Title 18

ZONING

Chapters:

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010 Title. The ordinance codified in this title shall be known as the "Zoning Ordinance of the Town of Steilacoom." (Ord. 1188 §1(part), 1996).

18.04.020 Purpose. It is the purpose of this title to implement the Town's comprehensive plan. By guiding physical development of the Town, this title seeks to maintain and improve the small-Town character of the community by including appropriate regulations and high standards to achieve the following: Recognize unique neighborhood characteristics, provide adequate light and air, avoid excessive concentrations of people, minimize congestion on the streets, facilitate adequate provision for public health, safety and welfare, transportation, utilities, schools, parks, and other necessary public needs. (Ord. 1188 §1(part), 1996).

18.04.030 Authority. In accordance with RCW 35.63.110, the Town Council may, upon recommendation of the Planning Commission, divide the Town into zoning districts to best carry out implementation of the Comprehensive Plan. Within such districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, design or use of buildings, structures or land. (Ord. 1188 §1(part), 1996).

18.04.040 Applicability.

(a) The provisions of this title shall apply to all uses of land in the Town of Steilacoom.

(b) The provisions of this title shall be interpreted as the minimum requirements necessary to protect the health, safety and general welfare of the public.

(c) Therefore, where the provisions of this title impose restrictions on the use of land or structures greater than are imposed by other public or private regulations, the provisions of this title shall control. (Ord. 1188 §1(part), 1996).

18.04.050 Rules for interpretation.

(a) For the purpose of the Zoning Code, all words used in the Code shall have their normal and customary meanings, unless specifically defined otherwise in this Code.

(b) Words used in the present tense include the future tense.

(c) The plural includes the singular, and vice versa.

(d) The words "shall" and "may not" and "no --- may" are mandatory.

(e) The word "may" indicates that discretion is allowed.

(f) The word "used" includes "designed, intended or arranged" to be used.

(g) The masculine gender includes the feminine and vice versa.

(h) Distances shall be measured horizontally unless otherwise specified.

(i) The word “building” includes a portion of a building or lot on which it stands. (Ord. 1188 §1(part), 1996).

18.04.055 Appeals. The procedures set forth in Title 14, Development Code Administration, shall be applicable to all appeals relating to this Zoning Code. (Ord. 1188 §1(part), 1996).

18.04.060 Severability. It is expressly declared that each section, subsection, paragraph, sentence, clause, phrase and word of this title would have been prepared, proposed, adopted, approved and ratified irrespective of any declaration of invalidity or unconstitutionality of any part of this title. Therefore, should any part of this title be declared invalid, or unconstitutional for any reason, this declaration shall not affect the validity or constitutionality of the remaining parts of this title. (Ord. 1188 §1(part), 1996).

18.04.070 Enforcement. Enforcement action for violations of this Title shall be governed by the provisions of Chapter 14.32 SMC. (Ord. 1543 §12, 2016).

Chapter 18.08

DEFINITIONS

Sections:

18.08.005 Affordable housing. "Affordable housing" means housing in which the occupant(s) are paying no more than thirty percent (30%) of gross income for housing costs, including utilities. (Ord. 1188 §1(part), 1996).

18.08.010 Alteration. "Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration. (Ord. 1188 §1(part), 1996).

18.08.015 Antenna. “Antenna” means any exterior equipment attached or mounted to a building or tower in the form of one or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

(1) Parabolic antenna (“dish” antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish. (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.020 Assisted living facility. "Assisted living facility" means an establishment which provides living quarters and a variety of limited personal care and 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 or nursing home. (Ord. 1188 §1(part), 1996).

18.08.030 Awning, fixed. "Fixed awning" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported in part or entirely by that wall, and is held in place with rigid frames and covered with a flexible material. (Ord. 1188 §1(part), 1996).

18.08.035 Awning, retractable. "Retractable awning" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is collapsible, retractable or capable of being folded against the face of the supporting building. (Ord. 1188 §1(part), 1996).

18.08.036 Base Station. "Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the Town under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the Town under this Chapter, does not support or house equipment described in paragraphs 1 or 2 above. (Ord. 1549, 2016).

18.08.037 Battery charging station. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 1473 §1(part), 2011).

18.08.038 Battery exchange station. "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. Ord. 1473 §1(part), 2011).

18.08.040 Bed and breakfast inn. "Bed and breakfast inn" means a single family dwelling in which there are guest rooms or suites without separate kitchen facilities for travelers and transient guests where lodging, with or without meals, is provided for no more than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.050 Billboard. "Billboard" means an outdoor advertising sign containing a commercial message, unrelated to any use or activity of property on which the sign is located. (Ord. 1188 §1(part), 1996).

18.08.060 Boarding house, class I. "Class I boarding house" means a dwelling unit in which rooms with no cooking facilities are rented to one or two unrelated residents, lodgers, or boarders for periods of not fewer than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.065 Boarding house, class II. "Class II boarding house" means a dwelling unit in which rooms with no cooking facilities are rented to at least three (3) but not more than five (5) residents, lodgers, or boarders for periods of not fewer than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.070 Building. "Building" means a structure having a roof for the shelter of persons or property.

(a) Building, Accessory. "Accessory building" means one which is subordinate to the main building, and is incidental to the use of the main building on the same lot.

(b) Building, Main See Building, Principal.

(c) Building, Modular. "Modular building" means factory-built structures bearing the appropriate insignia of the Department of Labor and Industries.

(d) Building, Principal. "Principal building" means the building which accommodates the principal use of a site or lot.

(e) Building, Temporary. "Temporary building" means a building or structure not having or requiring permanent attachment to the ground. (Ord. 1188 §1(part), 1996).

18.08.090 Building area. "Building area" means the portion of a lot within which a principal building or structure may be built, bounded by the setbacks. (Ord. 1188 §1(part), 1996).

18.08.100 Building footprint. "Building footprint" means the portion of a lot covered by the principal building, measured from the outside edge of all structural components greater than forty-two inches (42") in height. (Ord. 1188 §1(part), 1996).

18.08.110 Building site. See Building area, SMC 18.08.090. (Ord. 1188 §1(part), 1996).

18.08.120 Canopy. "Canopy" means a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island. (Ord. 1188 §1(part), 1996).

18.08.125 Cell on wheels. "Cell on wheels" (COW) means a mobile telecommunications facility transported by a motor vehicle for temporary on-site use. (Ord. 1264 §4(part), 1999).

18.08.130 Circulation area. "Circulation area" means that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area. (Ord. 1188 §1(part), 1996).

18.08.133 Colocation. “Colocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.136 Concealed. “Concealed” means a wireless telecommunication antenna or facility that is not evident; it is disguised, hidden by or integrated with a structure that is not a telecommunication tower; or, a personal wireless service facility that is placed within an existing or proposed structure. (Ord. 1264 §4(part), 1999).

18.08.140 Conditional use. See Use, conditional, SMC 18.08.920. (Ord. 1188 §1(part), 1996).

18.08.150 Consumer goods repair. "Consumer goods repair" means an establishment engaged primarily in providing repair and maintenance of consumer products. (Ord. 1188 §1(part), 1996).

18.08.155 COW. See Cell on wheels, SMC 18.08.125. (Ord. 1264 §4(part), 1999).

18.08.160 Day care center. "Day care center" means a state-licensed facility which may or may not be located in a home and provides supervised care for thirteen (13) or more children for a period of fewer than twenty-four (24) hours. (Ord. 1188 §1(part), 1996).

18.08.170 Dedication. "Dedication" means the gift of land to the Town or other governmental entity for any public use. (Ord. 1188 §1(part), 1996).

18.08.180 Density. "Density" means the number of permitted dwelling units allowed or existing on each acre of land or fraction thereof. (Ord. 1188 §1(part), 1996).

18.08.190 Duplex. "Duplex" means a building with two (2) dwelling units, not otherwise defined as a principal dwelling unit with an accessory dwelling unit on the same building lot. (Ord. 1188 §1(part), 1996).

18.08.200 Dwelling. "Dwelling" means a structure or portion thereof that is used exclusively for human habitation.

(A) Dwelling, Multifamily. “Multifamily dwelling” means a building containing three or more dwelling units.

(B) Dwelling, Single Family. “Single family dwelling” means a building containing one (1) dwelling unit. (Ord. 1188 §1(part), 1996).

18.08.210 Dwelling unit. "Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family. "Dwelling unit" does not include recreation vehicles or mobile homes. See also "Multifamily Dwelling" and "Family."

(A) Dwelling Unit, Accessory. “Accessory dwelling unit” means a second dwelling unit added to, created within or detached from an existing single family detached dwelling for use as a complete independent unit with provision for cooking, eating, heating, sanitation, and sleeping.

(B) Dwelling Unit, Efficiency. See Dwelling Unit, Accessory.

(C) Dwelling Unit, Principal. “Principal dwelling unit” means the dominant permitted building or portion thereof of providing complete housekeeping facilities for one (1) family, not including garages and carports. (Ord. 1188 §1(part), 1996).

18.08.220 Easement.

(A) Easement. "Easement" means a grant, by the owner of land, of limited rights to the use of property for a specified purpose.

(B) Easement, Access. “Access easement” means a private right-of-way no fewer than twelve (12) feet wide which provides vehicular access to a street from a lot which does not abut a street. (Ord. 1188 §1(part), 1996).

18.08.225 Electric vehicle. “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. (Ord. 1473 §1(part), 2011).

18.08.227 Eligible Facilities Request. “Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(1) Collocation of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment. (Ord. 1549, 2016).

18.08.228 Eligible Support Structure. “Eligible support structure” means any tower or base station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the Town under this Title. (Ord. 1549, 2016).

18.08.230 Entertainment, adult. “Adult entertainment” means an establishment consisting of, including, or having characteristics involving conduct or materials depicting, describing or relating to sexual activities or anatomical genital areas. (Ord. 1188 §1(part), 1996).

18.08.232 Equipment structure. Equipment structure” 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. 1264 §4(part), 1999).

18.08.233 Existing. “Existing” means a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing for purposes of this definition. (Ord. 1549, 2016).

18.08.235 FAA. “FAA” means the Federal Aviation Administration. (Ord. 1264 §4(part), 1999).

18.08.238 Facilities. See Wireless communication facility, SMC 18.08.958. (Ord. 1264 §4(part), 1999).

18.08.240 Family. "Family" means an individual or two (2) or more persons related by genetics, adoption or marriage, or a group of five or fewer persons who are not related by genetics, adoption or marriage who live together in a dwelling unit, with common access to and common use of living, cooking, eating, sanitation and sleeping areas. (Ord. 1188 §1(part), 1996).

18.08.250 Family day care facility. "Family day care facility" means a state-licensed home which provides supervision for twelve (12) or fewer children for periods of less than twenty-four (24) hours. (Ord. 1188 §1(part), 1996).

18.08.252 FCC. “FCC” means the Federal Communications Commission. (Ord. 1264 §4(part), 1999).

18.08.255 Fence. “Fence” means any barrier which is grown or constructed for purposes of confinement, enclosure, means of protection or use as a boundary. (Ord. 1216 §1, 1997).

18.08.260 Floor area.

(a) Floor area. "Floor area" means the sum of the gross horizontal area of the floor or floors of all the buildings on a lot measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.

(b) Floor Area, Gross. “Gross floor area” means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. (Ord. 1188 §1(part), 1996).

18.08.280 Frontage. "Frontage" means the lot line facing a street right-of-way. (Ord. 1188 §1(part), 1996).

18.08.290 Garage, commercial. “Commercial garage” means a building used for the commercial repair or servicing of motor vehicles. (Ord. 1188 §1(part), 1996).

18.08.293 Garage, parking. “Parking garage” means a building used for the commercial storage of motor vehicles. (Ord. 1188 §1(part), 1996).

18.08.296 Garage, private. “Private garage” means an accessory building for noncommercial storage of vehicles. (Ord. 1188 §1(part), 1996).

18.08.300 Group care facility. "Group care facility" means a facility including foster family homes, group homes, and adult family homes licensed by the State of Washington Department of Social and Health Services and maintained and operated for the care of juveniles, adults, or both on a twenty-four (24) hour basis. (Ord. 1188 §1(part), 1996).

18.08.310 Guest house. "Guest house" means a single family dwelling containing one (1) kitchen and shared dining area providing no more than one (1) lodging room to travelers and transient guests for no more than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.315 Halfway house. "Halfway house" means a residential facility which provides a temporary, family-like living arrangement for people recovering from drug or alcohol addictions, or for people transitioning from an institutional setting such as a correctional facility, mental institute or medical facility to a more typical residential setting. Halfway houses sometimes have staff, counseling, therapy, medical or educational components in addition to residential facilities. (Ord. 1188 §1(part), 1996).

18.08.320 Hazardous waste. "Hazardous waste" means all dangerous waste and extremely hazardous waste as defined in RCW 70.105.010(15), as they now exist or are hereafter amended, except for moderate risk waste as set forth in RCW 70.105.010(17), as they now exist or are hereafter amended. (Ord. 1188 §1(part), 1996).

18.08.330 Hazardous waste storage. "Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC as they now exist or are hereafter amended. (Ord. 1188 §1(part), 1996).

18.08.340 Hazardous waste treatment. "Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amendable for energy or natural resource recovery, amendable for storage or reduced in volume. (Ord. 1188 §1(part), 1996).

18.08.350 Hazardous waste treatment and storage facility, offsite. "Offsite hazardous waste treatment and storage facility" means treatment or storage facilities which treat or store hazardous waste generated on a lot other than those on which the offsite facilities are located. (Ord. 1188 §1(part), 1996).

18.08.355 Hazardous waste treatment and storage facility, onsite. "Onsite hazardous waste treatment and storage facility" means treatment or storage facilities which treat and store hazardous wastes generated on the same lot by a lawfully permitted use. (Ord. 1188 §1(part), 1996).

18.08.360 Height. "Height" means the vertical distance from the vertical datum to the highest point of the roof line. On any building constructed seaward of the high-tide line, the low point of the vertical measurement shall be the elevation of the extreme high tide, as shown by the official United States tide tables for the year in which the permit is issued. (Ord. 1188 §1(part), 1996).

18.08.365 Historic sites and structures. "Historic sites and structures" means primary and secondary historic sites and structures as described by SMC 2.14.050. (Ord. 1188 §1(part), 1996).

18.08.370 Home occupation, class I. "Class I home occupation" means an activity carried out for gain or profit by a resident and conducted as a secondary use in the resident's dwelling unit or building accessory to the dwelling. Class I home occupations have a negligible impact on residential neighborhoods, occupying no more than twenty-five (25%) of the gross floor area of the principal dwelling unit and accessory buildings combined. (Ord. 1188 §1(part), 1996).

18.08.375 Home occupation, class II. "Class II home occupation" means an activity carried out for gain or profit by a resident and conducted as a conditional use in the resident's dwelling unit or buildings accessory to the dwelling. Class II home occupations have a minor impact on residential neighborhoods. (Ord. 1188 §1(part), 1996).

18.08.377 Industrial park. An industrial park is a development on a tract of land containing industrial buildings and open space that is designed, constructed, and managed on a coordinated basis. (Ord. 1375 §1(part), 2004).

18.08.380 Kitchen. "Kitchen" means any room used for cooking or preparation of food. (Ord. 1188 §1(part), 1996).

18.08.390 Landscape. "Landscape" means an expanse of natural scenery consisting of plant materials and other natural materials, such as rock and wood chips, and decorative

features including sculpture, outdoor furniture, lighting, walks, fountains, and pools. (Ord. 1188 §1(part), 1996).

18.08.400 Landscape plan. "Landscape plan" means a component of a development plan on which is shown proposed landscape species, proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, existing and proposed topography, buffers and screening devices. (Ord. 1188 §1(part), 1996).

18.08.410 Landscape berm. "Landscape berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. (Ord. 1188 §1(part), 1996).

18.08.415 Loading and unloading area. "Loading and unloading area" means that portion of the vehicle accommodation area used to satisfy the requirements of SMC 18.20.070(g). (Ord. 1188 §1(part), 1996).

18.08.420 Lot. "Lot" means a parcel of land as shown on an officially recorded plat or subdivision in existence as of the effective date of this title or as shown on any future officially recorded plat or subdivisions intended as a unit for transfer of ownership or for development.

(A) Lot, Corner. “Corner lot” means a lot which has frontage on two (2) or more streets where the streets meet.

(B) Lot, Interior. “Interior lot” means a lot fronting on only one street. See also "Lot"

(C) Lot, Irregular. “Irregular lot” means one which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

(D) Lot, Nonconforming. “Nonconforming lot” means a lawfully subdivided lot which does not conform to the provisions of this title.

(E) Lot, Through. “Through lot” means a lot fronting on two (2) streets that is not a corner lot. (Ord. 1188 §1(part), 1996).

18.08.430 Lot area. "Lot area" means the total horizontal area within the boundary lines of a lot, excluding any street rights-of-way and access easements. (Ord. 1188 §1(part), 1996).

18.08.440 Lot coverage. "Lot coverage" means that portion of a lot covered by buildings or structures over forty-two (42) inches in height. (Ord. 1188 §1(part), 1996).

18.08.450 Lot depth. "Lot depth" means the length of the lot measured on a line approximately perpendicular to the fronting street and midway between the sidelines of the lot. (Ord. 1188 §1(part), 1996).

18.08.460 Lot of record. "Lot of record" means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, and which is described by metes and bounds or as a fraction of a section. (Ord. 1188 §1(part), 1996).

18.08.470 Lot line. "Lot line" means any line enclosing the lot area.

(A) Lot Line, Front. See Lot Line, Street.

(B) Lot Line, Rear. “Rear lot line” means a line or lines which are opposite and most distant from the street lot line.

(C) Lot Line, Side. “Side lot line” means any lot line that is not a street or rear lot line.

(D) Lot Line, Street. “Street lot line” means the line or lines along the edge of a street or public street right-of-way. (Ord. 1188 §1(part), 1996).

18.08.480 Lot width. "Lot width" means the distance between the lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Excluded from the computation will be that area of the lot used as an access easement. (Ord. 1188 §1(part), 1996).

18.08.485 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.490 Manufactured home. "Manufactured home" means a structure, transportable in one or more sections from its manufacturer, retailer, or wholesaler to its destination. These are constructed and installed by a certified manufactured home installer in accordance with WAC 296-150B, and bear the insignia of Washington State Department of Labor and Industries. (Ord. 1188 §1(part), 1996).

18.08.500 Marquee. "Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right of way or public place. It provides protection from weather elements. (Ord. 1188 §1(part), 1996).

18.08.505 Medical office. "Medical office" means a facility where diagnostic or invasive medical procedures, treatments or services are conducted. These facilities usually produce bio-medical waste materials. Counseling, physical therapy, medical transcription and similar medically related business are excluded from this definition. (Ord. 1188 §1(part), 1996).

18.08.507 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.508 (Repealed) (Ord. 1549, 2016: Ord. 1226 §3(part), 1998).

18.08.509 Mixed use development. A mixed-use development is a development on a tract of land consisting of both commercial and residential uses. (Ord. 1375 §1(part), 2004).

18.08.510 Motel. "Motel" means an establishment providing transient sleeping accommodations to the general public. (Ord. 1188 §1(part), 1996).

