

CITY OF FIRCREST  
ORDINANCE NO. 1575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AMENDING ORDINANCE 1562  
SECTION 1 AND FMC 22.05.003; AMENDING ORDINANCE 1245  
SECTION 3 AND FMC 22.06.002, AMENDING ORDINANCE 1244  
SECTION 4 AND FMC 22.16.005, AMENDING ORDINANCE 1244  
SECTION 7 AND FMC 22.17.010, AMENDING ORDINANCE 1244  
SECTION 9 AND FMC 22.19.001, AMENDING ORDINANCE 1244  
SECTION 11 AND FMC 22.19.008, AMENDING ORDINANCE 1244  
SECTION 13 AND FMC 22.20.005, AMENDING ORDINANCE 1244  
SECTION 15 AND FMC 22.22.003, AMENDING ORDINANCE 1244  
SECTION 16 AND FMC 22.22.004, AMENDING ORDINANCE 1509  
SECTION 8 AND FMC 22.46.003, AMENDING ORDINANCE 1568  
SECTION 3 AND FMC 22.46.007, AMENDING ORDINANCE 1246  
SECTION 14 (PART) AND FMC 22.56.001, AMENDING ORDINANCE  
1562 SECTION 35 AND FMC 22.56.002, AMENDING ORDINANCE 1246  
SECTION 14 (PART) AND FMC 22.56.006, AMENDING ORDINANCE  
1246 SECTION 14 (PART) AND FMC 22.56.007, AMENDING  
ORDINANCE 1512 SECTION 7 AND FMC 22.58.012, AMENDING  
ORDINANCE 1246 SECTION 15 (PART) AND FMC 22.58.015,  
AMENDING ORDINANCE 1246 SECTION 15 (PART) AND FMC  
22.58.17, ADDING NEW SECTION FMC 22.65, ADDING NEW SECTION  
FMC 22.74.008, ADDING NEW SECTION FMC 22.98.148, AND ADDING  
NEW SECTION FMC 22.98.730

**WHEREAS**, the City adopted amendments to the Comprehensive Plan and Title 22 Land Development regulations in 2014 and 2015 as part of the GMA periodic update process; and

**WHEREAS**, the City has identified additional housekeeping and streetscape design amendments to Title 22 Land Development that will supplement the 2014-2015 GMA periodic update amendments by improving code administration and ensuring greater consistency between zoning provisions and the recently amended Comprehensive Plan; and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on March 10, 2016, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW, and no adverse comments were received; and

**WHEREAS**, the City issued a *Determination of Nonsignificance* on March 10, 2016 with a 14-day comment period ending March 24, 2016, and no adverse comments were received; and

**WHEREAS**, the Planning Commission conducted a public hearing on March 29, 2016 to accept public testimony and comment on the proposed amendments; and

**WHEREAS**, the Planning Commission adopted the following findings in support of approval of the proposed amendments, in consideration of the criteria listed in Section 22.78.004 FMC, prior to final action:

1  
2 (a) The proposed amendment is consistent with the goals, objectives and policies of  
the comprehensive plan, in particular:

3 **GOAL LU12**

4 Fircrest should continue to refine its permit process for development and other  
5 local government approvals, as needed, to ensure that it is timely and fair to all  
affected parties.

6 **Policy LU12.1**

7 Development regulations shall be periodically reviewed and revised to ensure that  
8 they are consistent with and relate directly to implementation of the  
9 Comprehensive Plan and other state and federal mandates. Duplicate and  
unnecessary regulations should be eliminated.

10 **Policy LU12.2**

11 In the event of conflict between development regulations and this Comprehensive  
12 Plan, the provisions of this Comprehensive Plan take precedence. This policy  
13 applies immediately upon adoption of this Comprehensive Plan and amendments  
thereto. Development regulations that are significantly inconsistent with this  
Comprehensive Plan shall be given high priority for rapid revision.

14 **GOAL T1**

15 Develop, maintain and operate a multimodal transportation system that provides  
16 for the safe, efficient and reliable movement of people, goods and services.

17 **Policy T1.1**

18 Create a transportation network that includes vehicle, pedestrian, bicycle and  
19 transit components located throughout the City -- and connecting to adjacent  
communities -- to provide for the safe, efficient, convenient and reliable  
movement of people, goods and services.

20 **Policy T1.2**

21 Develop and implement *complete street* design standards to provide safe and  
22 convenient access for all modes of transportation, which will support pedestrians,  
23 bicyclists, transit users and motorists, thereby increasing capacity, increasing  
24 safety, and improving street aesthetics and walkability. Include amenities in street  
designs, including trees and other landscaping, street lights, benches and waste  
receptacles to add to the pedestrian experience and further calm traffic.

25 **Policy T1.3**

26 Employ Context-Sensitive Design techniques in transportation projects that take  
27 into consideration aesthetics, historical and cultural elements, the environment,  
and other aspects of community character, while ensuring safety and accessibility.

