide. (Ord. 17-14 § 1, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 41-97 § 1, 1997. Formerly 19.12.021).

19.12.040 *Adult family home.*

“Adult family home” means a residence in which a person or persons provide personal care, special care, room, and board to a maximum number as specified in the state code under a license issued by the Washington State Department of Social and Health Services pursuant to Chapter 70.128 RCW. (Ord. 17-14 § 2, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 41-97 § 2, 1997. Formerly 19.12.025).

19.12.043 *Affordable housing.*

“Affordable housing” means units to be sold or rented to families earning 80 percent or less of the Pierce County median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.044 *Agricultural production.*

“Agricultural production” means the manufacturing, planting, cultivating, growing, or harvesting a plant or animal; provided, that slaughtering, butchering, and rendering is not considered agricultural production. Marijuana producing is not considered agricultural production. (Ord. 22-15 § 1, 2015).

19.12.044.1 Agriculture.

“Agriculture” means commercial cultivation of land for agricultural products, vineyards, gardening, and fruit growing, and includes industrial cannabis (hemp). (Ord. 22-15 § 1, 2015).

19.12.045 Alley.

“Alley” means a public way which provides a secondary means of access to abutting property. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.030).

19.12.050 Antenna.

“Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet, or television communication through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services. (Ord. 11-19 § 3, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.031).

19.12.055 Antenna height.

“Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the lowest point of the structure’s footprint shall be used in calculating the antenna height. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.032).

19.12.060 Antenna support structure.

“Antenna support structure” means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.033).

19.12.065 Applicant.

“Applicant” means any person, partnership, company, or other entity who files an application for permit. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.034).

19.12.070 Assisted living facility.

“Assisted living facility” means a state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes. For purposes of density calculations, for assisted living facilities with shared kitchen facilities, every three bedrooms shall be construed as one dwelling unit. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999; Ord. 41-97 § 3, 1997. Formerly 19.12.035).

19.12.075 Auto rebuild.

“Auto rebuild” means a business which is involved in the repair, reconstruction, or replacement of parts, engines, body work or equipment upon automobiles, trucks, motorcycles or other motorized vehicles. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999; Ord. 21-89 § 2, 1989. Formerly 19.12.037).

19.12.080 Auto recycling.

“Auto recycling” means a business which is involved in the dismantling, salvage or removal of parts, body work, engines, or equipment, and the subsequent sale thereof, from automobiles, trucks, motorcycles or other motorized vehicles, where such dismantling, salvage or removal is performed as a complete and continuous act, and shall not include the piece-by-piece sale of parts, body work, engines or equipment from vehicles stored upon the business premises or operated as a “junkyard” as defined in this chapter. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999; Ord. 21-89 § 3, 1989. Formerly 19.12.038).

19.12.085 Basement.

“Basement” means that portion of a building between floor and ceiling which is partly below and partly above the grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.040).

19.12.090 Block.

“Block” means all property abutting upon one side of a street between intersecting or intercepting platted streets or between a platted street and a railroad right-of-way, waterway or city boundary line; provided, that the above definition does not apply to a given set of property; a block shall then be defined as one-sixteenth of a section length. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.050).

19.12.095 Boarding, lodging or rooming house.

“Boarding, lodging or rooming house” means a residence, or portion thereof, occupied by the owner or operator, other than a hotel or motel, where for compensation lodging, with or without meals, is provided for up to six persons, not including members of the owner’s, occupant’s or tenant occupant’s family. Boarding, lodging or rooming houses do not include accessory dwelling units. (Ord. 22-08 § 1 (Exh. A), 2008).

Commented [SL1]: Boarding houses are a type of co-living, but this is more restrictive than the co-living definition, recommendation to remove, and include a co-living definition instead.

Commented [SL2R1]: A good reason to retain this definition would be if the City would like to allow this use in low density residential areas (co-living is not required in zones that allow fewer than 6 units per parcel).

19.12.100 Building.

“Building” means any structure for the support, shelter or enclosure of animals, persons, mechanical devices or chattels, or property of any kind, and constructed under one roof. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.060).

19.12.105 Building height.

“Building height” means that definition for building height listed within the most current version of the International Building Code (IBC) as adopted by the city. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.070).

19.12.110 Building, residential or residence.

“Residence” or “residential building” means a building or structure, or any portion thereof, which is occupied or intended to be occupied for sleeping or living purposes by human beings, but not including motels or hotels. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.080).

19.12.115 Bulk.

“Bulk” means the size and location of buildings and structures in relation to the lot and includes maximum height of buildings, minimum lot area, minimum front, side and rear yards and maximum lot coverage. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.090).

19.12.120 Cabaret.

Repealed by Ord. 34-19. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.100).

19.12.123 Camouflaged tower or antenna.

“Camouflaged tower or antenna” means personal wireless towers and/or antennas disguised as or located within manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that effectively camouflage or conceal the presence of the antennas or towers. Paint and/or color shall not be sufficient by itself to qualify as camouflage unless the paint and/or color provides approximately as much camouflage as an alternative design mounting structure. (Ord. 01-13 § 2, 2013).

19.12.125 Cargo container.

“Cargo container” means a standardized, reusable vessel that was:

- (1) Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- (2) Designed for or capable of being mounted or moved on a rail car; and/or
- (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.130 Carport.

“Carport” means a private roofed garage which is open to the weather on at least 40 percent of the total area of its sides. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.110).

19.12.135 Church.

Repealed by Ord. 01-13. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.120).

19.12.140 Club.

“Club” means a building used for the social, civic or recreational activities of a private nonprofit association of persons and their guests. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.130).

19.12.142 Co-living Housing.

“Co-living housing” means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. The maximum number of sleeping units can be no greater than four times the unit density of the underlying zone. For instance, if the underlying zone allows 20 dwelling units per acre, up to 80 sleeping units are allowed per acre. Co-living housing includes boarding, lodging and rooming houses.

19.12.143 Collocation.

“Collocation” means (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. (Ord. 11-19 § 3, 2019).

19.12.145 Conditional use.

“Conditional use” means a use listed among those classified in any given zone but permitted to locate in that zone only after a review by the appropriate city-designated official and the granting of a conditional use permit imposing such design and performance standards as will make the use compatible with other permitted uses in the same vicinity and assure against imposing excessive demands upon public utilities. (Ord. 06-16 § 13, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.140).

19.12.147 Contractor yards.

“Contractor yards” means a service establishment primarily engaged in general contracting or subcontracting in the construction trades, and may include workshops and the indoor or outdoor storage of tools, equipment, materials and vehicles. (Ord. 14-17 § 1, 2017).

19.12.150 Cottage housing development.

“Cottage housing development” means a residential development consisting of clusters in accordance to the regulations in Chapter 19.24 BMC. (Ord. 34-19 § 4, 2019; Ord. 22-08 § 1 (Exh. A), 2008).

19.12.151 Day care, child day care center.

“Child day care center” means a child care provider that regularly provides early childhood education, and/or early learning services for a group of children for periods of less than 24 hours. To ascertain distances to day care centers from marijuana facilities, the definition in WAC 314-55-010(4) shall be used. (Ord. 19-17 § 2, 2017; Ord. 17-14 § 3, 2014).

19.12.152 Day care, child day care provider.

“Child day care” or “child day care provider” means provision of supplemental parental care and supervision:

- (1) For a nonrelated child or children;
- (2) On a regular basis;
- (3) For less than 24 hours a day; and
- (4) Under license by the Washington State Department of Social and Health Services.

(5) As used in this title, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative child care by a group of parents in their respective homes. (Ord. 17-14 § 5, 2014).

19.12.153 Day care, family day care home.

"Family day care home" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children in the provider's home. (Ord. 17-14 § 4, 2014).

19.12.154 Designated official.

"Designated official" shall be that person or entity designated by the BMC to have the authority to make a specified decision or action. The authority of a designated official will often be specified in BMC Title 20. (Ord. 13-19 § 3, 2019; Ord. 06-06 § 14, 2016).

19.12.154.1 Director.

"Director" means the planning director or his/her designee. (Ord. 11-19 § 3, 2019).

19.12.155 Dwelling, caretaker's.

"Caretaker's dwelling" means a dwelling unit, located inside a principal building on the lot, which is designed for and used exclusively by the property owner or by another person and his or her family, employed to provide security or custodial services for a commercial or industrial use on the same lot. Caretaker's dwelling units may be allowed by the appropriate city-designated official subject to the performance regulations for conditional use permits, and to the following additional requirements:

- (1) The dwelling unit shall only be allowed as an accessory use to the principal use(s) permitted in the zone;
- (2) The dwelling unit shall be located inside the principal building on the property. The appearance of the building shall remain commercial or industrial;
- (3) That portion of the principal building containing the dwelling unit shall observe a minimum setback of eight feet from property lines;
- (4) Only one caretaker's dwelling shall be allowed on the site or lot;

(5) The caretaker's dwelling shall be removed upon a change in the use or ownership of the property. (Ord. 06-16 § 15, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1-97 § 1, 1997. Formerly 19.12.145).

19.12.156 Dwelling, courtyard apartment.

"Courtyard apartment" means up to [20] attached units arranged on two or three sides of a yard or court with yard or court contiguous with lot frontage.

Commented [SL3]: Changed from 25 to 20 units.

19.12.157 Dwelling, four-family or fourplex.

"Four-family dwelling" or "fourplex" means a building designed or used by four families for residential purposes, which can be either attached or stacked; provided, four townhome units are not considered a fourplex.

19.12.158 Dwelling, live-work.

“Live-work dwelling” means a detached or attached structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space occupied by a commercial use.

19.12.159 Low-rise apartment complex

“Low-rise apartment complex” means a multifamily residential building, or collection of buildings, of two or three stories in which dwelling units share common walls and floors. Dwelling units are not on individual lots and may either be rented or owned as condominium units or some other form of collective ownership.

19.12.160 Dwelling, low-rise mixed use.

“Low-rise mixed use dwelling” means a building of two or three stories in which dwelling units share common walls and floors above a fire-separated ground floor space occupied by a commercial use.

19.12.1620 Dwelling, multiple-family.

“Multiple-family dwelling” means a building designed exclusively for occupancy by ~~three-four~~ or more families living independently of each other, and containing ~~three-four~~ or more dwelling units, ~~as well as townhomes~~ (Ord. 02-22 § 5, 2022; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.150).

19.12.164 Dwelling, multiplex.

“Multiplex” means a building consisting of 5-12 attached units arranged side-by-side or stacked.

Commented [SL4]: This is not the same definition as in the multi-family guidelines: “multifamily” includes all duplexes, townhomes, or any other structures containing three or more dwelling units amounting to at least eight (8) residential units on the same parcel or on consecutive parcels under common ownership

19.12.165 Dwelling, single-family.

“Single-family dwelling” means a building designed or used by one family for residential purposes. (Ord. 34-19 § 5, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 01-03 § 1, 2003; Ord. 40-97 § 1, 1997; Ord. 1020 § 2, 1981. Formerly 19.12.160).

19.12.170 Dwelling, temporary.

“Temporary dwelling” is as defined in BMC 16.10.005. (Ord. 34-19 § 6, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 8-84 § 1, 1984. Formerly 19.12.165).

19.12.172 Dwelling, three-family or triplex.

“Three-family dwelling” or “triplex” means a building designed or used by three families for residential purposes, which can be either attached or stacked; provided, three townhome units are not considered a triplex.

19.12.175 Dwelling, townhome.

“Townhome dwelling” means a type of attached ~~multifamily~~ dwelling in a row of at least two, but not more than four, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.180 Dwelling, two-family or duplex.

“Two-family dwelling” or “duplex” means a building designed or used by two families for residential purposes, which can be either attached or stacked; provided, two townhome units are not considered a duplex. (Ord. 04-16 § 3, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.170).

19.12.185 Dwelling unit.

“Dwelling unit” means one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of a single family maintaining a household. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.190 Ecological footprint.

“Ecological footprint” means a measure of human demand on nature that compares the consumption of natural resources with the Earth’s ecological capacity to regenerate them. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.195 EIA.

“EIA” means the Electronics Industry Association. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.171).

19.12.196 Electric vehicles, stations, and infrastructure.

(1) “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle” includes a battery electric vehicle, a plug-in hybrid electric vehicle, a neighborhood electric vehicle, and a medium-speed electric vehicle.

(a) “Battery electric vehicle” or “BEV” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

(b) “Plug-in hybrid electric vehicle” or “PHEV” means an electric vehicle that:

- (i) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- (ii) Charges its battery primarily by connecting to the grid or other off-board electrical source;
- (iii) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
- (iv) Has the ability to travel powered by electricity.

(c) “Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(d) “Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Part 571.500.

(2) “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means)

to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

- (a) "Electric vehicle charging station – restricted" means an electric vehicle charging station that is:
 - (i) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or
 - (ii) Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- (b) "Electric vehicle charging station – public" means an electric vehicle charging station that is:
 - (i) Publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking); or
 - (ii) Privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).
- (c) "Electric vehicle charging station – accessible" means an electric vehicle charging station that has been sized, designed and located consistent with Americans with Disabilities Act (ADA) requirements for persons with disabilities.
- (3) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
- (4) "Electrical distribution substation" means an assembly of equipment designed to receive energy from a high voltage distribution supply system, to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults. (Ord. 34-19 § 7, 2019).

19.12.196.5 Emergency Housing

"Emergency housing (EH)" is defined as temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

Commented [SL5]: RCW 36.70A.030(14)

19.12.196.7 Emergency Shelter

Emergency shelter (ES) is defined as a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Commented [SL6]: RCW 36.70A.030(15)

19.12.1997 Employee.

"Employee" means a full- or part-time participant, resident or nonresident, in a business activity. (Ord. 17-14 § 7, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 07-04 § 7, 2004. Formerly 19.32.020).

19.12.200 Equipment enclosure.

"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.177).

19.12.205 FAA.

“FAA” means the Federal Aviation Administration. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.178).

19.12.210 Facade, building.

“Building facade” means the external architectural features of the front of the building as can be seen from the public right-of-way. This definition does not include building materials or color choices but strictly applies to the architectural features of a building. Furthermore, two separate building facades will be deemed to be identical if they are mirror images of each other. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.215 Family.

~~“Family” means an individual or a group of two or more individuals related by blood, marriage, or adoption, together with not more than two additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit; or not more than five persons who are not related by blood or marriage or adoption, living together as a single housekeeping unit. People residing in group homes or adult family homes shall not be considered “family” under this definition. (Ord. 34-19 § 8, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.180)~~
~~“Family” means a single housekeeping unit of either related or unrelated individuals that does not exceed the number allowed by state law, for short-term rentals, or occupant load per square foot.~~

Commented [SL7]: Definition needs to be updated: RCW 35.21.682, RCW 35A.21.314 and RCW 36.01.227 state cities and counties may not regulate or limit the number of unrelated persons that may occupy a dwelling unit except as provided for in state law.

19.12.220 FCC.

“FCC” or “Federal Communications Commission” shall be as defined in BMC 13.35.040. (Ord. 11-19 § 3, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.183).

Commented [SL8R7]: I. Residential structures occupied by persons with handicaps, and group care for children that meets the definition of “familial status” are regulated the same as a similar residential structure occupied by a family or other unrelated individuals. No city or county planning under the GMA may enact or maintain ordinances, development regulations, or administrative practices which treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. RCW 36.70A.410, RCW 70.128.140 and 150, RCW 49.60.222-225 and WAC 365-196-860

19.12.225 Fence.

“Fence” means any structure built for the purpose of separating, screening, or enclosing sections of property. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.190).

