

Mixed Use Village (TEXT-16-06)

Summary of text changes from the Planning Commission Version

1. Add New Section 25.41.015 Definitions:
 - a) Add code language that suggests that the definitions in this section shall apply to Chapter 25.41
 - b) List *Light Manufacturing* - Use this definition that is borrowed from other cities
2. Amend Table 25.41.020(a) Table of Land Uses:
 - a) Strike “Warehouse (not warehouse distribution)” from the table using underline and strikeout
 - b) List “Service business” as its own line item (separated from “Retail Trade” like it is in the Commercial Districts)
3. Amended 25.41.020(2)(e) to replace “self-storage” with “mini-storage” to coincide with existing code terminology; added “and like uses”
4. Add a “/” to 25.41.020(2)(g) so it reads “Warehouse/distribution”:
5. Add New Section 25.41.025 Conditional Use Criteria:
 - a) Add code language that states that this criteria shall be considered in addition to the criteria listed in 25.135.020
 - b) Include code criteria language that addresses/requires the following:
 - 1) All applications shall provide a truck routing plan to and from the project site.
 - 2) Projects shall provide truck staging area to prevent truck parking and idling on streets and/or within residential neighborhoods.
 - 3) Projects shall provide elevations and materials to ensure compatibility.
6. Amend Table 25.41.050(a) Dimensional Standards:
 - a) Add footnote to the Non-residential uses under Setbacks that reads: “The design standards in section 25.41.060(3) DMC shall apply in addition to the dimensional standards”
7. Amend 41.050(6)(b) to remove “warehouse” and replace with “and similar uses”
8. Replace 25.41.050(11) with “Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.” (existing standard from the current BTP zone)
9. Replace 25.41.050(15) with “Incidental hazardous materials storage or use may be allowed in 17 conjunction with a primary permitted use. All properties shall be subject to State

Hazardous Waste Regulations of 18 WAC 173-303 and 70.105 RCW and as amended.”
(this is intended to coincide with State requirements)

10. Replace 25.41.060 (3) “warehouse” with “and like”
11. Strike 25.41.060 (3)(e) (this standard is not needed since Warehousing is not listed in the Table of Uses)
12. Listed the current definition of Warehouse/distribution on the last page for reference only

1 **Chapter 25.40**

2 **BUSINESS TECH PARK DISTRICT**

3 Sections:

- 4 25.40.010 Purpose.
5 25.40.020 Permitted uses.
6 25.40.025 Accessory uses.
7 25.40.030 Conditional uses.
8 25.40.040 Prohibited uses.
9 25.40.050 Performance standards.
10 25.40.060 Site plan approval.

11
12 **25.40.010 Purpose.**

13 The business tech park district is intended to provide location for a range of business park uses, including office,
14 commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to
15 conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high
16 level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or
17 emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 §
18 4; Ord. 02-707 § 1)

19 **25.40.020 Permitted uses.**

20 (1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding
21 warehouse/distribution facilities and those listed in DMC 25.40.040.

22 (a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

- 23 (i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;
24 (ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

25 (b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park
26 districts, this district permits research, research industry-oriented service providers and other compatible uses
27 including, but not limited to:

- 28 (i) Software engineering;
29 (ii) Electronic components and board systems engineering, development, and application;
30 (iii) Biotechnology laboratories;
31 (iv) Communications services;
32 (v) Personnel services;
33 (vi) Child day care center;
34 (vii) Wireless communication facility, attached;
35 (viii) Utility facility;
36 (ix) Similar land uses.

37 (c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000
38 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area

1 concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord.
2 02-707 § 1)

3 **25.40.025 Accessory uses.**

4 (1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet
5 the development standards in the purpose section of this chapter and provide a service to the employees or the public
6 of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses,
7 contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter
8 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

9 (2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

10 **25.40.030 Conditional uses.**

11 (1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in
12 DMC 25.40.040.

13 (2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the
14 conditional uses in this district include but are not limited to:

15 (a) School (limited to technical or adult educational facilities);

16 (b) Freestanding wireless communication facility;

17 (c) Golf course;

18 (d) Similar land use. (Ord. 06-816 § 4)

19 **25.40.040 Prohibited uses.**

20 (1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park
21 district:

22 (a) Service stations;

23 (b) Residential, even as an accessory use;

24 (c) Adult family home;

25 (d) Family day care;

26 (e) Schools (not including technical or adult educational facilities).

27 (2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

28 (a) Schools (not including technical or adult educational facilities);

29 (b) Non-office public use.

30 (3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the
31 business tech park district:

32 (a) Mineral extraction;

33 (b) Single tenant retail outlet over five acres;

34 (c) Amusement park;

35 (d) Schools (not including technical or adult educational facilities);

36 (e) Senior housing. (Ord. 06-816 § 4)

1 **25.40.050 Performance standards.**

2 All uses in the business tech park district shall be regulated by the following performance standards:

3 (1) Lot Area. There is no minimum lot area for lots in this district.

4 (2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping
5 requirements.

6 (3) Building Setbacks.

7 (a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high
8 shall be set back at least an additional one foot for each foot in height over 25 feet;

9 (b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high
10 shall be set back at least an additional one foot for each foot in height over 40 feet;

11 (c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high
12 shall be set back at least an additional one foot for each foot in height over 40 feet.

13 (4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in
14 height calculation.

15 (5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting
16 large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar
17 means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof,
18 landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures.
19 Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings
20 on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in
21 terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall
22 modulations are examples of methods of creating differentiation between building design.

23 (6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be
24 located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC,
25 Landscaping).

26 (7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

27 (8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully
28 screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar
29 appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the
30 following criteria:

31 (a) The screen must be integrated into the architecture of the building.

32 (b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

33 (c) Exemptions. The following shall be exempted from the provisions of this section:

34 (i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would
35 interfere with the effective operation of the antenna.

36 (ii) A painted appurtenance is exempt from the requirements of this section if the director of community
37 development determines that painting will be as effective in minimizing rooftop clutter as would a solid
38 sight-obscuring screen.

39 (9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two
40 percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent
41 sight-obscuring wall or fence.

- 1 (10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.
- 2 (11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.
- 3 (12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B
4 (commercial) environmental designations.
- 5 (13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no
6 visible, frequent smoke, dust, or gases shall be emitted.
- 7 (14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point
8 along the lot or lots on which the use or structure is located.
- 9 (15) Outdoor lighting shall be designed to minimize light escapement beyond the site.
- 10 (16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous
11 wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is
12 delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored
13 on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)
- 14 **25.40.060 Site plan approval.**
- 15 Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and
16 expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II
17 procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure.
18 Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

1 **Chapter 25.15**

2 **LAND USE DISTRICTS AND MAP ESTABLISHED**

3 Sections:

- 4 25.15.010 Purpose of districts.
- 5 25.15.020 List of districts established.
- 6 25.15.030 Zoning map.
- 7 25.15.040 Boundary interpretation.