28 **Policy T1.4**

29 Classify streets and arterials to reflect their desired use and function consistent  
30 with state and regional classifications. Classification should be based on present  
and future traffic volumes and the type of land uses along the streets.

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**GOAL T2**

Transportation improvements within the City should ensure alternative transportation choices are available to underserved areas and provide mobility choices for people with special needs including persons with disabilities, the elderly, young and low-income populations.

**Policy T2.1**

Ensure compliance with Americans with Disabilities Act (ADA) requirements by making all street sidewalk and curb ramp areas accessible to all pedestrians, including those with disabilities, by constructing new pedestrian facilities in compliance with the ADA (at a minimum), and upgrading existing facilities to remove barriers and improve accessibility. Improvements should include appropriate pavement markings and signalization and facilitate the use of transit.

**Policy T2.2**

Design and build *complete streets* with facilities for all modes of transportation. Connect residential neighborhoods to commercial mixed use areas and public transit with sidewalks, paths and bike lanes to provide greater access to transportation choices for those who do not drive and those who have limited mobility resources.

**GOAL T3**

Improve the safety of the transportation system, reduce speeds and protect the quality of life in residential neighborhoods.

**Policy T3.2**

Protect the quality of life in residential neighborhoods by monitoring traffic volumes and developing comprehensive, integrated and cost-effective traffic, bicycle and pedestrian safety improvements in residential areas. Such improvements may include sidewalks and pathways to connect to schools, parks, and transit stops. Additional improvements may include signage, bicycle facility and street improvements that include traffic calming design elements.

**Policy T3.6**

Use traffic circles, landscaped medians, pedestrian bump-outs and other traffic calming measures to reduce speeds and increase safety. Where appropriate, design these facilities to provide pedestrian refuge areas that reduce pedestrian crossing distances, reduce conflict points and enhance streetscape landscaping. Use other traffic calming measures that offer pedestrian protection such as on-street parking, or increase driver awareness of pedestrians through the use of textured pavement and signage.

**Policy T3.8**

Avoid the construction of sidewalks next to street curbs and provide physical separation between traffic lanes and sidewalks to enhance pedestrian safety, add to sidewalk users' comfort, and encourage higher pedestrian usage. Wherever possible, separate pedestrians from traffic lanes by installing landscaped planter strips that include street trees.

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**GOAL T6**

Develop facilities for pedestrians and bicyclists to achieve a walkable community to support active and independent living, health, environmental quality and cost savings for travel.

**Policy T6.1**

Require sidewalk facilities on all new and substantially redeveloped public streets to enhance public safety. Ensure the provision of sidewalks in close proximity to schools to offer protection for children who walk to and from school. Assign high priority to projects that provide linkages to transit or complete planned pedestrian facilities or trails. Provide pedestrian facilities on non-arterial streets to supplement principal pedestrian facilities located on arterials. Ensure that crosswalks, signing, and pedestrian-activated signals conform to the *Manual on Uniform Traffic Control Devices (MUTCD)*.

**Policy T6.2**

Develop a system of bicycle routes that connects neighborhoods and is coordinated with surrounding jurisdictions to allow people to conveniently travel between and within neighborhoods and local parks, commercial mixed use areas and regional facilities. Consider the recommendations of the *Town of Fircrest Comprehensive Bikeway Plan* when updating bicycle route system facilities. Coordinate the planning, design, and construction of these facilities with adjacent jurisdictions to ensure consistency with regional plans. Base the design and type of bicycle facilities on the design standards for the functional classification of the roadway.

**GOAL T13**

Consider benefits and impacts to health in the design of transportation infrastructure by providing opportunities for exercise, and reducing exposure to air, water and noise pollution.

**Policy T13.1**

Identify gaps in bike lanes and sidewalks and opportunities for pathway and trail connections between neighborhoods and to parks and schools to encourage greater pedestrian facility use and reduce reliance on automobiles. Support the construction of improvements to trail systems to provide connections between parks and neighborhoods for walkers and cyclists.

**Policy T13.2**

Design, build and maintain bike lanes, sidewalks, paths and trails to expand opportunities for walking and biking to improve individual and community health. Provide transportation facilities that are walkable and bicycle friendly to improve economic and living conditions so that businesses and skilled workers are attracted to the community.

(b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare by establishing streetscape design standards and guidelines that will lead to the construction of safer streets and sidewalks that are

aesthetically pleasing, functional at serving all users, health-supportive, cost-effective and environmentally sound.