Commented [SL9R7]: We can update the definition of family so that it does not limit the number of unrelated individuals, or we can remove “family” from requirements for dwelling units.

19.12.230 Floor area.

“Floor area” means the total gross area of all floors of all buildings on a lot or building site, as measured to the outside surface of exterior walls or the centerline of walls separating buildings on different lots, excluding crawlspaces, garages, carports, breezeways, attics used solely for storage, open porches, balconies, and terraces. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.200).

Commented [SL10]: According to IBC - about max would be 1 person per 200 square feet for a residential use.

19.12.235 Garage, private.

“Private garage” means an accessory building or an accessory portion attached to the principal building designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.210).

19.12.240 Grade.

“Grade” means the lowest point of elevation of the finished surface of the ground between a structure and a point five feet distant from said structure, or the lowest point of elevation of the finished surface of the ground between the structure and the property line if it is less than five feet distant from said structure. In cases where the structures

are parallel to and within five feet of a public sidewalk, alley or public way, the ground shall be the mean elevation of the sidewalk, alley or public way. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.220).

19.12.242 Grooming parlor.

“Grooming parlor” or “pet grooming parlor” shall be as defined in BMC 9.10.020. (Ord. 34-19 § 9, 2019).

19.12.243 Group home.

“Group home” means a place for persons with mental and physical handicaps, or dependent or ~~predelinquent~~ children, providing special care in a homelike environment and required to be permitted in all districts in which single-family homes are permitted by the United States Fair Housing Act and RCW 35A.63.240, Washington Housing Policy. ~~Group care facilities shall be limited to eight or fewer residents unless the applicant establishes that state or federal law requires more. The number of residents shall not exceed the number allowed by state law, or occupant load per square foot.~~

(Ord. 22-08 § 1 (Exh. A), 2008).

19.12.244 Headquarters.

“Headquarters” means a business operation where employees come to the site at any time. (Ord. 17-14 § 7, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 07-04 § 7, 2004. Formerly 19.32.020).

19.12.245 Home occupation.

“Home occupation” means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

(1) Home Occupation, Type A. “Type A” or “minor” home occupations are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single-family residence. Bed and breakfast establishments that contain no more than two rooms for rent and family day care homes shall be considered minor home occupations.

(2) Home Occupation, Type B. “Type B” or “major” home occupations cause some effect greater than that generally associated with a single residence and require some action or conditions to reduce those effects. (Ord. 17-14 § 6, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 12-98 § 1, 1998; Ord. 6-88 § 1, 1988; Ord. 1020 § 2, 1981. Formerly 19.12.230).

19.12.250 Hotel.

Repealed by Ord. 34-19. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.240).

19.12.265 Kennel.

“Kennel” shall be as defined in BMC 9.10.020. (Ord. 34-19 § 11, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.270).

Commented [SL11]: City and county codes must not discriminate against the siting of housing for persons with disabilities or any reasonable accommodations. Some individuals with disabilities may live together in congregate living arrangements, often referred to as “group homes.” The Fair Housing Act prohibits jurisdictions from making zoning or land use decisions or implementing land use policies that exclude or discriminate against individuals with disabilities. Fair Housing Act and 1988 Amendments Commerce note: Reasonable accommodations include a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling. The Americans with Disability Act often refers to these types of accommodations as “modifications.”

Commented [SL12R11]: Use table allows group homes in all residential zones.

Commented [SL13]: This feels needlessly pejorative

Commented [SL14]: I believe this needs to be updated, because the number of unrelated individuals cannot be regulated, and “residential structures occupied by persons with handicaps, and group care for children that meets the definition of “familial status” are regulated the same as a similar structure occupied by a family or unrelated individuals. RCW 36.70A.410, RCW 70.128.140 and 150, RCW 49.60.222-225 and WAC 365-196-860

Commented [SL15]: According to IBC - about max would be 1 person per 200 square feet for a residential use.

19.12.270 Kitchen.

“Kitchen” means any room or rooms, or portion thereof, used or intended or designed to be used for cooking or the preparation of food. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.280).

19.12.273 Library.

“Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation. (Ord. 19-17 § 3, 2017).

19.12.275 Lot.

“Lot” means a parcel of land that is described by reference to a recorded plat, by metes and bounds, or by section, township, and range. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.290).

19.12.280 Lot area.

“Lot area” means the total horizontal area within the boundary lines of a lot and exclusive of street rights-of-way or street easements. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.300).

19.12.285 Lot, corner.

A “corner lot” means a lot situated at the intersection of two or more streets, the street frontages of said lot forming an angle not greater than 135 degrees and not less than 45 degrees. Those lot lines on a corner lot not considered the front lot line or the street side (corner yard) lot line are to be considered side lot lines. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.310).

19.12.290 Lot coverage.

“Lot coverage” is that portion of a lot covered by a structure or structures. Coverage requirements shall be subject to all open space special requirements. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.320).

19.12.295 Lot depth.

“Lot depth” means:

- (1) If the front and rear lot lines are parallel, the shortest distance between such lines.
- (2) If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and midpoint of the rear lot line.
- (3) For lots without rear lot lines, lot depth shall be determined by the director. (Ord. 27-16 § 2, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.330).

19.12.300 Lot, flag.

“Flag lot” means an approved lot which does not abut a public street other than by its driveway which affords access to the lot. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.340).

19.12.305 *Lot, interior.*

“Interior lot” means a lot other than a corner lot with frontage on only one street. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.350).

19.12.310 *Lot, through or double-frontage lot.*

“Through lot” or “double-frontage lot” means a lot other than a corner lot with frontage on more than one street. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.360).

19.12.315 *Lot line, front.*

“Front lot line” means the boundary of a lot which abuts a public street right-of-way or private ingress and/or egress easement.

- (1) On a corner lot, the front lot line shall be the lot line providing principal access from the adjacent street; however, all sides adjacent to a street shall meet front yard requirements.
- (2) When a lot contains more than one front lot line, the remaining lot lines shall be side lot lines. (Ord. 02-18 § 3, 2018; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.370).

19.12.320 *Lot line, rear.*

“Rear lot line” means a lot line which is opposite and most distant from the front lot line and/or is parallel or within 45 degrees of being parallel to and does not intersect any street line bounding such lot. (Ord. 02-18 § 4, 2018; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.380).

19.12.325 *Lot line, side.*

“Side lot line” means any lot boundary line not a front lot line or a rear lot line. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.390).

19.12.330 *Lot width.*

“Lot width” means the horizontal distance of a lot, measured at right angles to its depth along a straight line at the minimum required front setback line. (Ord. 27-16 § 3, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.400).

19.12.335 *Manufactured home (also see mobile home).*

“Manufactured home” shall be as defined in BMC 16.40.020. (Ord. 34-19 § 12, 2019; Ord. 09-14 § 2, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 40-97 § 2, 1997. Formerly 19.12.405).

19.12.340 *Manufactured home park or MHP.*

“Manufactured home park” or “MHP” means a site that is occupied or designed for occupancy by two or more manufactured homes. (Ord. 09-14 § 3, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 40-97 § 3, 1997; Ord. 1020 § 2, 1981. Formerly 19.12.410).

19.12.341 Marijuana.

“Marijuana” means a substance as defined in RCW 69.50.101(t), and excludes hemp. (Ord. 22-15 § 1, 2015).

19.12.342341.1 Marijuana, industrial, or hemp.

“Marijuana, industrial, or hemp” means those Cannabis sativa plant types intended for agricultural and industrial purposes. Although marijuana is also derived from the Cannabis sativa plant, industrial hemp is readily distinguishable from marijuana with respect to:

- (1) The types and percentages of organic compounds it contains;
- (2) Its agricultural, industrial, and pharmaceutical uses; and
- (3) Its observable physical characteristics.

For legal purposes, the key factors in distinguishing the two plants are the amounts of delta-9 tetrahydrocannabinol (THC) and cannabinoids each contains, with the THC level being the most important measure.

Tetrahydrocannabinol is a psychoactive, organic compound that in sufficient concentrations will cause intoxication in humans.

Industrial hemp has very low levels of THC and, thus, does not have psychoactive effects or cause intoxication. Throughout most of the world, the legal definition of industrial hemp includes the requirement that the plant contain no more than 0.3 percent THC. Marijuana, by contrast, has much higher concentrations of THC, ranging anywhere from five to 25 percent. (Ord. 22-15 § 1, 2015).

19.12.343341.2 Marijuana manufacture.

“Marijuana manufacture” is as defined in RCW 69.50.101(s). (Ord. 22-15 § 1, 2015).

19.12.344341.3 Marijuana processor.

“Marijuana processor” is as defined in RCW 69.50.101(v). (Ord. 22-15 § 1, 2015).

19.12.344.1341.4 Marijuana producer.

“Marijuana producer” is as defined in RCW 69.50.101(w). (Ord. 22-15 § 1, 2015).

19.12.344.2341.5 Marijuana production.

“Marijuana production” means manufacturing, planting, cultivating, growing or harvesting marijuana and does not include marijuana produced in marijuana cooperative as authorized by 2SSB 5052 and also does not include “marijuana, industrial, or hemp.” (Ord. 22-15 § 1, 2015).

19.12.344.3341.6 Marijuana retailer.

“Marijuana retailer” is as defined in RCW 69.50.101(y). (Ord. 22-15 § 1, 2015).

19.12.344.4341.7 Medical marijuana.

“Medical marijuana” or “medical cannabis” means the medical use of marijuana as defined in RCW 69.51A.010(3). (Ord. 22-15 § 1, 2015).

19.12.344.5341.8 Medical marijuana cooperatives.

“Medical marijuana cooperatives” means the private medical marijuana gardens authorized by Section 26 of 2SSB 5052 for qualifying patients to grow plants in a home to use for medical conditions. (Ord. 22-15 § 1, 2015).

19.12.343 Mixed Use

“Mixed Use” or “mixed-use developments” refers to a development or land use pattern that combines residential and commercial uses within a single project or area. The ~~maximum~~minimum amount of commercial space ~~allowed~~required in any individual mixed-use project shall be defined as a ~~maximum~~minimum percentage of total floor space available for commercial uses. This percentage will vary based upon the underlying zone.

19.12.345 Mobile home.

“Mobile home” shall be as defined in BMC 16.40.020. (Ord. 34-19 § 13, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 40-97 § 4, 1997; Ord. 1020 § 2, 1981. Formerly 19.12.420).

19.12.350 Modification.

“Modification” means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.425).

19.12.355 Motel/hotel.

(1) “Motel” means a building or a group of buildings containing individual sleeping units where such units open individually and directly to the outside and where a majority of said units are designed for or occupied by transients.

(2) “Hotel” means a building containing individual sleeping units that have at least one entrance to the outdoors and common hallways to each room.

(3) “Apartment hotel” is a hotel that offers long-term rooming accommodations, for example by the week or month. (Ord. 34-19 § 14, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.430).

19.12.356 Motor vehicle recycling and rebuilding establishments.

“Motor vehicle recycling and rebuilding establishments” means establishments that specialize in dismantling motor vehicles for the purpose of salvaging their parts, or specializing in the salvage and recycling of already dismantled motor vehicle parts, and/or establishments that specialize in the total or near-total rebuilding of motor vehicles, rather than just repairing, replacing or maintaining specific parts. (Ord. 02-22 § 6, 2022).

19.12.357 Motor vehicle repair establishments.

“Motor vehicle repair establishments” means establishments that specialize in repairing and/or maintaining motor vehicle parts but do not conduct total or near-total rebuilding of motor vehicles. (Ord. 02-22 § 6, 2022).

19.12.358 Motor vehicle sales and service establishments.

“Motor vehicle sales and service establishments” means establishments that specialize in selling new or used motor vehicles and may also conduct maintenance and service of motor vehicles. (Ord. 02-22 § 6, 2022).

19.12.360 *Mount.*

“Mount” means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

- (1) Building-mounted: a personal wireless service facility mount fixed to the roof or side of a building.
- (2) Ground-mounted: a personal wireless service facility mount fixed to the ground, such as a tower.
- (3) Structure-mounted: a personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.435).

19.12.365 *Nonconforming structure or nonconforming use.*

“Nonconforming structure” or “nonconforming use” means a use or structure lawfully existing on the effective date of the ordinance codified in this title which does not conform to a provision of this title. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.440).

19.12.367 *Normal deliveries.*

“Normal deliveries” means the home occupation shall not involve the use, parking, or storage of any vehicle exceeding a gross vehicle weight of 11,000 pounds except deliveries by parcel post, United Parcel Service, or similar commercial in-town delivery service trucks. These deliveries or pick-ups of supplies or products associated with business activities are allowed at the home only between 7:00 a.m. and 6:00 p.m. and are limited to no more than two trips per day. (Ord. 17-14 § 7, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 07-04 § 7, 2004. Formerly 19.32.020).

19.12.370 *Noxious matter.*

“Noxious matter” means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.450).

19.12.375 *Nursing home or rehabilitation center.*

“Nursing home” or “rehabilitation center” means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves (see RCW 18.51.010). (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 41-97 § 4, 1997. Formerly 19.12.455).

19.12.380 *Open space.*

“Open space” means that part of a zoning lot, or any number of lots or portions thereof, brought together under one development plan for the entire parcel, other than required yards, which:

- (1) Is free and clear of buildings, structures and paved areas used for automobile parking or vehicular access and is to remain open and unobstructed from the ground to the sky;
- (2) Is accessible (and made available at all times) to all persons occupying a dwelling unit of the structures located on the lot;
- (3) Has a minimal uninterrupted horizontal dimension in all directions greater than 20 feet;

(4) Limits paved areas in any required open space to five percent or less of the total square footage of the open space, and shall be located in only one section of the same.

Low impact development facilities, tennis, basketball and other recreational courts may be considered in calculating open space square footage requirements. (Ord. 15-17 § 1, 2017; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.460).

19.12.385 Owner.

“Owner” means the owner of record, as determined by the records of the county auditor; provided, that the owner under a real estate contract is the purchaser/vendee and the owner of mortgaged property or property subject to a deed of trust is the mortgagor or grantor as the case may be. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.470).

19.12.387 Park.

“Park” means all parks, squares, greenways, parkways, grounds or other areas devoted to purposes of play, recreation and pleasure.

(1) Public parks are for the general public and are maintained, owned, and/or managed by a city, county, state, federal government, or metropolitan park district.

(2) Private parks are for members only as determined by the owner and maintained, owned, or managed by a private entity, sometimes for profit. (Ord. 19-17 § 5, 2017).

19.12.390 Parking area, private.

“Private parking area” means an open area other than a street, alley or other public property limited to the parking of automobiles of occupants or employees of uses to which these facilities are appurtenant. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.480).

19.12.395 Parking area, public.

“Public parking area” means an open area other than a street or alley, whether privately or publicly owned, which is used for the parking of more than four automobiles and is available to the public. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.490).

19.12.400 Parking, off-street.

“Off-street parking” means any space, whether or not required by the provisions of this title, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this title, said space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress so as to block access. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.500).

19.12.405 Parking space.

“Parking space” means a designated off-street area which is available and usable for the parking of one motor vehicle and shall have a minimum size of 10 feet by 20 feet, plus suitable area for ingress and egress. All businesses and multifamily dwellings shall have each parking space clearly marked and designated. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.510).