18.08.520 Museum. "Museum" means a building or room primarily used for preserving and exhibiting artistic, cultural, historical or scientific objects and is operated by a nonprofit, tax exempt organization. (Ord. 1188 §1(part), 1996).

18.08.530 Nonconforming lot. See Lot, nonconforming - SMC 18.08.420(D). (Ord. 1188 §1(part), 1996).

18.08.540 Nonconforming project. "Nonconforming project" means any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned. (Ord. 1188 §1(part), 1996).

18.08.550 Nonconforming sign. See Sign, nonconforming - SMC 18.08.830(I). (Ord. 1188 §1(part), 1996).

18.08.560 Nonconforming structure. See Structure, nonconforming - SMC 18.08.880(A). (Ord. 1188 §1(part), 1996).

18.08.570 Nonconforming use. See Use, nonconforming - SMC 18.08.920(C). (Ord. 1188 §1(part), 1996).

18.08.580 Office. "Office" means a building or separately defined space within a building used for a business which does not include on-premises sales of goods or commodities. (Ord. 1188 §1(part), 1996).

18.08.585 Office park. An office park is a development on a tract of land containing separate office or commercial buildings and open space that is designed, constructed, and managed on a coordinated basis. (Ord. 1375 §1(part), 2004).

18.08.590 Open space. "Open space" means any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. (Ord. 1188 §1(part), 1996).

18.08.600 Opaque. "Opaque" means impenetrable by light, neither transparent or translucent. (Ord. 1188 §1(part), 1996).

18.08.610 Outdoor display. "Outdoor display" means an open area used for the display or sale of goods or materials that are being actively marketed for sale, rent or lease. (Ord. 1188 §1(part), 1996).

18.08.620 Outdoor storage. "Outdoor storage" means the keeping of goods and materials that are not being actively marketed for sale, rent or lease in an open area or non-walled building in the same place for more than twenty-four (24) hours, excluding the storage of debris or junk. (Ord. 1188 §1(part), 1996).

18.08.630 Parapet. "Parapet" means the portion of a building wall that rises above the roof level. (Ord. 1188 §1(part), 1996)

18.08.640 Parking area aisles. "Parking area aisles" means that portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. (Ord. 1188 §1(part), 1996).

18.08.650 Parking, commercial. “Commercial parking” means a land area or building used as storage of four or more vehicles, excluding parking areas defined as secondary uses. (Ord. 1188 §1(part), 1996).

18.08.652 Parking, off-site. See Parking, satellite - SMC 18.08.658. (Ord. 1188 §1(part), 1996).

18.08.654 Parking, on-street. “On-street parking” means a designated area within a street right-of-way that accommodates parked vehicles. (Ord. 1188 §1(part), 1996).

18.08.656 Parking, private. “Private parking” means a parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located or their customers, employees or whomever else they permit to use the parking area. (Ord. 1188 §1(part), 1996).

18.08.658 Parking, satellite. “Satellite parking” means a parking area which is located on a property separate from the principal building or use. (Ord. 1188 §1(part), 1996).

18.08.660 Parking space or stall. "Parking space or stall" means an area accessible to vehicles and used exclusively for vehicle storage. (Ord. 1188 §1(part), 1996).

18.08.670 Planned area development (PAD). A planned area development or PAD is an alternative form of subdivision and development regulation that provides a flexible method of developing land as described by SMC 17.32. (Ord. 1375 §2, 2004: Ord. 1188 §1(part), 1996).

18.08.680 Permit, building. “Building permit” means written permission issued by the Town of Steilacoom for the construction, repair, alteration or demolition of a structure; or the grading or filling of a property. (Ord. 1188 §1(part), 1996).

18.08.690 Permit, certificate of occupancy. “Certificate of occupancy permit” means a document issued by the Town of Steilacoom allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with all applicable codes and ordinances of the Town of Steilacoom. (Ord. 1188 §1(part), 1996).

18.08.700 Person. "Person" means any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, special district or governmental agency and includes the plural such as persons, firms, etc. (Ord. 1188 §1(part), 1996).

18.08.710 Personal storage facility. "Personal storage facility" means a building used for the storage of goods and materials. (Ord. 1188 §1(part), 1996).

18.08.720 Planning Commission. "Planning Commission" means the Planning Commission of the Town of Steilacoom as described by SMC Chapter 2.12. (Ord. 1188 §1(part), 1996).

18.08.725 Property owner or owners. "Property owner or owners" means the legal holder or holders of title to real property in the Town of Steilacoom, as reflected in title records, or by the contract vendee. (Ord. 1188 §1(part), 1996).

18.08.727 Provider. “Provider” means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual licensed to provide personal wireless services over personal wireless communication facilities. (Ord. 1264 §4(part), 1999).

18.08.730 Public facility. "Public facility" means any public service, property, or structure operated and maintained by a public agency. Examples include streets, roads, street light systems, traffic signals, domestic water systems, stormwater and sanitary sewer systems, parks and recreational facilities, libraries and schools.

(A) Public facility, primary. “Primary public facility” means a public facility that provides service to residents within and beyond the surrounding neighborhood in which the facility is located. Examples include governmental buildings, schools, town-wide utility structures and libraries.

(B) Public Facility, Quasi-. “Quasi-public facility” means a facility operated by a non-profit private community, educational, religious, charitable, medical institution or service organization

having the primary purpose of serving the general public. Examples include religious institutions, churches, private schools and museums.

(C) Public Facility, Secondary. “Secondary public facility” means a public facility that provides service to residents of the neighborhood in which it is located. Examples include walking paths, electrical transformers and utility vaults.

(D) Public facility, park. “Park public facility” means a publicly owned property dedicated to recreation, walking, resting, picnic areas, and community meeting places along with appurtenant structures and parking areas. Appurtenant structures include restrooms, covered outdoor cooking or picnic facilities, play structures, cultural and historic markers and similar structures. (Ord. 1402 §1, 2005:: Ord. 1188 §1(part), 1996).

18.08.740 (Repealed) (Ord. 1549, 2016: Ord. 1188 §1(part), 1996).

18.08.743 Rapid charging station. “Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 1473 §1(part), 2011).

18.08.745 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.750 Recreation facility. "Recreation facility" means a place designed and equipped for the conduct of sports and leisure-time activities.

(A) Recreation Facility, Commercial. “Commercial recreation facility” means a recreation facility operated as a business and open to the public or members for a fee.

(B) Recreation Facility, Public. “Public recreation facility” means a recreation facility open to the general public. (Ord. 1188 §1(part), 1996).

18.08.760 Resident. "Resident" means a person residing in the Town of Steilacoom. (Ord. 1188 §1(part), 1996).

18.08.770 Restaurant, eat-in. “Eat-in restaurant” means an establishment where food and drink are prepared, served and consumed primarily within the principal building. Sales of food items, rather than drinks, is the primary focus of a restaurant. (Ord. 1188 §1(part), 1996).

18.08.775 Restaurant, take-out. “Take-out restaurant” means an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant. Sales of food items, rather than drinks, is the primary focus of a restaurant. (Ord. 1188 §1(part), 1996).

18.08.780 Retail sales and service. "Retail sales and service" means establishments engaged in selling goods, merchandise, entertainment or services to the general public for personal or household consumption. (Ord. 1188 §1(part), 1996).

18.08.790 Rezone. "Rezone" means change in classification of an area from one zoning district to another. (Ord. 1188 §1(part), 1996).

18.08.800 Roof. "Roof" means the outside top, weather-tight covering of a structure. (Ord. 1188 §1(part), 1996).

18.08.805 Satellite dish. See Antenna, parabolic antenna, SMC 18.08.015(3). (Ord. 1264 §4(part), 1999).

18.08.807 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.810 Screening. "Screening" means a continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area not including drives and walkways. (Ord. 1188 §1(part), 1996).

18.08.820 Setback. "Setback" means the distance between any building and a lot line.

(A) Setback, Average. “Average setback” is a number derived by adding the street setbacks of all existing residential structures along one side of a street in one block and dividing the result by the number of existing structures.

(B) Setback, Rear. "Rear setback” means the minimum distance required by this title for buildings to be set back from the rear lot line.

(C) Setback, Side. “Side setback” means the minimum distance required by this title for a building to be set back from a side lot line.

(D) Setback, Street. “Street setback” means the minimum distance required by this title for buildings to be set back from the street lot line. (Ord, 1375 §5, 2004: Ord. 1188 §1(part), 1996).

18.08.830 Sign. "Sign" means a medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.

(A) Sign, Banner. “Banner sign” means a temporary sign made of fabric or a non-rigid material and mounted to allow movement of the sign by weather.

(B) Sign, Community Announcement. “Community announcement sign” means a sign identifying or advertising an event sponsored by the Town or a nonprofit organization based in Town.

(C) Sign, Entrance. “Entrance sign” means a permanent sign located at the access to an apartment complex, subdivision or business complex stating its name.

(D) Sign, Flush Mounted. “Flush mounted sign” means a sign which projects fewer than twelve (12) inches from the building and is attached to or erected against any exterior wall or window of a structure, with the exposed face of the sign parallel to the plane of the wall and/or window.

(E) Sign, Ground. "Ground sign” means a sign supported by one (1) or more uprights, poles or braces in or upon the ground that is fewer than forty-two (42) inches from the ground to the top of the sign.

(F) Sign, Illuminated. "Illuminated sign” means any sign from which artificial light emanates either by: (1) means of exposed lighting on the surface of the sign, (2) through transparent or translucent materials from a source within the sign, or (3) a sign which reflects artificial light from a source not readily visible, intentionally directed upon it.

(G) Sign, Incidental. "Incidental sign” means a sign of noncommercial nature intended primarily for the convenience of the public. "Incidental signs" include signs designating address numbers, discouraging trespass, identifying a house name, an occupant's name, entrances to buildings, hours of operation, help wanted, public telephones, public rest rooms and similar signs as determined by the Building Official.

(H) Sign, Miscellaneous. "Miscellaneous sign” means a sign advertising a garage, rummage, yard or estate sale and other types of similar sales.

(I) Sign, Nonconforming. "Nonconforming sign” means a sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter.

(J) Sign, Pole. "Pole sign" means a sign which is permanently supported in a fixed location by a structure of poles, uprights or braces from the ground and not supported by a building.

(K) Sign, Projecting. "Projecting sign" means a two-sided sign projecting more than twelve (12) inches from a structure or building which is supported by a wall of the structure.

(L) Sign, Real Estate. "Real estate sign" means a sign identifying or advertising real property for sale, rent or lease.

(M) Sign, Sandwich Board. "Sandwich board sign" means a portable sign which consists of a single board or two connected boards.

(N) Sign, Sidewalk See Sign, Sandwich Board.

(O) Sign, Temporary. "Temporary sign" means a sign intended to be displayed for a limited period of time. Temporary signs identify an establishment and/or services or products provided on a site, but are not permanently affixed to the ground or a building.

(P) Sign, Wall See Sign, Flush Mounted.

(Q) Sign, Window. "Window sign" means an interior sign affixed to or within three feet of a window for advertising purposes. (Ord. 1188 §1(part), 1996).

18.08.840 Sign area. "Sign area" means the area which encloses the entire perimeter of a sign, but excluding the supporting structure which does not form part of the sign proper or of the display. (Ord. 1188 §1(part), 1996).

18.08.850 Sign height. "Sign height" means the distance between the lowest finished grade before any berming at the base and the highest point of the sign. (Ord. 1188 §1(part), 1996).

18.08.855 Site. For towers other than towers in the public rights-of-way and eligible support structures, a "site" means the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other towers in the public rights-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground. (Ord. 1549, 2016).

18.08.860 Street. "Street" means the public or private right-of-way, or an access easement which provides vehicle access to more than three (3) lots or potential lots. (Ord. 1188 §1(part), 1996).

18.08.870 Street right-of-way. "Street right-of-way" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street and other related public utilities and improvements. (Ord. 1188 §1(part), 1996).

18.08.880 Structure. "Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, retaining walls, rockeries, driveways, and parking areas, and other improvements of a minor character less than three feet in height.

(A) Structure, Nonconforming. "Nonconforming structure" means a structure which exists on the effective date of this chapter and does not conform to one or more of the regulations set forth in this title.

(B) Structure, Temporary, See Building, Temporary - SMC 18.08.070(E).

(C) Structure, Accessory. "Accessory structure" means a structure incidental and subordinate to the principal building on the same lot. (Ord. 1188 §1(part), 1996).

18.08.890 Stock-in-trade. "Stock-in-trade" means merchandise kept on hand for sale. (Ord. 1188 §1(part), 1996).

18.08.895 Substantial Change. "Substantial change" means a modification that changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(4) For any eligible support structure, it entails any excavation or deployment outside the current site;

(5) For any eligible support structure, it would impair the concealment elements of the eligible support structure; or

(6) For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs 1-4 of this section.

(7) For any eligible support structure, it does not comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant Federal requirement. (Ord. 1549, 2016).

18.08.891 Tavern. "Tavern" means an establishment where alcoholic drinks are sold or dispensed for on-site consumption. Food may also be available for consumption on-site; however, the principal focus of the business is alcoholic drinks. (Ord. 1188 §1(part), 1996).

18.08.892 Telecommunications. "Telecommunications" means voice, data, video or broadband services provided over cellular phones, personal communications services, enhanced specialized mobile radio or any other service, including paging, licensed by the FCC and unlicensed wireless services. (Ord. 1264 §4(part), 1999).

18.08.893 Television antenna . "Television antenna " means an antenna designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, direct broadcast satellite services, AM/FM radio signals or any combination of these services. (Ord. 1264 §4(part), 1999).

18.08.896 Tower. "Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. (Ord. 1549(part), 2016: Ord. 1264 §4(part), 1999).

18.08.897 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.898 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.900 Townhouse. "Townhouse" means a single family dwelling in a row of at least three (3) 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 (1) or more vertical common fire resistant walls. (Ord. 1188 §1(part), 1996).

18.08.910 Transitional vegetation buffer. "Transitional vegetation buffer" means a screening comprised of plant material or other landscape features placed at the boundary between two (2) adjoining land uses or areas of building intensity. (Ord. 1188 §1(part), 1996).

18.08.915 Transmission Equipment. "Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. (Ord. 1549, 2016).

18.08.920 Use. "Use" means the purpose which land or buildings or structures now serve, or for which they are occupied, maintained, arranged, designed or intended.

(A) Use, Accessory. See Use, Secondary.

(B) Use, Conditional. "Conditional use" means a use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

(C) Use, Nonconforming. "Nonconforming use" means a use of a property or building which exists on the effective date of this title and does not conform to the uses allowed or permitted by this title.

(D) Use, Outdoor Secondary. "Outdoor secondary use" means a secondary use not contained within a structure or building.

(E) Use, Primary or Principal. "Primary or principal use" means the primary or predominant use of any lot or parcel.

(F) Use, Secondary. "Secondary use" means a use of property or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. (Ord. 1188 §1(part), 1996).

18.08.930 Variance. "Variance" means a modification of the terms of this title to a particular property, which, because of special circumstances, is deprived of privileges commonly

enjoyed by other properties in the same zone and which modification remedies the disparity in privileges. (Ord. 1188 §1(part), 1996).

18.08.940 Vehicle accommodation area. "Vehicle accommodation area" means that portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas (spaces and aisles). (Ord. 1188 §1(part), 1996).

18.08.950 Vending machine. "Vending machine" means a machine which stores and dispenses soft drinks, food and other products and whose products are advertised on the exterior of the machine. (Ord. 1188 §1(part), 1996).

18.08.955 Vertical datum. "Vertical datum" means a base elevation used for measuring height. It is calculated by adding the lowest elevation within five (5) feet of an exterior wall to the highest elevation within five (5) feet of the exterior wall of the same building, then dividing the result by two (2). The highest and lowest points shall be located on the historical grade, as determined by the building official. (Ord. 1188 §1(part), 1996).

18.08.957 View sensitive property. "View sensitive property" means a town-owned or leased property defined as "a view-sensitive property," "area" or "site" in the adopted View Management Guidelines for Town-owned or Leased Properties. (Ord. 1375 §4, 2004: Ord. 1264 §4(part), 1999).

18.08.958 Wireless communication facility. "Wireless communication facility" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio or any other services licensed by the FCC, and unlicensed wireless services including but not limited to associated equipment shelter, support tower and antenna array. (Ord. 1264 §4(part), 1999).

18.08.960 Yard. "Yard" means the lot area between the lot lines and the building area.

(A) Yard, Front. "Front yard" means the area between the street lot line and the building line extending the full width of the lot. "Front yard" also means the street setback area.

(B) Yard, Interior Side. "Interior side yard" means the area between a side lot line and the building area, where the side does not front on a street.

(C) Yard, Rear. "Rear yard" means the area between the rear lot line and the building area extending the full width of the lot. "Rear yard" also means the rear setback area.

(D) Yard, Side. "Side yard" means the lot area between the side lot lines and the building area, extending the full length of the building area. "Side yard" also means the side setback area. (Ord. 1188 §1(part), 1996).

18.08.970 Zoning district. "Zoning district" means a defined area of the Town within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 1188 §1(part), 1996).

Chapter 18.12

ZONING DISTRICTS

Sections:

18.12.010 Purpose. The Land Use Element of the Comprehensive Plan states planning is guided by a vision in which all uses -- housing, open space, recreation, commerce, public facilities, industry and transportation -- are carefully integrated to maintain and enhance the Town's small-town atmosphere. Land use planning strives to facilitate the best use of all lands, developed and undeveloped. To serve this purpose, zoning districts are established as follows:

(A) To assist in the implementation of the adopted Comprehensive Plan by identifying the general distribution, location, and extent of the uses of land, where appropriate, for housing, commerce, industry, recreation, open spaces, public utilities, public facilities and other land uses described in the Comprehensive Plan.

(B) To protect the small-town character and the social and economic stability of existing and proposed land uses and to ensure the orderly and beneficial development of these uses by:

(1) Preventing encroachment by incompatible uses;

(2) Regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses.

(C) To preserve the historic, aesthetic and natural features of the Town by:

(1) Establishing high standards of environmental protection;

(2) Providing for design and environmental review of proposed actions and projects

(3) Encouraging the rehabilitation of historically significant sites and structures. (Ord. 1188 §1(part), 1996).

18.12.020 Intent of residential zoning districts. It is the intent of the three residential zoning districts to provide a variety of housing types for all economic segments of the community, provide efficient public and private utility service, minimize traffic congestion, preserve and protect historic sites and structures, accommodate differing land forms and natural features, recognize historic development patterns and reflect the intent of the comprehensive plan. The comprehensive plan contains several housing related goals and policies which include preserving the predominantly single family character of the town, allowing short term lodging, group care facilities, accessory dwelling units and similar nontraditional housing units and providing for home occupations in residential neighborhoods. The specific intent of each residential district shall be as follows:

(A) The R-7.2 residential zoning district is intended to create a desirable living environment for a wide variety of family and housing types. The smaller lot size of this district reflects the higher density residential pattern of the early plats of Balch, Chapman and others. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted.

(B) The R-9.6 residential zoning district is intended to create a desirable living environment for a wide variety of family and housing types. This district is intended to allow for moderate density development. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted.