**WHEREAS**, the City Council conducted a public hearing on April 26, 2016 and May 10, 2016 to consider public testimony and comment on the proposed amendment; and

**WHEREAS**, after consideration of the criteria listed in Section 22.78.004 FMC, the City Council concurs with, and approves the findings of Planning Commission Resolution No. 16-02, Now, Therefore,

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

**Section 1.** Ordinance 1562 §1 and FMC 22.05.003 are hereby amended to read as follows:

**22.05.003 Project permit application framework**

**Table A – Classifications**

Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Permitted uses not requiring site plan or design review alterations	Minor variances, minor site plans	Short plats, short plat vacations	Major preliminary site plans	Preliminary plats	Final plats	Comprehensive plan amendments
Boundary line adjustments	Administrative use permits	Final site plans and final development plans	Conditional use permits, major variances	Plat vacations and alterations		Development regulation amendments
Minor amendments to development plans and site plans		Design review	Major amendments to site plans and conditional use permits	Preliminary development plans and major amendments to preliminary development plans		Annexations
Temporary accessory structures and uses		Land clearing/grading permits	Home occupations requiring CUP approval	Zoning map amendments		Area-wide rezones
Home occupation permits		Administrative interpretation	Critical areas reasonable use exceptions			
Accessory dwelling units		Critical areas determinations	Detached accessory dwelling units; critical areas public agency and utility exceptions			
De Minimis variance						

**Table B – Procedures**

Action	Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission	Planning Commission	Planning Commission
Final decision made by:	Director	Director	Director	Planning Commission	City Council	City Council	City Council
Notice of complete application/ comment period:	Not required	Not required; see FMC 22.07.004	Not required	Required	Required	Required	Not required
Open record public hearing/ public review	Not required	Not required; see FMC 22.07.005	Hearing required only if director decision appealed, then hearing before planning commission	Hearing required before the planning commission, which will render final decision unless appealed to council	Hearing required before planning commission, which will forward recommendation to council	Public review required before planning commission, which will forward recommendation to council	Hearing required before planning commission and council
Closed record review/appeal hearing/decision	Not required	Not required	Not required	Closed record appeal hearing required before council only upon appeal	Closed record review required before council, which will render final decision	Closed record review required before council, which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

**Section 2.** Ordinance 1245 §3 and FMC 22.06.002 are hereby amended to read as follows:

**22.06.002 Project permit application.**

Applications for project permits shall be submitted upon forms provided by the director. Pursuant to Washington State Department of Ecology requirements, all documents to be submitted to the SEPA Register, including all application materials, technical reports, and other supporting documentation, shall be provided to the city in electronic format. The city may also require electronic format submittals for non-SEPA Register documents. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

- (a) A completed project permit application form;

1 (b) A verified statement by the applicant that the property affected by the application is in  
2 the exclusive ownership of the applicant, or that the applicant has submitted the  
3 application with the consent of all owners of the affected property;

4 (c) A property and/or legal description of the site for all applications, as required by the  
5 applicable development regulations;

6 (d) The applicable fees;

7 (e) Evidence of adequate water supply as required by RCW 19.27.097;

8 (f) A completed environmental checklist for project subject to review under the State  
9 Environmental Policy Act;

10 (g) Any supplemental information or special studies identified by the director.

11 **Section 3.** Ordinance 1244 §4 and FMC 22.16.005 are hereby amended to read as  
12 follows:

13 **22.16.005 Submittal of copy of recorded boundary line adjustment.**

14 Within 15 days of recording the boundary line adjustment with the Pierce County auditor  
15 the applicant shall provide two paper copies of the recorded boundary line adjustment and  
16 an electronic file in WA state-plane HARN Nad 83 South Fips 4602 US Feet coordinate  
17 system to the planning/building department.

18 **Section 4.** Ordinance 1244 §7 and FMC 22.17.010 are hereby amended to read as  
19 follows:

20 **22.17.010 Submittal of copies of recorded short plat.**

21 Within 15 days of recording the short plat with the Pierce County auditor, the applicant  
22 shall provide two paper copies of the recorded short plat and an electronic file in WA  
23 state-plane HARN Nad 83 South Fips 4602 US Feet coordinate system to the  
24 planning/building department.

25 **Section 5.** Ordinance 1244 §9 and FMC 22.19.001 are hereby amended to read as  
26 follows:

27 **22.19.001 Requirements for a complete application.**

28 (a) Number of copies: 20, except as specified below. The number of copies required may  
29 be modified by the director.

30 (b) Application Contents. In addition to the requirements for a completed application set  
31 forth in FMC 22.06.002, the applicant shall submit the following:

32 (1) A final plat map, a minimum 18 inches wide by 24 inches long, scale of 100 feet to one  
33 inch or larger (preferred scale 50 feet to one inch). The plat must contain:

1 (A) Primary control points, approved by the city engineer, or descriptions and "ties" to  
2 such control points, to which all dimensions, angles, bearings, and similar data on the plat  
shall be referred;

3 (B) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way,  
4 and property lines of residential lots and other sites, with accurate dimensions, bearings,  
5 and radii, arcs, and central angles of all curves' arcs;

6 (C) Name and right-of-way width of each street or other right-of-way;

7 (D) Location, dimensions and purpose of any easement;

8 (E) Tract number to identify each lot or site;

9 (F) Purpose for which sites, other than residential lots, are dedicated or reserved;

10 (G) Minimum building setback line on all lots and other sites;