19.12.410 *Parking space – Recreational vehicle.*

“Recreational vehicle parking space” means a parking space of sufficient size to park most recreational vehicles. The parking space shall have a minimum size of 12 feet by 30 feet, plus suitable area for ingress and egress. The recreational vehicle parking space need not be specially designated. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 12-85 § 1, 1985. Formerly 19.12.515).

19.12.415 *Parking space – Senior citizen housing.*

Senior citizen housing shall have a minimum of 1.5 parking spaces per dwelling unit. At least 15 percent of parking spaces shall be recreational vehicle parking spaces. Parking spaces designated for handicapped persons may not be used to satisfy the recreational vehicle parking space requirement. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 12-85 § 2, 1985. Formerly 19.12.517).

19.12.417 *Permanent supportive housing*

“Permanent supportive housing (PSH)” is defined as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 [RCW].

Commented [SL16]: RCW 36.70A.030 (31)

19.12.420 *Person.*

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.520).

19.12.425 *Personal wireless service, personal wireless service facilities and facilities.*

“Personal wireless service,” “personal wireless service facilities” and “facilities,” as used in this chapter, shall be defined in the same manner as in Title 47, USC, Section 332(c)(7)(C), as they may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC as well as unlicensed wireless services. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 14-99 § 1, 1999. Formerly 19.12.522).

19.12.426 *Place of worship.*

“Place of worship” means property owned or leased by a nonprofit religious organization, such as a church, for religious worship or related administrative, educational, charitable and social activities. (Ord. 01-13 § 3, 2013).

19.12.427 *Plan.*

“Plan” means a survey or scaled drawing that is part of the set of application drawings or construction documents. The type of plan shall be taken in context in the code, for example, a “site plan” would include all the items required

in the site plan review chapter of this code, a “landscape plan” would include all the items required in the landscape chapter of this code, and so forth. (Ord. 10-13 § 2, 2013).

19.12.427.1 *Playground*.

“Playground” means an outdoor recreation area, usually equipped with swings, slides, and other playground equipment.

(1) Public playgrounds are owned and/or managed by a city, county, state, or federal government.

(2) Private playgrounds are owned by a private entity such as a homeowners’ association and are not to be used to set back from marijuana facilities. (Ord. 19-17 § 4, 2017).

19.12.428 *Porch*.

“Porch” means an outdoor, roofed, unheated, flat surface attached to a residential structure. The porch may be enclosed by screen, latticework, broad windows, or other light frame walls extending from the main structure. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.430 *Principal use*.

“Principal use” means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. A principal use is a use classified as such in any given zone. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.540).

19.12.435 *Professional offices or professions*.

“Professional offices” or “professions” means offices or a business maintained and used as a place of business conducted by professionals such as engineers, attorneys, realtors, architects, accountants and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training and skills or manual dexterity or the handling of commodities. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 10-93 § 1, 1993; Ord. 1020 § 2, 1981. Formerly 19.12.550).

19.12.437 *Professional office, medical, dental*.

“Professional office, medical, dental” means an establishment for treatment of outpatients, and providing no overnight care for patients. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.440 *Public facilities*.

“Public facilities” means all municipal, county or state owned or operated facilities including, but not limited to, governmental administrative offices, libraries, fire stations, police stations, municipal garages and yards, refuse disposal or transfer facilities, cemeteries, water, sewer, gas, steam or electric distribution systems, pumping or regulation stations and transformer stations with service yards. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.560).

19.12.443 *Public transit center*.

“Public transit center” means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various

locations to assemble at a central point to take advantage of express trips or other route to route transfers. (Ord. 19-17 § 7, 2017).

19.12.445 *Public use.*

“Public use” means any area, building or structure held, used, or controlled exclusively for public purposes by any department or branch of any government, without reference to the ownership of the building or structure or of the land upon which it is situated. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.570).

19.12.450 *Public utility.*

“Public utility” means a private business organization such as any public service corporation, including physical plan facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Said services shall include, but are not limited to, water supply, electric power, telephone, gas and transportation for persons and freight. (Ord. 11-19 § 3, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.580).

19.12.453 *Qualifying patient.*

“Qualifying patient” is as defined in RCW 69.51A.010(4). (Ord. 22-15 § 1, 2015).

19.12.455 *Railroad right-of-way.*

“Railroad right-of-way” means a strip of land with tracks and/or auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.590).

19.12.460 *Reclassification of property.*

“Reclassification of property” means a change in the zone boundaries upon the zoning map, when adopted in the manner prescribed by law. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.600).

19.12.465 *Reclassification of use.*

“Reclassification of use” means the assignment by amendment of the code of a particular use to a different use classification than that in which the use was originally permitted. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.610).

19.12.468 *Recreation center or facility.*

“Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government. (Ord. 19-17 § 8, 2017).

19.12.470 *Recreational vehicles.*

“Recreational vehicles” means any mobile vehicle or equipment used for recreational purposes, including, but not limited to, snowmobiles, all-terrain vehicles, boats, campers, trailers and motor homes and other self-propelled

trailers. This shall not include automobiles and pickup trucks unless the pickup truck is equipped with any of the equipment referred to in this section. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.620).

19.12.475 Residential cluster.

“Residential cluster” means a unified development in which the subdivision and/or zoning regulations apply to the project as a whole rather than to its individual lots, in order to gain a more advantageous use of the land. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.480 Religious organization.

“Religious organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

19.12.485 Roof.

“Roof” means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.640).

19.12.495 Sales, retail.

“Retail sales” means the sale of goods, merchandise and/or commodities for use or consumption by the immediate purchaser. Retail sales include the selling of goods and services which may include convenience goods, such as food and drugs; personal services (excluding professional services), such as tailoring, shoe repairing and barber shops; and general merchandise, such as apparel, furniture and home furnishings. Wholesale sales may be made from a retail business, provided the business’s principal use is retail sales. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.660).

19.12.500 Sales, wholesale.

“Wholesale sales” means the sale of goods, merchandise and/or commodities for resale by the purchaser in the regular course of business without intervening use by the purchaser. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.670).

19.12.505 Senior citizen.

“Senior citizen” means a person 55 years of age or more, or a person of less than 55 years who by reason of infirmity requires domiciliary care. “Senior citizen” shall also include “elderly family,” which is two or more persons living together where the head or spouse is a senior citizen or a person less than 55 years of age who by reason of infirmity requires domiciliary care. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 41-97 § 5, 1997; Ord. 12-85 § 3, 1985. Formerly 19.12.672).

19.12.510 Senior citizen low-income housing.

“Senior citizen low-income housing” means multifamily housing for senior citizens whose income qualifies as low income pursuant to BMC 14.16.020. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 41-97 § 6, 1997; Ord. 12-85 § 4, 1985. Formerly 19.12.675).

19.12.515 Service station, motor vehicle.

“Motor vehicle service station” means a business which provides for the retail sale of petroleum products as its principal business use, and the servicing and repair of motor vehicles as an incidental use. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.680).

19.12.520 School.

“School” means a public or private institution of learning that offers instruction in the several branches of learning and study.

(1) “Elementary school” means a school for early education that provides basic education from generally preschool through grade five and is recognized by the Washington State Superintendent of Public Instruction.

(2) “Middle school” means a school that provides education for generally grades six through eight and is recognized by the Washington State Superintendent of Public Instruction.

(3) “High school” means a school for students who have completed their primary and middle school education and is recognized by the Washington State Superintendent of Public Instruction, and is usually attended by children in generally grades nine to 12.

(4) “Post-secondary education” means education for students who graduated from high school and seek a certificate or a degree. (Ord. 34-19 § 15, 2019; Ord. 19-17 § 9, 2017; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.690).

19.12.525 Secondhand store.

“Secondhand store” means and includes, but is not limited to, any business that sells used items of personal property to be used again for the purpose for which they were originally intended. It includes, but is not limited to, antique stores, secondhand stores, used merchandise stores, and the like. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 17-84 § 1, 1984. Formerly 19.12.695).

19.12.530 Sidewalkscape.

“Sidewalkscape” means the area between the property lines and the curb or road edge encompassing the pedestrian sidewalk. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.535 Significant tree.

“Significant tree” means an existing deciduous or coniferous tree suitable for inclusion as permanent landscaping in a project that is either six inches or more in diameter measured three feet above grade for any species; or is determined to be significant by the planning director or designee due to unusual or historic heritage or rareness. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.536 Sleeping unit.

“Sleeping unit” means A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. Sleeping units have a minimum size of 70 square feet.

Commented [SL17]: Recommended so supplement added co-living definition

19.12.537 Storage yard, outdoor storage.

“Storage yard, outdoor storage” means an outdoor area not used for retail display (such as a retail car or RV lot) where vehicles, equipment, merchandise, raw materials, cargo containers, railroad cars, semi-truck trailers or other items are accumulated and stored. Storage yards are often used in conjunction with a warehouse, storage buildings, sheds or other structures and may be public or private. (Ord. 14-17 § 1, 2017).

19.12.540 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. The lowest level shall be counted as a story only if more than one-half of the distance between the lowest level’s floor and the ceiling above it is above the established curb level or above the finished lot grade level where curb level has not been established. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.700).

19.12.545 Street.

“Street” means a public or recorded private thoroughfare which affords primary means of access to abutting property. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.710).

19.12.550 Structure.

“Structure” means any combinations of materials constructed and erected on the ground or water or attached to something having a permanent location on the ground or water. Not included are residential fences equal to or less than six feet in height, retaining walls less than three feet in height, rockeries, paved areas and similar improvements of a minor character. The term “structure” shall be construed as though followed by the words “or parts thereof.” (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.720).

19.12.555 Structural alterations.

“Structural alterations” means any change in the supporting members of a building or structure. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.730).

19.12.560 Swap meet and flea market.

“Swap meet” and “flea market” shall be as described in BMC 6.04.020 in the definition for “temporary business.” (Ord. 34-19 § 16, 2019; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 17-84 § 2, 1984. Formerly 19.12.735).

19.12.563 Trail.

“Trail” means any constructed pathway which has been designed for exclusive use of pedestrians, equestrians or bicyclists and specifically includes the Foothills Trail. (Ord. 19-17 § 6, 2017).

19.12.564 Transitional housing.

“Transitional housing (TH)” is defined as a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Commented [SL18]: RCW 84.36.043(3)(c)

19.12.565 *Travel trailer.*

“Travel trailer” means a suitably enclosed volume of space built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.740).

19.12.566 *Unit, carriage.*

“Carriage unit” means a single-family dwelling located above a garage structure constructed in accordance with Chapter 19.24 BMC. (Ord. 34-19 § 17, 2019; Ord. 22-08 § 1 (Exh. A), 2008).

19.12.567 *Unit, commercial mixed-use.*

“Commercial mixed-use unit” means a unit designed for the occupancy of one commercial/office use on the main/street level and (a) residential use(s) on the second floor above. (Ord. 22-08 § 1 (Exh. A), 2008).

19.12.568 *Unit, cottage.*

“Cottage unit” means a detached single-family dwelling within a cottage housing development constructed in accordance with Chapter 19.24 BMC. (Ord. 34-19 § 18, 2019; Ord. 22-08 § 1 (Exh. A), 2008).

19.12.570 *Use.*

“Use” means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.750).

19.12.575 *Variance.*

“Variance” means the method by which an adjustment is made in the application of the specific regulations of the zoning code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.760).

19.12.577 *Vehicles or motors.*

“Vehicles” or “motors” means vehicles or equipment with engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawnmowers, chainsaws, and other engines). (Ord. 17-14 § 7, 2014; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 07-04 § 7, 2004. Formerly 19.32.020).

19.12.580 *Yard.*

“Yard” or “setback” means any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line. (Ord. 04-16 § 4, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.770).

19.12.585 *Yard, front.*

“Front yard” means that portion of the site area extending across the full width of the lot and lying between the front lot line and a line drawn parallel thereto and at a distance therefrom equal to the required front yard depth. On a

corner lot, the front yard shall be the yard providing principal access from the adjacent street. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.780).

19.12.590 *Yard, side.*

“Side yard” means that portion of the site area measured from the side lot line toward the center of the lot and extending from the rear lot line to the front lot line of the required yard parallel to the side lot line at a distance therefrom equal to the required side yard depth. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.790).

19.12.595 *Yard, rear.*

“Rear yard” means that portion of the site area extending across the full width of the lot and lying between the rear lot line and a line drawn parallel thereto, at a distance therefrom equal to the required rear yard depth. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.800).

19.12.600 *Zone.*

“Zone” means an area accurately defined as to boundaries and location on the official zoning map and within which area only certain types of land uses are permitted. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.810).

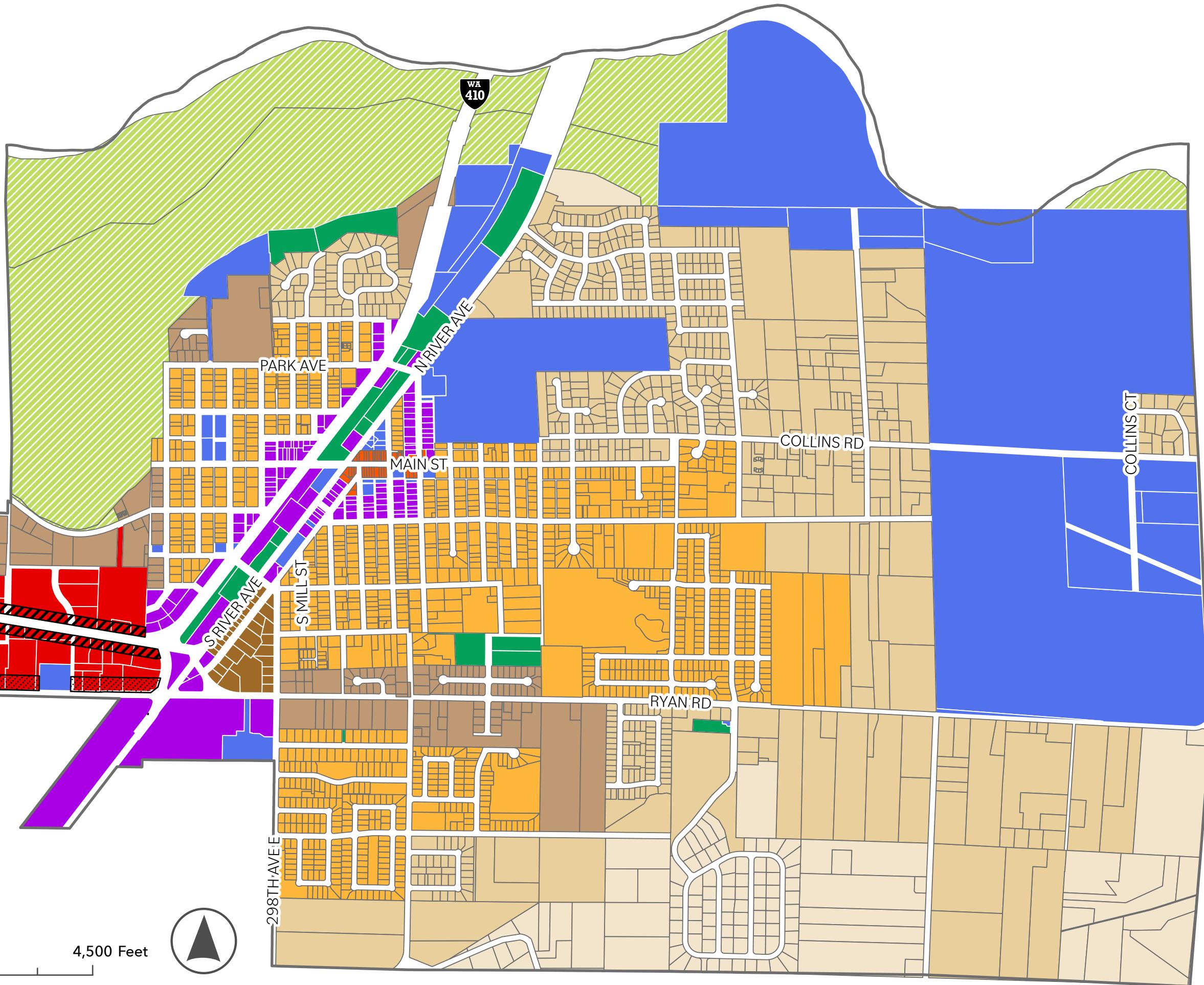
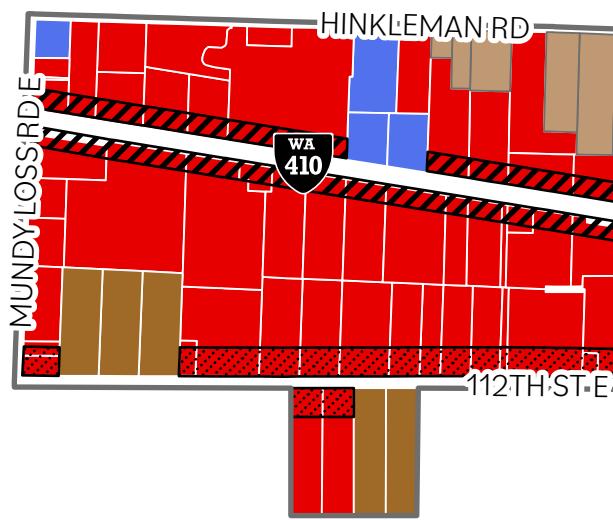
¹ Prior legislation: Ord. 21-95.