(C) The Multifamily (MF) zoning district is intended to provide for multiple family residential development. In order to maintain a desirable family living environment, a sufficient amount of usable recreational area to serve the needs of residents of multifamily developments is also provided for within this district. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted. (Ord. 1379 §4, 2004: Ord. 1188 §1(part), 1996).

18.12.030 Permitted uses in residential zoning districts. Permitted uses within residential districts shall be as described in the following table. Conditional uses require a conditional use permit.

Zone District	Principal Uses	Secondary Uses	Conditional Uses
R-7.2, R-9.6	• single family homes • townhouses in PADs • foster homes • duplexes on lots of 14,000 square feet or greater • family day care facilities • **secondary public facilities** • group care facilities, less than one per residential block	• accessory structures • accessory dwelling units • home occupations • radio transmitting and satellite antennas • class I boarding houses	• assisted living facilities • bed and breakfasts • day care centers • class II boarding houses • halfway houses • group care facilities, more than one per residential block
Multifamily (MF)	•multifamily dwelling units • family day care facilities • assisted living facilities	•accessory structures • home occupations • radio transmitting and satellite antennas	• day care centers • halfway houses • group care facilities, more than one per

			residential block
	• secondary public facilities • group care facilities, less than one per residential block		

(Ord. 1379 §5, 2004: Ord. 1375 (part), 2004: Ord. 1188 §1(part), 1996).

18.12.040 Intent of commercial zoning districts. It is the intent of two commercial districts to provide for the sale of consumer goods and services appropriate to the area of the community they serve, to ensure the compatibility with nearby land uses, to accommodate the special development requirements of the Town's shoreline areas, and to reflect the intent of the Comprehensive Plan. The Comprehensive Plan encourages the development of a downtown commercial area which contributes to the Town's small-Town character and rehabilitation of waterfront commercial areas. The plan also calls for allowing a mix of residential, recreational, public and commercial uses within the commercial areas. The specific intent of each commercial district shall be as follows:

(a) The intent of the commercial general (CG) district is to provide for a variety of commercial and civic uses. The purpose of the district is also to allow mixed use development which consists of residential uses associated with commercial uses. This district provides for amenities conducive to attracting pedestrian shoppers and allows for outdoor accessory uses.

(b) The intent of the commercial shoreline (CS) district is to set apart those portions of the Town in the vicinity of Puget Sound which provide for a variety of marine related commercial, recreational, and public uses. The purpose of the district is also to allow mixed use development which consists of residential uses associated with other principal uses. (Ord. 1188 §1(part), 1996).

18.12.050 Permitted uses in commercial zoning districts. Permitted uses within commercial districts shall be as described in the following tables. Conditional uses require a conditional use permit.

Zone District	Principal Uses	Secondary Uses	Conditional Uses
Commercial, General (CG)	Retail sales and service	Accessory structures	Outdoor storage and display that is not a secondary use
	Consumer goods repair, except auto/motor vehicle related	Accessory dwelling units	Restaurants, take out
	Restaurants, eat-in	Home occupations	Veterinarian offices

	Bed and breakfasts	Radio transmitting and satellite antennas	Adult entertainment
	Motels	Outdoor accessory uses	Primary public facilities
	Health Care	Parking facilities	Structures over 26 feet in height
	Religious Institutions	Multifamily dwellings in principal buildings	Auto/motor vehicle related repair
	Clubs, lodges and fraternal organizations		Parking facilities
	Commercial recreational facilities		Taverns
	Secondary public facilities		
	Family day care facilities and day care centers		
	Group Care facilities		
	Battery charging stations		
	Battery exchange stations		
Commercial, Shoreline (CS)	Restaurants, eat-in	Outdoor accessory uses	Motels
	Marine-related sales, services and offices	Multifamily dwellings in principal buildings	Outside storage and display, other than as allowed as a principal use
	Marinas	Accessory structures	Restaurants, take out
	Marine-related commercial recreational facilities	Outside storage and display of boats and marine equipment	Non-marine related retail sales, service and offices

	Other marine-related facilities	Parking facilities	Structures over 26 feet in height
		Home occupations	Taverns
		Battery charging stations	
		Family day care facilities and day care centers	

(Ord. 1540 (part), 2016: Ord. 1473 §2, 2011: Ord 1375 §6(part), 2004: Ord. 1188 §1(part), 1996).

18.12.060 Intent of the industrial zoning district. The specific intent of the industrial zoning district is as follows:

The Industrial (I) zoning district is intended to provide for a wide spectrum of manufacturing, storage, processing, and similar industrial uses. Regulations relating to this district provide for the protection of adjacent residential and shoreline areas. (Ord. 1473 §3, 2011: Ord. 1403 §2(part), 2005: Ord. 1188 §1(part), 1996).

18.12.065 Permitted uses in the industrial zoning district. It is the intent of the industrial district to provide for the manufacturing, processing, warehousing, wholesale sales, storage of goods and reflect the intent of the comprehensive plan. The plan provides that industrial uses for which environmental impacts can be mitigated will be allowed. Permitted uses within this district shall be as described in the following table. Conditional uses require a conditional use permit.

Zone District	Principal Uses	Secondary Uses	Conditional Uses
Industrial (I)	Manufacturing	Outside storage	Off-site hazardous waste treatment and storage facilities
	Wholesale sales	On-site hazardous waste treatment and storage facilities	Structures over 35 feet in height
	Warehousing	Parking facilities	Waste disposal/transfer facilities
	Marinas		
	Personal storage facilities		
	Night watchman's quarters		

		Battery charging stations	
		Battery exchange stations	

(Ord. 1473 §4, 2011).

18.12.067 Intent of public zoning districts. The specific intent of the public/quasi-public and parks/open space zoning districts are as follows:

(a) The public/quasi-public (P/QP) zoning district is intended to provide for the public and quasi-public uses that serve the cultural, educational, recreational, religious, transportation and public service needs of the community.

(b) The Parks/Open Space (P/OS) zoning district is intended to provide for parks and recreational facilities and publicly owned open space. (Ord. 1473 §5, 2011).

18.12.070 Permitted uses in the public zoning districts. It is the intent of the public/quasi-public district to provide for publicly and privately owned and operated facilities and buildings that provide for the cultural, historical, educational, religious and public service needs of the community and to reflect the intent of the comprehensive plan. The plan provides that small public facilities which serve a few neighborhoods may be located within residential neighborhoods, but that larger public facilities be more conveniently located to all town residents. It is the intent of the parks/open space district to provide for public parks and open space areas, along with incidental structures and parking areas. Permitted uses within these districts shall be as described in the following tables. Conditional uses require a conditional use permit.

Zoning District	Principal Uses	Secondary Uses	Conditional Uses
Public/Quasi-Public (P/QP)	Primary and secondary public facilities	Radio transmitting and satellite receiving antennas	Non-Town owned structures over 26 feet in height
	Quasi-public facilities	Restaurants	Modular classrooms
		Accessory structures	
		Parking facilities	
		Retail sales	
		Battery charging stations	

Zoning District	Principal Uses	Secondary Uses	Conditional Uses
Parks and Open Space (P/OS)	Park public facilities	Secondary public facilities	
	Public open space	Parking facilities	

	Battery charging stations

(Ord. 1473 §6, 2011: Ord. 1403 §2(part), 2005: Ord. 1375 §6(part), 2004: Ord. 1188 §(part), 1996).

18.12.073 Intent of Historic District Overlay zone. It is the intent of the Historic District Overlay zone to safeguard the Town's historic architectural resources while respecting individual property rights. This zone overlays and supplements the residential, commercial and public/quasi-public zones within the Historic District. (Ord. 1375 §7(part), 2004).

18.12.075 Permitted Uses in the Historic District Overlay zone.

(a) The underlying zone, residential, commercial or public/quasi-public, determines the uses allowed within the Historic District Overlay zone.

(b) Construction within the overlay zone shall comply with the provisions of Chapter 2.14 SMC in addition to the applicable regulations of this chapter. In the event of a conflict between the provisions of this chapter and Chapter 2.14, the provisions of Chapter 2.14 shall prevail. (Ord. 1375 §7(part), 2004).

18.12.080 Scope. All land within the Town shall be included in a zoning district. All uses and structures except those regulated by PAD ordinance prior to the adoption of this code, shall conform to the special requirements of the zoning district within which it is located and the other general requirements of this title. (Ord. 1188 §1(part), 1996).

18.12.090 Official zoning map and interpretation of zoning district boundaries. The location of the various zoning districts are shown on the official zoning map of the town which shall bear the title, "Town of Steilacoom Zoning Map, 2004" and shall be identified by the signatures of the town clerk and town attorney. The official zoning map is hereby adopted and made part of this title. It shall be on file in the office of the town clerk and maintained by the community development department. A copy of the official zoning map shall be on display in the Town of Steilacoom planning department. Zoning district boundaries indicated on the zoning map shall be interpreted as follows:

(1) Where boundaries are indicated along streets or alleys, the boundary shall be the centerline of the street or alley.

(2) Where boundaries are indicated along established lot lines, the boundary shall be the lot line.

(3) Where boundaries are indicated on perennial watercourses, the boundary shall be the thread (center) of the stream.

(4) Where boundaries are indicated on the shorelines of the town, the boundary shall extend to the seaward town limits.

(5) Upon vacation of a street, the zoning district boundaries of abutting properties shall be extended to the centerline of the vacated street.

(6) All lands annexed to the town without an annexation zoning designation shall be classified R-9.6. (Ord. 1379 §6, 2003: Ord. 1375 §8, 2004: Ord. 1188 §1(part), 1996).

Chapter 18.16

GENERAL USE STANDARDS

Sections:

18.16.005 Purpose and intent. The purpose and intent of this chapter is to provide standards for implementing Comprehensive Plan goals and policies which relate to providing housing alternatives, allowing some non-residential uses within residential zones and retaining existing neighborhood character. (Ord.1188 §1(part), 1996).

18.16.010 Accessory buildings and structures.

(A) Purpose and Intent. The purpose of this section is allow accessory buildings and structures, and to provide standards for regulating the placement and use of such buildings and structures.

(B) Accessory Buildings. These include carports, garages, greenhouses, storage units and other small buildings customarily incidental and subordinate to a principal residential, commercial, industrial or public/quasi-public use.

(1) No accessory building shall be located in any street setback area. This prohibition shall not apply to or prevent the restoration or reconstruction or rehabilitation of any accessory building contributing to a historic site as identified by the State Office of Archaeology and Historic Preservation and currently situated on a primary or secondary site of historic significance as identified in SMC 2.14.050.

(2) No accessory building shall be located closer than five (5) feet to any rear or side lot line.

(3) Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof. Pitched roofs shall not exceed twelve (12) feet in height measured half-way up any slope, and sixteen (16) feet in height at the peak.

(4) On residential lots with areas less than 14,000 square feet, no accessory building shall have a gross floor area greater than seven hundred fifty (750) square feet. The 750 square feet may be either on the first floor of a one story accessory building, or divided between both floors of a two story building.

(5) No accessory building housing livestock or for storage of malodorous substances shall be located within forty (40) feet of a lot line or principal building.

(C) Accessory Structures. These include decks less than thirty (30) inches in height, satellite dishes and antennae serving the principal use, patios, swimming pools, household composting facilities, recreational equipment and other structures customarily incidental and subordinate to a principal residential, commercial, industrial or public/quasi-public use.

(1) No accessory structure intended for permanent or semi-permanent attachment to the ground shall be located closer than five (5) feet to any rear or side lot line.

(2) No accessory structure greater than eighteen (18) inches in height shall be allowed within a street setback, and in no case shall the structure be located closer than five (5) feet to a street lot line. (Ord, 1578 §1, 2018: Ord. 1188 §1(part), 1996).

18.16.020 Accessory dwelling units.

(a) Purpose and intent. Accessory dwelling units (ADUs) are intended to:

(1) Increase the supply of independent housing for a variety of households including the elderly, the disabled and young families;

(2) Increase the supply of affordable housing;

(3) Reduce the cost of home ownership for existing homeowners (e.g. retired on fixed income) as well as first-time home buyers (e.g. young families and single persons;

(4) Increase home and personal security for occupants of the main building and the ADU;

(5) Better utilize existing infrastructure and community resources within the Town of Steilacoom;

(6) Increase residential density while protecting the character of existing single family neighborhoods; and

(7) Encourage owners of historic properties to retain and maintain historic structures.

(b) Definitions.

(1) "Accessory dwelling unit" means a second dwelling unit added to, created within or detached from an existing single family detached dwelling for use as a complete independent unit with provision for cooking, eating, heating, sanitation and sleeping.

(2) "Affordable housing" is housing in which the occupant(s) are paying no more than thirty (30) percent of gross income for housing costs, including utilities.

(3) "Historic sites and structures" means primary and secondary historic sites and structures as described by SMC 2.14.050

(4) "Property owner or owners" means the legal holder or holders of title to real property in the Town of Steilacoom, as reflected in title records, or by the contract vendee.

(5) "Principal dwelling unit" means the dominant permitted building or portion thereof of providing complete housekeeping facilities for one (1) family, not including garages and carports.

(c) Standards and criteria.

(1) Design Standards. To assure that they positively affect existing neighborhoods, all ADU's approved by the town shall meet the following standards and criteria:

(A) The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes adopted by the Town of Steilacoom.

(B) Additions to any existing principal dwelling unit or construction of new detached ADUs shall not exceed the allowable lot coverage or encroach into the existing yard setbacks required for principal buildings or structures in the Steilacoom Municipal Code.

(C) ADUs must be attached to or within the principal dwelling unit on the same building lot for parcels that are 9600 square feet or less. Detached ADU's may be permitted on building sites or parcels larger than 9,600 square feet in area.

(D) No more than one (1) ADU may be created per residence in single family zones.

(E) The property owner must occupy either the principal unit or the ADU as a permanent residence for at least six (6) months out of the year, provided that the Town of Steilacoom may waive this requirement for temporary absences of up to one (1) year, where the ADU has been a permitted use for at least two (2) years and the owner submits proof of absence from the state of Washington. The owner shall file a certification of owner occupancy with the planning department prior to the issuance of the permit to establish an ADU, and annually thereafter.

(F) An ADU may be proposed in either an existing or new single family dwelling.

(G) For non-historic sites and structures, the floor area of the ADU shall not exceed thirty-five (35) percent of the total square footage of the principal dwelling unit and

ADU combined after modification. The total square footage excludes garages and other nonliving areas. This percentage may be exceeded for homes that are 1,000 square feet or less, provided all other requirements of this section are met. In no case shall ADUs in non-historic sites and structures be less than 320 square feet or greater than 950 square feet in size.

(H) For historic sites and structures, the floor area of the ADU shall not exceed 40% of the total square footage of the principal dwelling unit and ADU combined after modification. The total square footage excludes garages and other nonliving areas. This percentage may be exceeded for structures that are 1,000 square feet or less, provided all other requirements of this section, with the exception of subsection (a)(7), are met. In no case shall ADUs in historic sites and structures be less than 320 square feet in size.

(I) The single family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Unless practically impossible, only one (1) entrance to the residential structure may be located on any street side of the structure, provided that this limitation shall not affect the eligibility of a residential structure which has more than one (1) entrance on the front or street side on the effective date of the ordinance codified in this chapter (May 11, 1995).

(2) Parking. Principal dwelling units with ADUs shall provide the number of parking spaces required by SMC Title 18 for a single family dwelling, plus one (1) additional off-street parking space to accommodate the actual number of vehicles used by occupants of both the principal dwelling and the ADU.

(3) Accessibility. In order to encourage the development of housing units for people with disabilities, the Town of Steilacoom may allow reasonable deviation from the stated standards and criteria to accommodate persons with disabilities.

(d) Legalizing existing accessory dwelling units. Legalization process. All accessory dwelling units which existed prior to adoption of this chapter, and are not otherwise qualified as a legal nonconforming use, may be legally established if a complete application is filed within six (6) months of the effective date of the ordinance codified in this chapter (October 11, 1995). Illegal ADUs brought into compliance with SMC 18.16.030 (a)(1), (4) and (5), SMC 18.16.030(b) and SMC 18.16.050(b) and (c) within twelve (12) months of the effective date of the ordinance codified in this chapter (May 11, 1996) shall not be found in violation of this chapter. Illegal ADUs not in compliance with these sections within twelve (12) months of the effective date of the ordinance codified in this chapter shall be found in violation and shall be subject to penalties as shall be established by the Steilacoom town council. In no case shall an ADU permit fee be charged to bring a previously existing ADU into compliance with this chapter.

(e) Application procedure.

(1) Application. All applications for an ADU permit shall be made to the Town of Steilacoom community development department. A complete application shall consist of the ADU permit application, a complete building permit application, if structural modifications are needed, and a certification of owner occupancy from the owner(s) stating that the owner shall occupy one of the dwelling units on the premises.

(2) Applications for ADU permits shall be processed as provided in SMC Title 14.

(3) Final Approval Required. A final ADU permit may be issued by the Town of Steilacoom when:

(A) the ADU has passed final inspection by the building official or designee, and

(B) the applicant has provided evidence that the recording notice has been recorded as required by subsection (4) of this section.

(4) Recording Notice. Prior to the issuance of a final ADU permit, applicants shall file with the Pierce County auditor's office a notarized recording notice in the form below. Such notice shall provide notice in the public record of the presence of the ADU, the

requirement of owner-occupancy, and other standards for maintaining the unit as described in this chapter.

Town of Steilacoom Recording Notice

This form shall provide notice in the public record of the presence of an accessory dwelling unit on the property described below. A permit for an accessory dwelling unit (ADU) was issued to __(current property owner)___, the current owner of the property described below on ____(date)_____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property.

Subsequent owners are advised that only one unit on the property may be rented, the other must be occupied by the owner. Subsequent owners who intend to maintain the existing ADU must apply to the Town of Steilacoom community development department for a new ADU permit. If the application for a new ADU permit is timely filed and if the ADU meets all requirements for ADUs in effect at the time the original ADU permit was issued and if the subsequent owner has properly recorded the notice required by SMC 18.-.050(e), a new permit will be granted.

The title holder or contract purchaser of the property described below shall submit proof to the Town of Steilacoom that this notice has been filed with the Pierce County auditor's office prior to the issuance of a final ADU permit.

Legal Description of Property:

_____

_____

_____

Parcel Number:_____

Street Address:_____

Present Title Holder or Contract Purchaser:_____

I certify that I know or have satisfactory evidence that _____is the person who appeared before me, and said person
acknowledged that _____ signed this instrument and acknowledged it to be_____ free and voluntary act for the uses and purposes mentioned in this instrument.
Dated:_____Signature:_____

(Seal)Notary Public in and for the State
of Washington, residing at_____. My commission expires:
_____."

(5) Change of Ownership. The ADU permit does not run with the land and is invalidated by the sale or transfer of the property. In the event that a subsequent owner of an approved ADU wishes to retain the ADU, then a new ADU permit is required. If application for such a permit is made within 60 days of the property transfer, a new ADU permit will be issued upon compliance with the following conditions:

(A) it is determined by the building official that the ADU continues to meet the requirements for ADUs that were in effect at the time the original ADU permit was issued, and

(B) the new owner has provided evidence that the recording notice has been recorded as required by SMC 18.16.050(5).