8 **25.15.010 Purpose of districts.**

9

10 The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by
11 the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping
12 compatible uses and levels of activity and maintain commitment to public service facilities such as transportation
13 systems, parks and utilities. (Ord. 02-707 § 1)

14 **25.15.020 List of districts established.**

15 The use classifications are:

| District | Designation |
|------------------------------|--------------------|
| Residential-3 | R-3 |
| Residential-4 | R-4 |
| Residential-5 | R-5 |
| Residential Reserve | RR |
| Residential-12 | R-12 |
| Commercial | COM |
| Office | OFF |
| Mixed Use | MXD |
| Mixed-Use Village | MUV |
| Business and Technology Park | BTP |
| Manufacturing Research Park | MRP |
| Industrial | IND |
| Open Space | OS |
| Military | MIL |
| Mineral Resource Overlay | MRO |

16

17 **25.15.030 Zoning map.**

18

19 (1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory
20 matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title
21 governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about
22 buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon
23 all land included within the boundaries of each and every district shown upon the zoning map.

1 (2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of
2 district maps covering the city showing the geographical area and location of the district. Each district map shall be,
3 upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be
4 made a part of this title as though all matters and information set forth on the map were fully described herein.

5 (3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city
6 clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

7 **25.15.040 Boundary interpretation.**

8 The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the
9 maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the
10 location or meaning shall be determined utilizing the following rules:

11 (1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways,
12 waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

13 (2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot
14 or tract lines shall be construed to be the boundary of such use district.

15 (3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the
16 use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on
17 the official zoning map.

18 (4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the
19 vacated portion reverts shall apply to such vacated street or alley.

20 (5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner
21 shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord.
22 02-707 § 1)

1 **Chapter 25.125**

2 **WIRELESS COMMUNICATION FACILITIES**

3 Sections:

- 4 25.125.010 Purpose.
5 25.125.020 Exemptions.
6 25.125.030 Recognition of industry needs.
7 25.125.040 Where permitted.
8 25.125.045 Procedure.
9 25.125.050 Development standards.
10 25.125.060 Conditional use permit criteria.
11 25.125.070 Third-party review.

12 **25.125.010 Purpose.**

13 The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and
14 placement of wireless communication facilities while protecting the community from harmful effects, including visual
15 impact. The city intends to achieve this purpose by encouraging providers to:

- 16 (1) Locate wireless communication facilities (WCFs) in nonresidential areas;
17 (2) Minimize the total number of freestanding WCFs through collocation; and
18 (3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

19 **25.125.020 Exemptions.**

20 The following shall not be considered WCFs, and shall be exempt from this chapter:

- 21 (1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
22 (2) Licensed amateur (ham) radio antennas.
23 (3) Television antennas and satellite dish antennas for reception within individual homes or businesses.
24 (4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a
25 governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC
26 25.125.040. (Ord. 02-707 § 1)

27 **25.125.030 Recognition of industry needs.**

28 It is the city's understanding that:

- 29 (1) Communication occurs primarily by line-of-sight transmission;
30 (2) Providers require a network of WCFs in order to cover their service areas;
31 (3) Individual wireless communication facilities making up the network require road access, electric power, and
32 land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

1 **25.125.040 Where permitted.**

2 The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the
 3 city of DuPont.

| Specific Zone | Wireless Communication Facility (WCF), Attached | Wireless Communication Facility (WCF), Freestanding | Wireless Communication Facility (WCF), Public |
|--|--|---|---|
| Residential | Not permitted | Not permitted | Administrative |
| Office, Commercial, Mixed Use, Mixed-Use Village, Open Space | Administrative | Not permitted | Administrative |
| Industrial, Manufacturing/ Research Park, Business and Technology Park | Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure | Conditional | Administrative |

4
 5 Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use
 6 permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as
 7 contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

8 (Ord. 12-937 § 8; Ord. 02-707 § 1)

9 **25.125.045 Procedure.**

10 All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed
 11 as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC
 12 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as
 13 indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in
 14 DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

15 **25.125.050 Development standards.**

16 Any proposed WCFs must comply with all of the following development standards:

17 (1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the
 18 underlying zone, but determined through the conditional use permit process.

19 (2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which
 20 they are located.

21 (3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the
 22 Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to
 23 regulate WCFs.

24 (4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city
 25 may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between
 26 uses.

27 (5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use
 28 of muted paint schemes, locating the facility within or on an existing structure or similar means.

29 (6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

30 (7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to
 31 prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

32 (8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to
 33 cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site
 34 has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned
 35 WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

1 **25.125.060 Conditional use permit criteria.**

2 In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the
3 following criteria:

4 (1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the
5 provider, the applicant must present a lease agreement with a licensed provider.

6 (2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city
7 application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

8 (3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be
9 demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an
10 additional wireless communication facility, or that its specific location does not satisfy the operational requirements of
11 the applicant.

12 (4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's
13 network and collocated WCFs.

14 (5) Freestanding WCFs must be designed for collocation.

15 (6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed
16 WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and
17 inconspicuous colors are required. (Ord. 02-707 § 1)

18 **25.125.070 Third-party review.**

19 In processing a WCF permit application, the city may retain the services of independent experts to verify compliance
20 with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

1 **Chapter 25.175**

2 **ADMINISTRATION OF DEVELOPMENT REGULATIONS**

3 Sections:

- 4 25.175.010 Types of project permit applications.
5 25.175.020 Processing Type I – IV project permit applications.
6 25.175.030 Posting of public notice.
7 25.175.040 Consistency with development regulations.
8 25.175.050 Open record public hearings.
9 25.175.060 Closed record meetings and appeals.

10 **25.175.010 Types of project permit applications.**

11 (1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit
12 applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are
13 Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit
14 application processing are contained in subsection (7) of this section.

15 (2) Determination of Proper Procedure Type.

16 (a) The planning director or his/her designee (hereinafter the “director”) shall determine the proper procedure for
17 all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the
18 higher numbered procedure.

19 (b) An application that involves two or more procedures may be processed collectively under the highest
20 numbered procedure required for any part of the application or may be processed individually under each of the
21 application procedures identified in subsection (4) of this section. The applicant may determine whether the
22 application will be processed collectively or individually. If the applications are processed individually the
23 director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the
24 project may be processed in as concurrent a fashion as possible.

25 (c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure
26 number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker;
27 the city council being the highest body, followed by the hearing examiner and then the director. Joint public
28 hearings with other agencies shall be processed according to subsection (5) of this section.

29 (3) The director of community development, or designee, may issue a written interpretation for any section of DMC
30 Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an
31 issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be
32 appealed to the hearing examiner.

33 (4) Joint Public Hearings with Other Governmental Entities.

34 (a) The director may combine any public hearing on a project permit application with any hearing that may be
35 held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is
36 held within the city limits, and the requirements of subsection (4)(c) of this section are met. A “Project Permit
37 Summary: Action Type” table is included below.