ZONING DISTRICTS

- Natural
- Park
- Public
- Commercial Flex
- Historic Commercial
- Central Mixed Use
- High Density Residential High
- High Density Residential Low
- R-6,000
- R-8,000
- R-20,000

ZONE OVERLAY

- HWY 410. 100 ft
- 112th, 150 ft



19.20.130 Permitted Prohibited uses for all zones.

	<u>CF</u>	<u>CMU</u>	<u>HC</u>	<u>HDR-High</u>	<u>HDR-Low</u>	<u>R-6,000</u>	<u>R-8,000</u>	<u>R-20,000</u>	<u>Public</u>	<u>Park</u>	<u>Natural</u>
<u>Agricultural Uses</u>	X	X		X	X	X	X		X	X	X
<u>Commercial & Light Industrial</u>				X	X	X	X	X		X	X
<u>Eating & Drinking establishments</u>				X	X	X	X	X		X	X
<u>Essential Public Facilities</u>				X	X	X	X	X		X	X
<u>Government Services</u>				X	X	X	X	X			X
<u>Health & Social Services</u>						X	X	X		X	X
<u>Lodging</u>			X	X	X	X	X	X	X	X	X
<u>Residential</u>									X	X	X
<u>Utilities</u>											X

X = Prohibited use category:

All uses within this category are prohibited in the indicated zone. For empty cells, refer to the appropriate zone section for specific prohibited and conditional uses.

(1) Commercial Flex

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- Marijuana production, processing, cooperatives, and other non-retail uses.
- Self-storage facilities including mini-storage and mini-warehouses
- Storage yard (outdoor storage)

Eating & Drinking establishments:

Essential Public Facilities

Government Services

- Schools, except for post-secondary education

Health & Social Services

Lodging

Residential

- Stand-alone residential (exempting permanent supportive housing, transitional housing, and emergency housing).

Utilities

(ii) Conditional uses

Commented [SL1]: Needs addition of Emergency Housing, PSH, and Transitional housing (allowed in zones w/ hotels and all residential zones + hotels respectively)

(A) Conditional uses are not allowed outright and require a conditional use permit.

Agricultural Uses

Commercial and Light industrial

- Adult entertainment businesses
- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Construction/contractor yards
- Commercial RV parks
- Fuel storage facilities
- Hazardous waste on-site treatment and storage facilities
- Marijuana retail
- Parking including public, public garage and private for fee
- Retail or service activities conducted out of temporary structures and/or trailers
- Warehousing and distribution facilities, to include wholesale trade, not open to general public

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

- Day care, adult

Lodging

Residential

- Assisted living facilities

Utilities

- Electrical distribution substations
- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(2) Commercial Flex: Hwy 410 Overlay

(i) Prohibited uses

Agricultural Uses

- All uses prohibited

Commercial and Light industrial

- Adult Entertainment businesses
- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Construction/contractor yards
- Commercial RV parks
- Fuel storage facilities (not gas stations)
- Hazardous waste on-site treatment and storage facilities
- Marijuana production, processing, cooperatives, and other non-retail uses.
- Motor vehicle recycling and rebuilding
- Self-storage facilities including mini-storage and mini-warehouses
- Storage yard (outdoor storage)
- Warehousing and distribution facilities, to include wholesale trade, not open to general public

Eating & Drinking establishments

Essential Public Facilities

Government Services

- Schools, except for post-secondary education

Health & Social Services

Lodging

Residential

- Stand-alone residential (exempting permanent supportive housing, transitional housing, and emergency housing).

Utilities

- All uses are prohibited

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

- Lumber sales
- Equipment rental services
- Manufactured and modular housing sales
- Marijuana retail
- Parking including public, public garage and private for fee
- Retail or service activities conducted out of temporary structure and/or trailers
- Auto – drive through such as car washes and oil change

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

- Assisted living facility

Utilities

(3) Commercial Flex: 112th St E Overlay

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- Construction/contractor yards
- Marijuana production, processing, cooperatives, and other non-retail uses.
- Self-storage facilities including mini-storage and mini-warehouses
- Storage yard (outdoor storage)

Eating & Drinking establishments:

Essential Public Facilities

Government Services

- Schools, except for post-secondary education

Health & Social Services

Lodging

Residential

Utilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

- Adult entertainment businesses

- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Commercial RV parks
- Marijuana retail
- Fuel storage facilities
- Hazardous waste on-site treatment and storage facilities
- Parking including public, public garage and private for fee
- Retail or service activities conducted out of temporary structures and/or trailers
- Warehousing and distribution facilities, to include wholesale trade, not open to general public

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

- Day care, adult

Lodging

Residential

- Stand-alone residential (exempting permanent supportive housing, transitional housing, and emergency housing).

Utilities

- Electrical distribution substations
- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(4) Central Mixed Use

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- Adult entertainment businesses
- Construction/contractor yards
- Commercial RV parks
- Equipment rental services (commercial)
- Food processing and packing
- Fuel storage facilities
- Hazardous waste on-site treatment and storage facilities
- Lumber Sales
- Manufactured and modular home sales
- Manufacturing, assembling and packaging of articles, products, or merchandise conducted entirely within a building.
- Marijuana production, processing, cooperatives, and other non-retail uses
- Marijuana retail
- Motor vehicle recycling and rebuilding
- Office Park
- Retail or service activities conducted out of temporary structures and/or trailers
- RV/tent campground or RV park
- Sales, wholesale (wholesaling)
- Self-storage facilities including mini-storage and mini-warehouses
- Storage yard (outdoor storage)
- Warehousing and distribution facilities, to include wholesale trade, not open to general public

• Welding and fabrication

Eating & Drinking establishments:

Essential Public Facilities

Government Services

• All schools (exempting preschools)

Health & Social Services

Lodging

Residential

- Single family
- Townhouses
- Duplex
- Triplex
- Fourplex

Utilities

- Recycling facilities
- (ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Parking including public, public garage and private for fee
- Retail or service activities conducted out of temporary structure and/or trailers

Eating & Drinking establishments:

- Restaurants with drive-in or drive-through service (fast food)

Essential Public Facilities

Government Services

Health & Social Services

- Day care, adult

Lodging

Residential

- Assisted living facility

Utilities

- Electrical distribution substations
- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(5) Historic Commercial

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- Adult entertainment businesses
- Cemeteries
- Construction/contractor yards
- Commercial RV parks
- Equipment rental services (commercial)
- Food processing and packing
- Fuel storage facilities
- Hazardous waste on-site treatment and storage facilities
- Lumber Sales
- Manufactured and modular home sales

- Manufacturing, assembling and packaging of articles, products, or merchandise conducted entirely within a building.
- Marijuana production, processing, cooperatives, and other non-retail uses.
- Marijuana retail
- Motor vehicle recycling and rebuilding
- Office Park
- Retail or service activities conducted out of temporary structures and/or trailers
- RV/tent campground or RV park
- Sales, wholesale (wholesaling)
- Self-storage facilities including mini-storage and mini-warehouses
- Storage yard (outdoor storage)
- Warehousing and distribution facilities, to include wholesale trade, not open to general public
- Welding and fabrication

Eating & Drinking establishments

Essential Public Facilities

Government Services

- All schools (exempting preschools)

Health & Social Services

Lodging

Residential

- Stand-alone residential (exempting permanent supportive housing, transitional housing, and emergency housing).

Utilities

- Recycling facilities
(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Animal Kennels

Eating & Drinking establishments:

- Restaurants with drive-in or drive-through service (fast food)

Essential Public Facilities

Government Services

Health & Social Services

- Day care, adult

Lodging

Residential

- Assisted living facility

Utilities

- Electrical distribution substations
- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(6) High Density Residential-Low

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments:

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All schools (exempting preschools) are prohibited

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- Live-Work
- Low-rise mixed use apartment
- Residential Cluster
- Emergency housing
- Emergency shelter

Utilities

- Recycling facilities, minor
- Electrical distribution substations
- Personal wireless service facilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

- Home occupations

Utilities

- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(7) High Density Residential (High)

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments:

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All schools (exempting preschools) are prohibited

- All other government

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- Single family
- Live-Work
- Residential Cluster
- Townhouses
- Duplex
- Triplex
- Fourplex

Utilities

- Recycling facilities, minor
- Electrical distribution substations
- Personal wireless service facilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

- Home occupations

Utilities

- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(8) R-6,000

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments:

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All schools (exempting preschools) are prohibited
- All other government

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- Emergency housing
- Emergency shelter
- Co-living
- Fourplex
- Manufactured home park (MPH)

- Multiplex
- Courtyard Apartment
- Live-work
- Nursing home or rehabilitation center
- Low-rise Apartment
- Low-rise mixed use

Utilities

- Recycling facilities, minor
- Electrical distribution substations
- Personal wireless service facilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

- Home occupations

Utilities

- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(9) R-8,000

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments:

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All schools (exempting preschools) are prohibited

- All other government

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- Assisted living facility
- Emergency housing
- Emergency shelter
- Co-living
- Fourplex
- Manufactured home park (MPH)
- Multiplex
- Courtyard Apartment
- Live-work

- Nursing home or rehabilitation center
- Low-rise Apartment
- Low-rise mixed use

Utilities

- Recycling facilities, minor
- Electrical distribution substations
- Personal wireless service facilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

- Home occupations

Utilities

- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(10) R-20,000

(i) Prohibited uses

Agricultural Uses

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments:

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All schools (exempting preschools) are prohibited
- All other government

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- Emergency housing
- Emergency shelter
- Co-living
- Fourplex
- Manufactured home park (MPH)
- Multiplex
- Courtyard Apartment
- Live-work
- Nursing home or rehabilitation center
- Low-rise Apartment
- Low-rise mixed use

Utilities

- Recycling facilities, minor

- [Electrical distribution substations](#)
- [Personal wireless service facilities](#)
- [\(ii\) Conditional uses](#)

[Agricultural Uses](#)

[Commercial and Light industrial](#)

[Eating & Drinking establishments:](#)

[Essential Public Facilities](#)

[Government Services](#)

[Health & Social Services](#)

[Lodging](#)

[Residential](#)

- [Home occupations](#)

[Utilities](#)

- [Radio and television towers](#)
- [Personal ham radio antennas](#)
- [Satellite dishes, noncommercial, and antennas](#)

[\(11\) Public](#)

[\(i\) Prohibited uses](#)

[Agricultural Uses](#)

- [All uses are prohibited](#)

[Commercial and Light industrial](#)

- [Adult entertainment businesses](#)
- [Cemeteries](#)
- [Construction/contractor yards](#)
- [Commercial RV parks](#)
- [Equipment rental services \(commercial\)](#)
- [Food processing and packing](#)
- [Fuel storage facilities](#)
- [Hazardous waste on-site treatment and storage facilities](#)
- [Lumber Sales](#)
- [Manufactured and modular home sales](#)
- [Manufacturing, assembling and packaging of articles, products, or merchandise conducted entirely within a building.](#)
- [Marijuana production, processing, cooperatives, and other non-retail uses.](#)
- [Marijuana retail](#)
- [Motor vehicle recycling and rebuilding](#)
- [Office Park](#)
- [Retail or service activities conducted out of temporary structures and/or trailers](#)
- [RV/tent campground or RV park](#)
- [Sales, wholesale \(wholesaling\)](#)
- [Self-storage facilities including mini-storage and mini-warehouses](#)
- [Storage yard \(outdoor storage\)](#)
- [Warehousing and distribution facilities, to include wholesale trade, not open to general public](#)
- [Welding and fabrication](#)

[Eating & Drinking establishments](#)

[Essential Public Facilities](#)

[Government Services](#)

[Health & Social Services](#)

[Lodging](#)

- [All uses are prohibited](#)

[Residential](#)

- All uses are prohibited

Utilities

- Recycling facilities

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Animal Kennels

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

Utilities

- Electrical distribution substations
- Radio and television towers
- Personal ham radio antennas
- Satellite dishes, noncommercial, and antennas

(12) Natural

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All uses are prohibited

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- All uses are prohibited

Utilities

- All uses are prohibited

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

Utilities

(13) Park

(i) Prohibited uses

Agricultural Uses

- All uses are prohibited

Commercial and Light industrial

- All uses are prohibited

Eating & Drinking establishments

- All uses are prohibited

Essential Public Facilities

- All uses are prohibited

Government Services

- All uses are prohibited

Health & Social Services

- All uses are prohibited

Lodging

- All uses are prohibited

Residential

- All uses are prohibited

Utilities

- All uses are prohibited

(ii) Conditional uses

Agricultural Uses

Commercial and Light industrial

Eating & Drinking establishments:

Essential Public Facilities

Government Services

Health & Social Services

Lodging

Residential

Utilities

(14) Specific uses by use category

Property owners whose desired use is not captured within the table below should seek clarification from [X](#).