11 (H) Location and description of monuments by symbol;

12 (I) Reference to plats of adjoining land by their recorded name, date, volume and page  
13 number;

14 (J) Certification by licensed land surveyor in a format approved by the city engineer;

15 (K) A certificate giving a full and correct description of the lands divided as they appear  
16 on the plat including a statement that the subdivision has been made with the free consent  
17 and in accordance with the desires of the owner(s). If the plat contains a dedication the  
18 certificate shall also contain the dedication of all streets and other areas to the public and  
19 individual(s), religious society or societies or to any corporation public or private as shown  
20 on the plat, and a waiver of all claims for damages against any governmental authority  
which may be occasioned to the adjacent land by the established construction drainage,  
and maintenance of the road. The certificate shall be signed and acknowledged before a  
notary public by all parties having any interest in the lands subdivided;

21 (L) Plat name, scale, north arrow, date and legend of symbols;

22 (2) For all plats containing a dedication filed for record, a title report confirming that the  
23 title of the lands as described and shown on the plat is in the name of the owners signing  
24 the certificate (one copy);

25 (3) An offer of dedication which may include a waiver of right of direct access to any  
26 street from any property, and, if the dedication is accepted, any such waiver is effective.  
Such waiver may be required by the city as a condition of approval. Roads not dedicated  
27 to the public must be clearly marked on the face of the plat. Any dedication, donation or  
28 grant as shown on the face of the plat shall be considered for all intents and purposes as a  
quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the  
purpose intended by the donors or grantors as aforesaid;

29 (4) A signed and certified professional engineer's report summarizing the work done to  
30 assure quality control in connection with plan checking, inspecting, and testing as to all  
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1 plat improvements including water lines, sanitary sewer lines, stormwater retention and  
2 drainage systems, streets, curbs, gutters and sidewalks, and showing review and  
acceptance by the city engineer;

3 (5) Final plans and profiles of all utilities and street improvements prepared by a certified  
4 professional engineer showing review and acceptance by the city engineer (five copies);

5 (6) Certificate of completion of one of the following alternatives:

6 (A) All improvements have been installed in accord with the requirements of these  
7 regulations and accepted by the city upon the recommendation of the city engineer;

8 (B) Approved plans are on file with the city engineer for all required utilities and street  
9 improvements and a cash or surety bond as provided in Chapter 22.21 FMC has been  
posted with the city clerk and deposited with the city finance director.

10 **Section 6.** Ordinance 1244 §11 and FMC 22.19.008 are hereby amended to read as  
11 follows:

12 **22.19.008 Submittal of copies of recorded final plat.**

13 Within 15 days of recording the final plat with the Pierce County auditor, the applicant  
14 shall provide two paper copies of the recorded final plat and an electronic file in WA state-  
plane coordinate system to the planning/building department.

15 **Section 7.** Ordinance 1244 §13 and FMC 22.20.005 are hereby amended to read as  
16 follows:

17 **22.20.005 Submittal of copies of recorded plat alteration.**

18 Within 15 days of recording the plat alteration with the Pierce County auditor, the  
19 applicant shall provide two paper copies of the recorded plat alteration and an electronic  
file in WA state-plane coordinate system to the planning/building department.

20 **Section 8.** Ordinance 1244 §15 and FMC 22.22.003 are hereby amended to read as  
21 follows:

22 **22.22.003 Street requirements.**

23 (a) Dedication. All streets and rights-of-way shall be dedicated to the city unless otherwise  
24 approved.

25 (b) Type, Width and Design. See Streetscape Design Standards and Guidelines adopted  
26 pursuant to chapter 22.65 for requirements relating to street types, widths and designs.

27 (c) Grading. All streets shall be graded from property line to property line. Fill slopes shall  
28 be flatter than 4:1. Finished street grade will conform to the approved plan. Street grade  
29 will not be less than one-half of one percent to permit free flow of stormwater, nor greater  
30 than 12 percent. Maximum and minimum street grades and slopes may be exceeded where  
the terrain will not permit installation of streets within specified limits, or for other good  
reasons as determined by the city.

1 (d) Adjacent Unimproved Streets. Where a plat borders or abuts upon unimproved streets  
2 not included within the limits of the plat, a developer, pursuant to written agreement with  
3 the city, shall complete said street or set aside in trust such sum per lot in the ultimate cost  
4 of improving such street. The trust funds shall be applied to the cost of the ultimate  
5 improvements of such streets if improved within six years from the date of such agreement  
6 or, at the expiration of such six-year period, shall be refunded to the developer, or, if the  
7 developer has assigned his or her rights to the refund to the purchasers of the lots, the trust  
8 funds shall be refunded to the then owners of the lot or lots for which such trust fund is  
9 created.