38

1

Project Permit Summary: Action Type

| Type I | | Type II | | Type III | | Type IV | | Type V | | | | | |
|--|---------------------|---|---|--|--|---------------------|--|---------------------|--|--|--|--|--|
| <ul style="list-style-type: none"> • Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification. | | <ul style="list-style-type: none"> • Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. • Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • Mixed Use Village: Multifamily, non-residential, and mixed-use buildings | <ul style="list-style-type: none"> • Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction. | <ul style="list-style-type: none"> • Final plat | <ul style="list-style-type: none"> • Comprehensive plan | | | | | | | | |
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| | Decision by: | | | | | | | | | | | | |
| Community Development Director | | Community Development Director | | Hearing Examiner | | City Council | | City Council | | | | | |
| Appeal to: | | | | | | | | | | | | | |
| Hearing Examiner | | Hearing Examiner | | | | | | | | | | | |
| Pierce County Court | | Pierce County Court | | Pierce County Court | | Pierce County Court | | Pierce County Court | | | | | |

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3 *[Other portions of this chapter have been omitted since they are not applicable to proposed amendments]*

4

Chapter 25.41
Mixed Use Village (MUV)

Sections:

- 25.41.010 Purpose.
- 25.41.020 Land uses.
- 25.41.030 Maximum Residential Density.
- 25.41.040 Maximum Non-residential Floor Area Ratio (FAR)
- 25.41.050 Performance standards.
- 25.41.060 Design Standards.
- 25.41.070 Design Review.
- 25.41.080 Site Plan Approval.
- 25.41.090 Transportation Corridor Accommodation.

25.41.010 Purpose.

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

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25.41.015 Definitions

(1) The definitions in this section only apply to Chapter 25.41 of the DMC.

(a) *Light Manufacturing*: An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A ‘P’ in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An “A” in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an “A”, a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a ‘P’ or ‘C’).

(c) A ‘C’ in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

| Table 25.41.020(a) – Table of Land Uses | | | | | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--|
| <i>LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed</i> | | | | | | | | | | |
| <i>NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.</i> | | | | | | | | | | |
| Land Use MUV Subdistrict | MUV-1 | MUV-2 | MUV-3 | MUV-4 | MUV-5 | MUV-6 | MUV-7 | MUV-8 | MUV-9 | |
| Open Space / Passive Recreation ⁽¹⁾ | A | A | A | A | A | A | A | A | P | |
| Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities ⁽¹⁾ | P | P | P | P | A | P | P | | P | |
| Service businesses | P | P | P | P | P | P | P | | A | |
| Retail trade (individual tenant spaces up to 20,000-sf) | P | P | P | P | A | P | P | A | A | |
| Retail trade (individual tenant spaces over 20,000-sf) | C | C | C | C | | C | C | | C | |
| Restaurant and Drinking Establishments | P | P | P | P | A | P | P | | A | |
| Hotel (up to 150 rooms) | P | P | | | | | | | P | |
| Hotel (over 150 rooms) | P | P | | | | | | | C | |
| Multifamily residences ⁽¹⁾ | P | P | P | | | | | P | | |
| Single-family residences ⁽¹⁾ | P | P | | | | | | | | |

| Table 25.41.020(a) – Table of Land Uses | | | | | | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---|
| <i>LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed</i> | | | | | | | | | | |
| <i>NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.</i> | | | | | | | | | | |
| Land Use MUV Subdistrict | MUV-1 | MUV-2 | MUV-3 | MUV-4 | MUV-5 | MUV-6 | MUV-7 | MUV-8 | MUV-9 | |
| Family day care | P | P | P | | | | | | | |
| Child day care centers ⁽¹⁾ | A/C | |
| Home occupations | A | A | A | | | | | | A | |
| Convention center | P | | P | | | | | | | A |
| Cultural/community center ⁽¹⁾ | P | | P | P | | | P | P | P | |
| Public uses other than parks and K-12 schools ⁽¹⁾ | P | | P | P | | | | | | A |
| Office | P | P | P | P | P | P | P | P | P | A |
| Light Manufacturing (up to 200,000 sf) | P | P | P | P | P | P | P | P | P | |
| Light Manufacturing (over 200,000 sf) | C | C | C | | C | C | C | C | C | |
| Research and Development | P | P | P | P | P | P | P | P | P | |
| Utility facility | P | P | P | P | P | P | P | P | P | A |
| Wireless communication facility, attached | A | A | A | A | A | A | A | A | A | A |
| Educational institutions ⁽¹⁾ | P | P | P | P | | | | | | A |
| <i>Notes:</i> | | | | | | | | | | |
| ⁽¹⁾ Further Land Use Restrictions: These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review. | | | | | | | | | | |

- 1 (2) The following uses and development types are specifically prohibited in all MUV subdistricts:
- 2 (a) Drive-thru facilities
- 3 (b) Gas stations/ Car Washes
- 4 (c) Fish Processing and other animal rendering operations
- 5 (d) Vehicle sales
- 6 (e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair,
- 7 mini-storage and like uses are prohibited.
- 8 (f) Adult entertainment
- 9 (g) Warehouse/distribution
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1 **25.41.025 Additional Conditional Use Criteria.**

2 (1) In addition to the required criteria in section 25.135.030 DMC, the following criteria shall apply to all conditional
3 use applications in the MUV zoning district:

4 (a) Applications shall include a truck routing plan for the proposed development. The proposal shall include
5 provisions for establishing a truck staging area to prevent truck parking and idling on streets and/or within
6 residential neighborhoods. Parking, idling or staging of trucks in residential areas is prohibited.

7 (b) Applications shall include the proposed building elevations and a building materials list. Projects are allowed
8 to be conditioned to ensure the building mass and design is compatible to the surrounding land uses.

9 **25.41.030 Maximum Residential Density.**

10 (1) Multifamily residences

11 (a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the
12 allowable density shall be based on the lot/parcel used for the residential development. The Community
13 Development Director, or designee, may interpret the land area used for density calculation.

14 (b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a
15 ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available
16 for future development.

17 (2) Single-Family residences

18 (a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating
19 the allowable density shall be based on the lot/parcel used for the residential development; the density calculation
20 may be based on the area prior to platting individual single-family lots. The Community Development Director,
21 or designee, may interpret the land area used for density calculation.

22 (b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a
23 ledger of approved single-family dwelling units in determining whether single-family dwelling units are available
24 for future development.

25 **25.41.040 Maximum Non-residential Floor Area Ratio (FAR).**

26 (1) Nonresidential uses shall have a maximum 0.30 FAR.

27 (2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential
28 development. The Community Development Director, or designee, may interpret the land area used for calculation.

29 (3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall
30 be exempt from FAR standards.

31 (4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan
32 (Chapter 25.152 DMC).

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2 **25.41.050 Performance standards.**