If a subsequent owner of an ADU does not apply for a new ADU permit within 60 days of property transfer, then a new ADU permit may only be issued pursuant to the ADU requirements in effect at the time of property transfer.

(6) Permit Cancellation. Property owners wishing to invalidate a previously approved and registered ADU can do so by filing a letter with the building official, indicating the desire to cancel the permit. Evidence that the ADU no longer exists on the subject property shall be provided to the satisfaction of the Town of Steilacoom. Cancellation may also occur as the result of an enforcement action, as provided in the Steilacoom Municipal Code and/or the Uniform Building Code. Reactivation of canceled ADU building permits may be considered pursuant to all applicable requirements of this chapter. (Ord. 1375 §9, 2004: Ord. 1168 §§1-5, 1995).

18.16.030 Nonconforming uses and structures.

(A) Purpose: To recognize previous development patterns, styles and standards and to allow existing buildings and properties to continue to be used and maintained as previously permitted. The purpose is further to allow some expansion of single family homes and to address the Comprehensive Plan policy of avoiding unnecessary barriers to the renovation and improvement of existing homes built to previous town standards. Eliminating or diminishing other incompatible nonconforming buildings and uses also address the comprehensive plan intent of preserving and improving the small-town atmosphere of the community.

(B) Continuation of Nonconformities. Nonconforming uses (including home occupations), buildings and signs lawfully existing at the effective date of this chapter may be continued although such uses, buildings and signs do not conform to provisions of this chapter.

(C) Replacement and Repair of Nonconforming Buildings and Signs. Nonconforming buildings may be repaired and/or replaced within the confines of the existing building's physical dimensions, including height, except as provided by SMC 18.16.030(D). Nonconforming signs may be repaired and/or replaced with a sign of the same or smaller size, same or lower height and same or similar design and materials.

(D) Expansion of Nonconforming Buildings. Nonconforming single family residential primary buildings may be expanded beyond the existing building's physical dimensions, if the following criteria can be met:

(1) The expanded portion meets the setbacks as required by SMC 18.20.020 or does not extend beyond the widest or deepest portion of the existing primary building that is being expanded.

(2) The expanded portion does not exceed the height or lot coverage restrictions of the zoning district where the property is found as provided by SMC 18.20.030 and 18.20.040.

(3) The Town's Public Safety Department finds that the expansion will not adversely impact or impede the provision of police, fire, or emergency services and will not cause or lead to the creation of an unsafe situation.

(4) Views of nearby property owners are not adversely impacted.

(E) Expansion of Nonconforming Uses. Nonconforming uses may not be expanded or intensified, however nonconforming uses may be changed to another nonconforming use which is more conforming to the zoning district that the property is located in.

(F) Completion of Nonconforming Projects. All nonconforming projects which have received building permits, conditional use permits or preliminary plat approval from the Town may be completed in accordance with the terms of the permits or approval unless expired or revoked.

(G) Discontinuance of Nonconformities. Should a nonconforming building, use or sign be discontinued for a period of 180 days, the building, use or sign shall thereafter conform to the provisions of this chapter. (Ord. 1188 §1(part), 1996).

18.16.040 Animal keeping.

(A) In residential zones, no more than three (3) dogs or cats, older than four (4) months of age, shall be kept per dwelling unit.

(B) In residential zones, the following area requirements shall apply: fowl, including chickens, ducks and geese, shall not be kept in excess of one (1) fowl per 2,000 square feet; farm animals, including cattle, swine, sheep, horses, llamas and goats, shall not be kept in excess of one (1) animal per 20,000 square feet.

(C) All animals, including fowl, shall be confined within buildings or securely fenced areas. No such building shall be within 40 feet of a property line or street right-of-way, nor within fifty (50) feet of a dwelling. No such fenced area shall be within ten (10) feet of a property line or within fifty (50) feet of a dwelling other than the dwelling of the owner.

(D) No open air storage of manure shall be maintained within forty (40) feet of a property line, 40 feet of a street right-of-way or fifty (50) feet of a dwelling. (Ord. 1188 §1(part), 1996).

18.16.050 Home occupations.

(A) Purpose. It is the purpose of this section to permit the limited use of residential property as a business as set out in the comprehensive plan. The plan further provides that home occupations should conform to the existing character of residential neighborhoods. Home occupations shall be incidental or secondary to the primary residential use, and shall not detract from a neighborhood's residential character.

(B) Exemptions. Short and long term lodging facilities, including bed and breakfast inns, guest rooms, boarding houses, group care facilities and residential rental property, are exempt from the regulations in this chapter. Requirements in SMC 18.16.060 may apply to these uses.

(C) Prohibited Home Occupations. The following activities are prohibited as home occupations within residential zoning districts:

(1) Medical, dental, veterinary offices.

(2) Vehicle and heavy equipment repair, painting, rent, storage and sale.

(3) Rental of space for indoor storage.

(4) Outdoor activities, display, or storage related to the home occupation, except for plant nurseries.

(5) Adult entertainment.

(D) General Requirements. All enterprises defined as home occupations under this chapter, may be conducted within any residential unit of the Town of Steilacoom, subject to the following general requirements:

(1) All home occupations are required to have a Town of Steilacoom business license pursuant to SMC Chapter 5.04.

(2) All home occupations shall be conducted entirely within the principal or accessory building.

(3) Home occupations shall be customarily incidental or secondary to the use of the property as a dwelling, and shall occupy no more than twenty-five (25) percent of the gross floor area of the dwelling unit.

(4) The operation of a home occupation shall not require structural alterations which are not seen typically in Steilacoom residential architecture.

(5) The home occupation shall not generate noise, vibration, smoke, dust, odor, heat, glare, light or electrical interferences produced which exceeds that customarily associated with residential use.

(6) Home occupations shall not generate traffic in excess of that customarily associated with residential uses surrounding the site, provided that Class III family home day care facilities may generate more than customary traffic during pick-up and drop-off times.

(7) Parking shall be provided as described in SMC 18.20.070.

(8) Use of hazardous materials or equipment must comply with Town Building Code and Fire Code requirements.

(9) Customer/client contact shall be limited to the hours between 8:00 a.m. and 8:00 p.m., except for Class III family day care facilities.

(10) There shall be no special lighting, banners, flags, balloons or other devices drawing attention to the home occupation.

(11) There shall be no more than one (1) home occupation in any dwelling unit.

(12) Permits to operate home occupations shall not be transferable to other persons or locations.

(E) Class I Home Occupations. Class I home occupations are secondary uses, characterized as having a negligible impact on residential neighborhoods. In addition to meeting the general standards listed above, Class I home occupations shall not exceed the following thresholds:

(1) No customers or clients shall visit the home occupation;

(2) Deliveries or collections to and from the home occupation shall be limited to two (2) per day;

(3) No person not resident at the address shall be employed by the home occupation;

(4) No sign is permitted.

(F) Class II Home Occupations. Class II home occupations are secondary uses which require administrative approval pursuant to SMC Title 14. They are characterized as having a minor impact on residential neighborhoods. All home occupations except family home day care facilities exceeding the Class I thresholds shall, in addition to meeting the general standards listed above, be subject to the following standards. Plant nurseries shall be considered class II home occupations.

(1) One non-illuminated sign up to one-hundred-fifty (150) square inches may be displayed. This sign must be attached flush to the principal or accessory structure in which the home occupation is located;

(2) A limited amount of scheduled or drop-in visits by customers or clients may be allowed, so long as this activity does not detract from the neighborhood residential character;

(3) Up to two (2) employees not resident at the home occupation address may be employed, but in no case shall their hours of employment extend outside the twelve (12) hours between 8:00 a.m. and 8:00 p.m.;

(4) Off street parking for non-resident employees shall include one (1) space for each FTE employee.

(G) Class III Home Occupations – Family home day care facilities.

Class III home occupations are secondary uses which require administrative approval pursuant to SMC Title 14, as well as a state-issued license to provide supervision for twelve (12) or fewer children for periods of less than twenty-four (24) hours. Class III home occupations shall, in addition to meeting the general standards listed above, be subject to the following standards.

(1) One non-illuminated sign up to one-hundred-fifty (150) square inches may be displayed. This sign must be attached flush to the principal or accessory structure in which the home occupation is located;

(2) Staffing ratios as required by state law;

(3) One off street parking space for each adult staff member on duty.

(H) Application. Requests for a home occupation license shall include submittal of the "Application for Home Occupation." (Ord. 1540 §G-H, 2016: Ord. 1403 3, 2005: Ord. 1375 §10, 2004: Ord. 1188 §1(part), 1996).

18.16.060 Short and long term lodging or care facilities.

(a) Purpose. To provide standards for the use of residential property as lodging and/or care for periods ranging from less than twenty-four (24) hours to indefinite and to reflect the intent of the Comprehensive Plan. The Plan provides that nontraditional housing such as assisted living facilities and group homes and facilities such as bed and breakfast inns be allowed within Town whenever these types of housing can be designed and maintained to be compatible with the surrounding neighborhood and the community. In addition to meeting the specific requirements of the applicable zoning district, these uses shall meet the following general use standards.

(b) All Lodging and Care Facilities. The following standards shall be applied to all short and long-term lodging and care facilities:

(1) Each use shall be in conformance with applicable federal, state and local requirements, including the Uniform Building Code and Uniform Fire Code. Proof of applicable licensing must be on file with the Town.

(2) When located in residential zoning districts, these uses shall not detract from the neighborhood residential character.

(c) Assisted Living Facilities. These facilities are conditionally permitted uses within all single family residential zoning districts.

(1) The maximum density of the facility does not exceed one bed per 1000 square feet of lot area;

(2) The principal building shall be no closer than twenty (20) feet to the nearest property line;

(3) Off-street parking areas shall be no closer than ten (10) feet to the nearest property line.

(d) Bed and Breakfast Inns. These facilities are conditionally permitted secondary uses within all single family residential zoning districts.

(1) Bed and breakfast inns may be located in single family residences.

(2) The owner/proprietor of the inn shall reside at the inn when it is open for business.

(3) Each bed and breakfast inn shall have an approved Town of Steilacoom business license.

(4) The number of guest rooms shall be limited to no more than two (2), although as many as four (4) may be accommodated in primary or secondary historic structures. These rooms shall be devoid of cooking facilities.

(5) In addition to the parking requirements for single family residences, one (1) off-street parking space shall be required for each guest room and full time equivalent employee not resident at the inn.

(6) On site meals and beverages shall be served to room guests only.

(7) One person who does not reside at the inn may be employed.

(8) One (1) sign per inn is allowed. The sign may be up to six (6) square feet and may be lit indirectly.

(9) No outdoor events, such as weddings, receptions or parties, shall be held at a bed and breakfast inn located in a residential zoning district.

(10) Accessory uses, buildings and structures associated with the bed and breakfast inn shall be limited to those customarily found at single family residences.

(e) Guest Houses. These facilities are secondary uses within all single family residential zoning districts and require administrative approval pursuant to SMC 14.20.010.

(1) Guest houses may be located in single family residences.

(2) The owner/proprietor of the guest house shall reside at the house when it is open for business.

(3) Each guest house shall have an approved Town of Steilacoom business license.

(4) Only one (1) guest room is allowed per guest house. This room shall be devoid of cooking facilities.

(5) In addition to the parking requirements for single family residences, one off street parking space shall be required for the guest room.

(6) On-site meals and beverages shall be served to the room guests only.

(7) No non-resident employees or signs are permitted.

(f) Class I and II Boarding Houses. Class I facilities are secondary uses within all single family residential zoning districts, and require administrative approval pursuant to SMC 14.20.010. Class II facilities are conditional uses within all single family residential zoning districts.

(1) Boarding houses may be located in single family residences.

(2) The owner/proprietor of the boarding house shall reside at the house when it is open for business.

(3) Each boarding house shall have an approved Town of Steilacoom business license.

(4) Boarding house rooms shall be devoid of cooking facilities.

(5) In addition to the parking requirements for single family residences, one off street parking space shall be required for the boarding house resident.

(6) On site meals and beverages shall be served to the boarding house residents only.

(7) No signs are permitted. (Ord. 1188 §1(part), 1996).

18.16.070 Prohibited uses. Uses not enumerated in this Title are prohibited. The following uses are specifically prohibited in all zones:

(A) Houseboats and watercraft used for habitation or commercial purposes.

(B) The use of any vehicle, recreational vehicle or trailer as a permanent dwelling.

(C) The use of any vehicle, recreational vehicle, trailer, or mobile home as a storage unit. (Ord. 1550 §2, 2017).

18.16.160 Electric vehicle battery charging stations.

(A) Purpose. This purpose of this section is to regulate battery charging stations for electric vehicles in accordance with the provisions of RCW 35.63.126.

(B) Battery charging stations by zoning designation.

(1) In the Commercial General (CG) and Industrial (I) zones, battery charging stations, including rapid charging stations and battery exchange stations, are allowed principal uses.

(2) Battery charging stations are not marine related commerce, and therefore are not appropriate as a principal use in the Commercial Shoreline (CS) zone, however, battery charging stations are allowed as secondary uses.

(3) In the Public/Quasi-Public (P/QP) and Parks and Open Space (P/OS) zones, battery charging stations are allowed as secondary uses.

(C) The owner of any parking lot in the CG, CS, I, P/QP, and P/OS zones may designate parking spaces to be for the exclusive use of electric vehicle charging.

(1) Each charging station parking space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation should be included if time limits or tow away provisions are to be enforced by the owner. Installation of way finding signs at the parking lot entrance and at appropriate places within the lot are also encouraged to effectively guide motorists to the charging stations spaces. Such signage is exempt from a sign permit under SMC 18.24.050 (3).

(2) Information on the charging station must identify voltage and amperage levels, time of use, fees and safety information.

(D) Nothing in this section shall prohibit the ability of an owner of a residential property to install, for the private use of the owner, the equipment necessary to charge a privately owned or leased electric vehicle, provided that the charging equipment is installed in accordance with all applicable building and electric codes. Commercial use of such residential charging equipment is prohibited. (Ord. 1473 §7, 2011).

Chapter 18.20

DEVELOPMENT AND DESIGN STANDARDS

Sections:

18.20.010 Purpose. The purpose of this chapter is to establish general dimensional and use standards for development in the Town and to reflect the intent of the comprehensive plan. The plan encourages that new development be compatible with existing neighborhoods, that unique neighborhood characteristics be retained, that lot coverage and setbacks and similar regulations be developed, and that flexibility be included in regulations to address view concerns. (Ord. 1188 §1(part), 1996).

18.20.020 Setback standards.

(a) Unless reduced for any of the reasons described below, minimum setbacks for principal buildings shall be maintained as provided by the setback requirements in the following table.

Principal Building Setback Requirements by Zoning District

Zoning District	Setback, Street	Setback, Rear	Setback, Side

R-7.2, R-9.6, (for corner lots, see (f)	20 Feet	20 Feet	Total of 20 feet, no one side less than 5 feet
Multifamily	20 Feet	20 Feet	20 Feet
Commercial Districts	None	5 Feet	5 feet if property adjoins "R" district - otherwise none
Public/ Quasi-Public, Parks/ Open Space and Industrial Districts	None	5 feet if property adjoins "R" district - otherwise none	5 feet if property adjoins "R" district - otherwise none

(b) Upon approval of the Town Administrator, side and rear setback dimensions may be reduced up to fifty (50) percent. Any reduction shall be contingent on the verifiable evidence of one or more of the following lot conditions:

(1) Topography

(2) Irregular Lot Shape

(3) Retention of Natural Vegetation

(4) Fire Safety

(5) View consideration for any property owner other than the one for whom the setback reduction is requested.

(c) Upon approval of the Town Administrator, street setback dimensions for a new principal building may be reduced to the average street setback existing along the same side of the street and within the same block as the new building. In no case shall the street setback be reduced to within the sight distance triangle, or to less than 5 feet in residential or multi-family zones. The applicant shall submit surveyed drawings demonstrating the average street setback.

(d) No portion of any principal building or accessory structure over forty-two (42) inches above the finished grade shall extend into a required setback area except as provided in SMC 18.20.020(b). Eaves may extend up to four (4) feet into required setback area, but no closer than five (5) feet to any property line.

(e) All setback reductions must follow the public notice and administrative approval process outlined in SMC 14.20.020.

(f) Residential corner lots shall have two street setbacks of 20 feet each, one rear setback of 20 feet and one side setback of 5 feet.

(g) Setback and other requirements for accessory buildings and structures are set forth in SMC 18.16.010. (Ord. 1578 §2, 2018: Ord. 1379 §7, 2004: Ord. 1375 §11, 2004: Ord. 1188 §1(part), 1996).

18.20.030 Lot area, width, and coverage.

(a) Minimum lot area, minimum lot width, and maximum lot coverage for all lots are identified in the following table:

Lot Area, Lot Width and Lot Coverage

Zone District	Min. Lot Area (square feet)	Min. Lot Width (linear feet)	Maximum Lot Coverage
R-7.2	7,200	60	30%
R-9.6	9,600	80	30%
Multifamily	7,200	60	50%
General Commercial	7,200	60	None
Shoreline Commercial	7,200	60	None
Public/Quasi-Public	None	None	None
Industrial	None	None	None

(b) Lot width shall be measured midway between street and rear lot lines.

(c) Lot coverage shall be based on the combined total building footprint area of the principal building, decks greater than forty-two (42) inches in height, and any accessory buildings greater than forty-two (42) inches in height.

(d) Nonconforming situations that exceed existing lot coverage requirements may continue pursuant to SMC 18.16.030(B). (Ord. 1379 §8, 2004: Ord. 1188 §1(part), 1996).

18.20.040 Height of structures.

(a) Residential, Commercial, Parks/Open Space, and Public-Quasi Public Land Use Zoning Districts. The maximum height of all buildings and other structures in residential, commercial, parks/open space and public-quasi public land use districts shall be twenty-six (26) feet. Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof or sixteen (16) feet in height at the peak of a pitched roof as set forth in SMC 18.16.010.

(b) Industrial Land Use Zoning District. The maximum height of all buildings and other structures in the industrial land use district shall be thirty-five (35) feet. Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof or sixteen (16) feet in height at the peak of a pitched roof as set forth in SMC 18.16.010.

(c) Exemptions and exceptions.

(1) Customary appurtenances to buildings such as mechanical equipment, chimneys, air conditioners, church spires and steeples may extend an additional ten (10) feet above the highest roof line. In no case shall these appurtenances adversely affect views or detract from the customary neighborhood character.

(2) Communications facilities permitted under SMC 18.22 may exceed the maximum height for the zone.

(3) Buildings in the commercial and industrial zones may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC 18.28.020.

(4) Non-Town owned buildings in the public/quasi-public zone may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC

18.28.020. Town-owned buildings may exceed the maximum height if a variance is granted under SMC 18.24.030. Town-owned buildings are not eligible for conditional use permits.

(d) Measuring Height. Height shall be measured from the vertical datum as defined by SMC 18.08.955.

(e) Special exception for residential structures. When the vertical datum of a lot in a residential zone is lower than the level of the highest fronting improved street by 10 feet or more, the owner of the lot may choose to use this exception. The owner shall declare the intent to use this exception prior to issuance of a building permit.