7 (e) Preparation of Roadbed. The surface of roadway shall be true to line, grade and section  
8 indicated on the approved plans and thoroughly compacted (95 percent maximum density  
9 per Section 2-03.3(14)D of the APWA standards) before base material is placed. Roadbed  
10 or subgrade preparation shall conform to Division 2-06 of the APWA standards. Base  
11 material shall not be placed until:

10 (1) The city has inspected and approved the material and the grade upon which it is to be  
11 placed. The city may require certification that the furnished materials comply with  
12 appropriate state specifications;

12 (2) The sidewalk areas, the curb excavation, side streets and driveway approaches, where  
13 indicated, have been shaped, dressed, and ballast subgrade entirely completed;

14 (3) All under-the-street utilities located in minor trenches less than four feet in depth shall  
15 be installed and compacted with backfilled, crushed, surface grade materials (per Section  
16 9-03.9(3) of the APWA standards). Major trenching for utilities may be engineered and  
17 made with engineered backfill according to Section 7-10.3(11) and Section 2-09.3(1) of  
18 the APWA standards. Base course shall be crushed gravel with a minimum compacted  
19 depth of nine inches (95 percent maximum density per Section 2-093.3(14)(D) of the  
20 APWA standards) and will extend under the curb lines. Engineering analysis may be  
21 accepted to reduce this depth, where appropriate.

20 (f) Street Surface. Roadway top course will be crushed surfacing (per Section 9-03.9(3)  
21 of the APWA standards) with a minimum compacted depth of two inches (95 percent  
22 WSDOT No. 66 per APWA standards). Wearing surface of roadway shall be asphaltic  
23 concrete pavement, with a minimum compacted depth of two inches. Aggregate materials  
24 shall conform to Sections 9-03.9(1), 9-03.8(2) and 9-03.8(3) of the APWA standards.  
Asphaltic materials and construction methods shall conform to Division 5-04 of the  
APWA standards. Roadway will be inspected by the city after installation of crushed rock,  
and again after surfacing with asphaltic concrete.

25 **Section 9.** Ordinance 1244 §16 and FMC 22.22.004 are hereby amended to read as  
26 follows:

27 **22.22.004 Sidewalk requirements.**

28 (a) Specifications. All sidewalks shall be constructed in accordance with applicable city,  
29 state and federal regulations governing the use, construction or repair of city sidewalks.  
30 Construction materials and methods for curb, gutter and sidewalks shall conform to state  
31 specifications and standard drawings.

1 (b) Design. See Streetscape Design Standards and Guidelines adopted pursuant to chapter  
2 22.65 for requirements relating to sidewalk design.

3 (c) Location. Sidewalks shall be constructed on both sides of all public and private streets,  
4 except where the city determines that due to topography or other physical or  
5 environmental constraints, such construction would be infeasible or contrary to the public  
6 interest. The city may also waive the sidewalk requirement on one side of a public or  
7 private local street or access lane within a planned development, small lot development,  
8 or other residential development subject to site plan approval, when no dwelling units will  
9 be constructed on that side of the street and the city has determined that a sidewalk is not  
10 required on this street segment to provide access to adjoining open space, recreational  
11 facilities or other properties. The city may also waive the sidewalk requirement on one  
12 side of an access lane when such street provides access to not more than six dwelling units,  
13 provided the city makes a determination that such design will allow for the provision of  
14 safe and functional pedestrian circulation within the development. The city may require a  
15 walkway, path or other pedestrian facilities to be constructed at an alternative location in  
16 lieu of a sidewalk constructed parallel to the street in order to ensure continuous pedestrian  
17 connections throughout a planned development, small lot development, or other  
18 residential development subject to site plan approval.

19 **Section 10.** Ordinance 1509 §8 and FMC 22.46.003 are hereby amended to read as  
20 follows:

21 **22.46.003 Accessory uses.**

22 Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC  
23 22.46.002:

- 24 (a) Temporary accessory use or structure (subject to compliance with FMC 22.58.015).  
25 (b) Home occupation – Type I (subject to compliance with FMC 22.58.013).  
26 (c) Employee recreation facility and play area.  
27 (d) Family day-care facility (subject to compliance with FMC 22.58.010).  
28 (e) Other accessory use or structure which is subordinate and incidental to a principally  
29 permitted use, as determined by the director.  
30 (f) Electric vehicle charging station (subject to compliance with FMC 22.58.025).  
31 (g) Electric vehicle battery exchange station (subject to compliance with FMC 22.58.025).  
32 (h) Delivery service, when the principal use is located within a neighborhood commercial  
center abutting a street classified as an arterial in the Fircrest Comprehensive Plan,  
provided delivery vehicles use an arterial, and do not use an abutting local street, for  
making deliveries.

33 **Section 11.** Ordinance 1568 §3 and FMC 22.46.007 are hereby amended to read as  
34 follows:

1 **22.46.007 Prohibited uses.**

2 The following uses are prohibited:

3 (a) Drive-up or drive-through facility.

4 (b) Off-street parking facility which provides greater than 120 percent of the minimum  
5 required number of parking stalls specified in FMC 22.60.003.