3 Development within the MUV shall be regulated by the following performance standards:

4 (1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

| Table 25.41.050(a) – Dimensional Standards | | | | |
|--|--|--|---|--------------|
| Standard | MUV Subdistricts | MUV-1, MUV-2, & MUV-3 | MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8 | MUV-9 |
| <p>Setbacks: <i>Note:</i> Front setbacks may be reduced or omitted to comply with applicable <i>Design Regulations and Guidelines</i> as set forth in this chapter.</p> | <p>Single-Family: Front : 20-ft Side: 5-ft Rear: 10-ft Abutting a golf course: 20-ft Multifamily: Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft Nonresidential: ⁽¹⁾ Front : 10-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft</p> | <p>Nonresidential: ⁽¹⁾ Front : 25-ft Side: 25-ft Rear: 25-ft Abutting a golf course: 30-ft <i>PLUS</i> Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.</p> | <p>Multifamily: Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft Nonresidential: ⁽¹⁾ Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft</p> | |
| <p>Height: <i>Note:</i> Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, <i>25.05.040 Rules of interpretation</i> shall be applied.</p> <p>[Height: continued]</p> | <p>Single-Family: Building height shall not exceed 35 feet in height.</p> <p>Multifamily: Building height shall not exceed 55 feet in height.</p> <p>Nonresidential and mixed-use buildings: Building height shall not exceed 65 feet in height. <i>PLUS</i> Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. <i>PLUS</i> Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</p> | <p>Nonresidential: Building height shall not exceed 65 feet in height. <i>PLUS</i> Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. <i>PLUS</i> Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</p> | <p>Multifamily: Building height shall not exceed 55 feet in height.</p> <p>Nonresidential and mixed-use buildings: Building height shall not exceed 65 feet in height. <i>PLUS</i> Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</p> | |

| Table 25.41.050(a) – Dimensional Standards | | | | |
|--|-------------------------|--|---|---|
| Standard | MUV Subdistricts | MUV-1, MUV-2, & MUV-3 | MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8 | MUV-9 |
| Lot Area: | | Single-Family: Minimum 5,000-sf Multifamily: There shall be no minimum lot area. Nonresidential and mixed-use buildings: There shall be no minimum lot area. | Nonresidential: There shall be no minimum lot area. | Multifamily: There shall be no minimum lot area. Nonresidential and mixed-use buildings: There shall be no minimum lot area. |
| Lot Coverage: | | There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements. | There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements. | There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements. |
| Notes: (1) The design standards in section 25.41.060(3) DMC shall apply in addition to the dimensional standards. | | | | |

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(2), (3), (4) *RESERVED*

(5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

(6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be applied pursuant to the standards listed in the Chapter 25.10. “buffer” definition.

(a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a stormwater facility.
2. Sites abutting a residential district shall be screened by a moderate landscape buffer.
3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

(b) Light manufacturing sites and similar uses shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.
2. Sites abutting a residential district shall be screened by a full landscape buffer.
3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

(c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

(d) Landscaping practices that align with low impact development (LID) methods may be applied towards the minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow the best management practices (BMP) as required by the City’s stormwater management program.

(7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be fully screened from view from public rights-of-way.

- 1 (8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible
2 from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.
- 3 (9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.
- 4 (10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.
- 5 (11) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B
6 (commercial) environmental designations.
- 7 (12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No
8 visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity
9 without instruments at any point outside the lot lines of the industrial use.
- 10 (13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point
11 along the lot or lots on which the use or structure is located.
- 12 (14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed
13 30 feet. A photometric plan shall be submitted as part of site plan review.
- 14 (15) Hazardous Substance or Waste Storage. Incidental hazardous materials storage or use may be allowed in
15 conjunction with a primary permitted use. All properties shall be subject to State Hazardous Waste Regulations of
16 WAC 173-303 and 70.105 RCW and as amended. Nothing in this section shall preclude storage of diesel fuel stored
17 on-site for emergency generators.

18 **25.41.060 Design Standards.**

- 19 (1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65
20 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take
21 precedence.
- 22 (2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use*
23 *Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, and research and development
24 buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV requirements, the
25 standards of this chapter shall take precedence.
- 26 (3) Light manufacturing, research and development, and like buildings shall be subject to the following design
27 guidelines.
- 28 (a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by
29 planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar
30 means.
- 31 (b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof,
32 landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures.
33 Building designs for multi-phase campuses are encouraged to be of similar character.
- 34 (c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate
35 buffer (see Chapter 25.90 DMC).
- 36 (d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or
37 separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).
- 38 (4) Pedestrian Amenities.
- 39 (a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

1 (b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street
2 sidewalk.

3 (c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent
4 building access door.

5 **25.41.070 Design Review.**

6 Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010.
7 Design review may be processed concurrently with the Site Plan Approval process.

8 **25.41.080 Site Plan Approval.**

9 Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

10 **25.41.090 Transportation Corridor Accommodation.**

11 Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as
12 depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments
13 to be adjusted to respond to documented cultural resources and/or critical areas subject.

14

15 **Chapter 25.10**

16 **Definitions**

17 **25.10.060 F definitions.**

18 "Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel
19 exclusive of critical areas and associated buffers.

- 1 *[Current Code Text – current language in the code is denoted WITHOUT underline or ~~strikeout~~ text]*
2 *[Proposed Code Text – language that is proposed to be added in the code is denoted in this document with underlined*
3 *text]*
4 *[Proposed Code Deleted Text – language that is proposed for deletion in the code is denoted in this document with*
5 *~~strikeout~~ text.]*
6 *[Revised Proposed Code Text – language that has been proposed for insertion in the code and then retracted is*
7 *denoted with underline AND ~~strikeout~~. (e.g. new text)*
8 *[Alternate Code Text – language that is proposed for insertion in the code AND different from the Planning*
9 *Commission recommendation is denoted as underline AND in **RED**. (e.g. new text)*
10 *[Bracketed Text – text listed in brackets ([]) are intended for reader reference only and are NOT a part of the*
11 *proposed code text amendments; bracketed text shall not be included in associate code updates.]*
12
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Chapter 25.40

BUSINESS TECH PARK DISTRICT

14
15 *[the BTP district text will remain in the land use code, this will remain in effect for the Old Fort Lake subarea until a*
16 *zone change is processed. The BTP district may be applied to other properties within the City of DuPont]*

17 Sections:

- 18 25.40.010 Purpose.
19 25.40.020 Permitted uses.
20 25.40.025 Accessory uses.
21 25.40.030 Conditional uses.
22 25.40.040 Prohibited uses.
23 25.40.050 Performance standards.
24 25.40.060 Site plan approval.

25

26 **25.40.010 Purpose.**

27 The business tech park district is intended to provide location for a range of business park uses, including office,
28 commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to
29 conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high
30 level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or
31 emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 §
32 4; Ord. 02-707 § 1)

33 **25.40.020 Permitted uses.**

34 (1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding
35 warehouse/distribution facilities and those listed in DMC 25.40.040.

36 (a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

37 (i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;

38 (ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

39 (b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park
40 districts, this district permits research, research industry-oriented service providers and other compatible uses
41 including, but not limited to:

42 (i) Software engineering;

43 (ii) Electronic components and board systems engineering, development, and application;

44 (iii) Biotechnology laboratories;

- 1 (iv) Communications services;
 - 2 (v) Personnel services;
 - 3 (vi) Child day care center;
 - 4 (vii) Wireless communication facility, attached;
 - 5 (viii) Utility facility;
 - 6 (ix) Similar land uses.
- 7 (c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000
8 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area
9 concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord.
10 02-707 § 1)

11 **25.40.025 Accessory uses.**

12 (1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet
13 the development standards in the purpose section of this chapter and provide a service to the employees or the public
14 of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses,
15 contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter
16 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

17 (2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

18 **25.40.030 Conditional uses.**

19 (1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in
20 DMC 25.40.040.

21 (2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the
22 conditional uses in this district include but are not limited to:

- 23 (a) School (limited to technical or adult educational facilities);
- 24 (b) Freestanding wireless communication facility;
- 25 (c) Golf course;
- 26 (d) Similar land use. (Ord. 06-816 § 4)

27 **25.40.040 Prohibited uses.**

28 (1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park
29 district:

- 30 (a) Service stations;
- 31 (b) Residential, even as an accessory use;
- 32 (c) Adult family home;
- 33 (d) Family day care;
- 34 (e) Schools (not including technical or adult educational facilities).