(1) The highest roof line of the structure shall not exceed sixteen (16) feet above the elevation of the highest fronting improved street. The measurement shall be made from the intersection of the fronting street centerline and the lot centerline. (Ord. 1578 §3, 2018: Ord. 1403 §4, 2005: Ord. 1188 §1(part), 1996).

18.20.050 Community design standards.

(A) Multifamily

(1) Required Open Space. In addition to any open space required by other provisions of this title, every multifamily dwelling unit shall be provided with two hundred fifty (250) square feet of open space which shall meet the following standards:

(a) Accessible to each dwelling unit;

(b) Screened from all areas accessible to vehicles;

(c) The length of the area shall be no more than twice the width;

(d) The open space may be located in any required setback area except street setbacks;

(e) Required open space shall have not more than five (5) percent grade;

(f) The surface of the open space shall be suitable for recreation or relaxation

(2) Maximum density: twelve (12) dwelling units per acre. (Ord. 1188 §1(part), 1996).

18.20.060 Landscaping standards. (RESERVED)

18.20.070 Parking standards. This section provides standards for ensuring that adequate parking will be available to serve a wide range of land uses in the Town of Steilacoom.

(a) Applicability. Accommodation for adequate parking shall be provided for any of the following actions:

(1) A new building or facility is constructed;

(2) A principal building is relocated;

(3) The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen (15) percent.

(b) Administration. Provision for adequate parking shall be administered through the "Parking Performance Guidelines" listed in SMC 18.20.070(c).

(1) Development proposals that meet these performance guidelines are in compliance.

(2) Development proposals that do not meet the performance guidelines may also be in compliance, if any of the following situations apply:

(A) It can be demonstrated in writing that there is an excess of available non-commercial, off-street or designated on-street, parking within 200 yards of the proposed use;

(B) The peak hours of operation are outside normal business hours, and it can be demonstrated in writing that adequate parking can be met from available spaces within two hundred (200) yards of the use.

(C) The Town Administrator finds that strict adherence to the performance guidelines will detrimentally affect the character of the Historic District or of primary and secondary historic properties.

(D) The Town Administrator finds that parking requirements can be reduced due to successful implementation of a commute trip reduction program.

(3) Adverse transportation impacts identified through State Environmental Policy Act review may require parking accommodation beyond the parking performance guidelines.

(4) Any uses not listed in the "Parking Performance Guidelines" set forth in SMC 18.20.070(c) shall be evaluated by the most similar listed use as determined by the Town of Steilacoom**.**

(c) Parking Performance Guidelines. The table at the end of this section lists guidelines for providing adequate off street parking by type of land use. In addition to the number of spaces listed by use, establishments with non-resident employees may be required to provide one (1) space per full-time equivalent (FTE).

(d) Special provisions for lots with existing buildings. Changes in use which require additional parking on lots with existing buildings shall, if practical, have off-street parking. If the change of use requires more spaces than can be accommodated with off-street parking, the Town may require mitigation in the form of on-street parking improvements.

(e) Parking Space Dimensions. Parking spaces shall be designed and constructed in compliance with the applicable standards found in the Uniform Building Code. In addition, the following provisions shall apply to all parking areas:

(1) Unless no other practicable alternative is available, vehicle accommodation areas (as defined in SMC 18.08.940) shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units.

(2) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(3) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights of way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(4) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(5) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall comply with subsection (1) of this section and shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(f) Parking for Disabled Persons. The number, location, design and construction of parking spaces accessible to handicapped persons shall comply with applicable standards contained in the Americans with Disabilities Act (ADA).

(g) Loading and unloading areas. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading space must be provided to accommodate the delivery or shipment operations in a safe and convenient manner. (Ord. 1188 §1(part), 1996).

PARKING PERFORMANCE GUIDELINES

Land Use Category	Number of Off Street Spaces
Single family residential	2 per dwelling unit

Duplex	2 per dwelling unit
Accessory dwelling unit	1 per dwelling unit (+ 2 for single family residence)
Multifamily	1 per bedroom (maximum of 2 per dwelling unit)
Boarding houses	1 per bedroom
Residential care facilities	3 per 5 adult beds (20% shall meet ADA standards)
Retail sales and service, consumer goods repair	1 per 300 square feet gross floor area
Office or professional use not related to goods, service and merchandise	1 per 400 square feet gross floor area
Eating, drinking establishments	1 per 100 square feet gross floor area
Marinas	1 per 3 boat moorage or storage spaces
Motor vehicle repair or sales	1 per 200 square feet gross floor area
Industrial uses	1 per FTE employee
Bed and breakfasts, guest houses	1 per guest room (+2 for single family residence
Class II home occupations	1 per non-resident employee (+2 for single family residence)
Elementary and middle school	1 per FTE employee, plus 5 per classroom
High schools	1 per FTE employee, plus 5 per classroom
Religious institutions	1 per 4 seats in public portion of building
Primary public facilities	1 per 200 square feet gross floor area
Quasi-public facilities (such as museums, libraries and fraternal organizations)	1per 300 square feet gross floor area

18.20.080 Fence standards.

(a) Fence height shall be measured from the original grade where the fence is located.

(b) Whenever a fence is placed on top of a retaining wall or berm, the height of the fence and the retaining wall or berm together shall not exceed the maximum fence height for the specific setback area.

(c) Every fence shall be consistent with the sight distance standards established under this title.

(d) Built fences.

(1) Built fences less-than or equal to seventy-eight (78) inches may be located in any setback area.

(2) In a street setback area, fifty percent (50%) of the area of any portion of a fence or wall over forty-two inches (42") shall be open to light and vision.

(e) Grown fences.

(1) Twenty percent (20%) of a street setback area shall be open through either:

(i) A maximum grown fence height of forty-two inches (42"); or

(ii) Limbs, branches or canopy of a grown fence cut a minimum of forty-eight inches (48") above grade.

(2) Twenty percent (20%) of a street setback area adjoining a principal or minor arterial street shall be open through either:

(i) A maximum grown fence height of ninety-six (96) inches; or

(ii) Limbs, branches or canopy of a grown fence cut a minimum of forty-eight (48) inches above grade.

(3) Corner lots.

(i) The house number(s) on a structure shall be the yard identified as the street setback area, wherein the height of grown fences is restricted under this title. (Ord. 1216 §2, 1997: Ord. 913 §1(part), 1997).

18.20.090 Sight distance standards.

(a) At the intersection of two street setback areas, a street setback area and an alley, or a street setback area and driveways on principal and minor arterials and neighborhood collector streets, there shall be no structure, vegetation, fence or other visual obstruction in excess of ten (10) inches in diameter or which materially impairs vision between a height of two and one-half (2½) feet and ten (10) feet above the adjoining street centerline, or curb top if one is present, in the sight distance triangle.

(1) At intersections with traffic control devices, the side-street side of the sight distance triangle shall be a distance of ten (10) feet measured from the intersection of the extended curbline or the traveled right-of-way (if no curbs exist). If one street is without traffic control, the through-street side of the triangle shall be a distance of fifty (50) feet. The third side of the triangle is the straight line connecting the two street sides.

(2) At intersections without traffic control devices, the sight distance triangle shall be formed by measuring from the intersection of the extended curbline or the traveled right-of-way (if no curbs exist) of the adjacent streets to a distance fifty (50) feet from the corner point. The third side of the triangle is the straight line connecting the two fifty (50) foot sides.

(3) All lots which abut alleys and all driveways on principal and minor arterial and neighborhood collector streets shall maintain a triangular area for clear vision purposes. The sides of the triangle forming the corner angle shall be ten (10) feet measured along the driveway or alley and fifteen (15) feet measured along the traveled right-of-way (if no curbs exist) of the adjacent street. The third side of the triangle is the straight line connecting the two sides.

(b) Sight distance triangles shall not apply to:

(1) Buildings which were existing prior to passage of the ordinance codified in this title;

(2) Public utility poles;

(3) Official warning signs or signals;

(4) Properties where the existing ground contour penetrates above the maximum two and one-half (2½) foot height limitation described in SMC 18.20.080(c); or

(5) Trees, with trunks cleared to a minimum of ten (10) feet above the grade level of the centerline of the intersection. (Ord. 1216 §3, 1997).

Chapter 18.22

WIRELESS COMMUNICATION FACILITIES

Sections:

18.22.010 Purpose.

(A) The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Town. The purpose of this chapter may be achieved through adherence to the following objectives:

(1) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to negative impacts on aesthetics, critical areas, the Steilacoom Historic District, open space, wildlife corridors, flight corridors, and health and safety of persons and property;

(2) Establishment of clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with federal and state laws and regulations pertaining to telecommunications providers;

(3) Encourage providers of wireless communication facilities to locate facilities, to the extent possible, in areas where the adverse impact on the community is minimal;

(4) Encourage the location of wireless communication facilities in nonresidential areas and allow wireless communication facilities in residential areas only when necessary to meet functional requirements of the telecommunications industry as defined by the Federal Communications Commission;

(5) Minimize the total number of wireless communication facilities in residential areas;

(6) Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, in order to reduce cumulative negative impact on the Town;

(7) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, and

through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the Town;

(8) Enable wireless communication companies to enter into lease agreements with the Town to use Town property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the Town;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(10) Provide for the prompt removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the Town to cause these abandoned wireless communication facilities to be removed as necessary to protect the citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure, through strict compliance with state building and electrical codes; and

(12) Provide a means for public input on wireless communication facility placement, construction and modification.

(B) In furtherance of these objectives, the Town shall give due consideration to the zoning code, existing land uses, and critical areas when approving sites for the location of communication towers and antennas.

(C) These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize visual impact, while furthering the development of enhanced telecommunications services in the Town. These objectives were designed to comply with the Telecommunications Act of 1996; the Middle Class Tax Relief and Job Creation Act of 2012, and FCC regulations implementing these laws. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

(D) To the extent that any provision of this chapter is inconsistent or conflicts with any other Town ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the Town.

E. In reviewing any application to place, construct or modify wireless communication facilities, the Town shall act within a reasonable period of time after an application for a permit is duly filed, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The Town shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted comprehensive plan, and other applicable ordinances and regulations.

18.22.020 Applicability.

(A) Except as provided herein, all wireless communication facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Steilacoom Municipal Code.

(B) Small cell wireless facility deployment within the Town’s street rights-of-way is governed by Chapter 13.54 SMC, as now or hereafter amended.

(C) All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 16.04 SMC unless categorically exempt pursuant to WAC 197-11-800. (Ord. 1605, 2019).

18.22.030 Exemptions. The following are exemptions from the provisions of this chapter:

(A) Radar systems for military and civilian communication and navigation.

(B) Handheld, mobile, marine and portable radio transmitters and/or receivers.

(C) Television antennas, subject to the following:

(1) Parabolic television antennas shall be limited to one meter in diameter within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places.

(2) Parabolic television antennas greater than 18 inches in diameter within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places are subject to review under Chapter 2.14 SMC. All other television antennas are exempt from such review.

(3) Television antennas greater than 18 inches in diameter proposed within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places shall follow the design guidelines in 18.22.110(O).

(D) Maintenance or repair of a communication facility, antenna and related equipment, transmission structure, or transmission equipment enclosures; provided, that the equipment, structure or enclosures maintain compliance with the standards of this chapter. If the cost of repair of a legally nonconforming equipment, structure and/or enclosure exceeds 50 percent of the fair market value of the equipment, structure and/or enclosure, the repair shall be conducted in accordance with the provisions of this chapter.

(E) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a facility until five business days after the completion of such emergency activity.

18.22.040 Permit requirements.

(A) No person may place, construct, reconstruct or modify a wireless communication facility subject to this chapter without first having in place a permit issued in accordance with this chapter. The requirements of this chapter are in addition to other applicable requirements of this title.

(B) Wireless antenna may be placed on buildings, structures or towers in accordance with the provisions of this Chapter. The use of any tree or other vegetation as a support for antenna is prohibited.

(C) Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires the appropriate type of project permit review as shown in the following table. In the event of uncertainty on the type of a wireless facility, the Town Administrator shall have the authority to determine what permits are required for the proposed facility.

	Building Permit	Wireless Communication Facility Permit	Conditional Use Permit	Eligible Facilities Modification Permit
New Base Stations: Building-mounted facilities or Structure-mounted facilities	X	X		
New or Replacement Towers	X		X	
Eligible facilities requests including co-location and replacement of antennas	X			X

Modifications to towers that do not meet the definition of eligible facilities requests	X		X	
Modifications to base stations that that do not meet the definition of eligible facilities requests	X	X		

(D) Processing of applications

(1) Applications for wireless communication facility permits shall be processed as an administrative approval subject to notice pursuant to SMC 14.20.020.

(2) Applications for new and replacement towers shall be processed as a Conditional Use Permit pursuant to SMC 18.28.020.

(3) Applications for an Eligible Facilities Requests shall be processed as an administrative approval without notice pursuant to SMC 14.20.010 and SMC 18.22.130.

(E) Shot clocks, Tolling and Review Time Frames for Wireless Facility Applications. The FCC has established "shot clocks" which are time frames within which the Town must act on an application. Shot clock periods are equal to the number of days the Town has to review the application, set forth in subsection 2, plus any days tolled under subsection 3.

(1) General. The Town Administrator or his/her designee shall review an application for completeness and shall notify the applicant on or before the 10th day after submission if the application is materially incomplete, and clearly and specifically identify any missing documents or information along with the specific rule or regulation creating the obligation to submit such documents or information.

(a) If an application is deemed incomplete, the time frame for review shall be tolled as provided herein.

(b) Following resubmission of documents by the applicant, the Town Administrator or his/her designee shall review an application for completeness and shall notify the applicant on or before the 10th day after resubmission if the application is materially incomplete. If it is incomplete the Town Administrator shall issue a notice of deficiency, clearly and specifically identify any missing documents or information along with the specific rule or regulation creating the obligation to submit such documents or information.

(c) No application shall be deemed complete without the required fee deposit.

(2) Time frames. The Town shall act on applications seeking authorization for deployments in the categories set forth below:

(a) Within 90 days the Town will issue Wireless Communication Facility Permits for new base stations and for modifications to base stations that do not meet the definition of an eligible facilities request, along with associated building permits.

(b) Within 90 days the Town will issue Eligible Facilities Modification Permits, along with associated building permits.

(c) Within 150 days the Town will issue Conditional Use Permits for new or replacement towers and modifications to towers that do not meet the definition of an eligible facilities request, along with associated building permits.

(3) Tolling periods.

(a) The Town and an applicant may agree in writing to modify the tolling periods herein.

(b) In the absence of a written agreement between the Town and an applicant modifying the tolling periods set forth below, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the Town to render the application complete.

(c) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from the day after the date the Town issues the notice of deficiency,

until the date the applicant submits all the documents and information identified by the Town to render the application complete

(4) Shot clock date.

The shot clock date for a siting application is determined by counting forward, beginning on the day after the date the application is submitted, by the number of calendar days of the shot clock period identified pursuant to this section. If the date calculated in this manner is a legal holiday, the shot clock date is the next business day after such date. (Ord 1605, 2019).

(F) Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the Town Administrator, or designee for compliance with the terms of this chapter.

(G) The applicant is responsible for obtaining all other permits from any other appropriate governing body with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, etc.).

(H) No provision of this chapter shall be interpreted to allow the installation of a wireless communication facility which minimizes parking, landscaping or other site development standards of this Title.

(I) Wireless communication facilities that are governed under this chapter shall not be eligible for variances under SMC 18.28.030. Any request to deviate from this chapter shall be based solely on the exceptions set forth in this chapter.

(J) Third Party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communication facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The Town may at its discretion require third party engineering and technical review as part of the permitting process. The costs of the technical third party review shall be borne by the applicant.

(1) The selection of the third party expert is at the discretion of the Town. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the Town may require changes to the proposal. The third party review shall address the following:

(a) The accuracy and completeness of submissions;

(b) The applicability of analysis techniques and methodologies;

(c) The validity of conclusions reached;

(d) The viability of other site or sites in the Town for the use intended by the applicant; and

(e) Any specific engineering or technical issues designated by the Town.

(K) Any decision by the Town Administrator shall be given substantial deference in any appeal of a decision by the Town to approve, approve with conditions, or deny any application for a wireless communication facility.

(L) No alterations or changes shall be made to plans approved by the Town Administrator or Council without the express written approval of the Town.

18.22.050 Required submittals for base stations and towers.

(A) A complete application for a wireless communications facility permit for a new base station, or a conditional use permit for a new or replacement tower shall provide the following information:

(1) Name, address, phone number and email address of the applicant.

(2) FCC-Licensed Telecommunications Provider. Applications for necessary permits for telecommunications facilities will only be processed when the applicant demonstrates that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the antenna or tower.

(3) State Environmental Policy Act. A SEPA document shall be prepared pursuant to Chapter 197-11 WAC, unless the project is exempt under WAC 197-11-800.

(4) National Environmental Policy Act. Any application for a facility proposed within the Town of Steilacoom, including but not limited to the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places, shall include the applicable environmental assessment as required by sections 1.1307(a) and (b), Title 47, Volume 1 of the Code of Federal Regulations (47CFR1.1307).

(5) Radiofrequency Emissions. Applicants shall submit evidence that a proposed facility meets FCC radio frequency emission rules and regulations.

(6) A statement describing how the proposed wireless communication facility meets the applicable standards of SMC 18.22.060 for building mounted base stations, SMC 18.22.070 for structure mounted base stations, or SMC 18.22.090 for towers. All applications shall also provide a statement describing how the proposal addresses the required findings of SMC 18.22.100 and the siting criteria and design considerations of SMC 18.22.110.

(7) Each application for a tower greater than 26 feet in height shall include the following:

(a) A map showing the location of the proposed facility;

(b) A map outlining all properties from which the facility will be visible;

(c) Photo simulations of the proposed facility from at least 10 different locations from both public rights-of-way and private properties that are included in the mapped area described in subsection b above;

(d) A site plan and written description of the proposed facility, equipment shelters, fencing, access driveways and landscaping. The description shall also include information regarding any vegetation removal that is being proposed;

(e) An alternatives analysis demonstrating why the particular site was selected, why sites within neighboring jurisdictions including Joint Base Lewis McChord, Lakewood, University Place, Anderson, Ketron and McNeil Islands were not selected;

(f) Information demonstrating that the height of the structure is the minimum height necessary to provide service within the Town limits;

(g) An analysis of why the particular facility was selected, why the facility is the smallest facility necessary to provide service within the Town limits; and

(h) A description of how the facility will be screened to have the least amount of visual impact on the surrounding neighborhood; and

(i) Proof of compliance with the early notification process in SMC 18.22.080.

18.22.060 Standards for new building-mounted base stations.

(A) Location. New base station wireless communication facilities may be located on buildings in the industrial, commercial and public zones.

(B) Generally. Wireless communication facilities located on the roof or on the side of a building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communication facilities shall be painted with non-reflective colors to match the existing surface where the antennas are mounted.

(C) Height. For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the

maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the Town right-of-way if a right-of-way use agreement is established with the Town. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

(D) Equipment Enclosure. Equipment enclosures for building-mounted wireless communication facilities shall be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened by a sight-obscuring fence and vegetation.