6 (c) Tavern, night club, sports entertainment facility or lounge as defined by the  
7 Washington State Liquor and Cannabis Board.

8 (d) Adult entertainment establishment.

9 (e) Second-hand store, other than antique store.

10 **Section 12.** Ordinance 1246 §14 (PART) and FMC 22.56.001 are hereby amended to read  
11 as follows:

12 **22.56.001 Purpose.**

13 The GC zoning district is intended to implement the Comprehensive Plan's Parks,  
14 Recreation and Open Space land use designation. The GC district aims to protect and  
15 preserve the open space qualities of lands that are currently developed or planned for golf  
16 course uses. The district allows for a mix of active golf-related recreational facilities and  
17 supporting infrastructure in a manner consistent with the policies of the Comprehensive  
18 Plan. Master plans are encouraged for recreational uses and required for residential uses  
19 that exceed the size thresholds provided in FMC 22.56.002(b) and (c).

17 **Section 13.** Ordinance 1562 §35 and FMC 22.56.002 are hereby amended to read as  
18 follows:

19 **22.56.002 Permitted uses.**

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

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

24 (b) Duplex dwellings, subject to master plan approval if occupying greater than five  
25 percent of the total GC District area. Detached single-family dwellings may be included  
26 in a duplex development provided they do not exceed ten percent of the total number of  
27 units within the development.

27 (c) Small lot and multifamily development subject to compliance with small lot and  
28 multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC,  
29 and subject to master plan approval if occupying greater than five percent of the total GC  
30 District area.

30 (d) Cottage housing subject to compliance with cottage housing standards in FMC  
31 22.58.027.

1 (e) Family group home, including adult family home.

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

5 **Section 14.** Ordinance 1246 §14 (PART) and FMC 22.56.006 are hereby amended to read  
6 as follows:

7 **22.56.006 Master plans.**

8 In order to encourage effective long-range planning efforts for facilities intended to be  
9 developed over an extended period of time, and to allow for streamlined review of  
10 individual improvements, a master plan for the golf club may be submitted for processing  
11 as a major site plan in accordance with Chapter 22.72 FMC. Upon approval of a master  
12 plan, individual uses that would otherwise be subject to site plan or conditional use permit  
13 approval in this chapter, and which are determined by the director to be consistent with  
14 the approved master plan, may be approved in accordance with the administrative use  
15 permit review process contained in Chapter 22.70 FMC. No additional site plan or  
16 conditional use permit approval is required for these previously authorized uses. If a  
17 proposed individual use represents a substantial modification to, or departure from, the  
18 approved master plan, the proposal shall be processed as a site plan amendment in  
19 accordance with FMC 22.72.012.

20 **Section 15.** Ordinance 1246 §14 (PART) and FMC 22.56.007 are hereby amended to read  
21 as follows:

22 **22.56.007 Development standards.**

23 Maximum height	To be determined through the site plan or master plan review process – see Chapter 22.72 FMC.
24 Minimum setback for yards abutting the exterior boundary of the golf course property	20 feet.
25 Minimum setback for other yards	To be determined through the site plan or master plan review process – see Chapter 22.72 FMC.
26 Maximum impervious surface coverage	To be determined through the site plan or master plan review process – see Chapter 22.72 FMC. See low impact development requirements in Section 22.58.008(k) stormwater management.
27 Additional specific use and structure regulations	See Chapter 22.58 FMC.
28 Parking and circulation	See Chapter 22.60 FMC.
29 Landscaping regulations	See Chapter 22.62 FMC.
30 Design standards	See Chapter 22.64 FMC.

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

**Section 16.** Ordinance 1512 §7 and FMC 22.58.012 are hereby amended to read as follows:

**22.58.012 Accessory dwelling units (ADUs).**

(a) Purpose. The purpose of allowing ADUs is to:

(1) Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.

(2) Add affordable units to the existing housing stock.

(3) Make housing units available to people with income levels that might otherwise preclude them from finding homes within the city.

(4) Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

(5) Protect neighborhood stability, property values, and the single-family residential appearance of the property and neighborhood by ensuring that ADUs are installed under the conditions of this section.

(b) Approval. An attached ADU may be approved by the director subject to administrative design review approval in accordance with Chapter 22.66 FMC, provided the standards and criteria in subsection (c) of this section are met by the proposal. A detached ADU shall be processed as a conditional use, pursuant to Chapter 22.68 FMC.

(c) Standards and Criteria. An ADU shall meet the following standards and criteria:

(1) The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties in carrying out the provisions of this subsection, the building official may grant modifications for individual cases provided the intent of the applicable code is met.

(2) An ADU may be attached to, or detached from, the principal unit.

(3) Only one ADU may be created per principal unit.

(4) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit.

(5) An ADU may be developed in either an existing or a new single-family residence.

1 (6) An attached ADU shall not exceed 800 square feet; provided, if the ADU is completely  
2 located on a single floor of a multistory building, the director may allow increased size in  
3 order to efficiently use all floor area. A detached ADU shall comply with accessory  
building size limits and related standards listed in FMC 22.58.003.