35 (2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

- 36 (a) Schools (not including technical or adult educational facilities);

1 (b) Non-office public use.

2 (3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the
3 business tech park district:

4 (a) Mineral extraction;

5 (b) Single tenant retail outlet over five acres;

6 (c) Amusement park;

7 (d) Schools (not including technical or adult educational facilities);

8 (e) Senior housing. (Ord. 06-816 § 4)

9 **25.40.050 Performance standards.**

10 All uses in the business tech park district shall be regulated by the following performance standards:

11 (1) Lot Area. There is no minimum lot area for lots in this district.

12 (2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping
13 requirements.

14 (3) Building Setbacks.

15 (a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high
16 shall be set back at least an additional one foot for each foot in height over 25 feet;

17 (b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high
18 shall be set back at least an additional one foot for each foot in height over 40 feet;

19 (c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high
20 shall be set back at least an additional one foot for each foot in height over 40 feet.

21 (4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in
22 height calculation.

23 (5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting
24 large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar
25 means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof,
26 landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures.
27 Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings
28 on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in
29 terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall
30 modulations are examples of methods of creating differentiation between building design.

31 (6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be
32 located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC,
33 Landscaping).

34 (7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

35 (8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully
36 screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar
37 appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the
38 following criteria:

39 (a) The screen must be integrated into the architecture of the building.

- 1 (b) The screen must obscure the view of the appurtenances from adjacent streets and properties.
- 2 (c) Exemptions. The following shall be exempted from the provisions of this section:
- 3 (i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would
4 interfere with the effective operation of the antenna.
- 5 (ii) A painted appurtenance is exempt from the requirements of this section if the director of community
6 development determines that painting will be as effective in minimizing rooftop clutter as would a solid
7 sight-obscuring screen.
- 8 (9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two
9 percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent
10 sight-obscuring wall or fence.
- 11 (10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.
- 12 (11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.
- 13 (12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B
14 (commercial) environmental designations.
- 15 (13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no
16 visible, frequent smoke, dust, or gases shall be emitted.
- 17 (14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point
18 along the lot or lots on which the use or structure is located.
- 19 (15) Outdoor lighting shall be designed to minimize light escapement beyond the site.
- 20 (16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous
21 wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is
22 delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored
23 on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)
- 24 **25.40.060 Site plan approval.**
25 Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and
26 expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II
27 procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure.
28 Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

1 **Chapter 25.15**

2 **LAND USE DISTRICTS AND MAP ESTABLISHED**

3 Sections:

- 4 25.15.010 Purpose of districts.
- 5 25.15.020 List of districts established.
- 6 25.15.030 Zoning map.
- 7 25.15.040 Boundary interpretation.

8 **25.15.010 Purpose of districts.**

9

10 The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by
11 the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping
12 compatible uses and levels of activity and maintain commitment to public service facilities such as transportation
13 systems, parks and utilities. (Ord. 02-707 § 1)

14 **25.15.020 List of districts established.**

15 The use classifications are:

| District | Designation |
|------------------------------|--------------------|
| Residential-3 | R-3 |
| Residential-4 | R-4 |
| Residential-5 | R-5 |
| Residential Reserve | RR |
| Residential-12 | R-12 |
| Commercial | COM |
| Office | OFF |
| Mixed Use | MXD |
| <u>Mixed-Use Village</u> | <u>MUV</u> |
| Business and Technology Park | BTP |
| Manufacturing Research Park | MRP |
| Industrial | IND |
| Open Space | OS |
| Military | MIL |
| Mineral Resource Overlay | MRO |

16

17 **25.15.030 Zoning map.**

18

19 (1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory
20 matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title
21 governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about
22 buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon
23 all land included within the boundaries of each and every district shown upon the zoning map.

1 (2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of
2 district maps covering the city showing the geographical area and location of the district. Each district map shall be,
3 upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be
4 made a part of this title as though all matters and information set forth on the map were fully described herein.

5 (3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city
6 clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

7 **25.15.040 Boundary interpretation.**

8 The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the
9 maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the
10 location or meaning shall be determined utilizing the following rules:

11 (1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways,
12 waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

13 (2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot
14 or tract lines shall be construed to be the boundary of such use district.

15 (3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the
16 use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on
17 the official zoning map.

18 (4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the
19 vacated portion reverts shall apply to such vacated street or alley.

20 (5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner
21 shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord.
22 02-707 § 1)

1 **Chapter 25.125**

2 **WIRELESS COMMUNICATION FACILITIES**

3 Sections:

- 4 25.125.010 Purpose.
5 25.125.020 Exemptions.
6 25.125.030 Recognition of industry needs.
7 25.125.040 Where permitted.
8 25.125.045 Procedure.
9 25.125.050 Development standards.
10 25.125.060 Conditional use permit criteria.
11 25.125.070 Third-party review.

12 **25.125.010 Purpose.**

13 The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and
14 placement of wireless communication facilities while protecting the community from harmful effects, including visual
15 impact. The city intends to achieve this purpose by encouraging providers to:

- 16 (1) Locate wireless communication facilities (WCFs) in nonresidential areas;
17 (2) Minimize the total number of freestanding WCFs through collocation; and
18 (3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

19 **25.125.020 Exemptions.**

20 The following shall not be considered WCFs, and shall be exempt from this chapter:

- 21 (1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
22 (2) Licensed amateur (ham) radio antennas.
23 (3) Television antennas and satellite dish antennas for reception within individual homes or businesses.
24 (4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a
25 governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC
26 25.125.040. (Ord. 02-707 § 1)

27 **25.125.030 Recognition of industry needs.**

28 It is the city's understanding that:

- 29 (1) Communication occurs primarily by line-of-sight transmission;
30 (2) Providers require a network of WCFs in order to cover their service areas;
31 (3) Individual wireless communication facilities making up the network require road access, electric power, and
32 land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

1 **25.125.040 Where permitted.**

2 The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the
 3 city of DuPont.

| Specific Zone | Wireless Communication Facility (WCF), Attached | Wireless Communication Facility (WCF), Freestanding | Wireless Communication Facility (WCF), Public |
|--|--|---|---|
| Residential | Not permitted | Not permitted | Administrative |
| Office, Commercial, Mixed Use, <u>Mixed-Use Village</u> , Open Space | Administrative | Not permitted | Administrative |
| Industrial, Manufacturing/ Research Park, Business and Technology Park | Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure | Conditional | Administrative |

4
 5 Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use
 6 permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as
 7 contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

8 (Ord. 12-937 § 8; Ord. 02-707 § 1)

9 **25.125.045 Procedure.**

10 All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed
 11 as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC
 12 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as
 13 indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in
 14 DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

15 **25.125.050 Development standards.**

16 Any proposed WCFs must comply with all of the following development standards:

17 (1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the
 18 underlying zone, but determined through the conditional use permit process.

19 (2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which
 20 they are located.

21 (3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the
 22 Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to
 23 regulate WCFs.

24 (4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city
 25 may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between
 26 uses.