(E) Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or adjacent property, they must be painted to match the color scheme of the building.

18.22.070 Standards for new structure-mounted base stations.

(A) Location. New structure-mounted base station wireless communication facilities may be located within public rights-of-way, and in industrial, commercial and public zones.

(B) Generally. Wireless communication facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or water tanks, shall be designed and painted with non-reflective colors to blend with these structures and be mounted on them in an inconspicuous manner.

(C) Height.

(1) The maximum height of structure-mounted wireless communication facilities shall be the minimum necessary in order to achieve the coverage objective. This includes installation of facilities on structures built at or above the maximum height allowed in a specific zone, so long as the diameter of any portion of a wireless communication facility in excess of the allowed height does not exceed the shortest diameter of the structure at the point of attachment. The height and diameter of the existing structure prior to replacement or enhancement for the purposes of supporting wireless communication facilities shall be used to determine compliance with this subsection.

(2) Only one base station is permitted per structure.

(3) If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility’s requirements for separation between their transmission lines and the carrier’s antennas.

(D) Equipment Enclosure. Equipment enclosures shall be located underground unless there is no other feasible option but to locate the equipment enclosure above ground. The equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone.

(E) Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

F. Only wireless communication providers with a valid right-of-way use agreement shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the Town right-of-way and be in addition to other permits specified in this chapter.

18.22.080 Early notification for New or Replacement Towers over 26 feet.

(A) Applicants for any new or replacement tower that would exceed 26 feet in height shall hold a pre-application community meeting prior to submittal of an application to the Town.

(B) At least two weeks in advance of the meeting, public notice of the meeting shall be provided by the following means:

(1) Published notice in the official paper for the Town.

(2) Mailed notice shall be provided to the Steilacoom Town Clerk and all property owners within five hundred (500) feet of any potential sites identified by the applicant for possible development. When the proposed support structure exceeds a height of sixty (60) feet, the mailed notice shall be provided to all property owners within one thousand (1,000) feet.

(3) Posting of the project site with a bright colored waterproof sign no smaller than sixteen (16) square feet, and no larger than thirty two (32) square feet.

(4) The published, posted and mailed notices shall contain:

(a) a description and purpose statement for the project

(b) the estimated height of the support structure and antennas

(c) the street address or information allowing identification of the proposed site to the average person.

(d) a statement that alternative sites and facilities proposed by citizens can be presented at the meeting and to the applicant in advance of the meeting

(e) a statement that all alternative sites and facilities proposed by citizens in writing and received by the applicant at least five (5) days in advance of the meeting shall be evaluated by the applicant and discussed at the meeting

(f) a project contact name, address and telephone number to obtain additional information and to send alternative proposals

(g) the time, date, and location of the community meeting

(5) Mailed notices shall also contain:

(a) a street map with the location of the proposed facility

(b) a site map with the location of the proposed facility, all existing structures and trees over eight inches (8”) in diameter (d.b.h.) located on the parcel

(c) a photograph or sketch of the proposed facility

(d) a description of alternative sites that were considered by the applicant and why these alternative sites are unfeasible.

(C) At the community meeting the applicant shall provide information regarding the proposed project and facilities. Information relative to existing transmission support structures and other nonresidential structures, such as water towers or light poles, within one mile of the proposed site shall be presented and the applicant shall discuss reasons why those existing structures are physically or technologically unfeasible. Furthermore, any alternative sites proposed in writing by citizens and received by the applicant within five (5) days of the meeting shall be discussed by the applicant.

(D) After the community meeting the applicant shall provide the Town Clerk a list of meeting attendees and those receiving mailed notice, a listing of the sites identified in writing and provided to the applicant at or before the community meeting, and a summary of the comments made by citizens and the applicant at the meeting.

18.22.090 New and Replacement Wireless Communication Tower Standards.

(A) New wireless communication towers are not permitted within the Town unless the applicant has demonstrated that:

(1) Coverage Objective. There exists a gap in service and the proposed wireless communication tower will eliminate such gap in service; and

(2) Alternatives. No existing structure, building, or other feasible site or sites, or other alternative technologies not requiring a new tower in the Town, can accommodate the applicant's proposed wireless communication facility; and

(3) Least Intrusive. The proposed new wireless communication facility is designed and located to remove the gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter, this title, and the comprehensive plan, the least intrusive upon the surrounding area.

(B) All wireless communication towers shall conform to the following site development standards:

(1) To the greatest extent possible, wireless communication towers shall be located where existing trees, existing structures and other existing site features camouflage these facilities.

(2) Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

(3) Equipment Enclosure. The equipment must be enclosed and screened from view by a sight-obscuring fence and vegetation.

(4) Feed Lines and Coaxial Cables. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

(5) Guy wires and lattice style towers. No guy wires or lattice style towers shall be allowed. All wireless communication towers shall be self-supporting.

(C) Site preference standards. The following site preference standards shall apply to wireless communication towers. Proposed sites shall be evaluated for approval and use in the following order of preference:

(1) Industrial zoned property;

(2) Publicly owned properties, in the following order:

(a) Steilacoom High School;

(b) Town-owned properties above the 200 foot contour elevation, in no order of preference:

(1) Cherrydale Park – Old Military Road

(2) Well site near Cherrydale School – B Street

(3) Public Works site – Roe Street

(4) Roe Street Water Tanks – Roe Street

(5) Well site at Cormorant Drive and Union Avenue

(6) Utility Yard & Shop - Diggs Street

(7) Public Safety/Community Center – Worthington Street, subject to paragraph (3) below.

(c) Cherrydale Elementary School;

(d) Saltar's Point Elementary School;

(e) Town-owned properties below the 200 foot contour elevation in no order of preference:

(1) Cormorant Park

(2) Marietta Tract A

(3) Only one telecommunication tower shall be located at the Public Safety Building/Community Center properties. No more than four telecommunication antenna arrays shall be permitted on the existing tower at the Public Safety Building/Community Center properties.

(4) Towers proposed for Town-owned property shall include a lease of land sufficient to encompass the tower, equipment structures, fencing and landscaping. Terms of the lease shall be negotiated by the Town Administrator and approved, modified or rejected by the Council as part of the public hearing on the tower.

(5) Towers proposed for non-Town-owned property shall provide the Town with proof of permission to erect the tower on that site.

(D) Review Criteria. The Town Council shall review an application for new wireless communication towers as a conditional use permit under SMC 18.28.020. In addition to the criteria for a conditional use permit, the applicant for a new wireless communication tower shall demonstrate the following:

(1) That the wireless communication tower height is the minimum necessary in order to achieve the coverage objective; and

(2) That no existing wireless communication tower, structure or alternative site(s) is located within the geographic area that meet the applicant's engineering requirements to fulfill its coverage objective (regardless of the geographical boundaries of the Town).

(E) Building Setbacks and Exceptions.

(1) Wireless communication towers and equipment enclosures shall be placed no closer than 20 feet from any street. Towers and enclosures shall be setback from residential zones a distance equal to the height of the tower. Setbacks may be modified to better achieve the goal of this section of concealing such facilities from view under the provisions below.

(2) The Town Council may approve modifications to be made to setbacks when:

(a) An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or

(b) The modification will aid in retaining open space and trees on the site; or

(c) The proposed location allows for the wireless communication facility to be located a greater distance from residentially zoned properties.

(3) This zoning setback modification cannot be used to waive or modify any setback required under the Town Building Code or Fire Code.

(4) A request for a setback exception shall be made at the time the initial application is submitted.

18.22.100 Findings. In addition to the required findings for conditional use permits in SMC 18.28.020, a recommendation to approve a conditional use permit for wireless communication facilities or towers shall include the following findings:

(A) The proposed facility will not interfere with the use or function of town-owned properties.

(B) The proposed facility will not have a significant adverse impact on surrounding private property, the Steilacoom Historic District or a building, site, structure or object considered eligible for the National Register of Historic Places.

(C) The proposed facility will not have an adverse impact on view sensitive properties as defined in the Comprehensive Plan, or the shoreline.

(D) Radio frequency emissions from the proposed facility are consistent with FCC regulations.

(E) The application meets all the requirements of Chapter 18.22 SMC.

18.22.110 General siting criteria and design considerations. The following facility preference standards shall apply to any wireless communication facilities. Proposed facilities shall be evaluated for approval and use in the following order of preference:

(A) Wireless communication providers shall use existing sites or more frequent, less noticeable sites instead of attempting to provide coverage through the use of taller towers, unless not feasible. Applicants shall demonstrate how the proposed new wireless facility implements the following priority of preferred locations for wireless communication facilities:

(1) Structures disguised as flag poles, church steeples, architectural elements, light poles, vegetation, or other structures that blend with the site;

(2) Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;

(3) Co-location, where additional height is necessary above existing building, pole, or structure;

(4) A replacement pole or structure for an existing one;

(5) A new pole or structure altogether.

(B) Co-location shall be encouraged for all wireless communication facility applications and is implemented through less complex permit procedures in SMC 18.22.130, Eligible Facilities Requests.

(1) To the greatest extent technically feasible, applicants for new tower facilities shall be required to build mounts capable of accommodating at least one other carrier.

(2) Any wireless communication facility that requires a conditional use permit (CUP) under the provisions of this chapter shall be separated by a minimum of 500 feet from any other facility requiring a CUP, unless the submitted engineering information clearly indicates that the requested site is needed in order to provide coverage for the particular provider and other siting options have been analyzed and proven infeasible.

(C) Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter 173-60 WAC. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The Town may require that the report be reviewed by a third party expert at the expense of the applicant.

(D) Business License Requirement. Any person, corporation or entity that operates a wireless communication facility within the Town shall have a valid business license issued annually by the Town. Any person, corporation or other business entity which owns a tower also is required to obtain a business license on an annual basis.

(E) Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(F) Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(G) Finish. A tower shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.

(H) Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment.

(I) Color. All antennas and ancillary facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(J) Lighting. Towers shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the Town shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any tower. If FAA guidelines would require a strobe, the location shall be denied unless no other site or combination of sites would provide adequate coverage in accord with FCC requirements.

(K) Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment enclosure.

(L) Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

(M) Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended. Additionally, if the Town Administrator determines the wireless communication facility, as constructed, may emit radio frequency emissions that are likely to exceed Federal Communications Commission uncontrolled/general population standards in the FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended, in areas accessible by the general population, the Town Administrator may require post-installation testing to determine whether to require further mitigation of radio frequency emissions. The cost of any such testing and mitigation shall be borne by the applicant.

(N) Landscaping and Screening.

(1) The visual impacts of wireless communication facilities should be mitigated and softened through landscaping or other screening materials at the base of a tower, facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The Town Administrator may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

(2) Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

(a) Site obscuring landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

(b) Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.

(c) Vegetation selected should be native and drought tolerant.

(d) Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

(3) When landscaping is used, the applicant shall submit a landscaping bond in sufficient amount to cover the cost of replacement landscaping for a term of 3 years.

(O) Historic District Impacts. Parabolic antennas within the Steilacoom Historic District, or on a building, site, structure or object considered eligible for the National Register of Historic Places, are subject to the following design guidelines:

(1) Parabolic antennas should not be visible to the public.

(2) Parabolic television antennas:

(a) Shall not be mounted on the roof of the principal or accessory structure(s).

(b) Shall not cause the modification of window or door openings and associated trim to accommodate mounting.

(c) Should be mounted on the lower half of the structure.

(3) Parabolic antennas greater than eighteen inches (18”) in diameter:

(a) Shall not be visible to the public.

(b) Shall not be permitted without written approval by the Preservation and Review Board.

(c) Parabolic antennas and the means used to screen the antennas shall not destroy materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

18.22.120 Existing facilities.

(A) All wireless communication towers and facilities existing on the date of passage of this chapter shall be allowed to continue as they presently exist and will be considered non-conforming uses where they do not conform to this chapter. Routine maintenance shall be permitted on existing wireless communication towers and facilities.

(B) Modification of existing towers, antennas, buildings or other wireless communication facilities shall comply with the requirements of this chapter.

18.22.130 Eligible Facilities Request. Eligible facilities requests are applications to make modifications to an eligible support structure that does not substantially change the physical dimensions of such structure, involving collocation of new transmission equipment, removal of transmission equipment or replacement of transmission equipment. “Eligible support structure” and “substantial change” are defined terms in SMC 18.08.228 and SMC 18.08.895 respectively.

(A) Eligible facilities requests shall be processed in accordance with this section. Requests for modifications to existing wireless communication facilities which do not meet the definition of eligible facilities requests in SMC 18.08.227 shall be processed as new applications.

(B) Applicants for a eligible facilities modification permit shall include the following information:

(1) Name, address, phone number and email address of the applicant

(2) Evidence that the proposed structure meets the definition of an eligible support structure in SMC 18.08.288.

(3) Evidence that the proposed modification would not substantially change the physical dimensions of the wireless facility as defined in SMC 18.08.895.

(4) Scale drawings showing the current height and width of the support structure and the proposed height and width following modification.

(C) Subject to the tolling provisions of subparagraph D below, within 60 days of the date on which an applicant submits an application seeking approval under this section, the Town Administrator shall issue an eligible facilities modification permit or a written explanation as to why the application does not meet the requirements for an eligible facilities modification permit.

(D) The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Town determines that the application is incomplete.

(1) To toll the timeframe for incompleteness, the Town Administrator must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

(2) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the Town Administrator’s notice of incompleteness.

(3) Following a supplemental submission, the Town Administrator will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to these same procedures. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(E) In the event the Town Administrator fails to act on an eligible facilities request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The applicant shall notify the Town Administrator in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.22.140 Abandonment or discontinuation of use.

(A) At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communication facility, such carrier will notify the Town Administrator by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a licensed carrier fails to give such notice, the wireless communication facility shall be considered abandoned upon the discovery of such discontinuation of operations.

(C) Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility. “Physically remove” shall include, but not be limited to:

(1) Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.

(2) Transportation of the materials removed to a repository outside of the Town.

(3) Restoration of the wireless communication facility site to its pre-permit condition, except that any landscaping provided by the wireless communication facility operator may remain in place.

(4) If a carrier fails to remove a wireless communication facility in accordance with this section, the Town shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communication facility shall be charged to the wireless communication facility owner or operator in the event the Town removes the facility.

18.22.150 Maintenance.

(A) The applicant shall maintain the wireless communications facility to standards that may be imposed by the Town at the time of granting a permit. Such maintenance shall include, but not be limited to, painting, structural integrity, and landscaping.

(B) In the event the applicant fails to maintain the facility, the Town may undertake enforcement action as allowed by existing codes and regulations.

18.22.160 Temporary facilities.

(A) The installation of a “cell on wheels” or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the Town Fire and Building Codes and National Electric Code.

(B) COWs may only be used in the immediate aftermath of declared emergencies in the Town in order to provide temporary wireless service. All COWs and related appurtenances shall be completely removed from the installation site within 30 days of the date of the end of the emergency as determined by the mayor. (Ord. 1549, 2016: Ord. 1543 §13, 2016: Ord. 1264 §5(part), 1999 Repealed).

Chapter 18.24

SIGN STANDARDS

Sections:

18.24.010 Purpose. The purpose of this chapter is to provide standards for signage that further Comprehensive Plan goals and policies relating to community design. These standards are intended to preserve the unique character of Steilacoom by regulating the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures. (Ord. 1188 §1(part), 1996).

18.24.020 Permit required. No sign, unless such sign is exempt per SMC 18.24.050, shall be erected, reerected, constructed, altered, or repaired except as provided in this chapter, and a permit for same has been issued by the Town of Steilacoom. (Ord. 1188 §1(part), 1996).

18.24.030 Permit application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Town of Steilacoom for that purpose. Every such application shall:

(1) Identify and describe the sign to be covered by the permit for which application is made.

(2) Describe the land on which the proposed sign is to be located by legal description, street address or similar description that will readily identify and definitely locate the proposed building or sign.

(3) Provide sign drawings to scale, showing display faces, with the proposed message and design accurately represented as to size, area, proportion and color.

(4) Be accompanied by plans, elevations, diagrams, light intensities, computations, specifications and other data as required by the Town of Steilacoom.

(5) Be signed by the applicant or authorized agent.

(6) Be accompanied by the sign permit fee. (Ord. 1188 §1(part), 1996).

18.24.040 General requirements applicable to all signs. All signs shall comply with the following general requirements.

(a) View Protection. Each sign located within a building setback area shall be designed so as not to partially or totally obstruct marine and/or mountain views. Obstruction of views as determined by the Town of Steilacoom shall be grounds for denial or modification of the sign permit.

(b) Sound Systems. No public address system or sound device to advertise a business or product shall be permitted.

(c) Location of signs. Signs may be located only on the property being advertised, except as otherwise provided in this chapter. Signs may be located within the building setback area described in SMC 18.20.020.

(d) Sign Maintenance. All signs and support structures, both existing and new, and all parts thereof shall be maintained in a safe and good condition. All devices or safeguards which are required by code shall be maintained in conformance with the code under which it was installed. The owner or designated agent shall be responsible for the maintenance of the sign. To determine compliance with this section, the building official may cause any sign to be

reinspected. Failure to comply will result in the enforcement and removal according to SMC 18.24.100.

(e) Illumination. Signs may be internally or indirectly illuminated.

(f) Structural elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the uniform building codes as adopted by SMC 15.04.010.

(g) Sign height. Maximum height shall be twenty (20) feet, as measured from the prevailing grade to the top edge of the sign. No sign shall be lower than eight (8) feet above a walkway intended for public use.

(h) Signs located within sight distance triangles shall not exceed forty-two (42) inches in height.

(Ord. 1487 §1, 2012: Ord. 1188 §1(part), 1996).

18.24.050 Exempt signs. The following signs do not require a sign permit:

(1) Flags, symbols or crest of nations, states, cities or political, fraternal, religious or civic organizations unless the use is for advertising or commercial purposes.

(2) Decorations customarily and commonly associated with a national, local or religious holiday provided that such decorations shall not be displayed for more than sixty (60) days.

(3) Legal notices, identification, informational, directional, traffic, public safety or other signs erected or required by governmental authority under any law, statute or ordinance.

(4) Time or temperature signs not exceeding three (3) square feet.

(5) Non-illuminated window signs covering no more than fifty percent (50%) of the inside window area, including glass doors.

(6) Real estate signs meeting all the following standards shall be exempt:

(A) No larger than six (6) square feet in area;

(B) No more than one (1) sign per street frontage;

(C) No taller than seventy-two (72) inches in height;

(D) Located on the property for sale;

(7) In commercial, industrial or public zones, two (2) incidental signs, not more than three (3) square feet each, per adjoining thirty (30) feet of street frontage.

(8) Signs indicating lost or found items such as pets will be permitted. Such signs shall not exceed 8-1/2" by 11" in size and shall be posted for no more than fourteen (14) days. Such signs shall include the name and telephone number of the person posting the sign and the date the sign was posted.

(9) Town of Steilacoom maintained bulletin boards or informational kiosks used to advertise community events and the private sale of miscellaneous items not related to a business.

(10) In residential zones, one (1) sign not more than three (3) square feet in area advertising the sale of miscellaneous items not related to a business or home occupation.