4 (7) An attached ADU shall be designed to maintain the architectural design, style,  
5 appearance and character of the principal unit as a single-family residence. If an attached  
6 ADU extends beyond the current footprint or existing height of the principal unit, or  
7 requires modifications to the exterior of the building, the addition or modifications must  
be consistent with the existing facade, roof pitch, siding, windows, and other exterior  
design elements and finish materials. A detached ADU shall use the same design  
vocabulary as the principal unit to the extent feasible.

8  
9 (8) Only one entrance is permitted to be located on the front facade of the principal unit.  
10 If a separate outside entrance is necessary for an attached ADU, it must be located either  
11 on the rear or side of the principal unit. This entrance shall be located in such a manner as  
to be unobtrusive from the same view of the building that encompasses the main entrance  
to the principal unit.

12 (9) No additional off-street parking is required for an ADU unless the director determines  
13 that insufficient on-street parking will exist to satisfy parking demand in the neighborhood  
14 once the ADU has been occupied. Any additional off-street parking provided in  
15 conjunction with the ADU shall, to the extent possible, be located to the side or rear of the  
16 principal unit to minimize visual impacts on the streetscape. Off-street parking shall be  
17 designed to reduce impacts on adjoining properties through the installation of vegetative  
18 screening and/or fencing. The parking surface shall be constructed of a permeable surface  
such as interlocking paving blocks (cement or plastic) or other porous pavement which  
minimizes impervious surface and provides a superior appearance when compared with  
asphalt or concrete paving. For additional off-street parking standards, see Chapter 22.60  
FMC.

19 (10) In order to encourage the development of housing units for people with disabilities,  
20 the director may allow reasonable deviation from the requirements of this section when  
21 necessary to install features that facilitate accessibility. These facilities shall conform to  
Washington State regulations for barrier-free facilities.

22 (11) An ADU shall be connected to the utilities of the principal unit and may not have  
23 separate water, sewer and electrical services.

24 (12) The total number of occupants in both the principal unit and ADU combined may not  
25 exceed the maximum number established by the definition of family in FMC 22.98.267.

26 (13) A registration form or other forms required by the director shall be filed as a deed  
27 restriction with the Pierce County auditor to indicate the presence of the ADU, the  
requirement of owner-occupancy, and other standards for maintaining the unit as  
described above.

28 (d) Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the  
29 enactment of these requirements may be found to be legal if the property owner applies  
30 for an ADU permit prior to one year after enactment of this section and brings the unit up  
to minimum housing code standards. No penalty fees or fines will be assessed by the city

1 for legalization submittals made prior to this date. After one year after enactment of this  
2 section, an owner of an illegal ADU shall be guilty of a misdemeanor and, upon  
3 conviction, subject to a fine not exceeding \$1,000, including all statutory costs,  
4 assessments, and fees, plus \$75.00 per day after notice of this violation has been met. An  
5 owner of an illegal ADU shall also be required to either legalize the unit or remove it.

6 **Section 17.** Ordinance 1246 §15 (PART) and FMC 22.58.015 are hereby amended to read  
7 as follows:

8 **22.58.015 Temporary accessory structures and uses.**

9 The following temporary accessory structures and uses are allowed in any zoning district:

- 10 (a) Temporary structures and storage containers for construction purposes for a period not  
11 to exceed the duration of such construction.
- 12 (b) Temporary, portable and self-contained sanitary waste facility serving a construction  
13 site.
- 14 (c) Temporary, portable moving containers for a period not to exceed 21 days.

15 **Section 18.** Ordinance 1246 §15 (PART) and FMC 22.58.17 are hereby amended to read  
16 as follows:

17 **22.58.017 Sidewalk cafes.**

18 (a) Sidewalk cafes or other food or beverage-serving facility or establishment, when  
19 located on a public sidewalk or other public right-of-way area, are permitted in specified  
20 zoning districts subject to administrative use permit approval in accordance with Chapter  
21 22.70 FMC. At a minimum, the following factors shall be considered when evaluating any  
22 proposed outdoor seating area:

- 23 (1) The type, size and location of the proposed facility or establishment;
- 24 (2) The present use of adjoining properties, and the anticipated compatibility of the  
25 proposed facility or establishment with such uses;
- 26 (3) The degree to which the proposed facility or establishment is compatible with  
27 residential uses in the vicinity; and
- 28 (4) The degree to which the public sidewalk or other public right-of-way area will remain  
29 available and safe for general public use.

30 (b) Prior to approving the proposal, the applicant shall furnish the director with the  
31 following:

- 32 (1) An agreement which indemnifies the city from any claims regarding the use of the  
33 sidewalk or right-of-way area as approved by the city;

1 (2) A certificate from an insurance carrier verifying that the applicant/business operator  
2 has general liability insurance in the amount of \$1,000,000 naming the city as additional  
insured;

3 (3) A copy of any required permit from the Tacoma-Pierce County Health Department.