Agricultural Uses

- Agriculture production: livestock, fruits and vegetables, not including marijuana
- Commercial produce stand (selling of agricultural products)
- Stables and riding academies

Commercial & Light Industrial

- Adult entertainment businesses
- Auto - related retail including sales and service
- Auto – vehicle towing services
- Auto – vehicle rental agencies including truck, trailer, recreational vehicle and other auto rental
- Cemeteries
- Construction/contractors yards
- Contractor/construction offices
- Convenience stores
- Construction/contractor yards

- Commercial RV parks
- Equipment rental
- Food processing and packing
- Fuel storage facilities
- Grocery
- Kennels
- Pharmacy
- Private gyms, fitness, and sports and recreation facilities
- Hazardous waste on-site treatment and storage facilities
- Large-scale retail
- Manufactured and modular housing sales
- Marijuana production, processing, cooperatives, and other non-retail uses.
- Marijuana retail
- Mini-storages and mini-warehouses (warehousing storage)
- Hazardous waste on-site treatment and storage facilities
- Parking including public, public garage and private for fee
- Personal care services (beauty salons, barbershops)
- Plant nurseries
- Service stations, car washes, and quick service lubrication facilities
- Small-scale manufacturing, assembling, and packaging, conducted entirely within a building
- Specialty and small-scale retail
- Small repair shops
- Storage yard, outdoor storage
- Supply stores (garden, farm, feed, construction, lumber)
- Temporary sales (farmer's markets, crafts, flea, rummage sales, and sales conducted our of temporary structures and trailers)
- Warehousing and distribution facilities, to include wholesale trade, not open to general public

Eating & Drinking establishments

- Bars, pubs, and nightclubs
- Casual dining and drinking (ice cream, coffee, bakeries, delis, other pay at the register establishments)
- Catering
- Drive-throughs (Food, coffee)
- Microbreweries
- Sit-down restaurants

Essential Public Facilities

- Airports
- Any facility on the state 10-year capital plan maintained by the Office of Financial Management
- In-patient facilities, including substance abuse facilities
- Mental health facilities
- Solid waste handling facilities
- State and local correctional facilities
- State education facilities
- State or regional transportation facilities
- Regional transit authority facilities as defined under RCW 81.112.020
- Transportation facilities of statewide significance as defined in RCW 47.06.14
- Community event facilities
- Education, public (preschool, and childcare, primary, secondary, post-secondary)
- Job training, and vocational rehabilitation

Health & Social Services

- Places of worship

- [Hospitals](#)
- [Health care clinics \(primary care, dental\)](#)
- [Specialized health care \(acupuncture, massage, vision, and other medical specialties\)](#)
- [Veterinary clinic/hospitals](#)

Lodging

- [Hotels, motels](#)
- [Bed and breakfast inns](#)

Residential

- [Accessory dwelling unit](#)
- [Adult family home](#)
- [Assisted living facility](#)
- [Co-living](#)
- [Cottage housing](#)
- [Duplex](#)
- [Emergency housing](#)
- [Group homes](#)
- [Home occupations](#)
- [Permanent supportive housing](#)
- [Triplex](#)
- [Fourplex](#)
- [Multiplex](#)
- [Courtyard Apartment](#)
- [Single-family housing](#)
- [Townhomes](#)
- [Live-work](#)
- [Manufactured home park \(MPH\)](#)
- [Residential cluster](#)
- [Nursing home or rehabilitation center](#)
- [Low-rise mixed use](#)
- [Low-rise apartment complex](#)

Utilities

- [Electrical distribution substations](#)
- [Recycling facilities, minor](#)
- [Personal wireless service facilities](#)
- [Radio and television towers](#)
- [Personal ham radio antennas](#)
- [Satellite dishes, noncommercial, and antennas](#)

Permitted, Conditional, Accessory and Prohibited Uses in Zoning Districts

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT ⁴	Frontage zone ³	L4	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
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Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Agricultural uses and animals (also see BMC Title 9):												
Agricultural production	X	P	X	X	X	P	C	X	X	P	P	X
Agricultural support-goods and services	X	P	P	P	X	P	P	X	X	X	X	X
Agriculture, not including marijuana	X	P	X	X	X	P	C	X	X	P	P	X
Commercial produce-stand (selling of agricultural products)	P	P	P	P	P	P	P	X	X	X	P	X
Keeping of livestock, poultry, rabbits, or bees	X	P	X	X	X	P	C	X	C	P	P	X
Kennels	P	P	P	P	C	P	C	X	X	X	X	X
Selling of agricultural products raised or grown on-premises	X	P	P	P	P	P	P	P	P	P	P	X
Stables and riding-academies	X	P	X	X	X	P	X	X	X	X	P	X
Commercial, retail uses:												
Adult entertainment-businesses	X	C	X	X	X	X	X	X	X	X	X	X
Antique and secondhand sales	P	X	P	P	P	X	P	X	X	X	X	X
Apparel and accessory stores	P	X	P	P	P	X	P	X	X	X	X	X
Art galleries	P	X	P	P	P	P ⁴	P	X	X	X	X	X
Bakeries, retail	P	X	P	P	P	P ⁴	P	X	X	X	X	X
Bars, pubs, and-	P	X	P	P	P	X	X	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
nightclubs		X				X						
Beauty salons and barber shops	X	X	P	P	P	X	P	X	X	X	X	X
Bicycle sales and repair shops	P	X	P	P	P	X	P	X	X	X	X	X
Book stores	P	X	P	P	P	X	P	X	X	X	X	X
Bowling alleys	P	P	P	X	X	X	X	X	X	X	X	X
Building materials, garden and farm supply stores	P	P	P	P	P	X	P	X	X	X	X	X
Confectioneries	P	C	P	P	P	P ⁴	P	X	X	X	X	X
Convenience stores	P	P	P	P	P	X	P	X	X	X	X	X
Drug stores	P	X	P	P	P	X	P	X	X	X	X	X
Fabric stores	P	X	P	P	P	X	P	X	X	X	X	X
Farmer's markets	P	X	P	P	P	P	P	X	X	X	X	X
Flea markets, periodic, or seasonal sales	P	X	P	P	X	P	P	X	X	X	X	X
Flower stores	P	X	P	P	P	X	P	X	X	X	X	X
Food stores and grocery stores	P	X	P	P	P	X	P	X	X	X	X	X
Food services including coffeehouses, delicatessens, ice cream parlors, juice bars, etc.	P	P	P	P	P	P ⁴	P	X	X	X	X	C
Furniture, home furnishings, and appliance stores	P	X	P	P	P	X	P	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT ¹	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
General merchandise stores	P	X	P	P	P	X	P	X	X	X	X	X
Grooming parlors and pet supply stores	P	X	P	P	P	X	P	X	X	X	X	X
Hardware stores	P	X	P	P	P	X	P	X	X	X	X	X
Hobby, toy and game stores	P	X	P	P	P	X	P	X	X	X	X	X
Jewelry stores	P	X	P	P	P	X	P	X	X	X	X	X
Lumber sales	P	P	P	X	X	X	X	X	X	X	X	X
Manufactured and modular housing sales	X	P	P	X	X	X	X	X	X	X	X	X
Microbreweries	P	C	P	P	P	P	X	X	X	X	X	X
Motor vehicle supply stores	P	X	P	P	P	X	P	X	X	X	X	X
Multi-use retail center	P	X	P	P	P	X	P	X	X	X	X	X
Office supplies and equipment	P	X	P	P	P	X	P	X	X	X	X	X
Outdoor art and craft sales	P	X	P	P	P	P	P	P	P	P	P	X
Parking lot/sidewalk sales	P	X	P	P	P	P	P	P	P	P	P	X
Periodic sales: Rummage sales	X	P	P	P	P	P ⁴	P	P	P	P	P	X
Periodic sales: Swap-meets	P	P	P	P	X	P ⁴	X	X	X	X	X	X
Plant nurseries, landscaping materials, greenhouses	P	X	P	P	P	P	P	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
(commercial)												
Printing, commercial	X	X	P	P	P	X	X	X	X	X	X	X
Recreation, commercial	P	C	P	P	X	P	X	C	X	X	X	C
Restaurants	P	X	P	P	P	X	P	X	X	X	X	X
Restaurants with drive-in or drive-through-service (fast food)	P	X	P	P	X	X	C	X	X	X	X	X
Retail or service-activities conducted out-of temporary structures and/or trailers	P	C	C	C	C	P	C	X	X	X	X	P
RV/tent campground	X	X	X	X	X	C	X	A	X	A	A	X
Sales, retail	P	X	P	P	P	P ⁴	P	X	X	X	X	P
Small-appliance repair-shops	P	X	P	P	P	X	P	X	X	X	X	X
Specialty stores	P	X	P	P	P	X	P	X	X	X	X	P
Sporting-goods stores	P	X	P	P	P	X	P	X	X	X	X	P
Stationery and gift-stores	P	X	P	P	P	X	P	X	X	X	X	X
Theaters, auditoriums	P	X	P	P	P	X	P	X	X	X	X	X
Commercial service uses:												
Arcade, amusement	P	X	P	P	X	P ⁴	C	X	X	X	X	X
Banks and financial-services	P	X	P	P	P	X	P	X	X	X	X	X
Business services	P	X	P	P	P	P ⁴	P	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Catering establishments	X	X	P	P	A	X	P	X	X	X	X	X
Cemeteries	X	X	P	P	X	P	X	X	X	X	X	X
Conference centers	P	X	P	P	X	P ¹	X	X	X	X	X	X
Equipment-rental services, commercial	X	P	P	X	X	X	X	X	X	X	X	X
Funeral parlors and mortuaries	P	X	P	P	X	X	X	X	X	X	X	X
Laundromats and laundry services	P	X	P	P	P	X	P	X	X	X	X	X
Offices, general	P	X	P	P	P	P ¹	P	X	X	X	X	X
Office park	P	P	P	X	X	X	X	X	X	X	X	X
Offices, government	P	X	P	P	P	P	P	X	X	C	C	X
Parking, private for fee	X	C	P	P	X	X	P	P	X	X	X	X
Parking, public	X	C	P	P	P	P	A	A	A	A	A	A
Parking, public garage	P	C	P	P	C	P	C	C	X	X	X	X
Printing, publishing, and allied industries including such processes as lithography, etching, engraving, binding, blueprinting, photocopying, and film processing	X	P	X	X	X	X	X	X	X	X	X	X
Public transportation stations and park-and-ride lots (not including bus stops, which are allowed along all rights-of-way)	P	P	P	P	X	P	X	X	X	C	X	

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Radio and television studios (including recording studios)	X	P	P	P	P	X	X	X	X	X	X	X
RV park, commercial	X	P	X	X	X	C	X	X	X	X	X	X
Servicing of personal apparel and equipment	P	X	P	P	P	X	P	X	X	X	X	X
Sports, health, spa, or karate clubs	P	X	P	P	P	P ⁴	P	X	X	X	X	X
Community enhancement uses:												
Accessory parks and recreation facilities for use by on-site employees or residents	X	P	P	P	P	X	P	P	P	P	P	X
Carnivals/circuses	P	X	P	P	C	P ⁴	C	X	X	X	X	X
Civic and community events	P	P	P	P	P	P	P	P	P	P	P	C
Club	P	X	P	P	P	P ⁴	C	X	X	X	X	X
Day care, adult	X	C	C	P	X	P ⁴	P	C	C	X	X	X
Day care, child center and preschools	X	X	X	P	X	P ⁴	P	C	C	C	C	X
Day care, child day care center	X	P	P	P	P	P ⁴	P	C	C	X	X	X
Day care, family home	X	X	P	P	P	X	P	P	P	P	P	X
Electrical distribution substations	P	P	P	P	X	P	X	X	X	X	X	X
Libraries	P	X	P	P	P	P ⁴	P	X	X	X	X	X
Museums	X	X	P	P	P	P	P	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Multi-use community center	P	X	X	P	X	P	P	X	X	X	X	X
Parks and recreation, public	X	C	P	P	P	P	P	P	P	P	P	P
Places of worship	X	X	P	P	X	P ⁴	P	P	P	P	P	X
Stadiums, arenas and assembly halls	P	P	P	P	P	P ⁴	P	X	X	X	X	X
Educational uses:												
Job training and vocational rehabilitation	P	P	P	P	P	P ⁴	P	X	X	X	X	X
School, public or private elementary	X	X	X	X	X	P	P	X	P	P	P	X
School, public or private middle	X	X	X	X	X	P	P	X	P	P	P	X
School, public or private high	X	X	X	X	X	P	P	X	P	P	P	X
School, except for postsecondary education	X	X	X	X	X	P	P	X	P	P	P	X
School, public or private postsecondary education	X	P	P	X	X	P	P	X	P	P	P	X
Health care uses:												
Hospitals	P	X	P	P	X	X	X	X	X	X	X	X
Massage clinics or center	P	X	P	P	P	P ⁴	P	X	X	X	X	X
Office/clinic health care providers	P	X	P	P	P	X	P	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Pharmacies and medical supply stores	P	X	P	P	P	X	P	X	X	X	X	X
Veterinary clinic/hospitals	P	X	P	P	X	X	P	X	X	X	X	X
Light industrial, manufacturing uses:												
Auto—Automobile-towing services	X	P	A	A	X	X	X	X	X	X	X	X
Auto—Car washes or quick-service lubrication facilities	P	P	P	P	X	X	X	X	X	X	X	X
Auto—Truck, trailer and recreational vehicle rental	P	P	P	X	X	X	X	X	X	X	X	X
Contractor/construction offices	X	P	P	P	P	X	P	P	P	P	P	X
Construction/contractors yards	X	P	X	X	X	X	X	X	X	X	X	X
Custom art and craft work	P	P	A	A	A	X	A	X	X	X	X	X
Electrical and electronic goods manufacture and assembly	X	P	X	X	X	X	X	X	X	X	X	X
Food processing and packing	X	P	X	X	X	X	X	X	X	X	X	X
Fuel storage facilities	X	C	X	X	X	X	X	X	X	X	X	X
Hazardous waste on-site treatment and storage facilities	X	C	X	X	X	P	X	X	X	X	X	X
Manufacturing, assembling and packaging of articles,	X	P	X	X	X	P ⁴	A	X	X	X	X	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
products, or merchandise conducted entirely within a building												
Mini storages and mini-warehouses (warehousing/storage)	X	P	X	X	X	X	X	X	X	X	X	X
Motor vehicle recycling and rebuilding	P	P	X	X	X	X	X	X	X	X	X	X
Motor vehicle rental-agencies	P	X	P	P	X	X	X	X	X	X	X	X
Motor vehicle repair-establishments	P	P	P	P	X	X	X	X	X	X	X	X
Motor vehicle sales and service establishments	P	P	P	X	X	X	X	X	X	X	X	X
Reycling facilities, minor	X	P	X	X	X	P	X	X	X	X	X	X
Sales, wholesale (wholesaling)	X	P	X	X	X	X	X	X	X	X	X	X
Service station, motor-vehicle (gas station)	P	P	P	P	X	X	X	X	X	X	X	X
Storage yard, outdoor storage	X	P	C	X	X	P	X	X	X	X	X	X
Warehousing and distribution facilities, to include wholesale trade, not open to general public	X	P	X	X	X	X	X	X	X	X	X	X
Welding and fabrication	X	P	X	X	X	P	X	X	X	X	X	X
Marijuana uses:												

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
Marijuana-producing	X	P	P	X	X	X	X	X	X	X	C	X
Marijuana-processing	X	P	P	X	X	X	X	X	X	X	C	X
Marijuana-retailer	P	P	P	P	P	X	C	X	X	X	X	X
Medical marijuana-cooperatives	X	X	X	X	X	X	P	P	P	P	P	X
Miscellaneous uses:												
Accessory buildings and structures	X	P	P	P	X	P	P	P	P	P	P	X
Personal ham radio-antennas	X	C	C	C	C	X	C	C	C	C	C	X
Personal wireless-service facilities	X	P	P	P	P	P	P	X	X	X	X	X
Radio and television-towers	X	C	C	C	C	X	C	C	C	C	C	X
Satellite dishes, noncommercial, and antennas	X	C	C	C	C	X	C	C	C	C	C	X
Residential uses and places where people stay:												
Accessory dwelling unit	X	X	X	X	A	X	A	A	A	A	A	X
Adult family home	X	X	X	P	X	P ¹	P	P	P	P	P	X
Apartment hotels (see "motel/hotel" definition)	X	X	P	P	P	X	P	X	X	X	X	X
Assisted living facility	X	X	P	P	X	X	P	P	P	X	X	X
Bed-and-breakfast inns	X	X	P	P	P	X	P	P	P	P	P	X
Boarding, lodging and	X	X	X	X	X	X	P	P	P	P	P	X

Table legend: P = Permitted outright; C = Subject to a conditional use permit; A = Subject to accessory use requirements in Chapter 19.22 BMC; X = Prohibited; N/A = Not applicable

DISTRICT ¹	Frontage zone ³	LH	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
rooming houses												
Cottage housing-development	X	X	X	X	X	X	X	P	P	P	X	X
Dwelling-caretaker's	X	C	C	C	C	X	X	X	X	X	X	X
Dwelling-carriage unit	X	X	X	X	X	X	X	P	P	P	X	X
Dwelling-duplex or two-family	X	X	X	X	X	X	X	P	P	P	X	X
Dwelling-multiple-family	X	X	X	P ⁴	P ⁵	X	P	P	P	X	X	X
Dwelling-single-family	X	X	X	X	X	X	P	P	P	P	P	X
Dwelling-townhomes	X	X	X	X	X	X	P	P	P	P	X	X
Group homes	X	X	X	X	X	X	P	P	P	P	P	X
Home occupations	X	A	A	A	A	X	A	A	A	A	A	X
Manufactured home-park or MPH	X	X	X	X	X	X	X	P	X	X	X	X
Motels/hotels	P	X	P	P	X	X	X	X	X	X	X	X
Nursing home or rehabilitation center	P	X	P	P	X	X	P	X	X	X	X	X
Owner/operator-residencies	X	P	X	P	P	X	P	X	X	X	X	X
Residential cluster	X	X	X	X	X	X	X	X	P	P	X	X
Senior citizen low-income housing	X	X	X	P	X	C	P	P	P	X	X	X

¹ Uses are allowed within existing public buildings.