(11) Neon signs displaying "OPEN" and not exceeding two (2) square feet, may be installed on the interior side of the window and lighted during business hours only.

(12) On property owned by a governmental entity, advertising signs approved by the entity, so long as such signs are not visible from the public right of way. (Ord. 1486 §2, 2012: Ord. 1188 §1(part), 1996).

18.24.060 Signs requiring permits in commercial and industrial zoning districts.

(a) Each individual business may have no more than thirty-two (32) square feet of signage requiring a permit per street frontage, except as provided by SMC 18.24.060(b) and 18.24.060(c). Signage found on outdoor vending machines visible from a street frontage shall be considered part of the total sign area.

(b) The amount of signage permitted for an individual business will be decreased to twenty-four (24) square feet if any signs for the business are internally illuminated, except for outdoor vending machines visible from a street frontage and as provided by SMC 18.24.060(c).

(c) Due to the significance of the display of gasoline prices, gasoline stations are allowed additional sign square footage for the sole purpose of displaying gasoline prices.

(1) In addition to the signage allowed in SMC 18.24.060(a) or 18.24.060(b), gasoline stations may have an additional two-sided thirty-six (36) square foot sign to display gasoline prices.

(2) The gasoline price sign may be internally illuminated during business hours only.

(d) Individual businesses may use any combination of the following types of signs: flush mounted wall signs, ground mount and pole signs, projecting signs, sandwich board signs, awnings, flags and canopies, or marquees as long as the total square footage of all signs requiring a permit do not exceed the applicable size requirements of SMC 18.24.060(a), 18.24.060(b), or 18.24.060(c).

(e) Awnings and canopies which by their design features are so conspicuously different from the building to which they are attached so as to direct attention to and to promote the sale of goods or services shall be considered signs in their entirety.

(f) Awnings and canopies which are not described by SMC 18.24.060(e) shall not be considered a sign, except for any area of the awning or canopy which displays the name of the business or other advertising copy.

(g) In addition to the individual business sign, a business complex may erect one (1) ground mount or pole sign identifying the name of the business complex and the occupants in the development, provided:

(1) No individual business of the complex has a pole sign.

(2) The portion of the sign identifying the name of the business complex is no larger than ten (10) square feet, and the portion of the sign identifying the name of the individual businesses is no larger than two (2) square feet per business.

(3) Information displayed for each individual business shall not exceed the business name and/or logo.

(h) During the construction or sale of a business, one (1) temporary development or real estate sign per street frontage may be installed, provided:

(1) The sign does not exceed thirty-two (32) square feet.

(2) The sign does not exceed seven (7) feet in height.

(3) The sign is removed after the construction or sale is completed. (Ord. 1188 §1(part), 1996).

18.24.070 Signs requiring permits in residential zoning districts.

(a) Real Estate Development Signs (Residential). During the construction or sale of a residential development, one (1) sign per street frontage may be installed, provided:

(1) The sign does not exceed thirty-two (32) square feet.

(2) The sign does not exceed seven (7) feet in height from the prevailing grade.

(3) The sign is removed when construction is completed or sale is closed.

(b) Entrance Signs (Residential). Each subdivision and apartment complex may have one (1) permanent entrance sign per street entrance not to exceed twenty (20) square feet of sign surface area.

(c) For Rent Signs (Multifamily Residential). One (1) Apartment For Rent sign not to exceed twenty (20) square feet of sign surface area may be posted along one (1) street frontage during the time when apartments are available for rent or lease. The sign shall not be posted within the street right of way.

(d) Miscellaneous Signs. Up to four (4) garage, rummage, yard, real estate open house, or estate sale signs not to exceed three (3) square feet in size for each sign may be posted within street rights-of-way during the days of the event only. (Ord. 1188 §1(part), 1996).

18.24.080 Signs requiring permits in all zoning districts.

(a) Community announcement signs. Community announcement signs and other temporary signs promoting an event sponsored by a nonprofit organization or the Town of Steilacoom may be permitted if the following standards are met:

(1) Not posted for longer than thirty (30) days;

(2) No larger than thirty-two (32) square feet;

(3) Signs will be removed within five days after event;

(b) Signs identifying a nonprofit organization in the Town of Steilacoom, e.g. churches, lodges, schools. Signs shall not exceed thirty-two (32) square feet per street frontage. (Ord. 1188 §1(part), 1996).

18.24.090 Prohibited signs. The following signs shall not be permitted in any zoning district:

(1) Roof signs;

(2) Flashing signs or signs with flashing lights;

(3) All moving, rotating or animated signs except barber poles at barber shops;

(4) Signs which pose a hazard to public health or safety, as determined by the Town of Steilacoom, including:

(a) Signs located adjacent to a driveway, alley, street or public right of way which interferes with vehicular or pedestrian safety;

(b) Signs which obstruct ingress or egress from fire escapes, doors, windows or other exits or entrances;

(c) Signs which by reason of size, location or content, interfere with the visibility or effectiveness of any traffic sign or control device on public streets;

(d) Signs which make use of words such as "Stop," "Look," "One- Way," "Danger," "Yield" or any similar word, phrase, symbol, shape or light so as to interfere or be confused with pedestrian or vehicular public safety signs;

(e) Signs displaying obscene, indecent, or immoral matter;

(f) Signs which do not apply to the present business or which are obsolete;

(g) Signs located above the parapet of a building;

(h) Billboards;

(i) Signs with balloons, streamers, flagging, strings of lights, spinners or similar attention getting or moving devices;

(j) Exterior neon tubing signs. (Ord. 1188 §1(part), 1996).

18.24.100 Enforcement and removal. In addition to the enforcement provisions of Chapter 14.32 SMC, the Town of Steilacoom may order the removal of any sign erected or maintained in violation of these standards. The Town of Steilacoom shall give thirty (30) days' notice in writing to the owner of the sign, or property owner, if sign owner cannot be located. If the sign owner or property owner has not removed or corrected the sign within the thirty (30) day period, the Town of Steilacoom may order the removal of the sign. Expenses incurred by the Town for removal shall become a lien on the property if payment is not received within sixty (60) days after billing date. The Town of Steilacoom may order immediate removal of any sign found to be in violation of these standards to the extent that it presents an immediate and serious danger to the public. Signs erected on public property in violation of this title may be summarily removed. (Ord. 1543 §14, 2016: Ord. 1188 §1(part), 1996).

Chapter 18.28

SPECIAL USE PERMITS

Sections:

18.28.010 Purpose. This chapter establishes decision criteria and procedures for uses which, because of their unique qualities, may require an additional degree of control or latitude for special circumstances. (Ord. 1188 §1(part), 1996).

18.28.020 Conditional use permit. The purpose of the conditional use permit is to assign conditions to otherwise permitted uses which mitigate potential impacts on the community.

(1) Authority and approval. A conditional use may be approved by the Town Council when the findings required by this title are made. A request for a conditional use permit may be denied only if the expected impacts cannot be mitigated by assigned conditions.

(2) Permit required. All approved conditional uses shall be authorized by a permit which states the required findings, the conditions imposed on the use and/or structure, the location of the conditional use and the time limit, if any.

(3) Required findings. The following findings must be made by the Town Council prior to the issuance of a conditional use permit:

(A) The proposed use and/or structure, at the proposed location, is consistent with the purposes of the zoning ordinance and zone district in which it is to be located, and that the proposed use will meet all the applicable requirements of the zoning ordinance.

(B) The proposed use and/or structure will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; disturb persons in the use of property unless the conditional use is a public necessity.

(C) The proposed use and/or structure is consistent with the Comprehensive Plan.

(4) Evaluation Criteria. In addition to the foregoing required findings, in any review of an application for a conditional use permit factors relevant to the public interest, including but not necessarily limited to the following, shall be considered:

(A) The impact of the proposal on the visual and aesthetic character of the neighborhood;

(B) The impact of the proposal on the distribution, density or growth rate of the population in the neighborhood;

(C) The orientation of facilities to developed or undeveloped residential areas;

(D) The preservation of natural vegetation, critical areas, and other natural features;

(E) The hours of operation;

(F) The ability to provide adequate parking in compliance with SMC 18.20.070;

(G) The traffic impacts of the proposal on the neighborhood;

(H) The type and quantity of items for sale;

(I) Whether annual or other periodical review should be required with respect to continuation of any activities authorized by the permit.

(5) General requirements.

(A) The Town Council shall determine whether the conditional use permit will run with the land or be personal. If the conditional use is personal, the permit is nontransferable to other

persons. If the permit runs with the land, the Town may require the permit to be recorded with the County Auditor as a covenant on the property.

(B) The conditional use permit must be acted upon within one (1) year from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the Town Administrator may grant an extension of time up to one year past the original expiration date.

(C) The conditional use permit applies only to the property which has been approved and may not be transferred to any other property. (Ord. 1188 §1(part), 1996).

18.28.030 Variance. The purpose of this section is to allow some variation from the requirements of this title, with the exception of those related to use and procedure.

(A) Authority and Approval. A variance may be approved by the Hearing Examiner when the findings required by this title can be made.

(B) Required findings. In granting the variance it must be found that, because of special circumstances related to the property, the strict enforcement of the zoning ordinances would deprive the owner of use rights and privileges permitted to other properties in the vicinity with the same zoning.

(1) Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses, and environmental factors such as vegetation, streams, ponds and wildlife habitats.

(2) Special circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property.

(C) General requirements. The following general requirements apply to all variances granted within the town of Steilacoom.

(1) The variance must be acted upon within one (1) year from the date of approval or the variance shall expire. The holder of the variance may request an extension of time before the expiration of the variance and the Town Administrator may grant an extension of time up to one (1) year past the original expiration date.

(2) The variance applies only to the property to which it was granted and may not be transferred to any other property.

(D) Hearings Examiner costs. The applicant is responsible for any costs associated with the Hearing Examiner, in addition to the fee for the variance. The Town Administrator may require an advance deposit to cover anticipated costs. (Ord. 1375 §14, 2004: Ord. 1188 §1(part), 1996).

18.28.040 Temporary encampment permit.

(A) General Conditions. Temporary encampments are allowed only pursuant to a permit issued in accordance with the following conditions:

(1) A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.

(2) Each lot occupied by a temporary encampment must provide or have available parking and vehicular maneuvering area.

(3) The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as

required by code or previous approvals unless an alternative parking plan is approved by the Town Council.

(4) The temporary encampment shall be located within one-half mile of a public transit stop.

(5) No temporary encampment shall operate within the Town of Steilacoom for more than 90 consecutive days, except that the Town Council may allow up to five additional days to accommodate moving on a weekend.

(6) The Town shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a temporary encampment within the last 18 months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior temporary encampment within the one-half-mile radius. No more than one temporary encampment may be located in the Town at any time.

(7) All temporary encampments shall obtain, prior to occupancy of the lots, all applicable Town of Steilacoom permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).

(8) Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.

(9) The applicant shall submit a complete application for a temporary encampment permit at least 75 days before any occupancy by the temporary encampment.

(10) The maximum number of residents at a temporary encampment site shall be determined by the Town Administrator taking into consideration site conditions, but in no case shall the number be greater than 100 people. After the encampment reaches its capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the Town Administrator on a weekly basis.

(11) Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the design review criteria of Chapter 2.14 SMC. Any permanent structures, as determined by the Town Administrator, shall meet all applicable design review criteria and receive any necessary design review approval through the Preservation and Review Board. All temporary structures for temporary encampments shall comply with the following design criteria:

(a) Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property, unless otherwise approved by the Town Administrator. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;

(b) A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide privacy and a visual buffering among neighboring properties in a manner and material approved by the Town Administrator. The Town Administrator shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and

(c) Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.

(12) No children under the age of 18 are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.

(13) The temporary encampment shall comply with all applicable standards of the Tacoma-Pierce County Health Department, or its successor.

(14) The temporary encampment shall comply with all Washington State and Town codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 pm and 9:00 am on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the Town Administrator in case of demonstrated necessity.

(15) The temporary encampment shall permit regular inspections by the Town, including the Public Safety Department, and the Tacoma-Pierce County Health Department to check compliance with the standards for temporary encampments. The Steilacoom Public Safety Department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.

(16) All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.

(17) The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.

(18) The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept on site at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.

(19) The temporary encampment managing organization shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary encampment residents, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the Town at the time of application for the permit.

(20) The temporary encampment managing organization shall obtain warrant and sex offender checks from the Pierce County sheriff's office for all current camp residents within the seven days prior to moving to Steilacoom, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the Town of Steilacoom Public Safety Department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.

(21) Upon determination that there has been a violation of any condition of approval, the Town Administrator may give written notice to the permit holder describing the alleged violation. Within seven days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven-day period, the Town Administrator shall sustain or revoke the permit. When a temporary encampment permit is revoked, the Town Administrator shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to Chapter 36.70C RCW. The availability of this procedure shall be in addition to any other remedies at law.

(22) A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.

(23) The Town Council may require any other condition as necessary to mitigate impacts from temporary encampments, except as provided in subsection D below.

(B) Permit Application. A complete application for a temporary encampment shall consist of all of the following:

(1) A master land development application form;

(2) A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:

(a) All existing structures;

(b) Existing parking stalls;

(c) Parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;

(d) All proposed temporary structures;

(e) Proposed electrical and plumbing connections;

(f) Location of trash receptacles, including trash dumpsters;

(g) Location of toilets and other sanitary facilities;

(h) Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;

(i) Proposed and existing ingress and egress;

(j) Any permanent alterations on the lot to the site or structures; and

(k) Designated smoking area;

(3) Proposed fencing detail or typical section;

(4) Written authorization from a temporary encampment sponsor on which the temporary encampment is located;

(5) A hold harmless agreement, on a form approved by the Town attorney, with a signature of the temporary encampment sponsor;

(6) A copy of any agreements with other parties regarding use of parking, either on site or off site;

(7) A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;

(8) A copy of the code of conduct;

(9) The applicant shall provide:

(a) The date, time, and location of the required informal public meeting;

(b) The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;

(c) A summary of comments provided; and

(d) Copies of any documents submitted at the informal public meeting;

(10) Any other information deemed necessary by the Town Administrator for the processing of a temporary encampment permit; and

(11) All applicable application filing fees in an amount established by Town ordinance or resolution.

(C) Application Process. A temporary encampment permit is issued by the Town Council following a public hearing. In addition to the requirements for the processing of development proposals specified in Title 14, the following additional procedures shall apply:

(1) Informal Public Meeting Required. The Town Administrator shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for public hearings, at least 10 days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Steilacoom Public Safety Department regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Steilacoom Public Safety Department, or comment or input from schools and/or child care services under subsection

(C)(3) of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting.

(2) Additional Mailed Notice. The requirements for mailing the notice of public hearing set forth in SMC 14.16.030 shall be expanded to include owners of real property within 600 feet of the lot(s) containing the proposed temporary encampment.

(3) Required Consultations. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Town Administrator for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the Town Administrator with a written summary of the parties' discussions, which the Town Administrator may consider in evaluating whether the conditions for the temporary encampment permit are met, or the need for additional conditions upon the temporary encampment permit, without violating the legal rights of the temporary encampments sponsor.

(D) The Town Council may not impose certain conditions on homeless encampment permits pursuant to state law. The Council may not:

(1) Impose conditions of approval other than those necessary to protect public health and safety.

(2) Impose conditions of approval that substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization.

(3) Require a religious organization to obtain insurance pertaining to the liability of the Town with respect to homeless persons housed on property owned by the religious organization, or otherwise require the religious organization to indemnify the Town against such liability.

(4) Impose permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(E) Emergencies. The Mayor may waive these requirements when a catastrophic event necessitates the immediate establishment of a temporary encampment.

(F) Definition. For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. (Ord. 1523, 2015).

Chapter 18.30

TEMPORARY USES AND STRUCTURES

Sections:

18.30.050 Temporary Structures.
18.30.060 Temporary Storage Units and Cargo Containers.
18.30.070 Construction Debris Drop Boxes.

18.30.010 Purpose. The purpose of this Chapter is to establish allowed temporary uses and structures, provide standards and conditions for regulating such uses and structures, and establish a permit system to monitor and control temporary uses. (Ord. 1550, 2017).

18.30.020 Definitions. As used in this in this section, the following terms have the following meanings.

(A) Applicant shall mean the person that owns, rents, occupies, or controls the property and applies for a temporary use permit.

(B) Cargo Containers shall mean a standardized shipping container more than 20 feet in length, designed and used for intermodal freight transport.

(C) Major construction projects shall mean those residential developments of five or more homes, and commercial or industrial development of buildings larger than 4,000 square feet.

(D) Recreational vehicle, or RV, shall mean a vehicle that is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(E) Supplier shall mean the company or vendor which supplies a Temporary Storage Unit.

(F) Temporary Storage Unit shall mean a transportable unit 20 feet or less in length, designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis. Such unit shall not be considered an accessory structure as provided in Chapter 18.16 SMC.

(G) Tent shall mean a temporary human shelter made from stretched out fabric.

(H) Construction Debris Drop Box shall mean a container designed for the collection of demolition or other construction debris placed at a construction site. (Ord. 1550, 2017).

18.30.030 Time Limits. All temporary uses and structures are subject to the provisions of the regulations contained in this Chapter. The following table indicates where each temporary structure is allowed in Town, and the number of days allowed, subject to the provisions and qualifications in each subsection. An "X" indicates that the particular temporary use or structure is not allowed in that zone. (Ord. 1550, 2017).

Table of Temporary Uses/Structures and Number of Days Allowed

Zoning District → / Type of Temporary Use or Structure ↓	Commercial General Commercial Shoreline Industrial	Parks, Recreation and Open Space Public/Quasi-Public	R-7.2, R-9.6 and Multi-Family
Temporary Encampment (See 18.28.040)	X	90 days – limited to property owned by places of worship	X

Temporary Construction Buildings (18.30.050 A)	Removed within 30 days of completion	Removed within 30 days of completion	Removed within 30 days of completion
Temporary Real Estate Office (18.30.050 B)	X	X	Removed at end of 1 year following recording of plat
Temporary Housing Unit during Construction (18.30.050 C)	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year
Temporary Occupancy of RV, Travel Trailer or Tent (18.30.050 D)	X	X	14 days without permit 30 days with permit Once per 6 months
Temporary Storage Unit (18.30.060 A)	14 days	14 days	14 days
Temporary Storage in Cargo Containers (18.30.060 B)	180 days	X	X
Construction Debris Drop Box (18.30.070)	Allowed during construction	Allowed during construction	Allowed during construction

18.30.040 Duration and Frequency, Temporary Use Permit.

(A) Temporary uses shall be limited in duration and frequency as set forth in this Chapter, except for Temporary Encampments which are governed by SMC 18.28.040. Temporary uses identified in SMC 18.30.050 and 18.30.060 shall obtain a temporary use permit.

(1) Any property owner desiring a temporary use shall obtain a temporary use permit from the Town Administrator. The Town shall provide a form for applying for the various temporary uses, including the name of the applicant, the type of use, location, and specified days and hours of operation of the proposed temporary use.

(2) The duration of the temporary use shall include the days the use is being set up and established as well as when the event actually takes place.