4 (4) A copy of any required license from the Washington State Liquor and Cannabis Board.  
5

6 **Section 19.** A new section FMC 22.65 is hereby adopted to read as follows:

7 **Chapter 22.65**

8 **DESIGN STANDARDS AND GUIDELINES FOR STREETScape ELEMENTS**

9 **Sections:**

10 **22.65.001 Purpose.**

11 **22.65.002 Authority.**

12 **22.65.003 Design standards and guidelines adopted.**

13 **22.65.004 Applicability.**

14 **22.65.001 Purpose.**

15 The purpose of this chapter is to establish streetscape standards and guidelines, including  
16 sidewalk, landscaping and street tree requirements, for principal and minor arterials, major  
17 collectors, local streets, access lanes, alleys and paseos.

18 **22.65.002 Authority.**

19 The provisions of this chapter shall augment other requirements in this title. When  
20 provisions included in these design standards and guidelines conflict with other  
21 requirements of this title, these standards and guidelines shall apply unless otherwise  
22 provided.

23 **22.65.003 Design standards and guidelines adopted.**

24 The "City of Fircrest Design Standards and Guidelines for Streetscape Elements", as  
25 shown in Exhibit "A" to Ordinance No. 1575 and incorporated in this section by reference,  
26 is hereby adopted and codified within this title.

27 **22.65.004 Applicability.**

28 a. The design standards and guidelines adopted pursuant to this chapter shall apply to  
29 streetscape improvements required in conjunction with development that includes or  
30 requires the construction of new streets or the substantial modification of existing streets  
31 that would be classified as principal and minor arterials, major collectors, local streets,  
access lanes, alleys and paseos.

b. The city shall determine whether modifications to existing streets are considered  
substantial and therefore subject to compliance with the design standards and guidelines.  
Pavement overlays not associated with significant changes to pavement section design,  
and the installation of utilities within a public street ROW, are not considered to be  
substantial improvements. The construction of sidewalks or curb and gutter where none

1 currently exists, or significant changes to pavement section design, may be considered  
2 substantial modifications.

3 c. Retrofitting existing streets to accommodate new or modified transit, bicycle or  
4 pedestrian facilities shall take into account existing street designs and the challenges  
5 associated with designing a project to fit within a previously built environment while  
6 complying with the intent of applicable streetscape design standards and guidelines.  
7 These provisions are intended to provide the city with sufficient discretion to adjust  
8 project designs to effectively transition between new and existing improvements.

9 d. The city may apply the design standards and guidelines adopted pursuant to this chapter  
10 to new private streets or driveways located within developments that do not include the  
11 subdivision of land in order to achieve the same design quality and function as would  
12 otherwise be provided by a public street. For example, the city may apply these standards  
13 and guidelines to new or substantially modified multifamily development, commercial  
14 mixed use development, residential condominium development, or other types of  
15 development that rely on private streets or driveways for vehicular and pedestrian access.

16 **Section 20.** A new section FMC 22.74.008 is hereby adopted to read as follows:

17 **22.74.008. De Minimis Variance**

18 A De Minimis variance grants a minimal or minor deviation from a bulk or dimensional  
19 zoning requirement. Because such variance does not affect the public interest, it may be  
20 granted even though the variance criteria in FMC 22.74.003 have not been met. A De  
21 Minimis variance is classified as a Type I project permit. The director may grant a De  
22 Minimis variance subject to the following criteria being met:

23 (a) The deviation being sought does not exceed 12 inches for building height or setback,  
24 or one percent for measurements pertaining to lot dimensions or area.

25 (b) Rigid compliance with the bulk or dimensional zoning requirement is not necessary  
26 to protect the public interest or public policy concerns inherent in Title 22 FMC.

27 (c) A redesign of a proposal to fully comply with the bulk or dimensional zoning  
28 requirement would be infeasible or impracticable.

29 **Section 21.** A new section FMC 22.98.148 is hereby adopted to read as follows:

30 **22.98.148 City engineer.**

31 "City engineer" means the city engineer of the city of Fircrest or person appointed by the  
32 city manager to act in such a role.

**Section 22.** A new section FMC 22.98.730 is hereby adopted to read as follows:

**22.98.730 Variance, De Minimis.**

"Variance, De Minimis" means a minimal or minor deviation from a bulk or dimensional  
zoning requirement that does not require proof of unnecessary hardship and compliance  
with other statutory requirements for the granting of a variance.

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**Section 23. Severability.** Should any part of this title be adjudged invalid for any reason, such adjudication shall not affect the validity of this title as a whole or any part thereof.

**Section 24. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of its title.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 24<sup>th</sup> day of May 2016.

APPROVED:

  
Matthew Jolibois, Mayor

ATTEST:

  
Lisa Keely, City Clerk

APPROVED AS TO FORM:

  
Michael B. Smith, City Attorney

Publication Date: May 27, 2016

Effective Date: June 1, 2016