27 (5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use
 28 of muted paint schemes, locating the facility within or on an existing structure or similar means.

29 (6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

30 (7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to
 31 prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

32 (8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to
 33 cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site
 34 has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned
 35 WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

1 **25.125.060 Conditional use permit criteria.**

2 In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the
3 following criteria:

4 (1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the
5 provider, the applicant must present a lease agreement with a licensed provider.

6 (2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city
7 application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

8 (3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be
9 demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an
10 additional wireless communication facility, or that its specific location does not satisfy the operational requirements of
11 the applicant.

12 (4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's
13 network and collocated WCFs.

14 (5) Freestanding WCFs must be designed for collocation.

15 (6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed
16 WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and
17 inconspicuous colors are required. (Ord. 02-707 § 1)

18 **25.125.070 Third-party review.**

19 In processing a WCF permit application, the city may retain the services of independent experts to verify compliance
20 with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

1 **Chapter 25.175**

2 **ADMINISTRATION OF DEVELOPMENT REGULATIONS**

3 Sections:

- 4 25.175.010 Types of project permit applications.
5 25.175.020 Processing Type I – IV project permit applications.
6 25.175.030 Posting of public notice.
7 25.175.040 Consistency with development regulations.
8 25.175.050 Open record public hearings.
9 25.175.060 Closed record meetings and appeals.

10 **25.175.010 Types of project permit applications.**

11 (1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit
12 applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are
13 Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit
14 application processing are contained in subsection (7) of this section.

15 (2) Determination of Proper Procedure Type.

16 (a) The planning director or his/her designee (hereinafter the “director”) shall determine the proper procedure for
17 all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the
18 higher numbered procedure.

19 (b) An application that involves two or more procedures may be processed collectively under the highest
20 numbered procedure required for any part of the application or may be processed individually under each of the
21 application procedures identified in subsection (4) of this section. The applicant may determine whether the
22 application will be processed collectively or individually. If the applications are processed individually the
23 director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the
24 project may be processed in as concurrent a fashion as possible.

25 (c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure
26 number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker;
27 the city council being the highest body, followed by the hearing examiner and then the director. Joint public
28 hearings with other agencies shall be processed according to subsection (5) of this section.

29 (3) The director of community development, or designee, may issue a written interpretation for any section of DMC
30 Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an
31 issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be
32 appealed to the hearing examiner.

33 (4) Joint Public Hearings with Other Governmental Entities.

34 (a) The director may combine any public hearing on a project permit application with any hearing that may be
35 held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is
36 held within the city limits, and the requirements of subsection (4)(c) of this section are met. A “Project Permit
37 Summary: Action Type” table is included below.

38

1

Project Permit Summary: Action Type

| Type I | | Type II | | Type III | | Type IV | | Type V | | | | | | | | | | | |
|--|--|--|---|--|--|---|--|---|--|--------------------------------|--------------------------------|---------------------|---------------------|---------------------|--|--|--|--|--|
| <ul style="list-style-type: none"> • Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification. | | <ul style="list-style-type: none"> • Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. • Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • <u>Mixed Use Village: Multifamily, non-residential, and mixed-use buildings</u> | <ul style="list-style-type: none"> • Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction. | <ul style="list-style-type: none"> • Final plat | <ul style="list-style-type: none"> • Comprehensive plan | <ul style="list-style-type: none"> o Text amendment. | <ul style="list-style-type: none"> o Map amendment. | <ul style="list-style-type: none"> o Text amendment. | <ul style="list-style-type: none"> o Map amendment. | | | | | | | | | | |
| | | | | | | | | | | Decision by: | | | | | | | | | |
| | | | | | | | | | | Community Development Director | Community Development Director | Hearing Examiner | City Council | City Council | | | | | |
| | | | | | | | | | | Appeal to: | | | | | | | | | |
| | | | | | | | | | | Hearing Examiner | Hearing Examiner | | | | | | | | |
| | | | | | | | | | | Pierce County Court | Pierce County Court | Pierce County Court | Pierce County Court | Pierce County Court | | | | | |

2

3 *[Other portions of this chapter have been omitted since they are not applicable to proposed amendments]*

4

1 **Chapter 25.41**
2 **Mixed Use Village (MUV)**

3 Sections:

4 25.41.010 Purpose.

5 25.41.020 Land uses.

6 25.41.030 Maximum Residential Density.

7 25.41.040 Maximum Non-residential Floor Area Ratio (FAR)

8 25.41.050 Performance standards.

9 25.41.060 Design Standards.

10 25.41.070 Design Review.

11 25.41.080 Site Plan Approval.

12 25.41.090 Transportation Corridor Accommodation.

13
14 **25.41.010 Purpose.**

15 The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation,
16 employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses
17 that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected
18 through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or
19 emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV
20 zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the
21 Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas
22 delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define
23 standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described
24 as follows:

25 (1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented
26 commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and
27 development.

28 (2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented
29 commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

30 (3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented
31 commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research
32 and development.

33 (4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented
34 commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale
35 limitations to ensure compatibility with the nearby residential and school properties.

36 (5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light
37 manufacturing, and research and development.

38 (6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light
39 manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

40 (7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented
41 commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

42 (8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows
43 office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

44 (9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as
45 commercial/restaurant, administrative office, and hotels.

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25.41.015 Definitions

(1) The definitions in this section only apply to Chapter 25.41 of the DMC.

(a) *Light Manufacturing*: An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A ‘P’ in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An “A” in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an “A”, a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a ‘P’ or ‘C’).

(c) A ‘C’ in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

| Table 25.41.020(a) – Table of Land Uses | | | | | | | | | | |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <i>LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed</i> | | | | | | | | | | |
| <i>NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.</i> | | | | | | | | | | |
| Land Use MUV Subdistrict | <u>MUV-1</u> | <u>MUV-2</u> | <u>MUV-3</u> | <u>MUV-4</u> | <u>MUV-5</u> | <u>MUV-6</u> | <u>MUV-7</u> | <u>MUV-8</u> | <u>MUV-9</u> | |
| <u>Open Space / Passive Recreation ⁽¹⁾</u> | <u>A</u> | <u>P</u> |
| <u>Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities ⁽¹⁾</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | | | <u>P</u> |
| <u>Service businesses</u> | <u>P</u> | | | <u>A</u> |
| <u>Service businesses / Retail trade (individual tenant spaces up to 20,000-sf)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | <u>A</u> | | <u>A</u> |
| <u>Service businesses / Retail trade (individual tenant spaces over 20,000-sf)</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | <u>C</u> | | | <u>C</u> |
| <u>Restaurant and Drinking Establishments</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | | | <u>A</u> |
| <u>Hotel (up to 150 rooms)</u> | <u>P</u> | <u>P</u> | | | | | | | | <u>P</u> |
| <u>Hotel (over 150 rooms)</u> | <u>P</u> | <u>P</u> | | | | | | | | <u>C</u> |