²—Uses are to be as described in the city's shoreline master program.

³—This frontage overlay zone is defined as west of the SR-410 and SR-165 intersection and 150 feet north and south of SR-410 from Mundy Loss Road to the SR-410 and SR-165 intersection on the south and the eastern property line of Tax No. 0619044016 (Mr. Bill's Plaza) on the north. Properties directly accessing from SR-410 and within 150 feet of the right-of-way shall contain only uses in accordance with the use table in this section.

⁴—Multifamily is allowed in this zone above commercial uses, beside commercial uses, or on the same parcel as commercial uses; density is to be based on the HDR zone for multifamily units.

⁵—Multifamily is allowed in this zone above commercial uses; for more than one unit, density is to be based on the HDR zone for multifamily units.

(Ord. 02-22 § 7, 2022; Ord. 34-19 § 19, 2019).

¹ Prior legislation: Ords. 07-04, 28-99, 22-98, 41-97, 40-97, 20-97, 19-97, 7-97, 6-97, 21-96, 12-96, 31-95, 21-95, 5-93, 14-92, 13-92, 16-91, 21-89, 1-89, 22-88, 16-88, 11-88, 23-87, 13-85, 3-85, 17-84, 1056 and 1020.

Chapter 19.36 **NONCONFORMING USES**

Sections:

- 19.36.010 Purpose.
- 19.36.020 Legal nonconforming uses may continue.
- 19.36.030 Expansion of uses or structures.
- 19.36.040 Destruction of premises.
- 19.36.050 Abandonment.
- 19.36.060 Change from nonconforming use to any other use.
- 19.36.070 Pre-existing legal lots of record.
- 19.36.080 Building safety.

19.36.010 Purpose.

It is necessary to impose limitations upon nonconforming uses in order to gradually bring such uses into harmony with the intent and purpose of the Buckley comprehensive plan and the zoning code. It is thus intended by this chapter not to allow nonconforming uses to be enlarged or expanded or extended, nor to be used as a basis for adding other structures or uses prohibited elsewhere in the same zone. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 02-01 § 1, 2001; Ord. 1020 § 9, 1981).

19.36.020 Legal nonconforming uses may continue.

Buildings and uses which were legal at time of construction or initiation of use may continue, subject to the limitations of this chapter. If, at the time of construction or initiation of use, a building or use was legal based on the adopted codes of that time, the building or use may continue subject to the limitations of this chapter unless such building or use presents a hazard to the public health, safety, and general welfare in the city's judgment. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 02-01 § 1, 2001. Formerly 19.36.015).

19.36.030 Expansion of uses or structures.

A nonconforming use shall not be expanded or enlarged by addition of other uses or structures; provided, however, it shall be lawful to construct additions or make improvements to an existing nonconforming single-family residence located in the HC, ~~GC-CF, or CMUC or HDR-High~~ zone of the city, so long as any such construction or remodeling does not exceed 50 percent of the appraised value of the existing structure and the construction or remodeling meets all bulk requirements and permitted uses of Chapter 19.20 BMC; and provided further, that nonconforming outbuildings may be relocated and/or reconstructed in accordance with the provisions of BMC 19.22.050(5) as now written or hereinafter amended. It shall be lawful to construct additions to an existing nonconforming storage facility in the CF zone, but not in the 410 overlay, so long as any such construction or remodeling does not exceed 5% of the appraised value of the existing site improvements, and the construction or remodeling meets all dimensional bulk requirements of Chapter 19.20 BMC and it shall also be lawful to make improvements within existing structures of up to 20% of the appraised value of the existing site improvements for nonconforming structure in the CF zone. It is also unlawful to attach additional signs to a building or to add or enlarge signs anywhere on the exterior of the premises. A legal nonconforming use may be extended throughout an existing building, but said building or structure shall not be enlarged, except as permitted in this section, unless it is for a use permitted in the zone in

which it is located. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 17-94 § 2, 1994; Ord. 13-88 § 1, 1988; Ord. 1020 § 9, 1981. Formerly 19.36.020).

19.36.040 *Destruction of premises.*

Any legal nonconforming building or structure which has been destroyed shall not be used again for nonconforming use, except as provided in this section. "Destruction" is defined as damage which in order to repair would cost more than 80 percent of the structure's value prior to its destruction, or where more than 80 percent of the structure's floor area is seriously damaged or destroyed. An existing, legal nonconforming, single-family residential dwelling unit located in the HC, GC-CF CMU or GC-HDR-High zone shall not be subject to this restriction and the destruction of any such nonconforming, single-family dwelling unit may be reconstructed so long as the reconstructed dwelling meets all bulk requirements and uses as set forth in the then-existing NMU zone as set forth in BMC 19.20.050. An existing, legal nonconforming, storage facility located in the CF zone, but not in the 410 overlay, shall not be subject to this restriction, and the destruction of any such nonconforming storage facility may be reconstructed, so long as the reconstructed facility meets all bulk requirements set forth in the then-existing CF zone as set forth in BMC 19.20.100 (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 13-88 § 2, 1988; Ord. 1020 § 9, 1981. Formerly 19.36.030).

19.36.050 *Abandonment.*

If any nonconforming use is abandoned or vacant for any reason whatsoever for a period of more than six months, any subsequent use shall be in conformity with the requirements of the zone in which the use was located. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 9, 1981. Formerly 19.36.040).

19.36.060 *Change from nonconforming use to any other use.*

Any nonconforming use of land and/or buildings or structures shall not be changed to any other use unless said proposed use is a use that is permitted in the zone of which said legal nonconforming use is located. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 9, 1981. Formerly 19.36.050).

19.36.070 *Pre-existing legal lots of record.*

(1) Definition. A "nonconforming lot" is one which met applicable zoning ordinance standards as to size, width, depth and other dimensional regulations at the date on which it was created but which, due to the passage of a zoning ordinance, the amendment thereof or the annexation of property to the city, no longer conforms to the current provisions of the zoning ordinance. A lot which was not legally created in accordance with the laws of the local governmental entity in which it was located at the date of the creation is an illegal lot and will not be recognized for development.

(2) Continuation. A nonconforming lot may be developed for any use allowed by the zoning district in which it is located, even though such lot does not meet the size, width, depth and other dimensional requirements of the district, so long as all other applicable site use and development standards are met or a variance from such site use or development standards has been obtained. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 23-89 § 1, 1989; Ord. 19-88 § 1, 1988; Ord. 6-86 § 1, 1986; Ord. 1020 § 9, 1981. Formerly 19.36.060).

19.36.080 *Building safety.*

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 9, 1981. Formerly 19.36.070).

19.20.080 CC-central commercial zone CMU Central Mixed Use.

(1) Intent and Purpose. The CMUC zone is intended to implement the policies of the Buckley comprehensive plan for areas designated for commercial development and privileging pedestrian traffic first for mixed use development that prioritizes walkability centered around the Interurban Trail, and motorized transportation second, after the date of implementation. The primary purpose is to develop commercial-mixed use parcels for neighborhood-oriented businesses and pedestrian connectivity per the Buckley comprehensive plan supported by residential development (Urban Design Element Goals 4.3, 4.4, and 4.5, Policy 4.4.3). Lots approved under old zoning provisions shall be subject to the code in effect at the time of approval.

(2) The following minimum standards must be implemented for all new or modified developments within the Central Mixed Use Zone

(i)The following minimum standards must be implemented for all new or modified developments within the mixed use zoning district.

(iii) A minimum of twenty percent (20%) of the project's floor area must be developed and maintained for commercial uses.

(iv) Only commercial uses are permitted on the ground floor of buildings fronting an arterial street. Residential units and commercial uses are permitted on the ground floor of buildings fronting nonarterial and internal streets and driveways, or in cases where the lot fronts on two arterial streets, residential is permitted on the ground floor fronting the arterial with lower traffic volume.

(2) Residential type specifications.

The following building forms are permitted in the CMU zone. Other forms may be permitted as a conditional use, so long as they meet the general intent of the zone to produce affordable, multifamily housing.

(i) Multiplex as defined in Chapter 19.12

(ii) Courtyard apartment, as defined in Chapter 19.12

(A) At least one common open space is required.

(B) Common open space shall be bordered by dwelling units on at least two sides.

(C) Common open space shall be a minimum of 15 feet on any side.

(D) Parking areas and vehicular areas do not qualify as a common open space.

(E) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.

(iii) Low-rise apartment complex, as defined Chapter 19.12

(A) A minimum of 15% of units must be ground-access, with stoops or porches oriented towards the street or the common open space, so that some feeling of human presence is created in the public and semi-private spaces surrounding the development.

(B) At least one common open space is required.

(C) Common open space shall be bordered by dwelling units on at least one side.

(D) Common open space shall be a minimum of 20 feet on any side.

(E) Parking areas and vehicular areas do not qualify as a common open space.

(F) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.

(iv) Live-work, as defined in Chapter 19.12

(v) Low-rise mixed use, as defined in Chapter 19.12

(4) Pedestrian and vehicle access.

(i) A paved pedestrian connection at least three feet wide is required between each residential building and the sidewalk (or the street if there is no sidewalk). Driveways cannot be used to meet this requirement.

(ii) For all lots abutting an improved alley that meets the Public Works design standards for width, the vehicular access shall be taken from the alley.

(iv) Lots without access to an improved alley and taking vehicular access from a street shall meet the following standards:

(E) Off-street parking will be located at the back or on the side of the lot. The driveway approach from the street is required to be 16 feet wide at the street but can taper to 12 feet wide for the full length.

(v) Required parking spots may occupy required setbacks.

(2) Performance Standards – Dimensional Requirements.

(a) Lot Area and Coverage.

(i) Lot Area. The minimum lot area shall be 3,000 square feet per unit.

(ii) Lot Coverage.

(A) For commercial mixed-use units, the maximum lot coverage of the primary unit shall be 70 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 75 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 85 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface.

(B) For commercial units, the maximum lot coverage of the primary unit shall be 90 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface calculations.

(b) Lot Dimensions. The minimum dimensions shall be:

(i) Lot width: 40 feet.

(ii) Lot width at street on a radius: 30 feet.

(c) Setback Requirements.

(i) Commercial. Unless the landscape code requires different setbacks, the following minimum setbacks shall be used:

(A) Front: 10 feet.

(B) Side: five feet.

(C) Rear: five feet.

(ii) Mixed-Use Commercial.

(A) Front: 10 feet.

(B) Side: 10 feet.

(C) Corner: 10 feet.

(D) Rear: 10 feet.

(E) Between structures: 10 feet.

(d) Off-street parking requirements shall be per Chapter 19.28 BMC.

(e) Standards for street and utility construction shall be as specified under Chapter 17.08 BMC. (Ord. 15-17 § 3, 2017; Ord. 27-16 § 7, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005).

Table 19.28-1 Off-Street Parking Spaces

Use	Required Number of Off-Street Parking Spaces
Residential	
Single-family dwelling, duplex, townhouse, cottage/carriage unit	2 per unit
Studio apartment, <u>1 bedroom apartment</u> , accessory dwelling unit	1 per unit
<u>2+ bedroom apartment, multiplex, triplex, fourplex</u>	<u>1.5 per unit</u>
Housing for elderly (apartment/unassisted)	.33 per unit
Retirement dwelling	<u>12</u> per unit
Residential care facility/assisted living	1 per 2 beds + 1 per day shift employee
Home occupation	None
Lodging	
Hotel or motel	1 space per unit plus additional for bars, restaurants, assembly rooms
Bed and breakfast	1 space per room
Recreation	
Marina	1 space per 2 slips
Miniature golf	1 space per hole
Golf course	6 spaces per hole and 1 per employee
Golf driving range	1 space per 15 feet of driving line
Theater, auditorium	1 space per 4 seats maximum occupancy
Stadium, sports arena	1 space per 4 seats or 1 for each 8 feet of benches plus 1 space per 2 employees

Use	Required Number of Off-Street Parking Spaces
Tennis, racquetball, handball courts/club	3 spaces per court or lane, 1 space per 260 square feet of gross floor area (GFA) of related uses, and 1 space per employee
Basketball, volleyball court	9 spaces per court
Bowling, bocce ball center, billiard hall	5 spaces per alley/lane and/or table
Dance hall, bingo hall, electronic game rooms, and assembly halls without fixed seats	1 space per 75 square feet of gross floor area (GFA)
Sports club, health, spa, karate club	1 space per 260 square feet of gross floor area plus 1 space per employee
Roller rink, ice-skating rink	1 space per 100 square feet of gross floor area
Swimming club	1 space per 40 square feet of gross floor area
Private club, lodge hall	1 space per 75 square feet of gross floor area
Institutional	
Church/chapel/synagogue/temple	1 space per 3 seats or 6 feet of pews
Elementary/middle/junior high school	1 space per employee, teacher, staff and 1 space per 15 students
Senior high school	1 space per employee, teacher and staff member and 1 per 10 students
Technical college, trade school, business school	1 space per every 2 employees and staff members and 1 per every full-time student or 3 part-time students
University, college, seminary	1 per every 2 employees and staff members and either 1 per every 3 full-time students not on campus or 1 for every 3 part-time students, whichever is greater
Multi-use community center	1 per 4 seats maximum occupancy
Museum, art gallery	1 space per 500 square feet of gross floor area
Library	1 per employee and 1 per 500 square feet of gross floor area
Post office	1 per 500 square feet of gross floor area plus 1 space per each 2 employees
Medical care facilities	