(3) A parcel may host no more than three temporary uses or structures within a calendar year; provided the time periods specified in SMC 18.30.030 are not exceeded. Multiple temporary uses or structures may occur on a parcel concurrently provided the time periods in SMC 18.30.030 are not exceeded.

(4) Recreational vehicles, travel trailers, or tents shall not be used as a permanent place of abode, or dwelling. Occupancy of a recreational vehicle, travel trailer or tent, or combination thereof, for more than 60 days in any 12-month period shall be considered permanent occupancy.

(5) Temporary parking lots associated with a temporary use shall not remain longer than the associated temporary use.

(B) Temporary Use Permit

(1) The Town Administrator shall issue the temporary use permit if the application meets the criteria for the type of temporary use applied for.

(2) The Town Council shall set a fee for temporary use permits by resolution. The fee shall be calculated to defray the costs of inspection as provided herein.

(3) By submitting an application and paying the fee, the applicant consents to inspection by the Town Administrator or designee at reasonable times to determine if the use is in compliance with the regulations in this Chapter.

(4) All Temporary Use Permits shall be posted prominently on the building, structure or vehicle that is the subject of the permit. (Ord. 1550, 2017).

18.30.050 Temporary Structures.

(A) **Temporary Construction Buildings.** Temporary structures for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. Such buildings shall be removed within 30 days after completion of the project or 30 days following issuance of the certificate of occupancy for the building under construction.

(B) **Temporary Real Estate Office.** One temporary real estate sales office may be located on any new subdivision in any residential zone; provided the activities of such office shall pertain only to the selling of lots within the approved divisions of land of 5 or more lots or phase or division upon which the office is located. The temporary real estate office shall be removed at the end of a 1-year period measured from the date of the recording of the map of the land division upon which such office is located.

(C) **Temporary Housing Unit during Construction.** A temporary housing unit during construction may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract or abutting property leased or owned by the applicant. Existing dwelling units may be converted to a temporary housing unit. A temporary housing unit is subject to the following:

(1) The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

(2) A permit is issued by the Building Department prior to occupancy of the unit on the construction site.

(D) **Temporary Occupancy of Recreational Vehicle, Travel Trailer or Tent.**

(1) One recreational vehicle, travel trailer or tent may be used as a temporary dwelling on private residential property already containing another dwelling unit when the owner or user of the recreational vehicle, travel trailer or tent is a nonresident visiting a resident of that property.

(2) Temporary occupation of the recreational vehicle, tent or travel trailer may be allowed for up to 14 days without a permit and for an extended period not to exceed 30 days, including all time occupied without a permit, upon issuance of a temporary occupancy permit.

(3) No more than one recreational vehicle/tent/travel trailer use permit may be granted within any six-month period.

(4) Occupation of recreational vehicles is not permitted in the public right-of-way.

(5) Recreational vehicles, tents or travel trailers shall not be placed in critical areas or their associated buffers.

(6) The recreational vehicle, travel trailer, or tent shall be vacated at the expiration of the temporary occupancy period. Recreational vehicles, travel trailers and tents owned by the property owner may remain on the site unoccupied. Recreational vehicles, travel trailers and tents owned by persons other than the property owner shall be removed at the end of the temporary occupancy period.

(7) Extensions of the permit time limits may be granted by the Town Administrator on a case-by-case basis, when needed, in situations of undue hardship and provided that efforts to relocate or acquire permanent housing are underway, for no more than 30 days. (Ord. 1550, 2017).

18.30.060 Temporary Storage Units and Cargo Containers.

(A) Temporary Storage Units

(1) Zones allowed. Properly permitted temporary storage units are allowed within all zoning districts.

(2) Placement of Temporary Storage Units

(a) Temporary storage units shall be placed in the driveway or side yard in the R-7.2, R- 9.6 and MF zones. If the grade of the property does not allow a temporary storage unit to be placed in the driveway or side yard, the Town Administrator may grant permission to place the unit within the right-of-way. The applicant must demonstrate that the grade of the property would not allow siting the temporary storage unit, and that placing the temporary storage unit in the right-of-way would not impeded traffic or pedestrians.

(b) Temporary storage units shall be placed in the rear or side yard in all other zones.

(3) Time restrictions

(a) The temporary storage unit may be located at one address for a maximum of fourteen (14) consecutive days, including the days of delivery and removal. An extension may be granted to the applicant by the Town Administrator, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.

(b) Each residential property is limited to a maximum of four (4) permits per calendar year, and a minimum of fifteen (15) days shall elapse between the end of one (1) permit period and the beginning of another.

(4) Condition of Temporary Storage Unit

The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

(5) Prohibited Uses of Temporary Storage Units

No temporary storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other that at the residential property where the temporary storage unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Town may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used to store said materials.

(B) Cargo Containers

(1) Zones allowed. Cargo containers are allowed in the Commercial General, Commercial Shoreline and Industrial zones and are prohibited in the R-7.2, R-9.6, MF, P/QP and PROS zones.

(2) Abatement of Existing Cargo Containers

Cargo containers existing in the R-7.2, R-9.6, MF, P/QP and PROS zones upon the effective date of this ordinance must be removed from the property no later than 90 days from the receipt of a notice from the Town Administrator advising the owner of the provisions of this ordinance.

(3) Allowed Uses in the Commercial and Industrial Zones

Cargo containers may be placed in the Industrial, Commercial General and Commercial Shoreline zones, when the following standards are complied with:

(a) Materials stored within cargo containers must be directly related to an approved commercial and/or industrial use on site;

(b) No storage of hazardous materials may take place within cargo containers;

(c) Cargo containers may not be used for personal or commercial storage uses unrelated to the commercial or industrial use;

(d) Cargo containers must be in compliance with bulk requirements of Development Regulations;

(e) Cargo containers may not encumber required parking, aisle or landscaping, and may not block Emergency Vehicle Access or established vehicle routes;

(f) No more than five cargo containers may be used for storage associated with industrial uses at a time;

(g) No more than two cargo containers may be used for storage associated with commercial uses at one time; and

(h) Cargo containers may not be on any site in excess of 180 days within any 12 month period. (Ord. 1550, 2017).

18.30.070 Construction Debris Drop Boxes. Drop boxes used for the collection of construction debris shall be kept in an orderly state, emptied when full, and removed from the construction site promptly upon completion of construction. (Ord. 1550, 2017).

Chapter 18.36

CONCURRENCY REVIEW

Sections:

18.36.010 Intent. The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development occupancy or use as required by the State Growth Management Act, RCW 36.70A. Concurrency facilities and services are arterial streets, transit, water, power, sanitary sewer, schools, solid waste-garbage, solid waste-recycle/yard waste, storm water management, library, fire flow, fire/EMS/law enforcement and parks.

The intent of this chapter is to require a concurrency management system test for those applications to the Town for an increase in the number of building lots, or a significant increase in the intensity of land use; the chapter is not intended to require a concurrency management system test for the construction of a single family home or duplex, or accessory structures in keeping with residential neighborhoods. This chapter is also intended to further the goals and policies of the Steilacoom comprehensive plan. (Ord. 1375 §15, 2004: Ord. 1171 §1, 1995).

18.36.020 Definitions.

(a) Adequate: At or above the level of service standards specified in the current adopted comprehensive plan.

(b) Applicant: A person or entity who has applied for a development permit.

(c) Available capacity: Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification.

(d) Certificate of capacity: A document issued by the Community Development Department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

(e) Concurrency Facilities: Facilities for which concurrency is required in accordance with the provisions of this chapter. They are arterial streets, transit, water, power, sanitary sewer, solid waste-garbage, schools, solid waste-recycle/yard waste, storm water management, library, fire flow, fire/EMS/law enforcement and parks.

(f) Concurrency Test: The comparison of an applicant's impact on concurrency facilities to the capacity, including available and planned capacity, of the concurrency facilities.

(g) Development Permit: A land use or building permit. Development permits are classified as exempt, final or preliminary. Exempt permits are set out in SMC 18.36.050.

(h) Development Permit, Final: A building permit.

(i) Development Permit, Preliminary: The following land use permits: conditional use permit, preliminary plat, rezone, shoreline substantial development/conditional use permit, short plat and site plan approval.

(j) Facility and Service Provider: The department, district, or agency responsible for providing the specific concurrency facility. Examples include, but are not limited to: the Town of Steilacoom, the Steilacoom Historical School District and Pierce Transit.

(k) Level of Service Standard: The level of service standard specified in the current adopted comprehensive plan.

(l) Planned Capacity: Capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and scheduled to be completed within six (6) years.

(m) Planned Capacity, Transportation Facilities: Capacity for transportation facilities, including arterial streets and transit, that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and financial commitment is in place to complete the improvements within six (6) years. (Ord. 1171 §2, 1995).

18.36.030 Concurrency test.

(a) Application: All preliminary and final development permit applications are subject to a concurrency test except those exempted in SMC 18.36.050. A complete concurrency test application includes: a preliminary or final development permit application that includes all information required by the Steilacoom Municipal Code for the respective permit; any fees for the preliminary or final development permit application and concurrency test fee as set forth in SMC, Appendix D "Fee Schedules"; and a State Environmental Policy Act determination if the permit proposal requires a SEPA analysis as set forth in Steilacoom Municipal Code Title 16.

(b) Procedures: The concurrency test will be performed in the processing of the development permit and conducted by the community development department, in conjunction with the facility and service providers.

(1) The Community Development Department shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection (a) above; notifying the facility and service providers of all exempted applications which use capacity as set forth in SMC 18.36.050; notifying applicants of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

(2) Facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test, for their individual facilities or services, for all applications requiring a concurrency test as set forth in subsection A above; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity as set forth in SMC 18.36.050; notifying the Community Development Department of the results of the test; and reinstating any unused capacity as set forth in SMC 18.36.040.

(3) Facility and service providers shall be responsible for annually reporting the total, available and planned capacity of their facility as of the end of each calendar year to the Town of Steilacoom.

(c) Test: Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For water, power, sanitary sewer, solid waste-garbage, solid waste-recycle/yard waste, fire flow and storm water management only available capacity will be used in conducting the concurrency test. For arterial roads, transit, fire/EMS/law enforcement, schools and parks, available and planned capacity will be used in conducting the concurrency test. The test shall be completed by the Town within thirty (30) days of receipt of a complete application as set forth in subsection (a) above.

(1) If the capacity of concurrency facilities is equal to or greater than capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of SMC 18.36.040.

(2) If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:

(A) Accept a ninety (90) day reservation of concurrency facilities that exist and modify the application to reduce the need for concurrency facilities that do not exist;

(B) Accept a ninety (90) day reservation of concurrency facilities that exist and demonstrate to the Town's satisfaction that the proposed development will have a lower need for capacity than usual and, therefore, capacity is adequate;

(C) Accept a ninety (90) day reservation of concurrency facilities that exist and arrange with the appropriate facility and service provider for the provision of the additional capacity of concurrency facilities required; or

(D) Appeal the results of the concurrency test to the Hearing Examiner in accordance with the provision of SMC 18.36.060.

(d) Concurrency Inquiry Application: An applicant may inquire whether or not concurrency facilities exist without an accompanying request for a development permit. A fee as set forth in the SMC Appendix D "Fee Schedules," may be charged for such concurrency test. Any available capacity cannot be reserved. A certificate of capacity will only be issued in conjunction with a development permit approval as outlined in SMC 18.36.040. (Ord. 1171 §3, 1995).

18.36.040 Certificate of capacity.

(a) Issuance: A certificate of capacity shall be issued at the same time the development permit is issued and upon payment of any fee and/or performance of any condition required by a facility and service provider.

(b) Applicability: A certificate of capacity shall apply only to the specific land uses, densities, intensities, and development project described in the application and development permit.

(c) Transferability: A certificate of capacity is not transferable to other property, but may be transferred to new owners of the original property.

(d) Life Span of Certificate: A certificate of capacity shall expire if the accompanying development permit expires or is revoked. A certificate of capacity may be extended according to the same terms and conditions as the accompanying development permit. If the development permit is granted an extension, the extension shall also apply to the certificate of capacity. If the accompanying development permit does not expire, the certificate shall be valid for three years from the issuance of the certificate.

(e) Unused Capacity: Any capacity that is not used because the developer decides not to develop or the accompanying development permit expires shall be returned to the pool of available capacity. (Ord. 1171 §4, 1995).

18.36.050 Exemptions.

(a) No Impact: Development permits for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter. Such development includes, but is not limited to:

(1) Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;

(2) Interior or exterior renovations of structures with no change or increase in the number of dwelling units;

(3) Interior or exterior renovations or modifications of structures for a use with the same or less intensity as the existing use;

(4) Replacement structure with no change or increase in use or increase in number of dwelling units;

(5) Temporary structures;

(6) Driveway, resurfacing or parking lot paving;

(7) Landscaping, lighting, or fencing;

(8) Signs;

(9) Demolitions;

(10) Conditional use permits which do not allow an increase in use or number of new dwelling units above the intensity of use or number of dwelling units allowed by the existing zoning of the property;

(11) Variances which do not allow an increase in use or number of new dwelling units above the intensity of use or number of dwelling units allowed by the existing zoning of the property.

(b) Exempt Permits: The following development permits are exempt from the requirement of this chapter:

(1) Lot line adjustment;

(2) Final plat;

(3) Administrative waiver;

(4) Permits for construction of single family homes, duplexes, and accessory dwelling units, as defined in SMC 15.04.010 and,

(5) Permits for developments that had complete applications submitted before the effective date of this chapter. (Ord. 1171 §5, 1995).

18.36.060 Appeals.

(a) Basis of Appeal: The applicant may appeal the results of the concurrency test based on three grounds:

(1) A technical error;

(2) The applicant provided alternative data or a mitigation plan that was rejected by the facility or service provider;

(3) Unwarranted delay in review that allowed capacity to be given to another applicant.

(b) Procedures: The applicant must file a notice of appeal with the Steilacoom Town Clerk within fifteen (15) calendar days of the notification of the test results. The notice of appeal must specify the basis of the appeal and provide supporting data. Each appeal shall be accompanied by a fee as set forth in SMC Appendix D "Fee Schedules," with said fee refunded to the appellant should the appellant prevail. Upon filing of such appeal, the Town Clerk shall notify the appropriate facility and service provider and the community development department of such appeal.

(c) Hearing Scheduling and Notification: When an appeal has been filed within the time prescribed, with the supporting data and payment of the required fee, the Town Clerk shall place such appeal upon the Hearing Examiner's calendar to be heard. Notice of such public hearing shall be given to the applicant and the appropriate facility and service provider, at least fifteen (15) days prior to the hearing date.

(d) Record: The appropriate facility and service provider shall transmit to the Hearing Examiner all papers, calculations, plans and other materials constituting the record of the concurrency test, at least seven days prior to the scheduled hearing date. Within this same seven (7) day time period, the Town Clerk shall transmit the appellant's notice of appeal and supporting data to the Hearing Examiner. The Hearing Examiner shall consider the appeal upon the record transmitted, supplemented by any additional evidence which the appellant, the facility and service provider and the Town submit.

(e) Burden of Proof: The burden of proof shall be on the appellant to show by a preponderance of the evidence that the Town and/or the facility and service provider was in error.

(f) Hearing and Decision: The Hearing Examiner shall conduct the hearing and render the decision in accordance with the provisions of SMC 18.40.130.

(g) Reconsideration and Appeal of Hearing Examiner Decision: Reconsideration of the Hearing Examiner's decision shall be allowed as set forth in SMC 18.40.160. The decision of the Hearing Examiner shall be considered a final decision, appealable only to the Superior Court of Washington for Pierce County. Appeals to the Superior Court shall be commenced within thirty (30) calendar days of the final action of the hearing examiner. (Ord. 1171 §6, 1995).

Chapter 18.44

AMENDMENTS, AND LICENSES AND PERMITS

Sections:

18.44.010 Amendments. The purpose of this section is to provide a means by which the text provisions and zoning district boundaries may be amended. All such changes shall further the intent of the comprehensive plan, in accordance with RCW 36.70A.040(3).

(1) Authority. The Town Council may, after review and recommendation of the Planning Commission, amend, supplement or change by ordinance any of the text provisions and zoning district boundaries.

(2) Text Amendments. Amendments to the text of this title may be initiated by the Town Council or the Planning Commission. The text of this title may be amended upon any of the following required findings:

(A) The amendment furthers the intent of the comprehensive plan;

(B) The amendment furthers the purposes of this title;

(C) The amendment is necessary to the efficient and effective administration of this title.

(3) Zoning District Boundary Amendments. Amendments to the zoning district boundaries may be initiated by the Town Council, Planning Commission or petition of owners of fifty-one (51) percent of the area of the properties to be rezoned. Amendments may be made if all the following findings are made:

(A) The amendment is consistent with the comprehensive plan;

(B) The amendment is consistent with the purposes of this title;

(C) The amendment is consistent and compatible with the uses and zoning of surrounding property;

(D) The property is practically and physically suited for the uses allowed in the proposed zoning classification; and

(E) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action taken.

(4) Contract rezone. The applicant may propose conditions on the use of development of the property to be rezoned which may mitigate otherwise unacceptable adverse effects of the proposed action. These conditions may be incorporated into a contract between the Town and the property owner as a necessary requirement of the rezone. Failure to fulfill the contract condition shall void the rezone action and the property shall revert to the previous zoning classification**.** (Ord. 1188 §1(part), 1996).

18.44.020 Licenses and permits.

(a) No business license or other permit shall be issued unless the use of a property conforms to the requirements of this title.

(b) No building permit or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this title.

(c) No license, permit or approval shall be granted until all fees required by this title have been paid. (Ord. 1188 §1(part),1996).

Chapter 18.48

MARIJUANA RELATED USES

Sections:

18.48.010 Medical Cannabis Collective Gardens – definition. The terms “medical cannabis collective garden” and “collective garden” mean the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

(a) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

(b) A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis;

(c) A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;

(d) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;

(e) A collective garden may contain separate areas for growing, processing, and delivering to qualifying patients, provided that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and

(f) No more than one collective garden may be established on a single tax parcel. (Ord. 1511 §1, 2014).

18.48.020 State-licensed facilities – definitions.

(a) Unless the context clearly indicates otherwise, all terms used in this Chapter shall have the same meanings established pursuant to RCW 65.50.101.

(b) “Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (.03%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

(c) “Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

(d) "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(e) "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

(f) "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

(g) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products. (Ord. 1511 §2, 2014).

18.48.030 Medical Cannabis Collective Gardens.

(a) Collective gardens as defined in SMC 18.48.010 are prohibited in the following zoning districts:

(1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.

(2) All commercial and industrial zones, including CG, CS and I.

(3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014.

(b) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(c) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute. (Ord. 1511 §3, 2014).

18.48.040 Marijuana Related Uses.

(a) The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the Town of Steilacoom is an authorization to circumvent federal law or provide permission to any person or entity to violate

federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the Town of Steilacoom and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones in the Town.

(b) Marijuana producers, marijuana processors and marijuana retailers as defined in SMC 18.48.030 are prohibited in the following zoning districts:

(1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.

(2) All commercial and industrial zones, including CG, CS and I.

(3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014.

(c) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(d) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute. (Ord. 1511 §4, 2014).