| Table 25.41.020(a) – Table of Land Uses | | | | | | | | | | |
|---|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <i>LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed</i> | | | | | | | | | | |
| <i>NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.</i> | | | | | | | | | | |
| Land Use | MUV Subdistrict | MUV-1 | MUV-2 | MUV-3 | MUV-4 | MUV-5 | MUV-6 | MUV-7 | MUV-8 | MUV-9 |
| Multifamily residences ⁽¹⁾ | | P | P | P | | | | | P | |
| Single-family residences ⁽¹⁾ | | P | P | | | | | | | |
| Family day care | | P | P | P | | | | | | |
| Child day care centers ⁽¹⁾ | | A/C | |
| Home occupations | | A | A | A | | | | | A | |
| Convention center | | P | | P | | | | | | A |
| Cultural/community center ⁽¹⁾ | | P | | P | P | | | P | P | P |
| Public uses other than parks and K-12 schools ⁽¹⁾ | | P | | P | P | | | | | A |
| Office | | P | P | P | P | P | P | P | P | A |
| Light Manufacturing (up to 200,000 sf) | | P | P | P | P | P | P | P | P | |
| Light Manufacturing (over 200,000 sf) | | C | C | C | | C | C | C | C | |
| Research and Development | | P | P | P | P | P | P | P | P | |
| Warehouse (not warehouse distribution) | | P | |
| Utility facility | | P | P | P | P | P | P | P | P | A |
| Wireless communication facility, attached | | A | A | A | A | A | A | A | A | A |
| Educational institutions ⁽¹⁾ | | P | P | P | P | | | | | A |

Notes:
⁽¹⁾ **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.

- 1 (2) The following uses and development types are specifically prohibited in all MUV subdistricts:
- 2 (a) Drive-thru facilities
- 3 (b) Gas stations/ Car Washes
- 4 (c) Fish Processing and other animal rendering operations
- 5 (d) Vehicle sales
- 6 (e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair,
- 7 and self- mini-storage and like uses are prohibited.
- 8 (f) Adult entertainment
- 9 (g) Warehouse/~~D~~istribution
- 10

1 **25.41.025 Additional Conditional Use Criteria.**

2 (1) In addition to the required criteria in section 25.135.030 DMC, the following criteria shall apply to all conditional
3 use applications in the MUV zoning district:

4 (a) Applications shall include a truck routing plan for the proposed development. The proposal shall include
5 provisions for establishing a truck staging area to prevent truck parking and idling on streets and/or within
6 residential neighborhoods. Parking, idling or staging of trucks in residential areas is prohibited.

7 (b) Applications shall include the proposed building elevations and a building materials list. Projects are allowed
8 to be conditioned to ensure the building mass and design is compatible to the surrounding land uses.

9 **25.41.030 Maximum Residential Density.**

10 (1) Multifamily residences

11 (a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the
12 allowable density shall be based on the lot/parcel used for the residential development. The Community
13 Development Director, or designee, may interpret the land area used for density calculation.

14 (b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a
15 ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available
16 for future development.

17 (2) Single-Family residences

18 (a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating
19 the allowable density shall be based on the lot/parcel used for the residential development; the density calculation
20 may be based on the area prior to platting individual single-family lots. The Community Development Director,
21 or designee, may interpret the land area used for density calculation.

22 (b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a
23 ledger of approved single-family dwelling units in determining whether single-family dwelling units are available
24 for future development.

25 **25.41.040 Maximum Non-residential Floor Area Ratio (FAR).**

26 (1) Nonresidential uses shall have a maximum 0.30 FAR.

27 (2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential
28 development. The Community Development Director, or designee, may interpret the land area used for calculation.

29 (3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall
30 be exempt from FAR standards.

31 (4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan
32 (Chapter 25.152 DMC). [The Master Plan chapter is being reviewed/considered under a separate application;
33 Patriots Landing]

34

1

2 **25.41.050 Performance standards.**

3 Development within the MUV shall be regulated by the following performance standards:

4 (1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

| Table 25.41.050(a) – Dimensional Standards | | | |
|---|--|--|--|
| <u>Standard</u> <u>MUV Subdistricts</u> | <u>MUV-1, MUV-2, & MUV-3</u> | <u>MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8</u> | <u>MUV-9</u> |
| <p><u>Setbacks:</u> <i>Note: Front setbacks may be reduced or omitted to comply with applicable Design Regulations and Guidelines as set forth in this chapter.</i></p> | <p><u>Single-Family:</u> <u>Front : 20-ft</u> <u>Side: 5-ft</u> <u>Rear: 10-ft</u> <u>Abutting a golf course: 20-ft</u></p> <p><u>Multifamily:</u> <u>Front : 20-ft</u> <u>Side: 10-ft</u> <u>Rear: 10-ft</u> <u>Abutting a golf course: 20-ft</u></p> <p><u>Nonresidential:</u> ⁽¹⁾ <u>Front : 10-ft</u> <u>Side: 10-ft</u> <u>Rear: 10-ft</u> <u>Abutting a golf course: 20-ft</u></p> | <p><u>Nonresidential:</u> ⁽¹⁾ <u>Front : 25-ft</u> <u>Side: 25-ft</u> <u>Rear: 25-ft</u> <u>Abutting a golf course: 30-ft</u></p> <p><i>PLUS</i> <u>Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.</u></p> | <p><u>Multifamily:</u> <u>Front : 20-ft</u> <u>Side: 10-ft</u> <u>Rear: 10-ft</u> <u>Abutting a golf course: 20-ft</u></p> <p><u>Nonresidential:</u> ⁽¹⁾ <u>Front : 20-ft</u> <u>Side: 10-ft</u> <u>Rear: 10-ft</u> <u>Abutting a golf course: 20-ft</u></p> |
| <p><u>Height:</u> <i>Note: Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, 25.05.040 Rules of interpretation shall be applied.</i></p> | <p><u>Single-Family:</u> <u>Building height shall not exceed 35 feet in height.</u></p> <p><u>Multifamily:</u> <u>Building height shall not exceed 55 feet in height.</u></p> <p><u>Nonresidential and mixed-use buildings:</u> <u>Building height shall not exceed 65 feet in height.</u> <i>PLUS</i> <u>Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height.</u> <i>PLUS</i> <u>Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</u></p> | <p><u>Nonresidential:</u> <u>Building height shall not exceed 65 feet in height.</u> <i>PLUS</i> <u>Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height.</u> <i>PLUS</i> <u>Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</u></p> | <p><u>Multifamily:</u> <u>Building height shall not exceed 55 feet in height.</u></p> <p><u>Nonresidential and mixed-use buildings:</u> <u>Building height shall not exceed 65 feet in height.</u> <i>PLUS</i> <u>Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.</u></p> |

| Table 25.41.050(a) – Dimensional Standards | | | | |
|---|-------------------------|---|--|---|
| Standard | MUV Subdistricts | <u>MUV-1, MUV-2, & MUV-3</u> | <u>MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8</u> | <u>MUV-9</u> |
| <u>Lot Area:</u> | | <u>Single-Family:</u> Minimum 5,000-sf <u>Multifamily:</u> There shall be no minimum lot area. <u>Nonresidential and mixed-use buildings:</u> There shall be no minimum lot area. | <u>Nonresidential:</u> There shall be no minimum lot area. | <u>Multifamily:</u> There shall be no minimum lot area. <u>Nonresidential and mixed-use buildings:</u> There shall be no minimum lot area. |
| <u>Lot Coverage:</u> | | There shall be no maximum lot area coverage except as <u>necessary to meet setback and landscaping requirements.</u> | There shall be no maximum lot area coverage except as <u>necessary to meet setback and landscaping requirements.</u> | There shall be no maximum lot area coverage except as <u>necessary to meet setback and landscaping requirements.</u> |
| <u>Notes:</u> (1) <u>The design standards in section 25.41.060(3) DMC shall apply in addition to the dimensional standards.</u> | | | | |

1

2 (2), (3), (4) RESERVED

3 (5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

4 (6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be
 5 applied pursuant to the standards listed in the Chapter 25.10. “buffer” definition.