Use	Required Number of Off-Street Parking Spaces
Hospital	1 per 2 beds
Veterinary clinic/hospital	1 space per 250 square feet of gross floor area
Medical/dental clinic/office	1 per employee plus 1 per 300 square feet of gross floor area
Office	
General office	1 per employee plus 1 per 400 square feet of gross floor area
General office (no customer service)	1 per 250 square feet of gross floor area
Office park	1 space per 400 square feet of gross floor area
Meeting room	1 per 4 person occupancy load, and 1 per 2 employees
Commercial/service	
Automobile sales new/used	1 per 400 square feet of gross floor area
Auto repair accessory to auto sales	2 spaces per auto service stall
Automobile repair shop, automobile service station, automobile specialty store, automobile body shop	4 per bay
Gas station	1 per 2 fuel pumps
Gas station with mini-market	1 per nozzle plus 1 per 250 square feet of gross floor area
Car wash or quick-service lubrication facilities	2 spaces per stall and 1 space per 2 employees
Beauty parlor, barber shop	1 per 300 square feet of gross floor area
Massage parlor	1 per 300 square feet of gross floor area
Exhibition hall, showroom, contractor's shop	1 space per 900 square feet of gross floor area
Photographic studio	1 space per 800 square feet of gross floor area
Convenience market, supermarket	1 space per 250 square feet of gross floor area
Multi-use retail center	1 per 250 square feet of gross floor area

Use	Required Number of Off-Street Parking Spaces
Finance, insurance, real estate office	1 per employee plus 1 per 400 square feet of gross floor area
Bank	1 per employee plus 1 per 400 square feet of gross floor area
Drug store	First 5,000 square feet equals 17 spaces plus 1 per each additional 1,500 square feet
Furniture/appliance store	1 per 500 square feet of gross floor area
Clothing store	1 per 400 square feet of gross floor area
Lumber yard, building material center	1 space per 275 square feet of indoor sales area plus 1 space per 5,000 square feet of warehouse/storage
Hardware/paint store	1 per 400 square feet of gross floor area
Restaurant	1 per 100 square feet of gross floor area
Restaurant, carry-out	1 space per 225 square feet of gross floor area
Fast food restaurant	1 space per 110 square feet of gross floor area plus 6 stacking spaces for drive-through lane
Repair shop	1 per 400 square feet of gross floor area
Laundromat, coin-operated dry cleaner	1 space per every 3 washing or cleaning machines
Mortuary	1 space per 150 square feet of gross floor area
Express delivery service	1 space per 500 square feet of gross floor area plus 1 space per employee
Retail stores in general	Less than 5,000 square feet equals 1 per 300 square feet. Greater than 5,000 square feet, 17 plus 1 per each additional 1,500 square feet
Industrial	
Industrial, manufacturing	1 per 500 square feet of gross floor area
Warehousing, storage	1 per 1,000 square feet of gross floor area
Public or private utility building	1 per 1,000 square feet of gross floor area
Wholesaling	2 plus 1 per 1,000 square feet of gross floor area

Use	Required Number of Off-Street Parking Spaces
Research and development	1 per 500 square feet of gross floor area
LI general office	1 per employee peak plus 15 percent
LI research	1 per employee peak plus 10 percent

(2) Special Requirements. The following parking requirements are applicable to all commercial, industrial and office land uses. These special stalls shall be closest to the facility for which they are designated in order to encourage their use. The following standards, with the exception of the requirement for handicapped spaces, may be modified by the decision maker if the proponent demonstrates that a different standard would result in an equal or better site plan or design:

- (a) Motorcycles. Facilities with 25 or more parking spaces should provide at least one designated parking area for use by motorcycles. Areas delineated for use by motorcycles shall meet standards set forth in BMC 19.28.030(3)(a).
- (b) Compact Cars. Parking facilities may provide up to 20 percent of their parking for use by compact cars. Spaces delineated for compact car use shall meet standards set forth in BMC 19.28.030(1)(b).
- (c) Bicycles. All commercial and office areas shall provide adequate bike rack facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or covering should be used.
- (d) Drive-Through Facilities. Drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities:
 - (i) Each drive-through lane shall be separated from the routes necessary for ingress or egress from the property, or access to any parking space.
 - (ii) Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
 - (iii) The vehicle stacking capacity of the drive-through facility and pick-up facilities will be determined by the planning director and city engineer based on appropriate traffic engineering and planning data. The applicant shall submit to the city a traffic study addressing the following issues:
 - (A) Nature of the product or service being offered;
 - (B) Method by which the order is processed;
 - (C) Time required to serve a typical customer;
 - (D) Arrival rate of customers;
 - (E) Peak demand hours;
 - (F) Anticipated vehicle stacking required.
- (e) Spaces provided for the specific uses as listed in this subsection shall be clearly designated through signs, colored lines, etc.
- (f) Spaces for handicapped persons shall be provided at a ratio of one space for each 25 required spaces, or portion thereof, to be located as close to the main entrance of the building as feasible.

(3) Optional Provisions. The following may be provided at the option of the developer when applicable to commercial, residential, or office off-street parking uses:

- | (a) Shared Parking. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the planning director and must meet the following conditions:
 - | (i) The applicant must demonstrate to the planning director's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
 - | (ii) The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during differing hours of operation.
 - | (iii) Parking facilities designated for joint use should not be located further than 300 feet from any structure or use served.
 - | (iv) A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use. (Ord. 01-12 § 15, 2012; Ord. 22-08 § 1 (Exh. A), 2008).

19.20.020 R-6,000 residential zone.

(1) Intent and Purpose. The R-6,000 zone is intended to provide for compact residential development. This zone is applied in those areas adjacent to the city center but suitable for detached residential development. Because this zone may be adjacent to commercial zones, limited opportunity for nonresidential uses is recognized via the conditional use permit process.

(2) Performance Standards – Dimensional Requirements.

(a) Lot Area, [Coverage](#), [Building Placement](#), and [Building Form and Coverage](#).

LOT	
Minimum Lot Size	
Single family with ADUs (attached, detached or stacked) ¹	6,000 SF
Duplex	6,000 SF
Triplex	9,000 SF
Townhouse unit (attached)	3,000 SF
Senior low-income housing unit	1,200 SF
Maximum units per lot	3
FRONTAGE	
Minimum Lot Frontage (SF and middle housing / townhouse unit)	45'/22' ²
Minimum Lot Depth	85'
COVERAGE	
Maximum Building Coverage	55%
Impervious Surface Coverage	70% ³
BUILDING PLACEMENT	
Street Setback ⁴ (Building / front porch)	15' / 9' ⁵
Garage Entrance Setback (no alley/ off alley)	22' / 12' ⁶
Side Setback	5'
Rear Setback	15'
Space Between Structures	10'
BUILDING FORM	
HEIGHT	
Height	30'
Minimum Roof Pitch	4:12
MASSING	
Maximum building footprint	3,200 SF
Maximum DADU or ADU size	1,250 SF

Commented [SL1]: Updated to allow more, previously 2,500 SF (this is to reflect PC preference to allow higher density for senior living).

Commented [SL2R1]: PC wants to change 1,200 SF

Commented [EP3]: Is this what they're calling it now? Wondering if its clearer to change it to "min. lot width"?

¹ All lots with detached single-family homes are allowed up to two ADUs.

² Minimum frontage for Cul-de-sac terminus and flag lots is 30'.

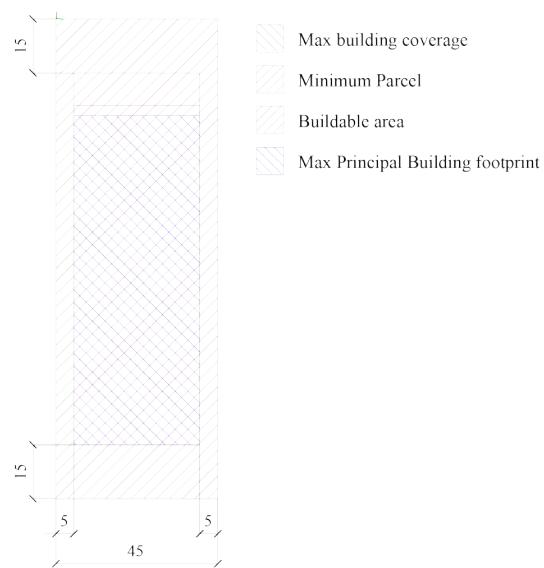
³Sustainable pervious/permeable surfaces such as driveways, decks, patios, and other on-site permeable surfaces shall not be calculated in the impervious calculations if approved by engineering studies and/or best management practices.

⁴Front setback for standard lot, street setback for corner lots.

⁵For corner lots, only one front porch is eligible for the reduced setback.

⁶12' setback when the garage is parallel to alley, 5' when the garage is perpendicular to the alley.

⁷For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line (0' rear setback). Minimum side setbacks still apply.



(i) Lot Area. The minimum lot area shall be 6,000 square feet except as permitted within a residential cluster or cottage housing development.

(A) For single-family dwellings, the minimum lot area per dwelling unit shall be 6,000 square feet except as permitted within a residential cluster or cottage housing development.

(B) For duplex dwellings, the minimum lot area per building shall be 4,500 square feet per dwelling unit except as permitted within a residential cluster development.

1. In new subdivisions, duplexes shall be designed to blend in with the single-family character of the neighborhood. If located on a corner lot each unit of the duplex shall face onto an adjacent street, and no two units' front doors and garages are permitted to face the same street frontage.

(C) For senior citizen low-income housing, the minimum lot area per dwelling unit shall be 2,500 square feet per unit except as permitted within a residential cluster development.

(D) For townhomes, the minimum lot area per dwelling unit shall be 4,500 square feet.

(E) For cottage housing, as specified within Chapter 19.24 BMC.

(ii) Lot Coverage. The maximum lot coverage of the primary dwelling unit shall be 35 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 45 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 60 percent. Sustainable pervious/permeable-surfaces such as driveways, decks, patios, and other on-site permeable surfaces shall not be calculated in the impervious calculations and shall permit impervious lot coverage to be increased as approved by engineering studies and/or best management practices.

(A) For all new subdivisions, the second story of single-family residences shall be smaller than the first story by at least 10 percent of the first floor area (square footage) footprint excluding the attached garage, unless the bulk of the living space is located above the attached garage.

(b) Lot Dimensions. The minimum dimensions for any new lot or parcel shall be:

(i) Minimum lot width:

(A) Forty-five feet for a single-family residence, except as allowed in flag lots.

(B) Twenty-nine feet when attached units are provided.

(ii) Minimum lot depth: 85 feet.

(iii) Minimum lot width at street frontage on a cul-de-sac or hammerhead terminus: 30 feet.

(iv) Flag lots: Flag lots are permitted subject to the bulk modification conditions set forth in the zoning code.

(c) Setback Requirements. The minimum setback requirements, except as permitted in a residential cluster or cottage housing, shall be:

(i) Front yard: 15 feet, except where a front porch consisting of more than or equal to two-thirds of the total front of the house and more than or equal to six feet in depth exists, then the minimum front yard setback shall be nine feet to the front of the porch.

(ii) Twenty-two foot yard-to-garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel, whichever is closest, except when:

(A) The garage is accessed from an alleyway, in which case the minimum setback shall be:

1. Twelve feet if the garage entrance is facing (parallel to) the access alleyway;

2. Five feet when the garage entrance is perpendicular to the access alleyway.

(B) An attached garage already exists that prevents adherence to subsection (2)(c)(ii) of this section.

(iii) Fifteen-foot street-side yard (corner lot).

(A) Where a structure on a corner lot qualifies for reduced front setback requirements by meeting porch standards (as identified in subsection (2)(c)(i) of this section), they shall apply this credit only across one street-fronting property line. If one street-fronting property line is adjacent to a less busy street than the other, then this is the property line that shall receive the less stringent setback requirement.

(iv) Minimum eight foot side yard, except for attached dwellings, then the common wall separating the dwellings may have a zero side yard setback.

(v) Minimum 15-foot rear yard.

(vi) Accessory Buildings and Uses. Accessory structure(s) may be permitted subject to the permitted uses in BMC 19.20.130 and the performance standards of BMC 19.22.120 and 19.22.130, and also subject to provision of a minimum 10-foot clearance between each structure **and the principal dwelling**.

(vii) Off-street parking requirements shall be per Chapter 19.28 BMC. (Ord. 27-16 § 4, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005. Formerly 19.20.010).

19.20.030 R-8,000 residential zone.

(1) Intent and Purpose. The R-8,000 zone is intended to provide for development at urban residential densities while providing a transitional area between zones of higher urban residential densities and areas of lower densities, environmentally sensitive and public areas.

(2) Performance Standards – Dimensional Requirements.

(a) Lot Area, Coverage, Building Placement, and Building Form and Coverage.

LOT	
Minimum Lot Size	
Single family/adus (attached, detached or stacked) ¹	8,000 SF
Duplex	8,000 SF
Triplex	12,000 SF
Townhouse unit (attached)	4,000 SF
Maximum units per lot	3
Dimensions	
Minimum Lot Frontage (SF and middle housing/townhouse unit) ²	60'/30'
Minimum Lot Depth	100'
COVERAGE	
Maximum Building Coverage	40%
Impervious Surface Coverage	55%
BUILDING PLACEMENT	
Street Setback ³ (Building / Front porch)	15' / 9'
Garage Entrance Setback (no alley/ off alley)	22' / 12'
Side Setback	8'
Rear Setback	20' ⁶
Space Between Structures	10'
BUILDING FORM	
HEIGHT	
Height	30'
MASSING	
Maximum building footprint	3,200 SF
Maximum DADU or ADU size	1,250 SF

¹ All lots with detached single-family homes are allowed up to two ADUs.

² Minimum frontage for Cul-de-sac terminus and flag lots is 30'.

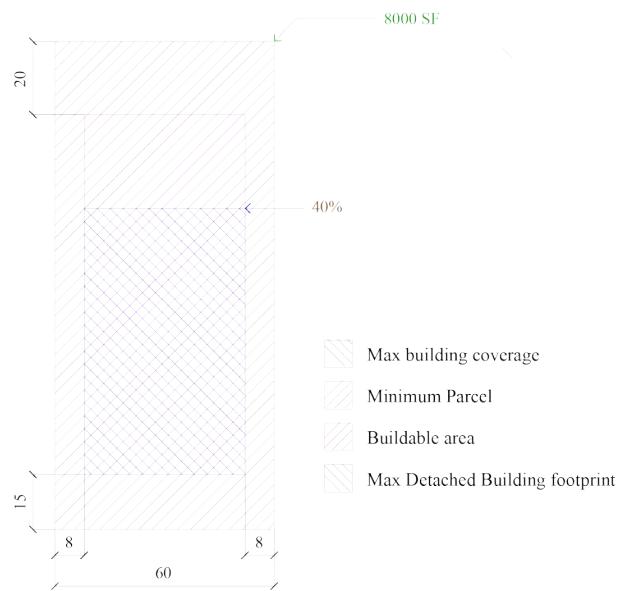
³ Sustainable pervious/permeable surfaces such as driveways, decks, patios, and other on-site permeable surfaces shall not be calculated in the impervious calculations if approved by engineering studies and/or best management practices.