6 (a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

7 1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a
 8 stormwater facility.

9 2. Sites abutting a residential district shall be screened by a moderate landscape buffer.

10 3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

11 (b) Light manufacturing ~~and warehouse~~ sites ~~and similar uses~~ shall provide the following buffers:

12 1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.

13 2. Sites abutting a residential district shall be screened by a full landscape buffer.

14 3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

15 (c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may
 16 be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or
 17 open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be
 18 reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

19 (d) Landscaping practices that align with low impact development (LID) methods may be applied towards the
 20 minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow
 21 the best management practices (BMP) as required by the City’s stormwater management program.

22 (7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be
 23 fully screened from view from public rights-of-way.

- 1 (8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible
2 from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.
- 3 (9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.
- 4 (10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.
- 5 ~~(11) Noise levels shall comply with DMC 9.09(d)(1) for Class C (industrial) environmental designations.– Noise~~
6 ~~levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial)~~
7 ~~environmental designations.~~
- 8 (12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No
9 visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity
10 without instruments at any point outside the lot lines of the industrial use.
- 11 (13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point
12 along the lot or lots on which the use or structure is located.
- 13 (14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed
14 30 feet. A photometric plan shall be submitted as part of site plan review.
- 15 ~~(15) Hazardous Substance or Waste Storage. A maximum of 20,000 pounds of hazardous substances or hazardous~~
16 ~~wastes may be stored on site, and no hazardous substances or wastes may be stored on site except that which is~~
17 ~~delivered for on-site operations or produced on-site. Incidental hazardous materials storage or use may be allowed in~~
18 ~~conjunction with a primary permitted use. All properties shall be subject to State Hazardous Waste Regulations of~~
19 ~~WAC 173-303 and 70.105 RCW and as amended. Nothing in this section shall preclude storage of diesel fuel stored~~
20 ~~on-site for emergency generators.~~
- 21 **25.41.060 Design Standards.**
- 22 (1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65
23 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take
24 precedence.
- 25 (2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use*
26 *Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, ~~warehouse~~ and research and
27 development buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV
28 requirements, the standards of this chapter shall take precedence.
- 29 (3) Light manufacturing, ~~warehouse~~ and research and development, and ~~like~~ buildings shall be subject to the
30 following design guidelines.
- 31 (a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by
32 planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar
33 means.
- 34 (b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof,
35 landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures.
36 Building designs for multi-phase campuses are encouraged to be of similar character.
- 37 (c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate
38 buffer (see Chapter 25.90 DMC).
- 39 (d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or
40 separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).
- 41 ~~(e) Warehouse buildings shall not be allowed within 500 ft of a residential zoning district.~~

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2 (4) Pedestrian Amenities.

3 (a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

4 (b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street
5 sidewalk.

6 (c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent
7 building access door.

8 **25.41.070 Design Review.**

9 Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010.
10 Design review may be processed concurrently with the Site Plan Approval process.

11 **25.41.080 Site Plan Approval.**

12 Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

13 **25.41.090 Transportation Corridor Accommodation.**

14 Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as
15 depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments
16 to be adjusted to respond to documented cultural resources and/or critical areas subject.

1 **Chapter 25.10**

2 **Definitions**

3

4 **25.10.020 B definitions.**

5 “Buffer” means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three
6 years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter
7 months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent
8 for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the
9 minimum screening. For critical areas “buffer” shall mean a designated area adjacent to a part of a stream or wetland
10 that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects
11 slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize
12 risk. *[provided for reference only / this is related to the proposed MUV landscaping standards]*

13 **25.10.040 D definitions.**

14 “Density, gross” means the number of dwelling units per acre computed by using all land within the project boundaries
15 *[provided for reference only / this is related to the proposed MUV density standards]*

16 **25.10.060 F definitions.**

17 “Floor area ratio” (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel
18 exclusive of critical areas and associated buffers.

19 **25.10.230 W definitions.**

20 **“Warehouse/distribution” means a building or land use in which goods, merchandise or equipment are stored for**
21 **eventual distribution.**
22 *[provided for reference only / this is related to the proposed MUV prohibited uses provision]*

| Table 25.41.020(a) – Table of Land Uses | | | | | | | | | | |
|--|------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <i>LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed</i> | | | | | | | | | | |
| <i>NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.</i> | | | | | | | | | | |
| Land Use | MUV Subdistrict | MUV-1 | MUV-2 | MUV-3 | MUV-4 | MUV-5 | MUV-6 | MUV-7 | MUV-8 | MUV-9 |
| Open Space / Passive Recreation ⁽¹⁾ | | <u>A</u> | <u>P</u> |
| Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities ⁽¹⁾ | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | | <u>P</u> |
| Service businesses | | <u>P</u> | | <u>A</u> |
| Service businesses / Retail trade (individual tenant spaces up to 20,000-sf) | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>A</u> |
| Service businesses / Retail trade (individual tenant spaces over 20,000-sf) | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | <u>C</u> | | <u>C</u> |
| Restaurant and Drinking Establishments | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> | | <u>A</u> |
| Hotel (up to 150 rooms) | | <u>P</u> | <u>P</u> | | | | | | | <u>P</u> |
| Hotel (over 150 rooms) | | <u>P</u> | <u>P</u> | | | | | | | <u>C</u> |
| Multifamily residences ⁽¹⁾ | | <u>P</u> | <u>P</u> | <u>P</u> | | | | | <u>P</u> | |
| Single-family residences ⁽¹⁾ | | <u>P</u> | <u>P</u> | | | | | | | |
| Family day care | | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | |
| Child day care centers ⁽¹⁾ | | <u>A/C</u> | |
| Home occupations | | <u>A</u> | <u>A</u> | <u>A</u> | | | | | <u>A</u> | |
| Convention center | | <u>P</u> | | <u>P</u> | | | | | | <u>A</u> |
| Cultural/community center ⁽¹⁾ | | <u>P</u> | | <u>P</u> | <u>P</u> | | | <u>P</u> | <u>P</u> | <u>P</u> |
| Public uses other than parks and K-12 schools ⁽¹⁾ | | <u>P</u> | | <u>P</u> | <u>P</u> | | | | | <u>A</u> |
| Office | | <u>P</u> | <u>A</u> |
| Light Manufacturing (up to 200,000 sf) | | <u>P</u> | |
| Light Manufacturing (over 200,000 sf) | | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | |
| Research and Development | | <u>P</u> | |
| Warehouse (not warehouse distribution) | | <u>P</u> | |
| Utility facility | | <u>P</u> | <u>A</u> |
| Wireless communication facility, attached | | <u>A</u> |
| Educational institutions ⁽¹⁾ | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | <u>A</u> |

Notes:
⁽¹⁾ **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.