⁴ Front setback for standard lot, street setback for corner lots.

⁵ For corner lots, only one front porch is eligible for the reduced setback.

⁶ 12' setback when the garage is parallel to alley, 5' when the garage is perpendicular to the alley.

For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line (0' rear setback). Minimum side setbacks still apply.



(i) Lot Area:

(A) For single-family dwellings, the minimum lot area per dwelling shall be 8,000 square feet except as permitted within a residential cluster or cottage housing development.

(B) For duplex dwellings, the minimum lot area per building shall be 6,000 square feet per dwelling unit except as permitted within a residential cluster or cottage housing development.

1. In new subdivisions, duplexes shall be designed to blend in with the single-family character of the neighborhood. If located on a corner lot, each unit of the duplex shall face onto an adjacent street, and no two units' front doors and garages are permitted to face the same street frontage.

(C) For townhomes, the minimum lot area per dwelling unit shall be 6,000 square feet.

(AD) For cottage housing, as specified within Chapter 19.24 BMC.

(ii) Lot Coverage. The maximum lot coverage of the primary dwelling unit shall be 30 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 40 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 55 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface calculations and shall permit impervious lot coverage to be increased as approved by engineering studies and/or best management practices.

(iii) Floor Area Ratio. For all new subdivisions, the second story of single family residences shall be smaller than the first story by 10 percent of the first floor area (square footage) footprint excluding attached garage, unless the bulk of the living space is located above the attached garage.

(b) Lot Dimensions. The minimum dimensions for any new lot or parcel shall be:

(i) Minimum lot width:

(A) Seventy feet for a single family residence, except as allowed in flag lots.

(B) Thirty-five feet when attached units are provided.

(ii) Minimum lot depth: 100 feet, except as allowed in flag lots.

(iii) Lot width at street on a cul-de-sac or hammerhead terminus: 30 feet.

(iv) Flag lots: flag lots are permitted subject to the bulk modification conditions set forth in the zoning code.

(c) Setback Requirements. The minimum setback requirements, except as permitted in a residential cluster or cottage housing, shall be:

(i) Front yard: 20 feet, except where a front porch consisting of more than or equal to two thirds of the total length of the living space of a house with a minimum six feet in depth exists, then the minimum front yard setback shall be 14 feet to the front of the porch.

(ii) Twenty-two foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel, whichever is closest, except when:

(A) The garage is accessed from an alleyway, in which case the minimum setback shall be:

1. Twelve feet if the garage entrance is facing (parallel to) the access alleyway;

2. Five feet when the garage entrance is perpendicular to the access alleyway.

(B) An attached and/or detached garage already exists that prevents adherence to subsection (2)(c)(ii) of this section.

(iii) Fifteen-foot street side yard (corner lot).

(A) Where a structure on a corner lot qualifies for reduced front setback requirements by meeting porch standards (as identified in subsection (2)(c)(i) of this section), they shall apply this credit only across one street fronting property line. If one street fronting property line is adjacent to a less busy street than the other, then this is the property line that shall receive the less stringent setback requirement.

(iv) For side yard setbacks, an eight foot side yard on one side and 12 foot side yard on the other side, ensuring a total setback for both sides is a minimum of 20 feet, except for attached dwellings, then the common wall separating the dwellings may have a zero side yard setback. The intent is for staggered side setbacks with this provision. (Note: the applicant shall have the ability to choose the preferred side for each setback; in all instances, there shall be an area, minimum 12 feet in width, extending from the front lot line to the rear lot line, which shall not be encumbered.

~~with structures.) When utilizing the residential cluster chapter for development of the R-8,000 zone, this provision can be reconsidered.~~

~~(v)~~ Twenty-five foot rear yard.

~~(vi)~~ Accessory Buildings and Uses. Accessory structure(s) may be permitted subject to the permitted uses in BMC 19.20.130 and the performance standards of BMC 19.22.120 and 19.22.130, and also subject to provision of a minimum 10-foot clearance between each structure ~~and the principal dwelling~~.

~~(vii)~~ Off-street parking requirements shall be per Chapter 19.28 BMC. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005. Formerly 19.20.020).

19.20.050 HDR- Low, high density residential (low) zone.

(1) Intent and Purpose. The HDR-Low zone is intended to allow high density multifamily residential development, which includes apartment complexes. This zone applies to those existing areas of the city already developed under high densities or as multifamily dwellings and the immediate surrounding area. Greater flexibility is afforded to nonresidential uses when located adjacent to commercially zoned or developed land.

In addition, multifamily residential (HDR) districts in Buckley are intended to reserve appropriately located areas for multifamily living at a broad range of dwelling unit densities consistent with the Buckley comprehensive plan. Further, multifamily residential (HDR) districts in Buckley are intended to protect the public health, safety and general welfare by ensuring that opportunities to obtain reasonable-cost housing exist for households representing a variety of income categories and lifestyles. Multifamily residential (HDR) districts in Buckley are also intended to facilitate the provision of utility services and other public facilities commensurate with anticipated population and dwelling unit densities, provide designs compatible with Buckley community goals and visions, and provide developments consistent with the Buckley comprehensive plan that offer amenities and conveniences necessary to assure the comfort and enhance the lifestyles of their occupants.

(2) Residential type specifications. The following building forms are permitted in the HDR-Low zone.

- (i) Single family, as defined in Chapter 19.12
- (ii) ADU, as defined in Chapter 19.12
- (i) Duplex, as defined in Chapter 19.12
- (ii) Townhome, as defined in Chapter 19.12
- (iii) Triplex, as defined in Chapter 19.12
- (iv) Fourplex, as defined in Chapter 19.12
- (i) Multiplex, as defined in Chapter 19.12
- (ii) Courtyard apartment, as defined in Chapter 19.12
 - (A) At least one common open space is required.
 - (B) Common open space shall be bordered by dwelling units on at least two sides.
 - (C) Common open space shall be a minimum of 15 feet on any side.
 - (D) Parking areas and vehicular areas do not qualify as a common open space.
- (E) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.
- (iii) Low-rise apartment complex, as defined in Chapter 19.12
 - (A) A minimum of 15% of units must be ground-access, with stoops or porches oriented towards the street or the common open space, so that some feeling of human presence is created in the public and semi-private spaces surrounding the development.
 - (B) At least one common open space is required.
 - (C) Common open space shall be bordered by dwelling units on at least one side.
 - (D) Common open space shall be a minimum of 20 feet on any side.

(E) Parking areas and vehicular areas do not qualify as a common open space.

(F) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.

(4) Pedestrian and vehicle access.

(i) A paved pedestrian connection at least three feet wide is required between each residential building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

(ii) All lots abutting an improved alley that meets the Public Works design standards for width, the vehicular access shall be taken from the alley.

(iii) Public or private alley access is required for lots with four or more units unless the Public Works Director determines it to be infeasible due to existing development, lack of connectivity, topography or other physical constraints.

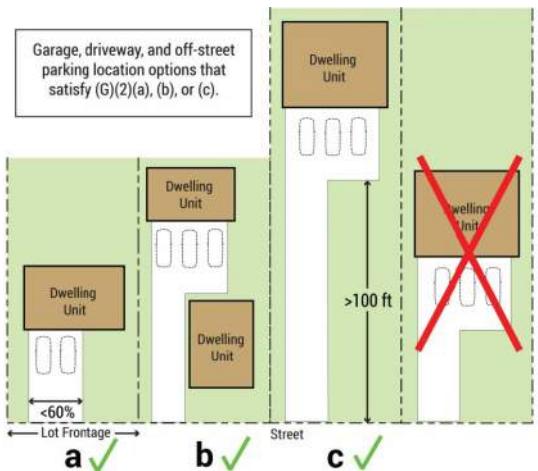
(iv) Lots without access to an improved alley and taking vehicular access from a street shall meet the following standards:

(A) Garages, carports, driveways, and off-street parking areas shall not be located between a building and a street, except when any of the following conditions are met:

a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or

b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or

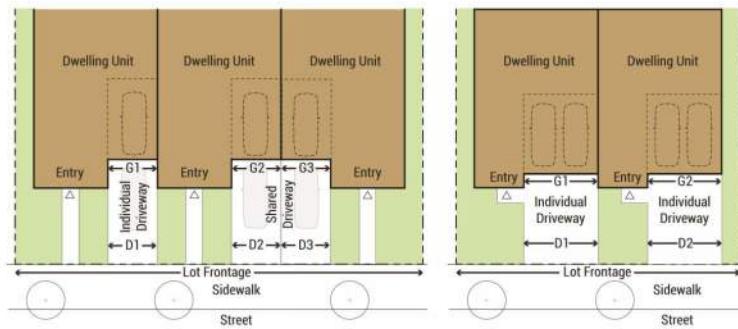
c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



3. All detached garages and carports shall not protrude beyond the front building façade.

4. The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line. Individual driveway approaches shall not exceed 20 feet in width.

Commented [SL1]: CC indicated a small preference for alley or back of lot loading based on visual preference survey, allowing more space at front of lot for open space. State guidance recommends off-alley parking or if that is not feasible, at side or back of lot to increase space efficiency.

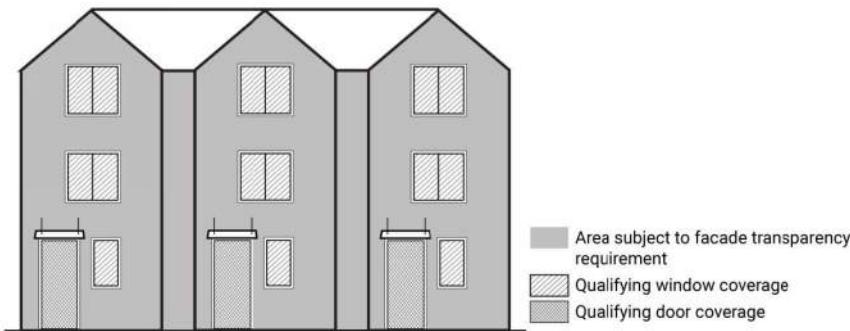


$\frac{(G1+G2+G3)}{\text{Lot Frontage}}$ must be no more than 60%
 $(D1+D2+D3)$ must not exceed 32 feet per frontage
 Individual driveway width (any "D#") shall not exceed 20 feet

(v) Required parking spots may occupy required setbacks.

(6) Windows and Doors

A minimum of 15 percent of the area of the street-facing façade elevation shall include windows or doors (excluding garage doors). On corner lots, the 15 percent standard is applied to both street-facing facades. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.



(5) Coverage, Building Placement, Open space, and Building Form

LOT	
Minimum lot size	
Single Family Detached	4,000 SF
Townhouse unit	2,500 SF

<u>BUILDING PLACEMENT</u>	
Front Setback ¹	10'
Side Setback	5'
Rear Setback (no alley/off-alley)	15'/5'
<u>COVERAGE</u>	
Impervious Surface Coverage	85%
Minimum Common Open Space ²	10%
<u>HEIGHT</u>	
Height	35'
Roof Pitch	4:12 minimum
<u>FAR</u>	
1 unit	.6
2 units	.8
3 units	1.0
4 units	1.2
4+ units	1.4

¹Front setback, and side setback for corner lots.

²Common open space may be within the setback, but cannot include car parking, or vehicular circulation. Townhouse units and detached single family units may substitute the requirement for private open space.

(vi) Off-street parking shall be as follows: Off-street parking requirements shall be per Chapter 19.28 BMC.

(vii) Standards for street and utility construction shall be as specified under Chapter 17.08 BMC.

(d) Other Performance Standards.

(i) Exterior Mechanical Devices. Devices such as air conditioners, heating, cooling, and ventilating equipment, swimming pool mechanicals and all other such mechanical devices shall be visually screened from surrounding properties and streets, and also shall be so operated that they attenuate, reduce, or contain normal operating noise so as to not disturb the peace.

(ii) Landscaping Required. Landscaping and open space shall be provided pursuant to Chapters 19.26 and 19.29 BMC.

(iii) Outdoor Storage of Materials. Required front and street side yards shall not be used for the storage of any motor vehicle or vehicle accessory such as camper shells, trailers, wheeled accessories, conveyances, boats, motorbikes, or snowmobiles and similar equipment. (Ord. 04-16 § 5, 2016; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005. Formerly 19.20.050).

Commented [SL2]: This is defined as the midpoint on a pitched roof between the ridge and the ridge line (the height where the roof intersects with the wall).

Commented [SL3]: Currently 2.2 for multi-family in the multifamily guidelines, but 2 per unit in 19.28 and 1 per unit for studios.

19.20.060 HDR- High, high density residential (high) zone.

(1) Intent and Purpose. The HDR-High zone is intended for high density multifamily residential development, primarily in the form of apartment complexes. This zone is intended to aid in the production of more affordable housing units, and to help Buckley accommodate all income levels, consistent with the Buckley comprehensive plan.

(2) Residential type specifications. The following building forms are permitted in the HDR-High zone. Other forms may be permitted as a conditional use, so long as they meet the general intent of the zone to produce dense, affordable, multifamily housing.

(i) Multiplex

(ii) Courtyard apartment, as defined in Chapter 19.12

(A) At least one common open space is required.

(B) Common open space shall be bordered by dwelling units on at least two sides.

(C) Common open space shall be a minimum of 15 feet on any side.

(D) Parking areas and vehicular areas do not qualify as a common open space.

(E) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.

(iii) Low-rise apartment complex, as defined 19.12

(A) A minimum of 15% of units must be ground-access, with stoops or porches oriented towards the street or the common open space, so that some feeling of human presence is created in the public and semi-private spaces surrounding the development.

(B) At least one common open space is required.

(C) Common open space shall be bordered by dwelling units on at least one side.

(D) Common open space shall be a minimum of 20 feet on any side.

(E) Parking areas and vehicular areas do not qualify as a common open space.

(F) Common open space must be contiguous with front lot line, or on corner lots, contiguous with at least one road facing lot line.

(3) Performance Standards – Dimensional Requirements.

(4) Pedestrian and vehicle access.

(i) A paved pedestrian connection at least three feet wide is required between each residential building and the sidewalk (or the street if there is no sidewalk). Driveways cannot be used to meet this requirement.

(ii) For all lots abutting an improved alley that meets the Public Works design standards for width, the vehicular access shall be taken from the alley.

(iv) Lots without access to an improved alley and taking vehicular access from a street shall meet the following standards:

(D) Off-street parking will be located at the back or on the side of the lot. The driveway approach from the street is required to be 16 feet wide at the street but can taper to 12 feet wide for the full length.

(v) Required parking spots may occupy required setbacks.

(5) Coverage, Building Placement, Open space, and Building Form

<u>LOT</u>	
<u>BUILDING PLACEMENT</u>	
<u>Front Setback</u> ¹	<u>8'</u>
<u>Side Setback</u>	<u>5'</u>
<u>Rear Setback (no alley/off-alley)</u>	<u>10'5"</u>
<u>COVERAGE</u>	
<u>Maximum Building Coverage</u>	<u>65%</u>
<u>Impervious Surface Coverage</u>	<u>85%</u>
<u>Minimum Common Open Space</u> ²	<u>10%</u>
<u>HEIGHT</u>	
<u>Height</u>	<u>35'</u>
<u>Roof Pitch</u>	<u>4:12 minimum</u>

¹Front setback, and side setback for corner lots.

²Common open space may be within the setback, but cannot include car parking, or vehicular circulation. Common open space must include an area that has a minimum dimension of 15'x15'